City of Norman, OK

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

Meeting Agenda

Tuesday, June 11, 2013

6:30 PM

Municipal Building Council Chambers

City Council

Mayor Cindy Rosenthal
Council Member Roger Gallagher
Council Member Tom Kovach
Council Member Robert Castleberry
Council Member Greg Jungman
Council Member Dave Spaulding
Council Member Jim Griffith
Council Member Linda Lockett
Council Member Chad Williams

1 Roll Call

2 Pledge of Allegiance

3 Consent Docket

Consent Docket

This item is placed on the agenda so that the City Council, by unanimous consent, can designate those routine agenda items that they wish to be approved or acknowledged by one motion. If any item proposed does not meet with approval of all Councilmembers, that item will be heard in regular order. Staff recommends that Item 4 through Item 19 be placed on the consent docket.

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

ACTION TAKEN:

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

ACTION TAKEN:

Minutes

4 GID-1213-94 APPROVAL OF THE MINUTES AS FOLLOWS:

CITY COUNCIL SPECIAL SESSION MINUTES OF MAY 14, 2013
CITY COUNCIL CONFERENCE MINUTES OF MAY 28, 2013
CITY COUNCIL MINUTES OF MAY 28, 2013
NORMAN UTILITIES AUTHORITY MINUTES OF MAY 28, 2013
NORMAN MUNICIPAL AUTHORITY MINUTES OF MAY 28, 2013
NORMAN TAX INCREMENT FINANCE AUTHORITY MINUTES OF MAY 28, 2013

Attachments: May 14 Special Session minutes.docx
May 28 Conference Minutes
May 28 CC Minutes

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: _____

Ordinance

5 O-1213-47 CONSIDERATION OF ORDINANCE NO. O-1213-47 UPON FIRST READING BY TITLE: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING CHAPTER FOUR OF THE CODE OF THE CITY OF NORMAN TO ADD SECTION 4-107 REQUIRING ALL BOARDS, COMMISSIONS, COMMITTEES AND SUB-COMMITTEES TO COMPLY WITH THE OPEN MEETINGS ACT WHEN POSTING MEETING NOTICES AND AGENDAS AND POSTING SAID NOTICES AND AGENDAS ON THE CITY OF NORMAN WEBSITE; AND PROVIDING FOR THE SEVERABILITY THEREOF.

Attachments: Text File O-1213-47 First Reading
O-1213-47
O-1213-47 Annotated
Pert Excerpts April 10 Oversight Minutes
Pert Excerpts April 30 SS Minutes

ACTION NEEDED: Motion to Introduce and adopt Ordinance No. O-1213-47 upon First Reading by title.

ACTION TAKEN: _____

6 O-1213-48 CONSIDERATION OF ORDINANCE NO. O-1213-48 UPON FIRST READING BY TITLE: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA AMENDING CHAPTER 21, SECTION 21-404 OF THE CODE OF THE CITY OF NORMAN TO REQUIRE PERMITS FOR DOMESTIC AND INDUSTRIAL WATER WELLS AND SET FORTH CONDITIONS FOR APPROVAL OF SUCH PERMITS; AND PROVIDING FOR THE SEVERABILITY THEREOF.

Attachments: Text File O-1213-48
O-1213-48
O-1213-48 Annotated
Oversight Committee Minutes 3-6-13
Pert excerpt April 30 SS Minutes Water Wells
Text File O-1213-48

ACTION NEEDED: Motion to Introduce and adopt Ordinance No. O-1213-48 upon First Reading by title.

ACTION TAKEN: _____

Appointment

7 AP-1213-24 CONSIDERATION OF THE MAYOR'S APPOINTMENTS AS FOLLOWS:

BICYCLE ADVISORY COMMITTEE
TERM: 05-28-13 TO 02-13-15: KIM FLOYD, 229 22ND AVENUE N.E.
TERM: 05-28-13 TO 02-13-14: JOHN WICKHAM, 536 WOODSONG DRIVE
TERM: 07-02-13 TO 02-13-15: JONATHAN MULLEN, 1506 MELROSE DRIVE

BOARD OF ADJUSTMENT
TERM: 05-28-13 TO 12-22-15: CINDY DECKARD, 1531 MELROSE DRIVE
TERM;: 05-28-13 TO 12-22-15: THOMAS BALLENGER, 3649 24TH AVE. #11

DEVELOPMENT OVERSIGHT COMMITTEE FOR TIF DISTRICT NO. 2
TERM: 05-28-13 TO 04-10-15: CLINT WILLIAMS, 2650 BRENTWOOD DRIVE
TERM: 04-10-13 TO 04-10-16: HEATH HANS, 3820 CRAIL DRIVE
TERM: 04-10-13 TO 04-10-16: HAROLD HARALSON, 516 AVON DRIVE
TERM: 04-10-13 TO 04-10-16: TED SMITH, 613 RIVERWALK COURT

FLOODPLAIN PERMIT COMMITTEE
TERM 6-12-12 TO 06-12-15: SHERRI STANSEL, 608 SHADOW CREST COURT

ACTION NEEDED: Motion to confirm or reject the appointments.

ACTION TAKEN: _____

Report/Communication

8 RPT-1213-90 SUBMISSION OF THE PIONEER LIBRARY SYSTEM FYE 2014 ANNUAL BUDGET.

Attachments: Pioneer Library System 2013-14 Budget

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

ACTION TAKEN: _____

Bid

9 K-1213-88 CONSIDERATION OF BID NO. 1213-44, CONTRACT NO. K-1213-88 WITH URBAN CONTRACTORS, L.L.C., IN THE AMOUNT OF $2,774,200; PERFORMANCE BOND NO. B-1213-34; STATUTORY BOND NO. B-1213-35, AND MAINTENANCE BOND NO. MB-1213-27 FOR THE SEWER MAINTENANCE PROJECT FYE 2011 AND BUDGET TRANSFERS.

Attachments: Text File K-1213-88
Bid Tab Sewer Maintenance Project
K-1213-88
Perf B-1213-34
Stat B-1213-35
MB-1213-27
Location map

ACTION NEEDED: Acting as the Norman Utilities Authority, motion to accept or reject all bids meeting specifications; and, if accepted, award the bid in the amount of $2,774,200 to Urban Contractors, L.L.C., as the lowest and best bidder meeting specifications; approve Contract No. K-1213-88 and the performance, statutory, and maintenance bonds; authorize the execution of the contract and bonds and the Norman Utilities Authority as part of the contract to pay vendors supplying equipment and materials for the Sewer Maintenance Project FYE 2011; direct the filing of the bonds; and transfer $840,803 from Project No. WW0055, SMP10, Construction (321-9338-432.61-01) and $403,314 from Project No. WW0200, Construction SMP13, Construction (321-9338-432.61-01) to Project No. WW0064, SMP11, Construction (321-9338-432.61-01).

ACTION TAKEN: _____

10 BID-1213-53 CONSIDERATION AND AWARDING OF BID NO. 1213-53 WITH SPECIAL OPS, INC., IN THE AMOUNT OF $79,182 FOR THE PURCHASE OF DRESS UNIFORMS FOR THE NORMAN FIRE DEPARTMENT.

Attachments: Text File Special Ops
Bid Tabulation Dress Uniforms

ACTION NEEDED: Motion to accept or reject all bids meeting specifications; and, if accepted, award the bid in the amount of $79,182 to Special Ops, Inc., as the lowest and best bidder meeting specifications.

ACTION TAKEN: _____

11 K-1213-201 CONSIDERATION OF REQUEST FOR PROPOSAL NO. RFP-1213-82 FOR THE WHITTIER AND IRVING RECREATION CENTERS GYM FLOOR REPLACEMENT PROJECT, APPROVAL OF CONTRACT NO. K-1213-201 WITH Z-FLOOR COMPANY, LTD., IN THE AMOUNT OF $141,114; PERFORMANCE BOND NO. B-1213-99; STATUTORY BOND NO. B-1213-101, MAINTENANCE BOND NO, MB-1213-90, AND RESOLUTION NO. R-1213-145.

Attachments: Text File K-1213-201
Bid tab Gym Floors
K-1213-201
Perf B-1213-99
Stat B-1213-100
MB-1213-90
R-1213-145 Whttier Irving
Z-Floor PR

ACTION NEEDED: Motion to accept or reject Request for Proposal No. RFP-1213-82 from Z-Floor Company, Inc., for the Whittier and Irving Recreation Centers Gym Floor Replacement Project; and, if accepted, approve Contract No. K-1213-201 and the performance, statutory, and maintenance bonds, authorize execution of the contract and bonds, direct the filing of the bonds, and adopt Resolution No. R-1213-145.

ACTION TAKEN: _____

12 K-1213-202 CONSIDERATION OF REQUEST FOR PROPOSAL NO. RFP-1213-85 FOR THE ROTARY PARK PAVILION PROJECT, APPROVAL OF CONTRACT NO. K-1213-202 WITH FREDGREN QUALITY WORKS, L.C., IN THE AMOUNT OF $103,944; PERFORMANCE NO. BOND B-1213-101; STATUTORY BOND NO. B-1213-102, MAINTENANCE BOND NO. MB-1213-91, AND RESOLUTION NO. R-1213-146 AND BUDGET TRANSFER.

Attachments: Text File K-1213-202 Rotary Park
Bid Tabulation Rotary Pavilion
K-1213-202
Perf B-1213-101
Stat B-1213-102
MB-1213-91
R-1213-146 Rotary Park
PR Fredgren

ACTION NEEDED: Motion to accept or reject Request for Proposal No. RFP-1213-85 from Fredgren Quality Works, L.C., for the Rotary Park Pavilion Project; and, if accepted, approve Contract No. K-1213-202 and the performance, statutory, and maintenance bonds, authorize execution of the contract and bonds, direct the filing of the bonds, and adopt Resolution No. R-1213-146, and $80,695.31 be tranferred from Project No. BG0036, Tornado Damage Repairs, Construction, (050-9387-419.61-01) to Project No. PR0095, Rotary Park Improvements, Construction (050-9618-452.61-01).

ACTION TAKEN: _____

Final Plat

13 FP-1213-31 CONSIDERATION OF A FINAL PLAT FOR BROOKHAVEN NO. 43 ADDITION AND ACCEPTANCE OF PUBLIC DEDICATIONS CONTAINED THEREOF. (GENERALLY LOCATED ONE-FOURTH MILE SOUTH OF WEST ROCK CREEK ROAD EAST OF BROOKHAVEN BOULEVARD)

Attachments: Text File Brookhaven 43 Final Plat
BRH_No43 Location Map
Final Plat Brookhaven 43
Brookhaven 43 Staff Report
Brookhaven 43 Preliminary Plat
4-11-13 PC Minutes - FP-1213-31

ACTION NEEDED: Motion to approve or reject the final plat for Brookhaven No. 43 Addition; and, if approved, accept the public dedications contained therein, 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: _____

Grant

14 K-1213-204 CONSIDERATION OF ACCEPTANCE OF AN OKLAHOMA TOBACCO SETTLEMENT ENDOWMENT TRUST GRANT IN THE AMOUNT OF $35,000 TO BE USED BY THE PARKS AND RECREATION DEPARTMENT TO INSTALL A FITNESS WALKING TRAIL AT SAXON PARK LOCATED ON HIGHWAY 9 JUST WEST OF 36TH AVENUE S.E., APPROVAL OF CONTRACT NO. K-1213-204, AND BUDGET APPROPRIATION.

Attachments: Text File Grant
TSET Letter
K-1213-204

ACTION NEEDED: Motion to accept or reject an Oklahoma Tobacco Settlement Endowment Trust Grant in the amount of $35,000 to be used by the Parks and Recreation Department in Saxon Park; and, if accepted, approve Contract No. K-1213-204, increase Other Revenue/Park Grants (022-0000-334.13-75) by $35,000, and appropriate $35,000 to Project No. PR0023, Saxon Park Fitness Trail, Construction (022-9674-452.61-01).

ACTION TAKEN: _____

Contract

15 K-1213-67 CO #1 CONSIDERATION OF AWARDING ALTERNATE 11 OF BID NO. 1213-39 INCREASING THE CONTRACT AMOUNT BY $865,000 AND APPROVAL OF CHANGE ORDER ONE TO CONTRACT NO. K-1213-67 BY AND BETWEEN THE NORMAN TAX INCREMENT FINANCE AUTHORITY AND CGC, L.L.C., DECREASING THE CONTRACT AMOUNT BY $362,100 IN ORDER TO ADD FOUNTAIN MODIFICATIONS TO THE LEGACY PARK CONSTRUCTION PROJECT, AND BUDGET APPROPRIATION.

Attachments: Text File Legacy
Change order#1-6-3-13
Legacy Park Fountain Options
Pert Excerpt SS Minutes of April 16 2013

ACTION NEEDED: Acting as the Norman Tax Increment Finance Authority, motion to approve adding Alternate No. 11 to Bid No. 1213-39 increasing the bid amount by $865,000 and Change Order No. One to Contract No. K-1213-67 with CGC, Inc., decreasing the contract amount by $362,100 for a revised contract price of $6,400,800, authorize execution of the Change Order, and appropriate $521,400 from the University North Park Tax Increment Finance Fund Balance (057-0000-253.20-00) to Project No. UT0098, Legacy Park Project, Construction (057-9518-431.61-01).

ACTION TAKEN: _____

16 K-1213-89 CO Final

CHANGE ORDER ONE TO CONTRACT NO. K-1213-86: BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND TERRELL ELECTRIC, INC., INCREASING THE CONTRACT AMOUNT BY $215.40 FOR THE NORMAN PUBLIC LIBRARY LIGHTING REPLACEMENT PROJECT AND FINAL ACCEPTANCE OF THE PROJECT.

Attachments: Text File Library Lighting
Change Order #1 to K-1213-89
Invoice from Terrell

ACTION NEEDED: Motion to approve or reject Change Order No. One to Contract No. K-1213-86 with Terrell Electric, Inc., increasing the contract amount by $215.40, authorize the execution thereof, accept the project, and direct final payment in the amount of $36,355.90 to Terrell Electric, Inc.

ACTION TAKEN: _____

17 K-1213-197

CONTRACT NO. K-1213-197: A CONTRACT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA AND ACS PLAYGROUND ADVENTURES, INC., IN THE AMOUNT OF $34,533, PERFORMANCE BOND NO. B-1213-94, STATUTORY BOND NO. B-1213-95, MAINTENANCE BOND NO. MB-1213-88, AND RESOLUTION NO. R-1213-138 FOR THE WOODSLAWN PARK PLAYGROUND EQUIPMENT PROJECT AND BUDGET APPROPRIATION.

Attachments: Text File Woodslawn Park
Price Quotation for Woodslawn Park
K-1213-197
Perf B-1213-94
Stat B-1213-95
MB-1213-88
R-1213-138 Woodslawn
ACS PR

ACTION NEEDED: Motion to approve Contract No. K-1213-197 with Z-Floor Company, Inc., in the amount of $34,533 and the performance, statutory, and maintenance bonds; and, if approved, authorize execution of the contract and bonds, direct the filing of the bonds, adopt Resolution No. R-1213-145. and appropriate $34,533 from the Capital Fund Balance (050-0000-253.20-00) to Project No. PR0143, Woodslawn Park Improvements, Construction (050-9673-452.61-01).

ACTION TAKEN: _____

Resolution

18 R-1213-149 RESOLUTION NO. R-1213-149: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, APPROPRIATING $6,000 FROM THE CAPITAL FUND BALANCE FOR IRRIGATION SYSTEM REPLACEMENT IN THE LANDSCAPED MEDIAN ON WEST MAIN STREET BETWEEN MERKLE DRIVE AND COLLIER DRIVE.

Attachments: Text File R-1213-149

R-1213-149

Main Street Irrigation System Replacement Area Map

ACTION NEEDED: Acting as the Norman Utilities Authority, motion to adopt or reject Resolution No. R-1213-149.

ACTION TAKEN: _____

19 R-1213-150 RESOLUTION NO. R-1213-150: A RESOLUTION OF THE NORMAN UTILITIES AUTHORITY APPROPRIATING $80,000 FROM THE WATER FUND BALANCE TO REPLACE THE MAIN WATER LINE UNDER ASP AVENUE BETWEEN WHITE STREET AND BOYD STREET TO AVOID FUTURE LINE FAILURE AND DISRUPTION TO TRAFFIC AND BUSINESSES.

Attachments: Text File R-1213-150

R-1213-150

Text File R-1213-150

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

ACTION TAKEN: _____

Non-Consent Items

20 RPT-1213-62 CONSIDERATION OF ADOPTION OF THE FYE 2014 CITY OF NORMAN PROPOSED OPERATING AND CAPITAL BUDGETS AND THE NORMAN CONVENTION AND VISITORS BUREAU, INC., BUDGET WITH DETAILED ANNUAL PLAN OF WORK.

Attachments: Text File Budget

Summary of Fund Balances

Revised NCVB Budget

2014 Destination Marketing Plan

ACTION NEEDED: Motion to adopt or reject the FYE 2014 City of Norman Operating and Capital Budgets.

ACTION TAKEN: _____

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

ACTION TAKEN: _____

21 R-1112-129 RESOLUTION NO. R-1112-129: 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-1112-6, SO AS TO PLACE PART OF THE NORTHWEST QUARTER OF SECTION 31, TOWNSHIP 9 NORTH, RANGE 2 WEST OF THE INDIAN MERIDIAN, NORMAN, CLEVELAND COUNTY, OKLAHOMA, IN THE COMMERCIAL DESIGNATION AND REMOVE THE SAME FROM THE HIGH DENSITY RESIDENTIAL DESIGNATION AND OFFICE DESIGNATION. (LOCATED AT 612 ASP AVENUE, 421-427 BUCHANAN AVENUE, 710 ASP AVENUE, AND THE ADJACENT LOT TO THE SOUTH) APPLICANT REQUESTING POSTPONEMENT UNTIL 6/26/13

Attachments: Text File R-1112-129 LUP

Letter to postpone 710 Asp Avenue project to June 25

R-1112-129 NE Developmentt - Rev 5-13

Developer of Record

Location map

2025 Staff Report

PD 12-27 C-3 July 26

PD 12-17April 26

PD 12-09 March 22

7-12-12 PC Minutes - B3 Postpone

8-9-12 PC Minutes - B3

9-13-12 PC Minutes - B3 Devel

NEDC letter on NE Development as agent

ACTION NEEDED: Motion to adopt or reject Resolution No. R-1112-129, Land Use Plan Amendment No. LUP-1213-9; and, if adopted, amend the NORMAN 2025 Land Use and Transportation Plan according thereto

ACTION TAKEN: _____

APPLICANT HAS REQUESTED POSTPONEMENT UNTIL JUNE 25, 2013

22 O-1112-38 CONSIDERATION OF ORDINANCE NO. O-1112-38 UPON SECOND AND FINAL READING: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 460 OF CHAPTER 22 OF THE CODE OF THE CITY OF NORMAN SO AS TO PLACE PART OF THE NORTHWEST QUARTER OF SECTION 31, TOWNSHIP 9 NORTH, RANGE 2 WEST OF THE INDIAN MERIDIAN, NORMAN, CLEVELAND COUNTY, OKLAHOMA, IN THE C-3, INTENSIVE COMMERCIAL DISTRICT WITH SPECIAL USE FOR A MIXED BUILDING, AND REMOVE THE SAME FROM THE C-1, LOCAL COMMERCIAL DISTRICT, CO, SUBURBAN OFFICE COMMERCIAL DISTRICT, AND R-3, MULTI-FAMILY DWELLING DISTRICT, OF SAID CITY; AND PROVIDING FOR THE SEVERABILITY THEREOF. (LOCATED AT 612 ASP AVENUE, 421-427 BUCHANAN AVENUE, 710 ASP AVENUE, AND THE ADJACENT LOT TO THE SOUTH)

Attachments: Text File O-1112-38

Letter to postpone 710 Asp Avenue project to June 25

O-1112-38 NE Development

Developer of Record - Asp Avenue

7-10-12 Location Map

CC - Asp HD project - Packet Binder - 5-1-13

TIA Traffic Report - ASP HD project March 2013

Myth and Fact FINAL

Rezone Staff Report

B 3 Dev Group Asp Ave Traffic Letter 9/19/12

Postponement Memo - PC

7-12-12 PC Minutes - Asp/Buchanan

8-9-12 PC Minutes - Asp/Buchanan

9-13-12 PC Minutes - B3 Development

Request to postpone Risser 1-8-13

NEDC letter on NE Development as agent

ACTION NEEDED: Motion to adopt or reject Ordinance No. O-1112-38 upon Second Reading section by section.

ACTION TAKEN: _____

ACTION NEEDED: Motion to adopt or reject Ordinance No. O-1112-38 upon Final Reading as a whole.

ACTION TAKEN: _____

APPLICANT REQUESTING POSTPONEMENT UNTIL JUNE 25, 2013

23 O-1213-44 CONSIDERATION OF ORDINANCE NO. O-1213-44 UPON SECOND AND FINAL READING: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 460 OF CHAPTER 22 OF THE CODE OF THE CITY OF NORMAN SO AS TO PLACE LOT 1, BLOCK 1, PEPCO INDUSTRIAL PARK, PHASE 1, NORMAN, CLEVELAND COUNTY, OKLAHOMA, IN THE I-2, HEAVY INDUSTRIAL DISTRICT, AND REMOVE SAME FROM THE I-1, LIGHT INDUSTRIAL DISTRICT, OF SAID CITY; AND PROVIDING FOR THE SEVERABILITY THEREOF. (2601 VENTURE BOULEVARD)

Attachments: Text File O-1213-44

O-1213-44 - 2601 Venture Rezone

Location map

2601 Venture Rezone Staff Report

I-2 Zoning District

2601 Venture Summary

2601 Venture Site Photos

5-9-13 PC Minutes - O-1213-44

ACTION NEEDED: Motion to adopt or reject Ordinance No. O-1213-44 upon Second Reading section by section.

ACTION TAKEN: _____

ACTION NEEDED: Motion to adopt or reject Ordinance No. O-1213-44 upon Final Reading as a whole.

ACTION TAKEN: _____

24 O-1213-45 CONSIDERATION OF ORDINANCE NO. O-1213-45 UPON SECOND AND FINAL READING: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, CLOSING AND RELOCATING A UTILITY EASEMENT LOCATED IN CARRINGTON PLACE ADDITION, SECTION 11, NORMAN, CLEVELAND COUNTY, OKLAHOMA; AND PROVIDING FOR THE SEVERABILITY THEREOF. (BETWEEN LOTS 1 AND 2, BLOCK 5, CARRINGTON PLACE ADDITION, SECTION 11)

Attachments: Text File O-1213-45
O-1213-45 Carrington Place 11 UE Closure
Location map
Carrington UE Staff Report
Memo from Clerk
Carrington UE Petition
Carrington UE to Close
Carrington UE to Relocate
Carrington E-1213-21
5-9-13 PC Minutes - O-1213-45

ACTION NEEDED: Motion to adopt or reject Ordinance No. O-1213-45 upon Second Reading section by section.

ACTION TAKEN: _____

ACTION NEEDED: Motion to adopt or reject Ordinance No. O-1213-45 upon Final Reading as a whole.

ACTION TAKEN: _____

25 R-1213-95 RESOLUTION NO. R-1213-95: 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-1213-7, SO AS TO PLACE LOTS 37 AND 38, BLOCK 3, LARSH'S UNIVERSITY ADDITION, NORMAN, CLEVELAND COUNTY, OKLAHOMA, IN THE COMMERCIAL DESIGNATION AND REMOVE THE SAME FROM THE OFFICE DESIGNATION. (768 SOUTH JENKINS AVENUE)

Attachments: Text File R-1213-95

R-1213-95

GreekHouse_2025 Map

Greek House 2025 Staff Report 2

Greek House Aerial Photo

Predevelopment Mohammed

2-14-13 PC Minutes - Greek House

Email requesting postponement

ACTION NEEDED: Motion to adopt or reject Resolution No. R-1213-95, Land Use Plan Amendment No. LUP-1213-8; and, if adopted, amend the NORMAN 2025 Land Use and Transportation Plan according thereto

ACTION TAKEN: _____

26 O-1213-30 CONSIDERATION OF ORDINANCE NO. O-1213-30 UPON SECOND AND FINAL READING: 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 37 AND 38, BLOCK 3, LARSH'S UNIVERSITY ADDITION TO NORMAN, CLEVELAND COUNTY, OKLAHOMA, IN THE C-2, GENERAL COMMERCIAL DISTRICT WITH SPECIAL USE FOR A BAR, LOUNGE OR TAVERN, AND REMOVE THE SAME FROM THE RO, RESIDENCE-OFFICE DISTRICT, OF SAID CITY; AND PROVIDING FOR THE SEVERABILITY THEREOF. (768 SOUTH JENKINS AVENUE)

Attachments: Text File R-1213-95

O-1213-30

GreekHouse Location Map

Staff Report T & J Fuel O-1213-30

Greek House Aerial Photo

Greek House Protest

2-14-13 PC Minutes - Greek House

Email requesting postponement

ACTION NEEDED: Motion to adopt or reject Ordinance No. O-1213-30 upon Second Reading section by section.

ACTION TAKEN: _____

ACTION NEEDED: Motion to adopt or reject Ordinance No. O-1213-30 upon Final Reading as a whole.

ACTION TAKEN: _____

27 R-1213-113 RESOLUTION NO. R-1213-113: 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-1213-9, SO AS TO PLACE PART OF THE WEST HALF OF THE EAST HALF OF THE NORTHWEST QUARTER OF SECTION 9, TOWNSHIP 8 NORTH, RANGE 2 WEST OF THE INDIAN MERIDIAN, NORMAN, CLEVELAND COUNTY, OKLAHOMA, IN THE MEDIUM DENSITY RESIDENTIAL DESIGNATION AND REMOVE THE SAME FROM THE INDUSTRIAL DESIGNATION. (SOUTH SIDE OF IMHOFF ROAD APPROXIMATELY 900 FEET EAST OF CLASSEN BOULEVARD)

Attachments: Text File R-1213-113

R-1213-113 Breckenridge dba Aspen Heights

AspenHeights_2025 Map

Aspen Heights 2025 Staff Report

Breckenridge dba Aspen Heights PD 13-04

4-11-13 PC Minutes - Breckenridge

Request to Postpone Aspen

Support Letter from Imogene Tullius Randall

ACTION NEEDED: Motion to adopt or reject Resolution No. R-1213-113, Land Use Plan Amendment No. LUP-1213-9; and, if adopted, amend the NORMAN 2025 Land Use and Transportation Plan according thereto

ACTION TAKEN: _____

28 O-1213-41 CONSIDERATION OF ORDINANCE NO. O-1213-41 UPON SECOND AND FINAL READING: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 460 OF CHAPTER 22 OF THE CODE OF THE CITY OF NORMAN SO AS TO PLACE PART OF THE WEST HALF OF THE EAST HALF OF THE NORTHWEST QUARTER OF SECTION 9, TOWNSHIP 8 NORTH, RANGE 2 WEST OF THE INDIAN MERIDIAN, NORMAN, CLEVELAND COUNTY, OKLAHOMA; IN THE PUD, PLANNED UNIT DEVELOPMENT DISTRICT, AND REMOVE THE SAME FROM THE A-2, RURAL AGRICULTURAL DISTRICT, OF SAID CITY; AND PROVIDING FOR THE SEVERABILITY THEREOF. (SOUTH SIDE OF IMHOFF ROAD APPROXIMATELY 900 FEET EAST OF CLASSEN BOULEVARD)

Attachments: Text File O-1213-41

O-1213-41 - Breckenridge dba Aspen Heights

AspenHeights Location Map

Aspen Heights Rezone Staff Report

Aspen heights PUD (spr ready to print copy 5-16-13)

AspenHeightsProtest

Aspen Heights Protest Letters

Aspen Heights Support Letter

4-11-13 PC Minutes - Breckenridge

Request to Postpone Aspen

Support Letter from Imogene Tullius Randall

ACTION NEEDED: Motion to adopt or reject Ordinance No. O-1213-41 upon Second Reading section by section.

ACTION TAKEN: _____

ACTION NEEDED: Motion to adopt or reject Ordinance No. O-1213-41 upon Final Reading as a whole.

ACTION TAKEN: _____

29 PP-1213-16 CONSIDERATION OF A PRELIMINARY PLAT FOR ASPEN HEIGHTS ADDITION, A PLANNED UNIT DEVELOPMENT. (GENERALLY LOCATED ON THE SOUTH SIDE OF IMHOFF ROAD APPROXIMATELY ONE-FOURTH MILE EAST OF CLASSEN BOULEVARD/HIGHWAY 77.

Attachments: Text File Prelim Aspen
Attachment A.pdf
AspenHeights Location Map
Aspen Heights Preliminary Plat
Aspen Heights Prelim Plat Staff Report
Aspen Heights Trans Impacts (03-14-13)
Aspen Heights Preliminary Site Plan
Greenbelt Comments Aspen Heights
Item 12c - Park Board Decision
4-11-13 PC Minutes - Breckenridge
Request to Postpone Aspen
Support Letter from Imogene Tullius Randall

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

ACTION TAKEN: _____

30 R-1213-108 RESOLUTION NO. R-1213-108: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, DECLARING A RECOUPMENT PROJECT FOR COSTS ASSOCIATED WITH IMPROVEMENTS ON CEDAR LANE ROAD, AN ARTERIAL ROAD, FROM 400 FEET WEST OF 12TH AVENUE S.E. TO 1/2 MILE EAST OF 24TH AVENUE S.E.

Attachments: Text File R-1213-108
R-1213-108.pdf
Exhibit A, Map
Exhibit B, Recoupment List (5-16-2013)

ACTION NEEDED: Adopt Resolution No. R-1213-108.

ACTION TAKEN: *TK/DS*_____

31 R-1213-152 RESOLUTION NO. R-1213-152: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, DECLARING THE NECESSITY FOR ACQUIRING CERTAIN REAL PROPERTY, MORE PARTICULARLY HEREINAFTER DESCRIBED, ALL WITHIN THE CITY OF NORMAN, COUNTY OF CLEVELAND, STATE OF OKLAHOMA, FOR THE PURPOSE OF THE CEDAR LANE ROAD WIDENING PROJECT IN THE CITY OF NORMAN; DECLARING THE NECESSITY FOR ACQUIRING SAID PROPERTY FOR ROADWAY PURPOSES; AND DECLARING AN EMERGENCY.

Attachments: Text File R-1213-152
Attachment Cedar Lane Widening
R-1213-152
Parcels R-1213-152

ACTION NEEDED: Motion to adopt or reject Resolution No. R-1213-152.

ACTION TAKEN: _____

32 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.

33 Adjournment

City of Norman, OK

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

Master

File Number: GID-1213-94

File ID:	GID-1213-94	**Type:**	Minutes	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 4	**In Control:**	City Council
Department:	City Clerk Department	**Cost:**		**File Created:**	06/03/2013
File Name:	Minutes			**Final Action:**	

Title: APPROVAL OF THE MINUTES AS FOLLOWS:

CITY COUNCIL SPECIAL SESSION MINUTES OF MAY 14, 2013
CITY COUNCIL CONFERENCE MINUTES OF MAY 28, 2013
CITY COUNCIL MINUTES OF MAY 28, 2013
NORMAN UTILITIES AUTHORITY MINUTES OF MAY 28, 2013
NORMAN MUNICIPAL AUTHORITY MINUTES OF MAY 28, 2013
NORMAN TAX INCREMENT FINANCE AUTHORITY MINUTES OF MAY 28, 2013

Notes: 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: _____

Agenda Date: 06/11/2013

Agenda Number: 4

Attachments: May 14 Special Session minutes.docx, May 28 Conference Minutes, May 28 CC Minutes

Project Manager: Brenda Hall, City Clerk

Entered by: Ellen.Usry@mccinnovations.com

Effective Date:

History of Legislative File

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

Text of Legislative File GID-1213-94

CITY COUNCIL SPECIAL SESSION MINUTES

May 14, 2013

The City Council of the City of Norman, Cleveland County, State of Oklahoma, met in Special Session at 5:05 p.m. in the Municipal Building Conference Room on the 14th day of May, 2013, 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 Castleberry, Gallagher, Griffith, Jungman, Kovach, Lockett, Williams, Mayor Rosenthal
ABSENT:	Councilmember Spaulding

Item 1, being:

UPDATE ON THE FRANKLIN ROAD BRIDGE REPLACEMENT AND THE CEDAR LANE WIDENING GENERAL OBLIGATION BOND PROJECTS.

Mr. Shawn O'Leary, Director of Public Works, provided an overview of the eight General Obligation (GO) Bond projects for storm water and transportation improvements approved by the voters on August 28, 2012. The focus of this meeting was to discuss, specifically, the Franklin Road Bridge Replacement Project and the Cedar Lane Widening Project. He said the Franklin Road Bridge Project was originally anticipated in 2014, but the City has an opportunity to accelerate the project due to anticipated availability of federal funds. He said both projects are leveraging federal funds and staff is currently working towards a February 2014 bid opening. He said both projects are in the process of right-of-way acquisition and utility relocation. In order to maintain that schedule staff will need to submit right-of-way clearance and 95% design plans to the Oklahoma Department of Transportation (ODOT) by August 31, 2013, and final design plans by October 21, 2013. He said all utilities will need to be relocated by December 31, 2013. The City will need to deposit matching funds with ODOT by January 14, 2014, for a February 20, 2014, bid opening.

Mr. O'Leary said the Cedar Lane Road Widening Project and the other GO Bond transportation projects were planned as recoupment projects to recoup any right-of-way acquisition costs for the unplatted land along the project boundaries. He said the Recoupment Ordinance was adopted by Council in 1997 and applies to unplatted property and ensures that developers pay their fair share of roadway improvements adjacent to their property. He said it is used to address gaps in paving that occur when owners of adjoining property do not all develop at the same time. The City "up fronts" the cost of the improvement and if the property adjacent to the improvements develops within 20 years, the developer reimburses the City its fair share of the roadway improvements.

Recoupment projects are declared by Council resolution to establish the recoupment district boundaries and a second resolution to declare the final costs and assessments once the project is complete. The City funds the roadway improvements up front. Recoupment fees are collected only if the property is platted after the resolution is adopted by Council and fees are reduced by 20% per year after the 15th year dropping the fee to zero at year 20. Recoupment fees are waived if property is not platted within 20 years.

Items submitted for the record

1. PowerPoint presentation entitled, "Cedar Lane Road Project – Franklin Road Bridge Project, Project Update dated May 14, 2013"

Participants in discussion

1. Mr. Shawn O'Leary, Director of Public Works
2. Mr. Scott Sturtz, City Engineer

* * * * *

Item 2, being:

CONSIDERATION OF ADJOURNING INTO AN EXECUTIVE SESSION AS AUTHORIZED BY OKLAHOMA STATUES TITLE 25 § 307(B)(4) TO DISCUSS POSSIBLE LITIGATION AND AS AUTHORIZED BY TITLE 25 § 307(B)(3) TO DISCUSS THE ACQUISITION OF REAL PROPERTY OF RIGHT-OF-WAY IN CONNECTION WITH THE FRANKLIN ROAD BRIDGE PROJECT APPROXIMATELY ONE-HALF MILE WEST OF 12TH AENUE N.W. AND THE CEDAR LANE WIDENING PROJECT BETWEEN 12TH AVENUE S.E. AND ONE-EIGHTH MILE EAST OF 24TH AVENUE S.E.

Councilmember Castleberry moved that the Special Session be adjourned out of and an Executive Session be convened in order to discuss the acquisition of right-of-way in connection with the Franklin Road Bridge Replacement Project and the Cedar Lane Widening Project, which motion was duly seconded by Councilmember Griffith; and the question being upon adjourning out of the Special Session and convening into an Executive Session to discuss the acquisition of right-of-way in connection with the Franklin Road Bridge Replacement Project and the Cedar Lane Widening Project, a vote was taken with the following result:

YEAS:	Councilmembers Castleberry, Gallagher, Griffith, Jungman, Kovach, Lockett, Williams, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and the Special Session adjourned out of; and an Executive Session was convened into to discuss the acquisition of right-of-way in connection with the Franklin Road Bridge Replacement Project and the Cedar Lane Widening Project.

The City Council adjourned into Executive Session at 5:37 p.m. Mr. Steve Lewis, City Manager; Mr. Jeff Bryant, City Attorney; Ms. Kathryn Walker, Assistant City Attorney; and Mr. Shawn O'Leary, Director of Public Works, were in attendance at the Executive Session.

Mayor Rosenthal acknowledged return to Open Session.

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

YEAS:	Councilmembers Castleberry, Gallagher, Griffith, Jungman, Kovach, Lockett, Williams, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and the Special Session was reconvened at 6:15 p.m.

The Mayor said the acquisition of right-of-way in connection with the Franklin Road Bridge Replacement Project and the Cedar Lane Widening Project was discussed in Executive Session. No action was taken and no votes were cast.

* * * * *

ADJOURNMENT

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

YEAS:	Councilmembers Castleberry, Gallagher, Griffith, Jungman, Kovach, Lockett, Williams, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and the meeting was adjourned at 6:17 p.m.

ATTEST:

City Clerk

Mayor

CITY COUNCIL CONFERENCE MINUTES

May 28, 2013

The City Council of the City of Norman, Cleveland County, State of Oklahoma, met in a conference at 5:35 p.m. in the Municipal Building Conference Room on the 28th day of May, 2013, 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 Castleberry, Gallagher, Jungman, Kovach, Lockett, Spaulding, Williams, and Mayor Rosenthal
ABSENT:	Councilmember Griffith

Item 1, being:

DISCUSSION REGARDING THE FYE 2013 CITY OF NORMAN OPERATING BUDGET AND THE FYE 2014 CITY OF NORMAN OPERATING AND CAPITAL BUDGETS.

Update on Tornado Debris Cleanup

Mr. Steve Lewis, City Manager, provided an update on the cost of the May 19, 2013, tornado debris clean-up. Mr. Lewis said costs to the debris contractor will be approximately $377,000 and the City's share is expected to be $30,000 after reimbursement from the State of Oklahoma and the Federal Emergency Management Agency (FEMA). He said FEMA is using a sliding scale that rewards communities with a higher level of reimbursements for picking up debris immediately after a tornadic event. He said the first thirty days after an event, the City of Norman will be eligible for an 85% reimbursement and because Norman adopted a Debris Management Plan, we will receive an additional 2% for a total reimbursement of 87%. He said the remaining balance will be split between the City and the State.

Councilmember Spaulding asked if Cleveland County will be reimbursing the City for any expenses and Mr. Lewis said no, the County will have their own expenses for unincorporated areas and will be able to seek reimbursement from the State and FEMA for those expenses.

Councilmember Gallagher asked if picking up debris within 30 days places a burden of overtime on the contractors and City employees and will the reimbursements cover those expenses. Mr. Lewis said due to new legislation signed by President Obama in January, all hours worked by City employees will be reimbursed. He said storm debris pickup is being managed by a contractor working 12 hour shifts as agreed by contract. Mr. Shawn O'Leary, Director of Public Works, said the only downside is the City is allocating eight full-time Public Works employees towards this clean-up effort so jobs they would normally be doing will not be done for the next 30 days.

Mayor Rosenthal said the following discussion came out of the last Finance Committee meeting and felt it would be helpful to provide direction to Staff moving forward. She said a number of potential amendments have been prepared and asked Mr. Anthony Francisco, Director of Finance, to highlight these amendments for Council.

"Frozen" Personnel Positions Proposal

Mr. Francisco said in the May 15, 2013, Finance Committee meeting Staff was asked to prepare proposed amendments to the FYE 2014 Budget and Capital Improvements Budget for Council's consideration. He said the "frozen" personnel positions that were deleted from the City Manager's proposed budget are not being amended at this time, but Council may give that further consideration as the fiscal year progresses.

University North Park Tax Increment Finance District Administrative Charge Proposal

Mr. Francisco said Staff was asked to prepare an amendment to charge the University North Park Tax Increment Finance District Fund (UNPTIF) an administrative fee based on 3% of the sales tax revenue apportioned to the TIF Fund ($127,000) for UNPTIF administrative services provided by personnel funded by the General Fund. Councilmember Gallagher asked if that is a flat fee based on the number of hours personnel works on UNPTIF business and Mr. Francisco said no, it is a flat fee based on the same percentage charged to the Room Tax Fund for administrative services. He said Staff is not proposing a Cost Allocation Study to determine how many hours are actually being spent on the UNPTIF, but is taking the approach of charging an administrative fee similar to the Room Tax Fund. Councilmember Gallagher said if the hours worked exceeded $127,000 the City loses money and Mr. Francisco said the General Fund would absorb the difference. Councilmember Williams asked what the Room Tax Fund percentage was based on and Mr. Francisco said there was no official document but what Council chose to do at that time. Mr. Francisco said Council had the option of having a Full Cost Allocation Study done or using the metric the City has been using for the Room Tax and Council directed Staff to use the metric. Councilmember Williams asked if that method was taken from another method the City had used in the past. Mr. Lewis said the City's financial advisor said the rule of thumb that has worked in other communities is 3% to 5% and Staff felt that would be appropriate. Mayor Rosenthal said it is similar to what is charged for certain activities in utilities as well.

Public Safety Sales Tax Rainy Day Fund Proposal

Mr. Francisco said another proposed amendment is for the Public Safety Sales Tax (PSST) Fund to make a deposit to the City's Rainy Day Fund to bring the Rainy Day Fund balance to a level to meet the minimum fund balance OR in an amount to match the pro-rata share of the minimum Rainy Day Fund balance that can be attributable to the Police and Fire Departments.

Mr. Francisco said the Rainy Day Fund is mandated to have a balance of $2.1 million by the end of FYE 2014 and currently has a balance of $1.5 million and $600,000 needs to be deposited to bring the fund to its minimum level. Mayor Rosenthal said some Councilmembers were not at the Finance Committee meeting and she would like to know their opinion on whether to bring the Rainy Day Fund to the minimum of $2.5 million or deposit the pro-rata share of $1.1 million. Councilmember Kovach said depositing the full apportioned share makes sense so he would support the $1.1 million. Councilmember Castleberry said the Chair of the PSST Oversight Committee favored the $600,000 deposit.

Public Safety Sales Tax Emergency Communications Proposal

Mr. Francisco said Staff prepared optional proposed amendments to transfer funds from the PSST Fund to the General Fund to offset costs of the Emergency Communications (Dispatch) function in an estimated amount to offset the full costs of the operation, approximately $1,932,483, OR the "subsidized" portion of the operating costs (the difference between the E911 Tariff revenue and total costs) estimated to be $1,649,338, OR the portion of the total or subsidized amounts that would be allocated to the additional personnel funded by the PSST which would be an estimated pro-rata transfer of $339,291 related to the total cost of the Dispatch function or $289,578 related to the subsidized Dispatch cost.

Councilmember Gallagher asked if cell phones are charged a 911 Tariff and Mr. Francisco said yes. Councilmember Gallagher said there are at least 100,000 phones in Norman and suggested coordinating with phone companies to add an additional fifty cents to the monthly charge for 911 Service. Councilmember Kovach said in order to do that the City would have to have enabling Legislation at the State level and Councilmember Gallagher felt the City should work on that. Mr. Francisco said the tariff charged by the City is currently 3% and Statute allows a maximum of 5% and to increase that from 3% to 5%, would require a vote of the people.

Public Safety Sales Tax Emergency Communications Proposal, Continued

He said in order to go above 5%, the Statute would need to be changed. Councilmember Gallagher felt that would be worth exploring.

Mayor Rosenthal said the Chair of the PSST felt it made more sense that any PSST Funds transferred be proportionate to the number of personnel positions added to public safety, which would be $339,291. Councilmember Kovach felt this transaction should be done on an ongoing consistent basis. Mayor Rosenthal asked if Council is comfortable directing Staff to draft an amendment based on the $339,291 as opposed to $1.9 million and they said yes, but on an annual basis.

Stormwater Utility Fee

Mayor Rosenthal said a stormwater utility fee would have the greatest impact on the General Fund and is an issue important to the community. Councilmember Kovach said Council has discussed implementing a stormwater utility fee and felt it was time to move forward with that. He said there are many services tied to stormwater maintenance so it is not only important to the General Fund and Councilmember Castleberry agreed.

Cost Of Adding Additional Water Wells

Mr. Ken Komiske, Director of Utilities, said the Strategic Water Supply Plan has been narrowed down to three options for obtaining additional water, 1) treat existing wells, 2) use Oklahoma City (OKC) water on a temporary basis, and 3) buy into OKC water infrastructure as a stockholder. He said federal drinking water standards have increased the cost of adding wells. Based on the ten most recently added wells, a new well would supply approximately 250,000 gallons of water per day (GPD) and cost approximately $900,000. From the time funding is identified and direction from the Norman Utilities Authority (NUA) is given it can be expected that a new well could be brought into service in 18 months. In order to maintain the recharge levels of the Garber-Wellington Aquifer, the Utility Division has tried to keep spacing of at least one half mile between well sites, which has effectively limited the number of wells that can be drilled in areas of the Garber-Wellington within the city limits.

Mayor Rosenthal said one option that was dropped was the drilling of fifty (50) proposed and asked what the logic was of going from drilling 50 wells to zero wells. Mr. Komiske said the option to build 50 wells was a cost scenario to show it would be unreasonable compared to other options such as bringing decommissioned wells back online. Mayor Rosenthal said she did not understand why there is not an option for less than 50 wells and Councilmember Castleberry said the 50 wells were originally proposed to use only groundwater, but that scenario changed and is now part of the entire water solution. Councilmember Kovach said if the City is going to go to the expense of building a new Water Treatment Plant (WTP), the City might as well drill new wells in addition to bringing decommissioned wells online. He said this might give Council more time to explore future options such as gray water re-use to be more self-sufficient on water. He said the City may not have to drill 50 new wells, but 15 might be sufficient with the addition of a WTP. Mr. Francisco said a large expense of a new well is the distribution lines and existing wells have distribution lines so the WTP could be tied into existing lines making the costs lower. He said that is why the option for new wells was taken off the table. Councilmember Castleberry said a factor in that decision is that no one knows what the rules for groundwater will be in the future. Mayor Rosenthal said there will have to be some new lines with a new WTP and is concerned the options were narrowed down too quickly without public discussion.

General Fund Budget Revenue

Mayor Rosenthal said the proposed General Fund Budget has negative net revenues of $2,909,947 for FYE 2014 and asked the City Manager to update Council on the impact of proposed expenditure reductions. Mr. Lewis said across-the-board cuts can be made in personnel; supplies, materials, and vendor services; overtime allocations; consulting services; and travel and training, but varying levels of impact on public service delivery could be experienced if these reductions are enacted. He said personnel cuts could include part-time personnel in the Parks Department, part-time position in the Finance Department, delay hiring two positions in the Police Department, and four firefighter recruit positions. Supplies, materials and vendor services could include no contracted street sweeping, reducing outside legal expenses, and street asphalt supply programs. Overtime allocation savings could come from Engineering, Development Services, and fire staffing. Councilmember Kovach said many times when you cut positions and/or hours it creates more overtime so it could actually end up costing the City more money. Councilmember Williams asked why Staff chose those three Divisions for overtime cuts and asked if there are other areas in the City where overtime is not permitted. Mr. Lewis said those were the larger overtime user departments, but there are other overtime users in small areas. He said the majority of overtime is in Police and Fire Departments.

Mr. Lewis said consultant services could include administrative and technical services or studies. He said travel and training cuts vary across the board. Councilmember Gallagher suggested travel and training be paid for by the employee. Mr. Lewis said that is possible, but many positions require personnel to receive State training in order to do their job.

Oklahoma Firefighters Pension And Retirement System Contribution Proposal

Mr. Francisco said Staff will prepare an amendment to increase the City's contribution to the Oklahoma Firefighter's Pension and Retirement System for covered personnel from 13% to 14%, an estimated cost of approximately $120,000 as a result of recent State legislation.

McKinley School Proposal

Mr. Francisco said Council discussed restoring the capital project for McKinley School access improvements to the budget. Since previous Council's discussion was to amend the proposed budget to delete the project, Staff will not prepare an amendment at this time.

Councilmember Castleberry said the City is in a tight situation and asked what would happen next year if Council adopts the budget. He said this needs to be addressed.

Councilmember Gallagher asked if Staff considered selling some City properties such as Sooner Theater and Firehouse Art Center, which could be privatized. He said the Norman Economic Development Coalition (NEDC) made a profit this year so perhaps the City could cut back on that contribution.

Councilmember Kovach asked Staff to look at cost saving measures with the exception of personnel and hourly wage cuts. He said according to the graph Staff prepared Budget versus Actual, every year, except for one, the actual fund balance is multi-million dollars more than what was predicted. He said the City is not here to make a profit, but to provide services to the public and if Council starts cutting those services before they even know there is a need for these services, then Council is not doing their jobs right. He said the budget can be reviewed mid-year after receiving the Comprehensive Annual Financial Report (CAFR) in December and changes can be discussed at that time. Councilmember Williams said he disagreed that cutting services means Council is not doing their job because part of that job is taking care of the public's money and that means looking to the future and discussing all options.

Councilmember Castleberry said in the mid-year review there was a projected beginning Fund Balance of $2,037,000 and the current projections are $3.7 million, which is a $1.7 million increase. He asked what happened in the last four months to increase the budget beyond the original beginning projections. Mr. Francisco said the change is in the assumption that the emergency reserve would not be spent, which added $1.2 million. He said assuming the City is able to absorb costs for the recent tornado event within the budget that assumption will hold. Councilmember Castleberry asked Mr. Francisco if he was comfortable with that beginning figure of $3.7 million and Mr. Francisco said yes, but if that changes, Staff would strongly recommend cost saving changes be made.

Items submitted for the record

1. Memorandum dated May 16, 2013, from Anthony Francisco, Finance Director, to Honorable Mayor and City Councilmembers with aerial map of McKinley School
2. Memorandum dated May 3, 2013, from Steven Lewis, City Manager, and Anthony Francisco, Finance Director, to Honorable Mayor and City Councilmembers, with Attachment A, memorandum dated April 8, 2011, from Gala Hicks, Director of Human Resources, to Steve Lewis, City Manager; Attachment B, FYE 2012 through FYE 2018 General Fund Budget, FYE 2012 through FYE 2018 Stormwater Fund Budget, FYE 2012 through FYE 2018 Capital Fund Budget; and Attachment L, Storm Water Master Plan - Creation of a Storm Water Utility and Associated User Charges dated October 2009

The meeting adjourned at 6:30 p.m.

ATTEST:

City Clerk

Mayor

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

May 28, 2013

The City Council of the City of Norman, Cleveland County, State of Oklahoma, met in Regular Session in the Council Chambers of the Norman Municipal Building on the 28th day of May, 2013, 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 Castleberry, Gallagher, Jungman, Kovach, Lockett, Spaulding, Williams, Mayor Rosenthal
ABSENT:	Councilmember Griffith

The Pledge of Allegiance was led by Mayor Rosenthal.

* * * *

The Mayor asked the audience to join Council in a moment of silence to remember the victims of the recent tornadoes.

* * * * *

Item 3, being:

CONSENT DOCKET

Councilmember Kovach moved that Item 4 through Item 37 be placed on the consent docket by unanimous vote, which motion was duly seconded by Councilmember Spaulding; and the question being upon the placement on the consent docket by unanimous vote of Item 4 through Item 37, a vote was taken with the following result:

YEAS:	Councilmembers Castleberry, Gallagher, Jungman, Kovach, Lockett, Spaulding, Williams, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and Item 4 through Item 37 were placed on the consent docket by unanimous vote.

* * * * *

Item 4, being:

APPROVAL OF THE MINUTES AS FOLLOWS:

CITY COUNCIL STUDY SESSION MINUTES OF APRIL 30, 2013
CITY COUNCIL SPECIAL SESSION MINUTES OF MAY 7, 2013
CITY COUNCIL STUDY SESSION MINUTES OF MAY 7, 2013
CITY COUNCIL OVERSIGHT COMMITTEE MINUTES OF MAY 8, 2013
CITY COUNCIL BUSINESS AND COMMUNITY AFFAIRS COMMITTEE MINUTES OF MAY 9, 2013
CITY COUNCIL COMMUNITY PLANNING AND TRANSPORTATION COMMITTEE MINUTES OF MAY 13, 2013
CITY COUNCIL MINUTES OF MAY 14, 2013
NORMAN UTILITIES AUTHORITY MINUTES OF MAY 14, 2013
NORMAN MUNICIPAL AUTHORITY MINUTES OF MAY 14, 2013
NORMAN TAX INCREMENT FINANCE AUTHORITY MINUTES OF MAY 14, 2013

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

Item 4, continued:

Items submitted for the record
1. Text File No. GID-1213-92 dated May 21, 2013, by Brenda Hall, City Clerk
2. City Council Study Session minutes of April 30, 2013
3. City Council Special Session minutes of May 7, 2013
4. City Council Study Session minutes of May 7, 2013
5. City Council Oversight Committee minutes of May 8, 2013
6. City Council Business and Community Affairs Committee minutes of May 9, 2013
7. City Council Community Planning and Transportation Committee minutes of May 13, 2013
8. City Council minutes of May 14, 2013
9. Norman Utilities Authority minutes of May 14, 2013
10. Norman Municipal Authority minutes of May 14, 2013
11. Norman Tax Increment Finance Authority minutes of May 14, 2013

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

YEAS:	Councilmembers Castleberry, Gallagher, Jungman, Kovach, Lockett, Spaulding, Williams, Mayor Rosenthal
NAYES:	None

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

* * * * *

Item 5, being:

CONSIDERATION OF ORDINANCE NO. O-1213-44 UPON SECOND AND FINAL READING: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 460 OF CHAPTER 22 OF THE CODE OF THE CITY OF NORMAN SO AS TO PLACE LOT 1, BLOCK 1, PEPCO INDUSTRIAL PARK, PHASE 1, NORMAN, CLEVELAND COUNTY, OKLAHOMA, IN THE I-2, HEAVY INDUSTRIAL DISTRICT, AND REMOVE SAME FROM THE I-1, LIGHT INDUSTRIAL DISTRICT, OF SAID CITY; AND PROVIDING FOR THE SEVERABILITY THEREOF. (2601 VENTURE BOULEVARD)

Councilmember Kovach moved that Ordinance No. O-1213-44 be Introduced and adopted upon First Reading by title, which motion was duly seconded by Councilmember Williams;

Items submitted for the record
1. Text File No. O-1213-44 dated April 10, 2013, from Jane Hudson, Principal Planner
2. Ordinance No. O-1213-44
3. Location map
4. Staff Report dated May 9, 2013, recommending approval
5. Chapter 22 of the Norman Code of Ordinances (Zoning Ordinance) Section 22:427.1, I-2, Heavy Industrial District
6. Summary of Purpose for Rezoning of 2601 Venture Boulevard
7. Site photographs
8. Pertinent excerpts from Planning Commission minutes of May 9, 2013

and the question being upon the Introduction and adoption of Ordinance No. O-1213-44 upon First Reading by title, a vote was taken with the following result:

YEAS:	Councilmembers Castleberry, Gallagher, Jungman, Kovach, Lockett, Spaulding, Williams, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and Ordinance No. O-1213-44 was Introduced, read, and adopted upon First Reading by title.

* * * * *

Item 6, being:

CONSIDERATION OF ORDINANCE NO. O-1213-45 UPON SECOND AND FINAL READING: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, CLOSING AND RELOCATING A UTILITY EASEMENT LOCATED IN CARRINGTON PLACE ADDITION, SECTION 11, NORMAN, CLEVELAND COUNTY, OKLAHOMA; AND PROVIDING FOR THE SEVERABILITY THEREOF. (BETWEEN LOTS 1 AND 2, BLOCK 5, CARRINGTON PLACE ADDITION, SECTION 11)

Councilmember Kovach moved that Ordinance No. O-1213-45 be Introduced and adopted upon First Reading by title, which motion was duly seconded by Councilmember Williams;

Items submitted for the record

1. Text File No. O-1213-45 dated April 10, 2013, from Ken Danner, Subdivision Manager
2. Ordinance No. O-1213-45
3. Location map
4. Staff Report dated May 9, 2013, recommending approval
5. Memorandum dated April 8, 2013, from Brenda Hall, City Clerk, to Rone Tromble, Administrative Technician IV; Jeff Bryant, City Attorney; Ken Komiske, Director of Utilities; Ken Danner, Subdivision Manager; and Jane Hudson, Principal Planner
6. Letter of request dated April 8, 2013, from H.L. Heiple, Attorney-Agent, Heiple Law Offices, Inc., for Carrington Place, L.L.C., to Brenda Hall, City Clerk with attached location map
8. Certificate of Bonded Abstractor dated March 27, 2013, from Denise Hunter, Abstractor License No. 1412, First American Title and Trust Company
9. Easement No. E-1213-21
10. Pertinent excerpts from Planning Commission minutes of May 9, 2013

and the question being upon the Introduction and adoption of Ordinance No. O-1213-45 upon First Reading by title, a vote was taken with the following result:

YEAS:	Councilmembers Castleberry, Gallagher, Jungman, Kovach, Lockett, Spaulding, Williams, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and Ordinance No. O-1213-45 was Introduced, read, and adopted upon First Reading by title.

* * * * *

Item 7, being:

SUBMISSION AND ACKNOWLEDGING RECEIPT OF THE FINANCE DIRECTOR'S INVESTMENT REPORT AS OF APRIL 30, 2013, AND DIRECTING THE FILING THEREOF.

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

Items submitted for the record

1. Text File No. RPT-1213-56 dated May 13, 2013, by Anthony Francisco, Director of Finance
2. Finance Director's Investment Report of April 30, 2013

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 Castleberry, Gallagher, Jungman, Kovach, Lockett, Spaulding, Williams, Mayor Rosenthal
NAYES:	None

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

* * * * *

Item 8, being:

SUBMISSION AND ACKNOWLEDGING RECEIPT OF THE MONTHLY DEPARTMENTAL REPORTS FOR THE MONTH OF APRIL, 2013, AND DIRECTING THE FILING THEREOF.

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

Items submitted for the record

1. Text File No. RPT-1213-59 dated May 13, 2013, by Carol Coles, Administrative Assistant
2. Monthly Departmental Reports for the month of April, 2013

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 Castleberry, Gallagher, Jungman, Kovach, Lockett, Spaulding, Williams, Mayor Rosenthal
NAYES:	None

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

* * * * *

Item 9, being:

CONSIDERATION OF BID NO. 1213-75, CONTRACT NO. K-1213-181 WITH RUDY CONSTRUCTION COMPANY IN THE AMOUNT OF $760,878.55; PERFORMANCE BOND NO. B-1213-78; STATUTORY BOND NO. B-1213-79; MAINTENANCE BOND NO. MB-1213-69, AND RESOLUTION NO. R-1213-112 FOR THE ROAD RECONSTRUCTION 2010 BOND PROGRAM (HAYES STREET FROM FLOOD AVENUE TO JAMES GARNER AVENUE AND IOWA STREET FROM BERRY ROAD TO BARBOUR AVENUE).

Councilmember Kovach moved that all bids meeting specifications be accepted; the bid in the amount of $760,878.55 be awarded to Rudy Construction Company as the lowest and best bidder meeting specifications; Contract No. K-1213-181 and the performance, statutory, and maintenance bonds be approved; execution of the contract and bonds be executed; the filing of the bonds be directed; and Resolution No. R-1213-112 be adopted, which motion was duly seconded by Councilmember Williams;

Items submitted for the record

1. Text File No. K-1213-181 dated April 23, 2013, by Greg Hall, Street Superintendent
2. Bid tabulation dated April 30, 2013, for the 2010 Road Reconstruction Bond Program, FYE 2011 (1) and FYE 2012 (1) Project Bond Locations
3. Contract No. K-1213-181
4. Performance Bond No. B-1213-78
5. Statutory Bond No. B-1213-79
6. Maintenance Bond No. MB-1213-69
7. Resolution No. R-1213-112
8. Location map
9. Purchase Requisition No. 0000216584 dated May 6, 2013, in the amount of $760,878.55 to Rudy Construction Company

Item 9, continued:

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 Castleberry, Gallagher, Jungman, Kovach, Lockett, Spaulding, Williams, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and all bids meeting specifications accepted; and the bid in the amount of $760,878.55 was awarded to Rudy Construction Company as the lowest and best bidder meeting specifications; Contract No. K-1213-181 and the performance, statutory, and maintenance bonds were approved; the filing of the bonds was directed; and Resolution No. R-1213-112 was adopted.

* * * * *

Item 10, being:

CONSIDERATION OF THE RATIFICATION OF THE DECLARATION OF AN EMERGENCY AND THE CITY MANAGER'S AUTHORIZATION TO TRANSFER FUNDS IN THE AMOUNT OF $12,000 FROM THE CAPITAL FUND BALANCE FOR THE FIRE STATION NO. NINE FIBER OPTIC CABLING COMMUNICATIONS PROJECT.

Councilmember Kovach moved that ratification of the Declaration of Emergency and the City Manager's authorization to transfer funds in the amount of $12,000 from the Capital Fund Balance to the Public Safety Sales Tax Project Account be approved, which motion was duly seconded by Councilmember Williams;

Items submitted for the record

1. Text File No. GID-1213-91 dated May 16, 2013, by Kari Madden, Network Manager
2. Memorandum dated May 8, 2013, from Anthony Francisco, Finance Director, to Steven Lewis, City Manager

and the question being upon approving ratification of the Declaration of Emergency and the City Manager's authorization to transfer funds in the amount of $12,000 from the Capital Fund Balance to the Public Safety Sales Tax Project Account, a vote was taken with the following result:

YEAS:	Councilmembers Castleberry, Gallagher, Jungman, Kovach, Lockett, Spaulding, Williams, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and ratification of the Declaration of Emergency and the City Manager's authorization to transfer funds in the amount of $12,000 from the Capital Fund Balance to the Public Safety Sales Tax Project Account was approved.

* * * * *

Item 11, being:

EASEMENT NO. E-1213-26: CONSIDERATION OF ACCEPTANCE OF A PERMANENT PUBLIC ROADWAY, DRAINAGE AND UTILITY EASEMENT FROM ASTELLAS PHARMA TECHNOLOGIES, INC., IN THE AMOUNT OF $7,700 FOR THE CEDAR LANE ROAD WIDENING PROJECT.

Councilmember Kovach moved that Easement No. E-1213-26 be accepted and the filing thereof with the Cleveland County Clerk and payment in the amount of $7,700 to Astellas Pharma Technologies, Inc., be directed, which motion was duly seconded by Councilmember Williams

Items submitted for the record

1. Text File No. E-1213-26 dated April 24, 2013, by Josh Malwick, Capital Projects Engineer
2. Easement No. E-1213-26 with location map
3. Location map of Cedar Lane Road Project Right-of-Way Acquisitions dated May 28, 2013
4. Cedar Lane Road Widening Project Right-of-Way Easement Table dated May 28, 2013
5. Purchase Requisition No. 0000217519 dated May 22, 2013, to in the amount of $7,700 to Astellas Pharma Technologies

and the question being upon accepting Easement No. E-1213-26 and upon the subsequent directives and adoption, a vote was taken with the following result:

YEAS:	Councilmembers Castleberry, Gallagher, Jungman, Kovach, Lockett, Spaulding, Williams, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and Easement No. E-1213-26 accepted; and the filing thereof with the Cleveland County Clerk and payment in the amount of $7,700 to Astellas Pharma Technologies, Inc., were directed.

* * * * *

Item 12, being:

EASEMENT NO. E-1213-27: CONSIDERATION OF ACCEPTANCE OF A PERMANENT PUBLIC ROADWAY, DRAINAGE, AND UTILITY EASEMENT FROM ASTELLAS PHARMA TECHNOLOGIES, INC. IN THE AMOUNT OF $2,900 FOR THE CEDAR LANE ROAD WIDENING PROJECT.

Councilmember Kovach moved that Easement No. E-1213-27 be accepted and the filing thereof with the Cleveland County Clerk and payment in the amount of $2,900 to Astellas Pharma Technologies, Inc., be directed, which motion was duly seconded by Councilmember Williams;

Items submitted for the record

1. Text File No. E-1213-27 dated April 24, 2013, by Josh Malwick, Capital Projects Engineer
2. Easement No. E-1213-27 with location map
3. Location map of Cedar Lane Road Project Right-of-Way Acquisitions dated May 28, 2013
4. Cedar Lane Road Widening Project Right-of-Way Easement Table dated May 28, 2013
5. Purchase Requisition No. 0000217520 dated May 22, 2013, to in the amount of $2,900 to Astellas Pharma Technologies

Item 12, continued:

and the question being upon accepting Easement No. E-1213-27 and upon the subsequent directives, a vote was taken with the following result:

YEAS:	Councilmembers Castleberry, Gallagher, Jungman, Kovach, Lockett, Williams, Spaulding, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and Easement No. E-1213-27 accepted; and the filing thereof with the Cleveland County Clerk and payment in the amount of $2,900 to Astellas Pharma Technologies were directed.

* * * * *

Item 13, being:

EASEMENT NO. E-1213-45: CONSIDERATION OF ACCEPTANCE OF A PERMANENT PUBLIC ROADWAY, DRAINAGE AND UTILITIES EASEMENT DONATED BY HERITAGE FINE HOMES, L.L.C. AND ANTHONY K. MIRZAIE FOR THE CEDAR LANE ROAD WIDENING PROJECT.

Councilmember Kovach moved that Easement No. E-1213-45 be accepted and the filing thereof with the Cleveland County Clerk be directed, which motion was duly seconded by Councilmember Williams;

Items submitted for the record
1. Text File No. E-1213-45 dated May 21, 2013, by Josh Malwick, Capital Projects Engineer
2. Easement No. E-1213-45 with location map
3. Location map of Cedar Lane Road Project Right-of-Way Acquisitions dated May 28, 2013
4. Cedar Lane Road Widening Project Right-of-Way Easement Table dated May 28, 2013

and the question being upon accepting Easement No. E-1213-45 and upon the subsequent directive, a vote was taken with the following result:

YEAS:	Councilmembers Castleberry, Gallagher, Jungman, Kovach, Lockett, Spaulding, Williams, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and Easement No. E-1213-45 accepted; and the filing thereof with the Cleveland County Clerk was directed.

* * * * *

Councilmember Spaulding moved that Items 13 through 19, 21, 22, 24, and 26 be reconsidered, which motion was duly seconded by Councilmember Williams;

Items submitted for the record
1. Mr. Jeff Bryant, City Attorney
2. Ms. Kathryn Walker, Assistant City Attorney
3. Mr. Harold Heiple, 218 East Eufaula Avenue, made comments
4. Mr. Steve Ellis, 633 Reed Avenue, made comments
5. Ms. Cindy Rogers, 633 Reed Avenue, made comments

and the question being upon reconsidering Items 13 through 19, 21, 22, 24, and 26, a vote was taken with the following result:

YEAS:	Councilmembers Spaulding and Williams
NAYES:	Councilmembers Castleberry, Gallagher, Jungman, Kovach, Lockett, Mayor Rosenthal

The Mayor declared the failed and Items 13 through 19, 21, 22, 24, and 26 were not reconsidered.

* * * * *

Item 14, being:

EASEMENT NO. E-1213-46: CONSIDERATION OF ACCEPTANCE OF A PERMANENT UTILITY EASEMENT DONATED BY HERITAGE FINE HOMES, L.L.C. AND ANTHONY K. MIRZAIE FOR THE CEDAR LANE ROAD WIDENING PROJECT.

Councilmember Kovach moved that Easement No. E-1213-46 be accepted and the filing thereof with the Cleveland County Clerk be directed, which motion was duly seconded by Councilmember Williams;

Items submitted for the record

1. Text File No. E-1213-46 dated May 22, 2013, by Josh Malwick, Capital Projects Engineer
2. Easement No. E-1213-46 with location map
3. Location map of Cedar Lane Road Project Right-of-Way Acquisitions dated May 28, 2013
4. Cedar Lane Road Widening Project Right-of-Way Easement Table dated May 28, 2013

and the question being upon accepting Easement No. E-1213-46 and upon the subsequent directive, a vote was taken with the following result:

YEAS:	Councilmembers Castleberry, Gallagher, Jungman, Kovach, Lockett, Spaulding, Williams, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and Easement No. E-1213-46 accepted; and the filing thereof with the Cleveland County Clerk was directed.

* * * * *

Item 15, being:

EASEMENT NO. E-1213-47: CONSIDERATION OF ACCEPTANCE OF A PERMANENT PUBLIC ROADWAY, DRAINAGE AND UTILITIES EASEMENT DONATED BY HERITAGE FINE HOMES, L.L.C., FOR THE CEDAR LANE ROAD WIDENING PROJECT.

Councilmember Kovach moved that Easement No. E-1213-47 be accepted and the filing thereof with the Cleveland County Clerk be directed, which motion was duly seconded by Councilmember Williams;

Items submitted for the record

1. Text File No. E-1213-47 dated May 22, 2013, by Josh Malwick, Capital Projects Engineer
2. Easement No. E-1213-47 with location map
3. Location map of Cedar Lane Road Project Right-of-Way Acquisitions dated May 28, 2013
4. Cedar Lane Road Widening Project Right-of-Way Easement Table dated May 28, 2013

and the question being upon accepting Easement No. E-1213-47 and upon the subsequent directive, a vote was taken with the following result:

YEAS:	Councilmembers Castleberry, Gallagher, Jungman, Kovach, Lockett, Spaulding, Williams, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and Easement No. E-1213-47 accepted; and the filing thereof with the Cleveland County Clerk was directed.

* * * * *

Item 16, being:

EASEMENT NO. E-1213-48: CONSIDERATION OF ACCEPTANCE OF A PERMANENT UTILITY EASEMENT DONATED BY HERITAGE FINE HOMES, L.L.C., FOR THE CEDAR LANE ROAD WIDENING PROJECT.

Councilmember Kovach moved that Easement No. E-1213-48 be accepted and the filing thereof with the Cleveland County Clerk be directed, which motion was duly seconded by Councilmember Williams;

Items submitted for the record

1. Text File No. E-1213-48 dated May 22, 2013, by Josh Malwick, Capital Projects Engineer
2. Easement No. E-1213-48 with location map
3. Location map of Cedar Lane Road Project Right-of-Way Acquisitions dated May 28, 2013
4. Cedar Lane Road Widening Project Right-of-Way Easement Table dated May 28, 2013

and the question being upon accepting Easement No. E-1213-48 and upon the subsequent directive, a vote was taken with the following result:

YEAS:	Councilmembers Castleberry, Gallagher, Jungman, Kovach, Lockett, Spaulding, Williams, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and Easement No. E-1213-48 accepted; and the filing thereof with the Cleveland County Clerk was directed.

* * * * *

Item 17, being:

EASEMENT NO. E-1213-57: CONSIDERATION OF ACCEPTANCE OF PERMANENT PUBLIC ROADWAY, DRAINAGE, AND UTILITY EASEMENT DONATED BY EAGLECLIFF LIMITED PARTNERSHIP FOR THE CEDAR LANE ROAD WIDENING PROJECT.

Councilmember Kovach moved that Easement No. E-1213-57 be accepted and the filing thereof with the Cleveland County Clerk be directed, which motion was duly seconded by Councilmember Williams;

Items submitted for the record

1. Text File No. E-1213-57 dated April 22, 2013, by Josh Malwick, Capital Projects Engineer
2. Easement No. E-1213-57 with Consent of Owner's Right of Entry and location map
3. Location map of Cedar Lane Road Project Right-of-Way Acquisitions dated May 28, 2013
4. Cedar Lane Road Widening Project Right-of-Way Easement Table dated May 28, 2013

and the question being upon accepting Easement No. E-1213-57 and upon the subsequent directive, a vote was taken with the following result:

YEAS:	Councilmembers Castleberry, Gallagher, Jungman, Kovach, Lockett, Spaulding, Williams, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and Easement No. E-1213-57 accepted; and the filing thereof with the Cleveland County Clerk was directed.

* * * * *

Item 18, being:

EASEMENT NO. E-1213-59: CONSIDERATION OF ACCEPTANCE OF A PERMANENT PUBLIC ROADWAY, DRAINAGE, AND UTILITY EASEMENT DONATED BY CEDAR LANE, L.L.C., FOR THE CEDAR LANE ROAD WIDENING PROJECT.

Councilmember Kovach moved that Easement No. E-1213-59 be accepted and the filing thereof with the Cleveland County Clerk be directed, which motion was duly seconded by Councilmember Williams;

Items submitted for the record

1. Text File No. E-1213-59 dated March 18, 2013, by Josh Malwick, Capital Projects Engineer
2. Easement No. E-1213-59 with Exhibit "A", Legal Description for Additional Right-of-Way and Exhibit "B", location map
3. Location map of Cedar Lane Road Project Right-of-Way Acquisitions dated May 28, 2013
4. Cedar Lane Road Widening Project Right-of-Way Easement Table dated May 28, 2013

and the question being upon accepting Easement No. E-1213-59 and upon the subsequent directive, a vote was taken with the following result:

YEAS:	Councilmembers Castleberry, Gallagher, Jungman, Kovach, Lockett, Spaulding, Williams, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and Easement No. E-1213-59 accepted; and the filing thereof with the Cleveland County Clerk was directed.

* * * * *

Item 19, being:

TEMPORARY EASEMENT NO. E-1213-60: CONSIDERATION OF ACCEPTANCE OF A TEMPORARY CONSTRUCTION EASEMENT DONATED BY CEDAR LANE, L.L.C., FOR THE CEDAR LANE ROAD WIDENING PROJECT.

Councilmember Kovach moved that Temporary Easement No. E-1213-60 be accepted and the filing thereof with the City Clerk be directed, which motion was duly seconded by Councilmember Williams;

Items submitted for the record

1. Text File No. E-1213-60 dated April 28, 2013, by Josh Malwick, Capital Projects Engineer
2. Temporary Easement No. E-1213-60 with Exhibit "A", legal description and location map
3. Location map of Cedar Lane Road Project Right-of-Way Acquisitions dated May 28, 2013
4. Cedar Lane Road Widening Project Right-of-Way Easement Table dated May 28, 2013

and the question being upon accepting Temporary Easement No. E-1213-60 and upon the subsequent directive, a vote was taken with the following result:

YEAS:	Councilmembers Castleberry, Gallagher, Jungman, Kovach, Lockett, Spaulding, Williams, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and Temporary Easement No. E-1213-60 accepted; and the filing thereof with the City Clerk was directed.

* * * * *

Item 20, being:

EASEMENT NO. E-1213-61: CONSIDERATION OF ACCEPTANCE OF A PERMANENT PUBLIC ROADWAY, DRAINAGE, AND UTILITY EASEMENT FROM HAROLD A. AND THERESA P. HENFLING, TRUSTEES, HENFLING LIVING TRUST, AND PATRICIA A KEITHLEY IN THE AMOUNT OF $127,000 FOR THE CEDAR LANE ROAD WIDENING PROJECT.

Councilmember Kovach moved that Easement No. E-1213-61 be accepted and the filing thereof with the Cleveland County Clerk and payment in the amount of $127,000 to Harold A. and Theresa P. Henfling and Patricia A. Keithley be directed, which motion was duly seconded by Councilmember Williams;

Items submitted for the record

1. Text File No. E-1213-61 dated May 2, 2013, by Josh Malwick, Capital Projects Engineer
2. Easement No. E-1213-61 with Exhibit "A", legal description and location map
3. Location map of Cedar Lane Road Project Right-of-Way Acquisitions dated May 28, 2013
4. Cedar Lane Road Widening Project Right-of-Way Easement Table dated May 28, 2013
5. Purchase Requisition No. 0000216639 dated May 6, 2013, in the amount of $127,000 to Harold A. Theresa P. Henfling, Trustees, Henfling Living Trust, and Patricia A. Keithley

and the question being upon accepting Easement No. E-1213-61 and upon the subsequent directives, a vote was taken with the following result:

YEAS:	Councilmembers Castleberry, Gallagher, Jungman, Kovach, Lockett, Spaulding, Williams, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and Easement No. E-1213-61 accepted; and the filing thereof with the Cleveland County Clerk and payment in the amount of $127,000 to Harold A. and Theresa P. Henfling and Patricia A. Keithley was directed.

* * * * *

Item 21, being:

TEMPORARY EASEMENT NO. E-1213-62: CONSIDERATION OF ACCEPTANCE OF A TEMPORARY CONSTRUCTION EASEMENT DONATED BY HERITAGE FINE HOMES, L.L.C., AND ANTHONY K. MIRZAIE FOR THE CEDAR LANE ROAD WIDENING PROJECT.

Councilmember Kovach moved that Temporary Easement No. E-1213-62 be accepted and the filing thereof with the City Clerk be directed, which motion was duly seconded by Councilmember Williams;

Items submitted for the record

1. Text File No. E-1213-62 dated May 22, 2013, by Josh Malwick, Capital Projects Engineer
2. Easement No. E-1213-62
3. Location map of Cedar Lane Road Project Right-of-Way Acquisitions dated May 28, 2013
4. Cedar Lane Road Widening Project Right-of-Way Easement Table dated May 28, 2013

and the question being upon accepting Easement No. E-1213-62 and upon the subsequent directive, a vote was taken with the following result:

YEAS:	Councilmembers Castleberry, Gallagher, Jungman, Kovach, Lockett, Spaulding, Williams, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and Easement No. E-1213-62 accepted; and the filing thereof with the City Clerk was directed.

* * * * *

Item 22, being:

TEMPORARY EASEMENT NO. E-1213-63: CONSIDERATION OF ACCEPTANCE OF A TEMPORARY CONSTRUCTION EASEMENT DONATED BY HERITAGE FINE HOMES, L.L.C., AND ANTHONY K. MIRZAIE FOR THE CEDAR LANE ROAD WIDENING PROJECT.

Councilmember Kovach moved that Temporary Easement No. E-1213-63 be accepted and the filing thereof with the City Clerk be directed, which motion was duly seconded by Councilmember Williams;

Items submitted for the record

1. Text File No. E-1213-63 dated May 3, 2013, by John Clink, Capital Projects Engineer
2. Easement No. E-1213-63 with Exhibit A, legal description and location map
3. Location map of Cedar Lane Road Project Right-of-Way Acquisitions dated May 28, 2013
4. Cedar Lane Road Widening Project Right-of-Way Easement Table dated May 28, 2013

and the question being upon accepting Temporary Easement No. E-1213-63 and upon the subsequent directive, a vote was taken with the following result:

YEAS:	Councilmembers Castleberry, Gallagher, Jungman, Kovach, Lockett, Spaulding, Williams, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and Temporary Easement No. E-1213-63 accepted; and the filing thereof with the City Clerk was directed.

* * * * *

Item 23, being:

TEMPORARY EASEMENT NO. E-1213-64: CONSIDERATION OF ACCEPTANCE OF A TEMPORARY CONSTRUCTION EASEMENT FROM CEDAR LANE, L.L.C., IN THE AMOUNT OF $12,500 FOR THE CEDAR LANE ROAD WIDENING PROJECT.

Councilmember Kovach moved that Temporary Easement No. E-1213-64 be accepted and the filing thereof with the City Clerk and payment in the amount of $12,500 to Cedar Lane, L.L.C., be directed, which motion was duly seconded by Councilmember Williams

Items submitted for the record

1. Text File No. E-1213-64 dated April 28, 2013, by Josh Malwick, Capital Projects Engineer
2. Easement No. E-1213-64 with Exhibit A, legal description and location map
3. Location map of Cedar Lane Road Project Right-of-Way Acquisitions dated May 28, 2013
4. Cedar Lane Road Widening Project Right-of-Way Easement Table dated May 28, 2013
5. Purchase Requisition No. 0000216655 dated May 30, 2013, in the amount of $12,500 to Cedar Lane, L.L.C.

and the question being upon accepting Temporary Easement No. E-1213-64 and upon the subsequent directives, a vote was taken with the following result:

YEAS:	Councilmembers Castleberry, Gallagher, Jungman, Kovach, Lockett, Spaulding, Williams, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and Temporary Easement No. E-1213-64 accepted; and the filing thereof with the City Clerk and payment in the amount of $12,500 to Cedar Lane, L.L.C., was directed.

* * * * *

Item 24, being:

TEMPORARY EASEMENT NO. E-1213-65: CONSIDERATION OF ACCEPTANCE OF A TEMPORARY CONSTRUCTION EASEMENT DONATED BY THE LINKS AT NORMAN FOR THE CEDAR LANE ROAD WIDENING PROJECT.

Councilmember Kovach moved that Temporary Easement No. E-1213-65 be accepted and the filing thereof with the City Clerk, be directed, which motion was duly seconded by Councilmember Williams;

Items submitted for the record

1. Text File No. E-1213-65 dated May 15, 2013, by Josh Malwick, Capital Projects Engineer
2. Temporary Easement No. E-1213-65 with Exhibit A, legal description and location map
3. Location map of Cedar Lane Road Project Right-of-Way Acquisitions dated May 28, 2013
4. Cedar Lane Road Widening Project Right-of-Way Easement Table dated May 28, 2013

and the question being upon accepting Temporary Easement No. E-1213-65 and upon the subsequent directive, a vote was taken with the following result:

YEAS:	Councilmembers Castleberry, Gallagher, Jungman, Kovach, Lockett, Spaulding, Williams, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and Temporary Easement No. E-1213-65 accepted; and the filing thereof with the City Clerk was directed.

* * * * *

Item 25, being:

EASEMENT NO. E-1213-67: CONSIDERATION OF ACCEPTANCE OF PERMANENT PUBLIC ROADWAY, DRAINAGE, AND UTILITY EASEMENT DONATED BY EAGLECLIFF LIMITED PARTNERSHIP FOR THE CEDAR LANE ROAD WIDENING PROJECT.

Councilmember Kovach moved that Easement No. E-1213-67 be accepted and the filing thereof with the Cleveland County Clerk be directed, which motion was duly seconded by Councilmember Williams;

Items submitted for the record

1. Text File No. E-1213-67 dated April 22, 2013, by Josh Malwick, Capital Projects Engineer
2. Easement No. E-1213-67 with Consent of Owner's Right of Entry and location map
3. Location map of Cedar Lane Road Project Right-of-Way Acquisitions dated May 28, 2013
4. Cedar Lane Road Widening Project Right-of-Way Easement Table dated May 28, 2013

and the question being upon accepting Easement No. E-1213-67 and upon the subsequent directive, a vote was taken with the following result:

YEAS:	Councilmembers Castleberry, Gallagher, Jungman, Kovach, Lockett, Spaulding, Williams, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and Easement No. E-1213-67 accepted; and the filing thereof with the Cleveland County Clerk was directed.

* * * * *

Item 26, being:

EASEMENT NO. E-1213-68: CONSIDERATION OF ACCEPTANCE OF PERMANENT PUBLIC ROADWAY, DRAINAGE, AND UTILITY EASEMENT DONATED BY HERITAGE FINE HOMES, L.L.C., FOR THE CEDAR LANE ROAD WIDENING PROJECT.

Councilmember Kovach moved that Easement No. E-1213-68 be accepted and the filing thereof with the Cleveland County Clerk be directed, which motion was duly seconded by Councilmember Williams;

Items submitted for the record

1. Text File No. E-1213-68 dated May 22, 2013, by Josh Malwick, Capital Projects Engineer
2. Easement No. E-1213-68 with Exhibit "A", legal description
3. Location map of Cedar Lane Road Project Right-of-Way Acquisitions dated May 28, 2013
4. Cedar Lane Road Widening Project Right-of-Way Easement Table dated May 28, 2013

and the question being upon accepting Easement No. E-1213-68 and upon the subsequent directive, a vote was taken with the following result:

YEAS:	Councilmembers Castleberry, Gallagher, Jungman, Kovach, Lockett, Spaulding, Williams, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and Easement No. E-1213-68 accepted; and the filing thereof with the Cleveland County Clerk was directed.

* * * * *

Item 27, being:

EASEMENT NO. E-1213-73: CONSIDERATION OF ACCEPTANCE OF A PERMANENT UTILITY EASEMENT FROM CEDAR LANE, L.L.C., IN THE AMOUNT OF $500 FOR THE CEDAR LANE ROAD WIDENING PROJECT.

Councilmember Kovach moved that Easement No. E-1213-73 be accepted and the filing thereof with the Cleveland County Clerk and payment in the amount of $500 to Cedar Lane, L.L.C., be directed, which motion was duly seconded by Councilmember Williams

Items submitted for the record

1. Text File No. E-1213-73 dated May 3, 2013, by John Clink, Capital Projects Engineer
2. Easement No. E-1213-73 with location map
3. Location map of Cedar Lane Road Project Right-of-Way Acquisitions dated May 28, 2013
4. Cedar Lane Road Widening Project Right-of-Way Easement Table dated May 28, 2013
5. Purchase Requisition No. 0000217310 dated May 16, 2013, in the amount of $500 to Cedar Lane, L.L.C.

and the question being upon accepting Easement No. E-1213-73 and upon the subsequent directives, a vote was taken with the following result:

YEAS:	Councilmembers Castleberry, Gallagher, Jungman, Kovach, Lockett, Spaulding, Williams, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and Easement No. E-1213-73 accepted; and the filing thereof with the Cleveland County Clerk and payment in the amount of $500 to Cedar Lane, L.L.C., was directed.

* * * * *

Item 28, being:

ACCEPTANCE OF REIMBURSEMENT OF FUNDS IN THE AMOUNT OF $1,802.81 TO THE NORMAN FIRE DEPARTMENT FROM THE CITY OF PURCELL, OKLAHOMA, FOR MUTUAL AID FIRE ASSISTANCE IN FIGHTING A WILD FIRE IN GOLDSBY, OKLAHOMA, ELIGIBLE UNDER THE FIRE MUTUAL AID ASSISTANCE GRANT (FMAG) PROGRAM.

Councilmember Kovach moved that reimbursement of funds in the amount of $1,802.81 to the Norman Fire Department from the City of Purcell, Oklahoma, for mutual aid fire assistance in fighting a wild fire in Goldsby, Oklahoma, eligible under the FMAG Program be accepted, which motion was duly seconded by Councilmember Williams;

Items submitted for the record
1. Text File No. GID-1213-130 dated June 2, 2013, by James Fullingim, Fire Chief
2. Check No. 077986 dated February 26, 2013, in the amount of $1,802.81 from the City of Purcell to Norman Fire Department
3. Goldsby Oklahoma Fire Incident Report No. FM-2871

and the question being upon accepting reimbursement of funds in the amount of $1,802.81 to the Norman Fire Department from the City of Purcell, Oklahoma, for mutual aid fire assistance in fighting a wild fire in Goldsby, Oklahoma, eligible under the FMAG Program, a vote was taken with the following result:

YEAS:	Councilmembers Castleberry, Gallagher, Jungman, Kovach, Lockett, Spaulding, Williams, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and the reimbursement of funds in the amount of $1,802.81 to the Norman Fire Department from the City of Purcell, Oklahoma, for mutual aid fire assistance in fighting a wild fire in Goldsby, Oklahoma, eligible under the FMAG Program was accepted.

* * * * *

Item 29, being:

CONSIDERATION OF THE ACCEPTANCE OF A DONATION IN THE AMOUNT OF $500 FROM J.M. WILLIAMS REVOCABLE TRUST TO BE USED BY THE FIRE DEPARTMENT AND BUDGET APPROPRIATION.

Councilmember Kovach moved that a donation in the amount of $500 from J.M. Williams Revocable Trust to be used by the Fire Department be accepted, Liabilities Other: Fire Miscellaneous (010-0000-227.24-38) be increased by $500, and $500 be appropriated to Fire Suppression, Maintenance and Repair, Plant and Operating Equipment (010-6443-422.42-11), which motion was duly seconded by Councilmember Williams;

Items submitted for the record
1. Text File No. GID-1213-131 dated May 3, 2013, by James Fullingim, Fire Chief

and the question being upon accepting a donation in the amount of $500 from J.M. Williams Revocable Trust to be used by the Fire Department and upon the subsequent increase and appropriation, a vote was taken with the following result:

YEAS:	Councilmembers Castleberry, Gallagher, Jungman, Kovach, Lockett, Spaulding, Williams, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and a donation in the amount of $500 from J.M. Williams Revocable Trust to be used by the Fire Department accepted; Liabilities Other: Fire Miscellaneous (010-0000-227.24-38) be increased by $500 and $500 be appropriated to Fire Suppression, Maintenance and Repair, Plant and Operating Equipment (010-6443-422.42-11).

* * * * *

Item 30, being:

SPECIAL CLAIM NO. SC-1213-10: A CLAIM IN THE AMOUNT OF $3,896.85 SUBMITTED BY COX COMMUNICATIONS FOR DAMAGES TO A FIBER OPTIC LINE BY PARK MAINTENANCE STAFF IN ROTARY PARK.

Councilmember Kovach moved that Special Claim No. SC-1213-10 be approved and payment in the amount of $3,896.85 be directed contingent upon obtaining a Release and Covenant Not to Sue from Cox Communications, which motion was duly seconded by Councilmember Williams;

Items submitted for the record
1. Text File No. SC-1213-10 dated May 14, 2013, by Jeanne Snider, Assistant City Attorney
2. Memorandum dated June 22, 2013, from Brenda Hall, City Clerk, to Jeff Bryant, City Attorney; Shawn O'Leary, Director of Public Works; and Jud Foster, Director of Parks and Recreation
3. Special Claim No. SC-1213-10 filed June 12, 2013, submitted by Martha Cook, Outside Plant Damage Recovery for Cox Communications in the amount of $3,896.85
4. Invoice No. 25649 dated June 12, 2013, in the amount of $3,896.85 from Outside Plant Damage Recovery, agent for Cox Communications

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

and the question being upon approving Special Claim No. SC-1213-10 and upon the subsequent directive, a vote was taken with the following result:

YEAS:	Councilmembers Castleberry, Gallagher, Jungman, Kovach, Lockett, Spaulding, Williams, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and Special Claim No. SC-1213-10 approved; and payment in the amount of $3,896.85 was directed contingent upon obtaining a Release and Covenant Not to Sue from Cox Communications.

* * * * *

Item 31, being:

CONSIDERATION OF FINAL ACCEPTANCE AND PAYMENT OF CONTRACT NO. K-0910-34 BY AND BETWEEN THE NORMAN UTILITIES AUTHORITY AND WALTERS-MORGAN CONSTRUCTION, INC., FOR THE LIFT STATION D REHABILITATION PROJECT.

Acting as the Norman Utilities Authority, Trustee Kovach moved that the project be accepted and final payment in the amount of $10,000 to Walters-Morgan Construction, Inc., be directed, which motion was duly seconded by Trustee Williams;

Items submitted for the record
1. Text File No. K-0910-34, Final, dated May 16, 2013, by Mark Daniels, Utilities Engineer
2. Purchase Order No. 178415 dated September 25, 2009, to Walters-Morgan Construction, Inc., in the amount of $5,840,000; adding Change Order No. One in the amount of $65,185.28 and Change Order No. Two in the amount of $22,325.68 for a revised contract amount of $5,927,510.96; and subtracting payments to vendors totaling $2,897,438.79 and payments to contractor totaling $3,020,072.17 leaving a total final payment amount in the amount of $10,000

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

YEAS:	Trustees Castleberry, Gallagher, Jungman, Kovach, Lockett, Spaulding, Williams, Chairman Rosenthal
NAYES:	None

The Chairman declared the motion carried and the project accepted; and final payment in the amount of $10,000 to Walters-Morgan Construction, Inc., was directed.

* * * * *

Item 32, being:

CHANGE ORDER ONE TO CONTRACT K-1112-129: BY AND BETWEEN THE NORMAN UTILITIES AUTHORITY AND CENTRAL CONTRACTING SERVICES, INC., INCREASING THE CONTRACT AMOUNT BY $26,653.30 FOR THE HALL PARK WATER LINE PROJECT AND THE HALL PARK GREENBELT DRAINAGE PROJECT, FINAL ACCEPTANCE OF THE PROJECT, AND BUDGET APPROPRIATION.

Acting as the Norman Utilities Authority, Trustee Kovach moved that Change Order No. One to Contract No. K-1112-129 with Central Contracting Services, Inc., increasing the contract amount by $26,653.30 be approved; the execution thereof be authorized; the project be accepted; $1,953 be transferred from Project No. WA0149, Hall Park Water Line Replacement, Land (031-9683-462.60-01) to Construction (031-09683-462.61-01) and final payment in the amount of $31,528.72 to Central Contracting Services, Inc., be directed, which motion was duly seconded by Trustee Williams;

Items submitted for the record

1. Text File No. K-1112-129, Change Order No. One, dated May 17, 2013, by Mark Daniels, Utilities Engineer
2. Change Order No. One to Contract No. K-1112-129
3. Purchase Order No. 218169 dated June 27, 2012, to Central Contracting Services, Inc., in the amount of $524,273 adding Change Order No. One in the amount of $26,653.30 for a revised contract amount of $550,926.30; and subtracting payments to vendors totaling $131,816.38 and payments to contractor totaling $387,581.20 leaving a total final payment amount in the amount of $31,528.72

and the question being upon approving Change Order No. One to Contract No. K-1112-129 with Central Contracting Services, Inc., increasing the contract amount by $26,653.30 and upon the subsequent authorization, acceptance, transfer, and directive, a vote was taken with the following result:

YEAS:	Trustees Castleberry, Gallagher, Jungman, Kovach, Lockett, Spaulding, Williams, Chairman Rosenthal
NAYES:	None

The Chairman declared the motion carried and Change Order No. One to Contract No. K-1112-129 with Central Contracting Services, Inc., increasing the contract amount by $26,653.30 approved; the execution thereof was authorized; the project was accepted; $1,953 was transferred from Project No. WA0149, Hall Park Water Line Replacement, Land (031-9683-462.60-01) to Construction (031-09683-462.61-01) and final payment in the amount of $31,528.72 to Central Contracting Services, Inc., was directed.

* * * * *

Councilmember Jungman asked that he be allowed to abstain from voting on Item 33 due to a conflict of interest. Thereupon, Councilmember Kovach moved that Councilmember Jungman be allowed to abstain from voting on Item 33 due to a conflict of interest, which motion was duly seconded by Councilmember Spaulding; and the question being upon allowing Councilmember Jungman to abstain from voting on Item 33 due to a conflict of interest, a vote was taken with the following result:

YEAS:	Councilmembers Castleberry, Gallagher, Kovach, Lockett, Spaulding, Williams, Mayor Rosenthal
NAYES:	None
ABSTAIN:	Councilmember Jungman

The Mayor declared the motion carried and Councilmember Jungman was allowed to abstain from voting on Item 336 due to a conflict of interest.

* * * * *

Item 33, being:

CONTRACT NO. K-1213-193: A CONTRACT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND NORMAN AFFORDABLE HOUSING CORPORATION, IN THE AMOUNT OF $55,263 ACTING AS A COMMUNITY HOUSING DEVELOPMENT ORGANIZATION (CHDO) AS AGREED UPON UNDER THE 39TH YEAR CDBG PROGRAM AND THE HOME INVESTMENT PARTNERSHIPS PROGRAM.

Councilmember Kovach moved that Contract No. K-1213-193 with Norman Affordable Housing Corporation in the amount of $55,263 be approved and the execution thereof be authorized, which motion was duly seconded by Councilmember Williams;

Items submitted for the record
1. Text File No. K-1213-193 dated May 3, 2013, by Linda Price, Revitalization Manager
2. Contract No. K-1213-193
3. Purchase Requisition No. 0000216587 dated May 6, 2013, in the amount of $55,263 to Norman Affordable Housing

and the question being upon approving Contract No. K-1213-193 with Norman Affordable Housing Corporation in the amount of $55,263 and upon the subsequent authorization, a vote was taken with the following result:

YEAS:	Councilmembers Castleberry, Gallagher, Kovach, Lockett, Spaulding, Williams, Mayor Rosenthal
NAYES:	None
ABSTAIN:	Councilmember Jungman

The Mayor declared the motion carried and Contract No K-1213-193 with Norman Affordable Housing Corporation in the amount of $55,263 approved; and the execution thereof was authorized.

* * * * *

Item 34, being:

CONTRACT NO. K-1213-194: A CONTRACT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND ACES LANDSCAPING, L.L.C., FOR MOWING, SECURING OF STRUCTURES, AND THE REMOVAL OF HEALTH NUISANCES FOR THE REVITALIZATION DIVISION THROUGH MARCH 31, 2014.

Councilmember Kovach moved that Contract No. K-1213-194 with Aces Landscaping through March 31, 2014, be approved and the execution thereof be authorized, which motion was duly seconded by Councilmember Williams;

Items submitted for the record
1. Text File No. K-1213-194 dated May 3, 2013, by Linda Price, Revitalization Manager
2. Contract No. K-1213-194

Participants in discussion
1. Ms. Linda Price, Revitalization Manager

and the question being upon approving Contract No. K-1213-194 with Aces Landscaping through March 31, 2014, and upon the subsequent authorization, a vote was taken with the following result:

YEAS:	Councilmembers Castleberry, Gallagher, Jungman, Kovach, Lockett, Spaulding, Williams, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and Contract No K-1213-194 with Aces Landscaping through March 31, 2014, approved; and the execution thereof was authorized.

* * * * *

Item 35, being:

CONTRACT NO. K-1213-198: A RELOCATION AGREEMENT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND ONEOK GAS TRANSPORTATION, L.L.C., IN THE AMOUNT OF $173,347 FOR THE RELOCATION OF A NATURAL GAS PIPELINE IN CONNECTION WITH THE FRANKLIN ROAD BRIDGE REPLACEMENT PROJECT AND BUDGET APPROPRIATION.

Councilmember Kovach moved that Contract No. K-1213-198 with ONEOK Gas Transportation in the amount of $173,347 be approved, the execution thereof be authorized, and $448,907 be appropriated from the Capital Fund Balance (050-0000-253.20-00) to Project No. BP0195, Franklin Road Bridge Replacement Project, Utilities (050-9352-431.67-01), which motion was duly seconded by Councilmember Williams;

Items submitted for the record
1. Text File No. K-1213-198 dated May 15, 2013, by John Clink, Capital Projects Engineer
2. Contract No. K-1213-198 with Exhibit A, Easement Property legal description; Exhibit B, Pipeline Relocation Area; and Attachment C, Cost Estimate
3. Location map
4. Purchase Requisition No. 0000217109 dated May 13, 2013, in the amount of $173,347 to ONEOK Gas Transportation

and the question being upon approving Contract No. K-1213-198 with ONEOK Gas Transportation in the amount of $173,347 and upon the subsequent authorization and appropriation, a vote was taken with the following result:

YEAS:	Councilmembers Castleberry, Gallagher, Jungman, Kovach, Lockett, Spaulding, Williams, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and Contract No. K-1213-198 with ONEOK Gas Transportation in the amount of $173,347 approved; the execution thereof was authorized and $448,907 was appropriated from the Capital Fund Balance (050-0000-253.20-00) to Project No. BP0195, Franklin Road Bridge Replacement Project, Utilities (050-9352-431.67-01).

* * * * *

Item 36, being:

CONTRACT NO. K-1213-199: A CONTRACT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND GATEWAY PLANNING GROUP, INC., IN THE AMOUNT OF $21,750 FOR PLANNING AND CONSULTING SERVICES ON THE WEST LINDSEY STREET BOND PROJECT AND BUDGET APPROPRIATION

Councilmember Kovach moved that Contract No. K-1213-199 with Gateway Planning Group, L.L.C., in the amount of $21,750 be approved, the execution thereof be authorized, and $21,750 be appropriated from the Capital Fund Balance (050-0000-253.20-00) to Project No. BP0189, Lindsey Street – 24th Avenue S.W. to Berry Widening Project, Design (050-9352-431.62-01), which motion was duly seconded by Councilmember Williams;

Items submitted for the record
1. Text File No. K-1213-199 dated May 15, 2013, by Shawn O'Leary, Director of Public Works
2. Contract No. K-1213-199 with Schedule 1, Project Timeline, and Exhibit 1, listing of tasks and fees
3. Location map
4. Purchase Requisition No. 0000217562 dated May 22, 2013, in the amount of $21,750 to Gateway Planning Group, Inc.

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

Item 36, continued:

and the question being upon approving Contract No. K-1213-199 with Gateway Planning Group, L.L.C., in the amount of $21,750 and upon the subsequent authorization and appropriation, a vote was taken with the following result:

YEAS:	Councilmembers Castleberry, Gallagher, Jungman, Kovach, Lockett, Spaulding, Williams, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and Contract No. K-1213-199 with Gateway Planning Group, L.L.C., in the amount of $21,750 approved; the execution thereof was authorized and $21,750 was appropriated from the Capital Fund Balance (050-0000-253.20-00) to Project No. BP0189, Lindsey Street – 24th Avenue S.W. to Berry Widening Project, Design (050-9352-431.62-01.

* * * * *

Item 37, being:

CONSIDERATION OF A RECOMMENDATION FROM THE CITY ATTORNEY THAT THE CITY COUNCIL APPROVE A SETTLEMENT IN THE AMOUNT OF $4,103 IN JOSE CHAVEZ VS. THE CITY OF NORMAN, CLEVELAND COUNTY DISTRICT COURT CASE NO. CJ-2010-2021 AND OKLAHOMA SUPREME COURT CASE NO. DF-111249.

Councilmember Kovach moved that the City Attorney's recommendation be approved and the City Attorney's office be authorized to effectuate the settlement in the amount of $4,103, which motion was duly seconded by Councilmember Williams;

Items submitted for the record
1. Text File No. GID-1213-200 dated May 17, 2013, by Rick Knighton, Assistant City Attorney

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

YEAS:	Councilmembers Castleberry, Gallagher, Jungman, Kovach, Lockett, Spaulding, Williams, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and the City Attorney's recommendation approved; and the City Attorney's office was authorized to effectuate the settlement in the amount of $4,103.

* * * * *

Item 38, being:

RESOLUTION NO. R-1213-144: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, ESTABLISHING POLICIES DUE TO THE RECENT TORNADOES FOR ALLOWING AFFECTED RESIDENTS TO INHABIT TEMPORARY DWELLINGS WHILE REBUILDING HOUSES DAMAGED BY THE TORNADOES AS A MEANS OF DISASTER RELIEF.

Councilmember Williams moved that Resolution No. R-1213-144 be substituted to read as follows:

RESOLUTION NO. R-1213-144: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, ESTABLISHING POLICIES DUE TO THE RECENT TORNADOES FOR ALLOWING AFFECTED RESIDENTS TO INHABIT TEMPORARY DWELLINGS AND USE PORTABLE STORAGE CONTAINERS WHILE REBUILDING HOUSES DAMAGED BY THE TORNADOES AS A MEANS OF DISASTER RELIEF.

Item 38, continued:

* * *

§ 4. WHEREAS, persons displaced from their dwellings due to the tornado events on May 19 – 20, 2013 may need a temporary place to store and secure their belongings as their properties are rebuilt or as they look for places to relocate and thus may need portable storage containers on residential lots for such a purpose for periods longer than is currently allowed by Section 435.1(d) of Chapter 22 of the Code of Ordinances.

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

§ 4 5. That City of Norman City Manager (or his designee) is directed to allow temporary dwellings when a temporary dwelling is needed to house the owners of a property affected by the recent tornadoes before a building permit for a new permanent dwelling can be issued and before that new permanent dwelling is completed for occupancy.

§ ~~5~~ 6. That the affected property owner must notify the City of Norman Planning and Community Development Department prior to habitation of such a temporary dwelling to ensure compliance with the requirements listed below.

§ ~~6~~ 7. That prior to authorizing occupancy of a temporary dwelling, the City Manager (or designee) shall take into account the safety of the proposed temporary dwelling.

§ ~~7~~ 8. That the temporary dwelling units are limited to mobile homes, recreational vehicles, travel trailers, and other structures as defined by Chapter 22 of the Code of Ordinances.

§ ~~8~~ 9. That these temporary dwelling units may only be located in A-1, A-2, and RE zoning districts and must have adequate water and wastewater disposal systems and be connected to electricity prior to habitation by the affected property owners.

§ ~~9~~ 10. That these temporary dwellings units may not be located within ten feet of property lines, within sight triangles, or over utility easements.

§ ~~10~~11. That affected property owners residing in temporary dwelling units must apply for and receive a building permit within a year from the date of the destruction of their permanent residence in order to continue to be able to reside within the temporary dwelling; however, this time limit may be amended upon showing good cause for such an extension.

§ ~~11~~12. That property owners shall remove the temporary dwelling or make the necessary changes for the property to be in conformance with the regulations of the district in which the property is located within a time limit established by the City Manager (or his designee) or prior to the issuance of a Certificate of Occupancy for the new permanent structure on the subject property; however, these time limits may be amended upon showing good cause for such an extension.

§ ~~12~~13. That enforcement of the requirement in Section 435.1(d) of Chapter 22 of the Code of Ordinances that limits portable storage containers to no more than twenty-eight days on residential property be suspended for six months from the date of this Resolution for those properties that are currently occupied by a person who was displaced from their dwelling due to the tornados in Oklahoma occurring from May 19 - 21, 2013.

§ 14. That the City Manager (or his designee) is authorized to promulgate additional procedures for implementation of this Resolution in furtherance of the intent of the Resolution.

* * *

which motion was duly seconded by Councilmember Gallagher;

Items submitted for the record

1. Text File No. R-1213-144 dated May 21, 2013, by Terry Floyd, Development Coordinator
2. Substituted Resolution No. R-1213-144

Participants in discussion

1. Mr. Terry Floyd, Development Coordinator
2. Mr. Jeff Bryant, City Attorney
3. Ms. Ann Gallagher, 1522 East Boyd Street, asked questions

Item 38, continued:

and the question being upon substituting Resolution No. R-1213-144 to read as stated above, a vote was taken with the following result:

YEAS:	Councilmembers Castleberry, Gallagher, Jungman, Kovach, Lockett, Spaulding, Williams, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and Resolution No. R-1213-144 was substituted to read as stated above.

Thereupon, Councilmember Kovach moved that Resolution No. R-1213-144, as substituted, be adopted, which motion was duly seconded by Councilmember Williams; and the question being upon adopting Resolution No. R-1213-144, as substituted, a vote was taken with the following result:

YEAS:	Councilmembers Castleberry, Gallagher, Jungman, Kovach, Lockett, Spaulding, Williams, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and Resolution No. R-1213-144, as substituted, was adopted.

* * * * *

Item 39, being:

PUBLIC HEARING REGARDING THE FYE 2014 CITY OF NORMAN PROPOSED OPERATING AND CAPITAL BUDGETS AND THE NORMAN CONVENTION AND VISITORS BUREAU, INC., BUDGET WITH DETAILED ANNUAL PLAN OF WORK.

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

Items submitted for the record

1. Text File No. GID-1213-82 dated May 13, 2013, by Anthony Francisco, Director of Finance
2. City of Norman, Oklahoma, Fiscal Year Ending 2014 Annual Budget Summary of Fund Balances
3. Norman Convention and Visitors Bureau FY 2014 Budget
4. Norman Convention and Visitors Destination Marketing Plan for FY 2014 with Appendix A, Big XII conference and Other Comparable Communities and City of Norman Benchmark Communities; Appendix B, Turning Front-Line Employees and Volunteers into Certified Tourism Ambassadors; Appendix C, Spring, 2013, and Call-to-Action Campaign

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

YEAS:	Councilmembers Castleberry, Gallagher, Jungman, Kovach, Lockett, Spaulding, Williams, 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. Mr. Anthony Francisco, Director of Finance
2. Mr. Cindy Rogers, 633 Reed Avenue, asked questions
3. Mr. Stephen Koranda, Executive Director of Norman Convention and Visitor's Bureau, 2424 Springer Drive, Suite 107
4. Mr. Steve Lewis, City Manager
5. Mr. Steve Ellis, 633 Reed Avenue, asked questions

Item 39, continued:

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

YEAS:	Councilmembers Castleberry, Gallagher, Jungman, Kovach, Lockett, Spaulding, Williams, Mayor Rosenthal
NAYES:	None

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

Thereupon, Councilmember Kovach moved that an agenda item be scheduled on June 11, 2013, to adopt the FYE 2014 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 Spaulding;

Participants in discussion
1. Mr. Anthony Francisco, Finance Director

and the question being upon an agenda item being scheduled on June 11, 2013, to adopt the FYE 2013 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 Castleberry, Gallagher, Jungman, Kovach, Lockett, Spaulding, Williams, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and an agenda item will be scheduled on June 11, 2013, to adopt the FYE 2014 City of Norman Budget and the Norman Convention and Visitors Bureau, Inc., Budget with Detailed Annual Plan of Work.

* * * * *

Item 40, being:

RESOLUTION R-1213-142: A RESOLUTION AUTHORIZING THE NORMAN MUNICIPAL AUTHORITY (THE "AUTHORITY") TO ISSUE ITS SANITATION SYSTEM REVENUE NOTE, SERIES 2013 (THE "NOTE") IN THE AGGREGATE PRINCIPAL AMOUNT OF $1,620,000, WAIVING COMPETITIVE BIDDING AND AUTHORIZING THE NOTE TO BE SOLD ON A NEGOTIATED BASIS; APPROVING AND AUTHORIZING EXECUTION OF A SERIES 2013 SUPPLEMENTAL NOTE INDENTURE, AS IT SUPPLEMENTS AND AMENDS A GENERAL BOND INDENTURE (COLLECTIVELY, THE "INDENTURE"), AUTHORIZING THE ISSUANCE AND SECURING THE PAYMENT OF THE NOTE; PROVIDING THAT THE TRUST INDENTURE CREATING THE AUTHORITY IS SUBJECT TO THE PROVISIONS OF THE INDENTURE; RATIFYING AND CONFIRMING A LEASE AGREEMENT AND OPERATION AND MAINTENANCE CONTRACT BETWEEN THE AUTHORITY AND THE CITY OF NORMAN, OKLAHOMA (THE "CITY") PERTAINING TO THE LEASING OF THE CITY'S SANITATION SYSTEM TO THE AUTHORITY; AUTHORIZING AND DIRECTING THE EXECUTION OF THE NOTE AND OTHER DOCUMENTS RELATING TO THE TRANSACTION; AND CONTAINING OTHER PROVISIONS RELATING THERETO.

Acting as the Norman Municipal Authority, Trustee Kovach moved that Resolution No. R-1213-142 be adopted, which motion was duly seconded by Trustee Spaulding;

Items submitted for the record
1. Text File No. R-1213-142 dated May 22, 2013, by Anthony Francisco, Director of Finance
2. Resolution No. R-1213-142 and Certificate of Authority Action with Exhibit "A", Principal Payment Schedule

Participants in discussion
1. Mr. Anthony Francisco, Director of Finance
2. Mr. Ken Komiske, Director of Utilities

Item 40, continued:

and the question being upon adopting Resolution No. R-1213-142, a vote was taken with the following result:

YEAS:	Trustees Castleberry, Gallagher, Jungman, Kovach, Lockett, Spaulding, Williams, Chairman Rosenthal
NAYES:	None

The Chairman declared the motion carried and Resolution No. R-1213-142 was adopted.

* * * * *

Item 41, being:

RESOLUTION R-1213-143: A RESOLUTION APPROVING THE INCURRENCE OF INDEBTEDNESS BY THE NORMAN MUNICIPAL AUTHORITY (THE "AUTHORITY") ISSUING ITS SANITATION SYSTEM REVENUE NOTE, SERIES 2013 (THE "NOTE"); PROVIDING THAT THE TRUST INDENTURE CREATING THE AUTHORITY IS SUBJECT TO THE PROVISIONS OF THE GENERAL BOND INDENTURE, AS SUPPLEMENTED AND AMENDED, AUTHORIZING THE ISSUANCE OF SAID NOTE; WAIVING COMPETITIVE BIDDING AND APPROVING THE PROCEEDINGS OF THE AUTHORITY PERTAINING TO THE SALE OF SAID NOTE; RATIFYING AND CONFIRMING A LEASE AGREEMENT AND OPERATION AND MAINTENANCE CONTRACT (THE "LEASE AGREEMENT") BETWEEN THE CITY OF NORMAN, OKLAHOMA (THE "CITY") AND THE AUTHORITY WHEREBY THE CITY LEASES ITS SANITATION SYSTEM TO THE AUTHORITY; AND CONTAINING OTHER PROVISIONS RELATING THERETO.

Councilmember Kovach moved that Resolution No. R-1213-143 be adopted, which motion was duly seconded by Councilmember Spaulding;

Items submitted for the record
1. Text File No. K-1213-143 dated May 22, 2013, by Anthony Francisco, Director of Finance
2. Resolution No. R-1213-143 and Certificate of City Council Action

and the question being upon adopting Resolution No. R-1213-143, a vote was taken with the following result:

YEAS:	Councilmembers Castleberry, Gallagher, Jungman, Kovach, Lockett, Spaulding, Williams, Mayor Rosenthal
NAYES:	None

The Mayo declared the motion carried and Resolution No. R-1213-143 was adopted.

* * * * *

Item 42, being:

RESOLUTION NO. R-1213-111: 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-1213-8, SO AS TO PLACE A TRACT OF LAND LYING IN THE NORTHWEST QUARTER OF SECTION FIFTEEN (15), TOWNSHIP NINE (9) NORTH, RANGE THREE (3) WEST OF THE INDIAN MERIDIAN, CLEVELAND COUNTY, OKLAHOMA, IN THE LOW DENSITY RESIDENTIAL DESIGNATION AND A TRACT IN THE VERY LOW DENSITY RESIDENTIAL DESIGNATION AND REMOVE THE SAME FROM THE FLOODPLAIN DESIGNATION FOR THE HEREINAFTER DESCRIBED PROPERTY. (GENERALLY LOCATED AT THE SOUTHEAST CORNER OF 48TH AVENUE N.W. AND TECUMSEH ROAD)

Councilmember Kovach moved that Resolution No. R-1213-111, Land Use Plan Amendment No. LUP-1213-8, be adopted and the NORMAN 2025 Land Use and Transportation Plan be amended according thereto, which motion was duly seconded by Councilmember Spaulding;

Item 42, continued:

Items submitted for the record

1. Text File No. R-1213-111 dated March 13, 2013, by Jane Hudson, Principal Planner
2. Resolution No. R-1213-111, Land Use Plan Amendment No. LUP-1213-8
3. Location map
4. Staff Report dated April 11, 2013, recommendation approval with Exhibit A, additional land areas to be included
5. Predevelopment Summary Case No. PD-13-02 dated January 24, 2013, for Sassan Moghadam/Fountain View North for property located on the east side of 48th Avenue N.W. and south of Tecumseh Road
6. Pertinent excerpts from Planning Commission minutes of April 11, 2013

Participants in discussion

1. Mr. Sean Rieger, 136 Thompson Drive, attorney representing the applicant
2. Mr. Tom McCaleb, SMC Consulting Engineers, P.E., 815 West Main Street, Oklahoma City, engineer representing the applicant
3. Mr. Shawn O'Leary, Director of Public Works
4. Ms. Susan Connors, Director of Planning and Community Development

and the question being upon adopting Resolution No. R-1213-111, Land Use Plan Amendment No. LUP-1213-8, and upon the subsequent amendment, a vote was taken with the following result:

YEAS:	Councilmembers Castleberry, Gallagher, Jungman, Kovach, Lockett, Spaulding, Williams, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and Resolution No. R-1213-111, Land Use Plan Amendment No. LUP-1213-8, adopted; and the NORMAN 2025 Land Use and Transportation Plan was amended according thereto.

* * * * *

Item 43, being:

ORDINANCE NO. O-1213-35 UPON SECOND AND FINAL READING: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING ORDINANCE NO. O-1112-23, THE FOUNTAIN VIEW NORTH PLANNED UNIT DEVELOPMENT, TO ADD TO THE AREA OF THE PROPERTY LOCATED WITHIN THE NORTHWEST QUARTER OF SECTION FIFTEEN (15), TOWNSHIP NINE (9) NORTH, RANGE THREE (3) WEST OF THE INDIAN MERIDIAN, CLEVELAND COUNTY, OKLAHOMA; AND PROVIDING FOR THE SEVERABILITY THEREOF. (GENERALLY LOCATED AT THE SOUTHEAST CORNER OF 48TH AVENUE N.W. AND TECUMSEH ROAD)

Ordinance No. O-1213-35 having been Introduced and adopted upon First Reading by title in City Council's meeting of May 14, 2013, Councilmember Kovach moved that Ordinance No. O-1213-35 be adopted upon Second Reading section by section, which motion was duly seconded by Councilmember Spaulding;

Items submitted for the record

1. Text File No. O-1213-35 dated February 12, 2013, by Jane Hudson, Principal Planner
2. Ordinance No. O-1213-35
3. Location map
4. PUD Narrative originally approved March 13, 2012, and revised and resubmitted February 11, 2013, by Sassan K. Moghadam, Developer, with Exhibit A, additional land areas added; Exhibit B, Proposed Preliminary Plat; Exhibit C, Site Development Plan; and Exhibit D; Proposed Open Space Diagram
5. Staff report dated April 11, 2013, recommending approval
6. Memorandum dated March 4, 2013, from Jane Hudson, Principal Planner, Planning and Community Development, to Norman Planning Commission
7. Letter requesting postponement dated March 4, 2013, from Sassan Moghadam
8. Pertinent excerpts from Planning Commission minutes of March 14 and April 11, 2013

Item 43, continued:

and the question being upon adopting Ordinance No. O-1213-35 upon Second Reading section by section, a vote was taken with the following result:

YEAS:	Councilmembers Castleberry, Gallagher, Jungman, Kovach, Lockett, Spaulding, Williams, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and Ordinance No. O-1213-35 was adopted upon Second Reading section by section.

Thereupon, Councilmember Kovach moved that Ordinance No. O-1213-35 be adopted upon Final Reading as a whole, which motion was duly seconded by Councilmember Spaulding; and the question being upon adopting Ordinance No. O-1213-35 upon Final Reading as a whole, the roll was called with the following result:

YEAS:	Councilmembers Castleberry, Gallagher, Jungman, Kovach, Lockett, Spaulding, Williams, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and Ordinance No. O-1213-35 was adopted upon Final Reading as a whole.

* * * * *

Item 44, being:

CONSIDERATION OF A REVISED PRELIMINARY PLAT FOR FOUNTAIN VIEW NORTH ADDITION, A PLANNED UNIT DEVELOPMENT. (GENERALLY LOCATED AT THE SOUTHEAST CORNER OF 48TH AVENUE N.W. AND WEST TECUMSEH ROAD)

Councilmember Kovach moved that the revised preliminary plat for Fountain View North Addition, a Planned Unit Development, be approved, which motion was duly seconded by Councilmember Spaulding;

Items submitted for the record

1. Text File No. PP-1213-13 dated February 14, 2013, by Ken Danner, Subdivision Manager
2. Location map
3. Staff Report dated April 11, 2013, recommending approval
4. City of Norman Development Review Form Transportation Impacts for Fountain View North Addition dated February 18, 2013, conducted by David R. Riesland, P.E., City Traffic Engineer
5. Preliminary site plan

and the question being upon approving the revised preliminary plat for Fountain View North Addition, a Planned Unit Development, a vote was taken with the following result:

YEAS:	Councilmembers Castleberry, Gallagher, Jungman, Kovach, Lockett, Spaulding, Williams, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and the revised preliminary plat for Fountain View North Addition, a Planned Unit Development, was approved.

* * * * *

Item 45, being:

ORDINANCE NO. O-1213-40 UPON SECOND AND FINAL READING: 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 ALL OF LOT 2 AND THE NORTH 5 FEET OF LOT 1, BLOCK 1, LITTLE RIVER GREEN ADDITION, NORMAN, CLEVELAND COUNTY, OKLAHOMA, IN THE C-2, GENERAL COMMERCIAL DISTRICT, AND REMOVE THE SAME FROM THE PUD, PLANNED UNIT DEVELOPMENT DISTRICT, OF SAID CITY; AND PROVIDING FOR THE SEVERABILITY THEREOF. (WEST SIDE OF INTERSTATE DRIVE IMMEDIATELY NORTH OF ROCK CREEK ROAD)

Ordinance No. O-1213-40 having been Introduced and adopted upon First Reading by title in City Council's meeting of May 14, 2013, Councilmember Kovach moved that Ordinance No. O-1213-40 be adopted upon Second Reading section by section, which motion was duly seconded by Councilmember Williams;

Items submitted for the record
1. Text File No. O-1213-40 dated March 13, 2013, by Jane Hudson, Principal Planner
2. Ordinance No. O-1213-40
3. Location map
4. Staff report dated April 11, 2013, recommending approval
5. Letter of Intent from Christian Brothers Automotive Corporation to City of Norman
6. Pertinent excerpts from Planning Commission minutes of April 11, 2013

Participants in discussion
1. Mr. Tom McCaleb, SMC Consulting Engineers, P.E., 815 West Main Street, Oklahoma City, engineer representing the applicant
2. Mr. Harold Heiple, 218 East Eufaula Avenue, attorney representing the property owners

and the question being upon adopting Ordinance No. O-1213-40 upon Second Reading section by section, a vote was taken with the following result:

YEAS:	Councilmembers Castleberry, Gallagher, Jungman, Kovach, Lockett, Spaulding, Williams, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and Ordinance No. O-1213-40 was adopted upon Second Reading section by section.

Thereupon, Councilmember Kovach moved that Ordinance No. O-1213-40 be adopted upon Final Reading as a whole, which motion was duly seconded by Councilmember Spaulding; and the question being upon adopting Ordinance No. O-1213-40 upon Final Reading as a whole, the roll was called with the following result:

YEAS:	Councilmembers Castleberry, Gallagher, Jungman, Kovach, Lockett, Spaulding, Williams, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and Ordinance No. O-1213-40 was adopted upon Final Reading as a whole.

* * * * *

Item 46, being:

CONSIDERATION OF A PRELIMINARY PLAT FOR CHRISTIAN BROTHERS AUTOMOTIVE ADDITION, A REPLAT OF PART OF LOT 1 AND ALL OF LOT 2, BLOCK 2, LITTLE RIVER GREEN ADDITION, A PLANNED UNIT DEVELOPMENT, AND WAIVER OF ALLEY REQUIREMENTS. (GENERALLY LOCATED ON THE WEST SIDE OF INTERSTATE DRIVE AND NORTH OF ROCK CREEK ROAD)

Councilmember Kovach moved that the preliminary plat for Christian Brothers Automotive Addition, a replat of part of Lot 1 and all of Lot 2, Block 2, Little River Green Addition, a Planned Unit Development, and waiver of alley requirements be approved, which motion was duly seconded by Councilmember Spaulding;

Items submitted for the record

1. Text File No. PP-1213-15 dated March 14, 2013, by Ken Danner, Subdivision Manager, with Attachment A, Traffic Table
2. Location map
3. Preliminary plat
4. Staff Report dated April 11, 2013, recommending approval
5. Preliminary site development plan
6. City of Norman Development Review Form Transportation Impacts for Christian Brothers Automotive Preliminary Plat dated March 14, 2013, conducted by David R. Riesland, P.E., City Traffic Engineer
7. Letter requesting alley waiver dated April 1, 2013, from Tom L. McCaleb, P.E., SMC Consulting Engineers, P.C., to Mr. Andy Sherrer, Chairman Planning Commission
8. Greenbelt Commission Final Comments dated February 18, 2013
9. Predevelopment Summary Case No. PD-13-03 dated February 28, 2013, for Christian Brothers Automotive for property located at Rock Creek Road and I-35

Participants in discussion

1. Mr. Harold Heiple, 218 East Eufaula, attorney representing the property owners

and the question being upon approving the preliminary plat for Christian Brothers Automotive Addition, a replat of part of Lot 1 and all of Lot 2, Block 2, Little River Green Addition, a Planned Unit Development, and waiver of alley requirements, a vote was taken with the following result:

YEAS:	Councilmembers Castleberry, Gallagher, Jungman, Kovach, Lockett, Spaulding, Williams, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and the preliminary plat for Christian Brothers Automotive Addition, a replat of part of Lot 1 and all of Lot 2, Block 2, Little River Green Addition, a Planned Unit Development, and waiver of alley requirements was approved.

* * * * *

Item 47, being:

CONSIDERATION OF A PRELIMINARY PLAT FOR MONTEREY ADDITION. (GENERALLY LOCATED AT THE SOUTHEAST CORNER OF 12TH AVENUE S.E. AND CEDAR LANE)

Councilmember Kovach moved that the preliminary plat for Monterey Addition be approved, which motion was duly seconded by Councilmember Williams;

Items submitted for the record

1. Text File No. PP-1213-14 dated March 14, 2013, by Ken Danner, Subdivision Manager, with Attachment A, Traffic Table
2. Location map
3. Preliminary plat
4. Staff Report dated April 11, 2013, recommending approval
5. City of Norman Development Review Form Transportation Impacts for Monterey Addition dated March 15, 2013, conducted by David R. Riesland, P.E., City Traffic Engineer
6. Well site plan
7. Well site plan revised May 23, 2013
8. Predevelopment Summary Case No. PD-13-05 dated March 28, 2013, for Monterey Development Company, L.L.C., for property located on the east side of 12th Avenue S.E., approximately one-fourth mile south of Cedar Lane Road
9. Pertinent excerpts from Planning Commission minutes of April 11, 2013
10. Letter of protest filed April 24, 2013, from Rob Arrowood, President, Trinity Resources, Inc., to City Clerk and City Council of Norman with attached location map and aerial photo

Item 47, continued:

Participants in discussion
1. Mr. O'Neil Robinson, Cardinal Engineering, 3226 Bart Connor Drive, engineer representing the owner
2. Ms. Joy Hampton, The Norman Transcript, 215 East Comanche Street, asked questions
3. Mr. Shawn O'Leary, Director of Public Works

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

YEAS:	Councilmembers Castleberry, Gallagher, Jungman, Kovach, Lockett, Spaulding, Williams, Mayor Rosenthal
NAYES:	None

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

* * * * *

Item 48, being:

RESOLUTION NO. R-1213-108: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, DECLARING A RECOUPMENT PROJECT FOR COSTS ASSOCIATED WITH IMPROVEMENTS ON CEDAR LANE ROAD, AN ARTERIAL ROAD, FROM 400 FEET WEST OF 12TH AVENUE S.E. TO 1/2 MILE EAST OF 24TH AVENUE S.E.

Councilmember Kovach moved that Resolution No. R-1213-108 be adopted, which motion was duly seconded by Councilmember Spaulding;

Items submitted for the record
1. Text File No. R-1213-108 dated March 18, 2013, by Josh Malwick, Capital Projects Engineer
2. Resolution No. R-1213-108 with Exhibit "A", the map, and Exhibit "B", the list
3. Power Point presentation for Item No. 48, Resolution No. R-1213-108

Participants in discussion
1. Ms. Kathryn Walker, Assistant City Attorney
2. Mr. Sean Rieger, 136 Thompson Drive, attorney representing the property owners
3. Mr. Shawn O'Leary, Director of Public Works
4. Mr. Jeff Bryant, City Attorney

Thereupon, Councilmember Spaulding moved that Resolution No. R-1213-108 be postponed until June 11, 2013, which motion was duly seconded by Councilmember Kovach; and the question being upon postponing Resolution No. R-1213-108 until June 11, 2013, a vote was taken with the following result:

YEAS:	Councilmembers Kovach, Lockett, Spaulding, Williams, Mayor Rosenthal
NAYES:	Councilmembers Castleberry, Gallagher, and Jungman

The Mayor declared the motion carried and Resolution No. R-1213-108 was postponed until June 11, 2013.

* * * * *

Item 49, continued:

RESOLUTION NO. R-1213-140: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, DECLARING THE NECESSITY FOR ACQUIRING CERTAIN REAL PROPERTY, MORE PARTICULARLY HEREINAFTER DESCRIBED, ALL WITHIN THE CITY OF NORMAN, COUNTY OF CLEVELAND, STATE OF OKLAHOMA, FOR THE PURPOSE OF THE FRANKLIN ROAD BRIDGE REPLACEMENT PROJECT IN THE CITY OF NORMAN; DECLARING THE NECESSITY FOR ACQUIRING SAID PROPERTY FOR ROADWAY AND DRAINAGE PURPOSES; AND DECLARING AN EMERGENCY.

Councilmember Kovach moved that Resolution No. R-1213-140 be adopted, which motion was duly seconded by Councilmember Spaulding;

Items submitted for the record
1. Text File No. R-1213-140 dated May 20, 2013, by Kathryn Walker, Assistant City Attorney
2. Resolution No. R-1213-140 with Exhibit A, Parcel 2 legal description; Exhibit B, Parcel 2.1 legal description; and Exhibit C, Parcel 2.2 legal description
3. Location map
4. Power Point presentation for Property Acquisition for Road Projects, Item No. 49, Resolution No. R-1213-140, Franklin Road Bridge Project

Participants in discussion
1. Ms. Kathryn Walker, Assistant City Attorney
2. Mr. Harold Heiple, 218 East Eufaula Avenue, made comments
3. Mr. Sean Rieger, 136 Thompson Drive, attorney representing the property owners

and the question being upon adopting Resolution No. R-1213-140, a vote was taken with the following result:

YEAS:	Councilmembers Castleberry, Gallagher, Jungman, Kovach, Lockett, Spaulding, Williams, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and Resolution No. R-1213-140 was adopted.

* * * * *

Item 50, being:

RESOLUTION NO. R-1213-141: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, DECLARING THE NECESSITY FOR ACQUIRING CERTAIN REAL PROPERTY, MORE PARTICULARLY HEREINAFTER DESCRIBED, ALL WITHIN THE CITY OF NORMAN, COUNTY OF CLEVELAND, STATE OF OKLAHOMA, FOR THE PURPOSE OF THE CEDAR LANE ROAD WIDENING PROJECT IN THE CITY OF NORMAN; DECLARING THE NECESSITY FOR ACQUIRING SAID PROPERTY FOR ROADWAY AND PURPOSES; AND DECLARING AN EMERGENCY.

Councilmember Kovach moved that Resolution No. R-1213-141 be adopted, which motion was duly seconded by Councilmember Williams;

Items submitted for the record
1. Text File No. R-1213-141 dated May 20, 2013, by Kathryn Walker, Assistant City Attorney
2. Resolution No. R-1213-141 with Exhibit A, Parcel 2.0 legal description; Exhibit B, Parcel 2.1 legal description; Exhibit C, Parcel 3.0 legal description; Parcel 3.1, legal description; Exhibit E, Parcel 3.2, legal description; Exhibit F, Parcel 3.3, legal description; Exhibit G, Parcel 3.4, legal description; Exhibit H, Parcel 4.0, legal description; Exhibit I, Parcel 4.1, legal description; Exhibit J, Parcel 5.0, legal description; Exhibit K, Parcel 5.1, legal description; Exhibit L, Parcel 6.0, legal description; Exhibit M, Parcel 6.1, legal description; Exhibit N, Parcel 7.0, legal description; Exhibit O, Parcel 7.1; Exhibit P, Parcel 7.2; Exhibit Q, Parcel 8.0; Exhibit R, Parcel, 8.1; Exhibit S, Parcel 8.2; Exhibit T, Parcel 8.3; and Exhibit U, Parcel 14.0
3. Parcels Identified for possible condemnation, Cedar Lane Widening Project
4. Location map
5. Power Point presentation for Property Acquisition for Road Projects, Item No. 50, Resolution No. R-1213-141, Cedar Lane Widening Project

Item 50, continued:

Participants in discussion
1. Ms. Kathryn Walker, Assistant City Attorney

and the question being upon adopting Resolution No. R-1213-141, a vote was taken with the following result:

YEAS:	Councilmembers Castleberry, Gallagher, Jungman, Kovach, Lockett, Spaulding, Williams, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and Resolution No. R-1213-141 was adopted.

* * * * *

Item 51, being:

RESOLUTION NO. R-1213-113: 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-1213-9, SO AS TO PLACE PART OF THE WEST HALF OF THE EAST HALF OF THE NORTHWEST QUARTER OF SECTION 9, TOWNSHIP 8 NORTH, RANGE 2 WEST OF THE INDIAN MERIDIAN, NORMAN, CLEVELAND COUNTY, OKLAHOMA, IN THE MEDIUM DENSITY RESIDENTIAL DESIGNATION AND REMOVE THE SAME FROM THE INDUSTRIAL DESIGNATION. (SOUTH SIDE OF IMHOFF ROAD APPROXIMATELY 900 FEET EAST OF CLASSEN BOULEVARD)

Councilmember Kovach moved that Resolution No. R-1213-113, Land Use Plan Amendment No. LUP-1213-9, be postponed until June 11, 2013, which motion was duly seconded by Councilmember Spaulding;

Items submitted for the record
1. Text File No. R-1213-113 dated March 13, 2013, by Jane Hudson, Principal Planner
2. Resolution No. R-1213-113, Land Use Plan Amendment No. LUP-1213-9
3. Location map
4. Staff Report dated April 11, 2013, not supporting the request
5. Predevelopment Summary Case No. PD-13-04 dated February 28, 2013, for Breckenridge Land Acquisition d/b/a Aspen Heights located on the south side of Imhoff Road approximately 420 feet east of Classen Boulevard
6. Pertinent excerpts from Planning Commission minutes of April 11, 2013
7. Email requesting postponement dated May 28, 2013, from Sean Paul Rieger, attorney representing the applicant

and the question being upon postponing Resolution No. R-1213-113, Land Use Plan Amendment No. LUP-1213-9, until June 11, 2013, a vote was taken with the following result:

YEAS:	Councilmembers Castleberry, Gallagher, Jungman, Kovach, Lockett, Spaulding, Williams, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and Resolution No. R-1213-113, Land Use Plan Amendment No. LUP-1213-8, was postponed until June 11, 2013.

* * * * *

Item No. 52, being:

CONSIDERATION OF ORDINANCE NO. O-1213-41 UPON SECOND AND FINAL READING: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 460 OF CHAPTER 22 OF THE CODE OF THE CITY OF NORMAN SO AS TO PLACE PART OF THE WEST HALF OF THE EAST HALF OF THE NORTHWEST QUARTER OF SECTION 9, TOWNSHIP 8 NORTH, RANGE 2 WEST OF THE INDIAN MERIDIAN, NORMAN, CLEVELAND COUNTY, OKLAHOMA; IN THE PUD, PLANNED UNIT DEVELOPMENT DISTRICT, AND REMOVE THE SAME FROM THE A-2, RURAL AGRICULTURAL DISTRICT, OF SAID CITY; AND PROVIDING FOR THE SEVERABILITY THEREOF. (SOUTH SIDE OF IMHOFF ROAD APPROXIMATELY 900 FEET EAST OF CLASSEN BOULEVARD)

Ordinance No. O-1213-41 having been Introduced and adopted upon First Reading by title in City Council's meeting of May 14, 2013, Councilmember Kovach moved that Ordinance No. O-1213-40 be postponed until June 11, 2013, which motion was duly seconded by Councilmember Spaulding;

Items submitted for the record

1. Text File No. O-1213-41 dated March 14, 2013, by Jane Hudson, Principal Planner
2. Ordinance No. O-1213-41
3. Location map
4. Revised PUD Narrative submitted March 11, 2013, prepared by Sean Paul Rieger, the Rieger Law Group, with Exhibit A, Proposed Preliminary Plat; Exhibit B, Proposed Preliminary Site Development Plan and Landscape Plan; Exhibit C, Calculations of Intensity of Uses; and Exhibit D, Proposed Open Space Area
5. Staff report dated April 11, 2013
6. Protest and Support Map containing 40.4% protest and 6.0% support within notification area
7. Letter of protest filed April 8, 2013, by a concerned citizen (name illegible) to City Clerk of Norman, Oklahoma, and Planning Commission
8. Letter of protest filed April 4, 2013, by George R. Wilson, President, Hitachi Computer Products (America), Inc., to Norman Planning Commission
9. Letter of supposed filed April 8, 2013, from Helen and Olan Todd to City of Norman City Council, Planning Commission, Planning and Community Development Department, and Other Interested Parties
10. Letter of protest filed April 8, 2013, from Gail Armstrong and Gary Armstrong, Property Owners, G&G Development, L.L.C., to Norman Planning Commission
11. Pertinent excerpts from Planning Commission minutes of April 11, 2013
12. Email requesting postponement dated May 28, 2013, from Sean Paul Rieger, attorney representing the applicant

and the question being upon postponing Ordinance No. O-1213-41 until June 11, 2013, a vote was taken with the following result:

YEAS:	Councilmembers Castleberry, Gallagher, Jungman, Kovach, Lockett, Spaulding, Williams, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and Ordinance No. O-1213-41 was postponed until June 11, 2013.

* * * * *

Item 53, being:

CONSIDERATION OF A PRELIMINARY PLAT FOR ASPEN HEIGHTS ADDITION, A PLANNED UNIT DEVELOPMENT. (GENERALLY LOCATED ON THE SOUTH SIDE OF IMHOFF ROAD APPROXIMATELY ONE-FOURTH MILE EAST OF CLASSEN BOULEVARD/HIGHWAY 77.

Councilmember Kovach moved that the preliminary plat for Aspen Heights Addition, a Planned Unit Development, be postponed until June 11, 2013, which motion was duly seconded by Councilmember Spaulding;

Item 53, continued:

Items submitted for the record
1. Text File No. PP-1213-16 dated March 14, 2013, by Ken Danner, Subdivision Manager, with Attachment A, Traffic Table
2. Location map
3. Preliminary plat
4. Staff Report dated April 11, 2013, recommending approval subject to the approvals of the NORMAN 2025 Land Use and Transportation Plan, LUP-1213-9, and Ordinance No. O-1213-41
5. City of Norman Development Review Form Transportation Impacts for Aspen Heights Preliminary Plat dated March 14, 2013, conducted by David R. Riesland, P.E., City Traffic Engineer
6. Preliminary site plan
7. Greenbelt Commission Final Comments dated February 18, 2013

and the question being upon postponing the preliminary plat for Aspen Heights Addition, a Planned Unit Development, a vote was taken with the following result:

YEAS:	Councilmembers Castleberry, Gallagher, Jungman, Kovach, Lockett, Spaulding, Williams, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and the preliminary plat for Aspen Heights Addition, a Planned Unit Development, was approved.

* * * * *

Item 54, being

RESOLUTION NO. R-1213-148: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, DECLARING THAT, DUE TO THE AMOUNT OF DEBRIS LEFT BY THE MAY 19, 2013, TORNADO, THE CITY OF NORMAN IS IN A STATE OF DEBRIS-RELATED PUBLIC HEALTH EMERGENCY AND IT IS IN THE PUBLIC INTEREST TO HAVE THE DEBRIS REMOVED FROM PRIVATE ROADS AND PRIVATE PROPERTY IN ORDER TO ELIMINATE IMMEDIATE THREATS TO LIFE, PUBLIC HEALTH, AND SAFETY, AND TO ELIMINATE THREATS OF SIGNIFICANT DAMAGE TO IMPROVED PROPERTY; AND TO ENSURE THE ECONOMIC RECOVERY OF THE AFFECTED COMMUNITY TO BENEFIT THE COMMUNITY-AT-LARGE.

Councilmember Kovach moved that Resolution No. R-1213-148 be adopted, which motion was duly seconded by Councilmember Williams;

Items submitted for the record
1. Text File No. R-1213-148 dated May 240, 2013, by Leah Messner, Assistant City Attorney
2. Resolution No. R-1213-148

Participants in discussion
1. Mr. Jeff Bryant, City Attorney

and the question being upon adopting Resolution No. R-1213-148, a vote was taken with the following result:

YEAS:	Councilmembers Castleberry, Gallagher, Jungman, Kovach, Lockett, Spaulding, Williams, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and Resolution No. R-1213-148 was adopted.

* * * * *

Item 55, being:

CONSIDERATION OF THE DECLARATION OF TRAFFIC CONTROL EQUIPMENT REPLACED IN THE CITYWIDE TRAFFIC SIGNAL FLASHING YELLOW UPGRADE PROJECT AS SURPLUS AND/OR OBSOLETE AND OF AUTHORIZATION OF THE DONATION THEREOF TO THE CITY OF MOORE.

Councilmember Kovach moved that the equipment be declared to be surplus/obsolete and the donation thereof to the City of Moore be authorized, which motion was duly seconded by Councilmember Spaulding;

Items submitted for the record
1. Text File No. GID-1213-93 dated May 24, 2013, by Brenda Hall
2. Items to be declared surplus/obsolete

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

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

YEAS:	Councilmembers Castleberry, Gallagher, Jungman, Kovach, Lockett, Spaulding, Williams, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and the equipment declared to be surplus/obsolete; and the donation thereof to the City of Moore was authorized.

* * * * *

MISCELLANEOUS DISCUSSION

Disaster Plan. Ms. Jacy Crosbie, 204 Mountain Oaks Drive, suggested schools close at noon when there is an eminent threat of hazardous weather because forecasters usually give warnings several days in advance. She asked if new buildings being built by the City are being built with safe rooms, such as the new Fire Stations. She asked if Norman had a disaster plan to alert citizens what to do and where to go in the aftermath of a disaster. She felt citizens should be made aware of this plan and it should be placed on the City's website.

Councilmember Kovach suggested a Community Forum or a Council Committee discussion be held to discuss an emergency response plan. He said priorities such as requiring developers to build shelters with new homes and also requiring Federal Emergency Management Agency (FEMA) rated storm shelters for the City should be discussed. He said at this time, issues have not been resolved and questions have not been answered.

Councilmember Gallagher said the City should look at requiring an ordinance for developers to include garage storm shelters for new homes.

Councilmember Gallagher said the sirens went off several times during the recent tornado but there is no signal for "All Clear." He suggested this signal be implemented.

Mayor Rosenthal said she hoped Council would discuss the issue of being a Storm Conscious Community and that she would be asking the Oversight Committee to think about looking at policies and perhaps hosting a Public Forum to receive input.

*

Appreciation of Others. Mr. Evan Dunn, 1014 Missouri Street, said recently he felt it was his duty to stand up and advocate a belief or philosophy that should be heard. He said it is common for him to support City Staff and City Council because it is his moral duty and obligation as a member of the community. He has been at Council meetings for many late meetings and knows that City Staff works very hard. He said City Staff also attends many meetings and he has become acquainted with them in this way. He said every time he contacted a Councilmember, he has received a quick response. He said he had supported Mayor Rosenthal but he also liked her opponent. He appreciated the Mayor's ability to bring about a harmonized discussion with people from different backgrounds and with different philosophies. He said life might be cut short and it is important to be connected and engaged.

Miscellaneous Discussion, continued:

Appreciation of Others, continued.
Councilmember Jungman thanked Mr. Dunn for the kind words.

Councilmember Kovach said he appreciated what Mr. Dunn has said and agreed that it is wrong and very dangerous to label people because it allows people to dismiss them as human beings.

Councilmember Gallagher wished Mr. Dunn good luck and a good future.

*

Recoupment Costs for Cedar Lane. Mr. Steve Ellis, 633 Reed Avenue, said during the debate about recoupment, Councilmember Castleberry asked what the difference was between the proposal being offered by Mr. Sean Rieger, attorney for the property owners, and the Ordinance that outlines recoupment regulations. He said one element not addressed was that although division of unplatted land is allowed for the purposed of recoupment, it does lessen the odds for the return of recoupment costs. He said it is possible that if the north part of the parcel is cut off, the southern part can remain exactly as it is for the full time period which results in a loss of recoupment money. He said this should be taken into consideration before the Ordinance is amended.

*

Budget Explanation. Ms. Ann Gallagher, 1522 East Boyd Street, said she cannot respond to something that has not been explained properly and felt more information should be provided to the public.

*

Item 47, Preliminary Plat for Monterey Addition. Ms. Ann Gallagher, 1522 East Boyd Street, asked why the fence around the oil well site would not be installed until the area closest to it is platted. She said children are often heard saying they had been playing on construction sites. She voiced concerns about children having access to the well site area and asked that Staff look into getting a fence installed.

*

Reconsideration of Acceptance of Easements. Mr. Harold Heiple, 218 East Eufaula Avenue, attorney representing Heritage Fine Homes, L.L.C., and Anthony Mirzaie, asked for reconsideration of Item Nos. 13 through 19, 21-22, and 24-26. See details of the reconsideration immediately after Item 13.

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May 19th and 20th Tornadoes. Councilmember Williams reminded everyone not to forget about all those who had been affected by the recent tornadoes. He said there are still many displaced people who need help. He thanked Mr. David Grizzle, Emergency Preparedness Coordinator; Mr. James Fullingim, Fire Chief; Mr. Keith Humphrey, Police Chief; and police and firefighters who helped push things along. He said City Staff stepped up to help the City of Moore and should be recognized for that. He said although the main focus has been the City of Moore, citizens in the Little Axe area have had lots of damage to their property and need help.

Councilmember Lockett thanked everyone for continuing what is called the "Oklahoma Standard." She said citizens of Moore have told her that responders came from all over the country and they were very impressed how Oklahomans stepped up.

Councilmember Spaulding said the storm victims should be kept in everybody's prayers. He said the Moore tornado has bigger numbers, more devastation, and more injuries and fatalities so it garners more attention. However; the property-to-property comparison shows that an individual in Moore did not lose any more than an individual in Little Axe. He urged citizens to see the devastation first hand because seeing it on television does not even compare. He said although some felt it was disrespectful to see people driving by the storm areas and taking pictures, on the other hand, people across the country have been able to see these pictures, which has resulted in donations and help from all over the United States. He thanked the media for trying to portray the devastation that was experienced in Moore and Norman. He said the media also commended the faith-based community for being there to help find victims, and provide food and shelter. He expressed his thanks to all of the churches who had helped during this time. He said Councilmember Williams also played a large part in recovery efforts in Little Axe and Moore.

Miscellaneous Discussion, continued:

May 19th and 20th Tornadoes, continued.
Councilmember Castleberry expressed appreciation for the tremendous outpouring the City of Norman and State of Oklahoma provided to victims of this tragedy.

Councilmember Kovach thanked the community and staff for their efforts in coming together to help the victims. He said the citizens of Oklahoma have the attitude that people can rise up without pulling other people down and he is very proud of that.

Councilmember Gallagher said he had a friend in Louisiana who regularly traveled with his church to disaster sites to help victims and he was now in Oklahoma. He said these types of people came from all over the country to help and commended the faith based groups for having a great spirit.

Mayor Rosenthal thanked all the first responders, faith-based groups, and the University of Oklahoma for providing housing for the displaced victims.

Mr. Steve Lewis, City Manager, said a Multi-Agency Resource Center had been mobilized at Little Axe Elementary School containing a combination of State, Federal, and Not-for-Profit Agencies. He said long-term services and relief from the Federal Emergency Management Agency (FEMA) and the State could be obtained at this resource center.

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Condemnation of Property. Councilmember Spaulding said he did not like the idea of condemning and taking property. He said although the citizens approved the bond issue to widen Cedar Lane and other streets, there is a large contingency of voters who approved something that does not affect them personally. He said property owners have no say about a massive movement to approve a street project on their property.

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Budget. Councilmember Castleberry expressed his disappointment about having only two comments during the public hearing on the $240 million City Budget. He said the budget would be discussed again on June 11th and is a very important issue. He said the General Fund Balance is in a dangerous position because more money is being spent than being taken in. He said Council and Staff have a plan to help alleviate some of these issues next year but not for the upcoming budget. He read excerpts of the Municipal Budget Act to Council and the audience.

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Moment of Silence. Councilmember Gallagher said the moment of silence this evening for the victims of the recent tornadoes was very meaningful. He said in recognition of Memorial Day, he also added the 700,000 lost Americans in cemeteries throughout the world in wars fought to save other countries.

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Storm Debris Pickup. Mr. Steve Lewis, City Manager, said the disaster contractor mobilized this weekend and began the process yesterday to clean up vegetative and construction debris in the affected area. He provided a slide showing a map of the tornado path that will be used as a guide in the collection efforts. He said the contractor is working 12-hour days, 7 days a week, from 6:00 a.m. to 6:00 p.m. and started at the west end of the tornado path and will proceed to the east end. He said the contractor will begin a second collection on June 11th. Those placing materials at the curb for pickup should separate the vegetative debris and the construction and demolition debris. He said information will be available on the City website and if anyone has questions, please contact the City's Action Center at 366-5396.

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Drought Conditions. Mr. Steve Lewis, City Manager, said the City received periodic rainfall and cloudy days with moderate temperatures during the month of May. He said these factors have led citizens to believe Norman is out of the drought and that is not correct. He said Lake Thunderbird is two inches below the levels that is was at the same time last year.

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Miscellaneous Discussion, continued:

West Nile Virus. Mr. Steve Lewis, City Manager, said there is standing water due to recent rains. He said Staff looked at the Mosquito Control Program and checked for West Nile Virus. He said Staff consulted with Cleveland County and the State Health Department and made changes to the program, which will prompt the City to provide additional spraying. He reminded residents to be aware of this issue.

*

High Density Public Meeting. Mayor Rosenthal announced that there is a High Density Open House on Thursday, May 30, 2013, at 6:00 p.m. that would start with a presentation of the High-Density ordinance and after the presentation there would be a time for citizens to ask questions.

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ADJOURNMENT

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

YEAS:	Councilmembers Castleberry, Gallagher, Jungman, Kovach, Lockett, Spaulding, Williams, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and the meeting was adjourned at 11:08 p.m.

ATTEST:

City Clerk

Mayor

City of Norman, OK

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

Master

File Number: O-1213-47

File ID:	O-1213-47	**Type:**	Ordinance	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 5	**In Control:**	City Council
Department:	Legal Department	**Cost:**		**File Created:**	06/04/2013
File Name:	Open Meeting Act Codification			**Final Action:**	

Title: CONSIDERATION OF ORDINANCE NO. O-1213-47 UPON FIRST READING BY TITLE: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING CHAPTER FOUR OF THE CODE OF THE CITY OF NORMAN TO ADD SECTION 4-107 REQUIRING ALL BOARDS, COMMISSIONS, COMMITTEES AND SUB-COMMITTEES TO COMPLY WITH THE OPEN MEETINGS ACT WHEN POSTING MEETING NOTICES AND AGENDAS AND POSTING SAID NOTICES AND AGENDAS ON THE CITY OF NORMAN WEBSITE; AND PROVIDING FOR THE SEVERABILITY THEREOF.

Notes: ACTION NEEDED: Motion to Introduce and adopt Ordinance No. O-1213-47 upon First Reading by title.

ACTION TAKEN: _____

Agenda Date: 06/11/2013

Agenda Number: 5

Attachments: Text File O-1213-47 First Reading, O-1213-47, O-1213-47 Annotated, Pert Excerpts April 10 Oversight Minutes, Pert Excerpts April 30 SS Minutes

Project Manager: Kathryn Walker, Assistant City Attorney

Entered by: kathryn.walker@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 O-1213-47

Body

BACKGROUND: The Oklahoma Open Meetings Act (25 O.S. §301 et seq.) sets forth requirements that a "public body" must follow related to disseminating information about its meetings in way that will "encourage and facilitate an informed citizenry's understanding of the governmental processes and governmental problems". *Id.* at §302. The term "public body" as defined in the Open Meetings Act does not encompass all of the City's committees.

In 2002, Council adopted Resolution No. R-0102-110 to specifically require the Citizens Oversight Committee, Wastewater Master Plan Implementation Committee, and the Northside Wastewater Site Selection Review Committee to follow the provisions of the Open Meeting Act. In 2011, Council adopted Resolution No. R-1112-9

to require all committees, sub-committees and ad hoc committees to following the Open Meeting Act and a state law provision (74 O.S. §3106.2) that requires meeting agendas to be posted on the City's website.

Councilmember Kovach, as Chairman of the Oversight Committee, requested that Staff prepare an ordinance which would ensure that all boards, commissions, committees, sub-committees, and ad hoc committees of the City of Norman comply with the Open Meeting Act when posting meeting notices and agendas and requiring the same to be posted on the City's website similar to the requirements of 74 O.S. §3106.2. The Oversight Committee met on April 10, 2013 to review Ordinance No. O-1213-47 and recommended it go forward to the full Council for review during a Study Session. Council reviewed the Ordinance during its Study Session on April 30, 2013. The Ordinance is coming forward as presented during the Study Session.

DISCUSSION: Ordinance No. O-1213-47 would add a section to Chapter 4 of the Code of the City of Norman to clearly express this intent. Under proposed Section 4-107(a), all City of Norman boards, commissions, committees, sub-committees, and ad hoc committees would be required to follow the provisions of the Open Meeting Act when posting notices and agendas. Under proposed Section 4-107(b), those same entities would be required to post the meeting notices and agendas on the City website similar to the provision found in Title 74.

RECOMMENDATION: Staff forwards Ordinance No. O-1213-47 for Council's consideration.

AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA AMENDING CHAPTER FOUR OF THE CODE OF THE CITY OF NORMAN TO ADD SECTION 4-107 REQUIRING ALL BOARDS, COMMISSIONS, COMMITTEES AND SUB-COMMITTEES TO COMPLY WITH THE OPEN MEETINGS ACT WHEN POSTING MEETING NOTICES AND AGENDAS AND POSTING SAID NOTICES AND AGENDAS ON THE CITY OF NORMAN WEBSITE; AND PROVIDING FOR THE SEVERABILITY THEREOF.

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

§ 1. That Section 4-107 of Chapter 10 of the Code of the City of Norman shall be added to read as follows:

Sec. 4-107. Meeting notices.

(a) All boards, commissions, committees, council sub-committees and ad hoc committees of the City of Norman shall follow the provisions of the Open Meeting Act (25 O.S. 301 *et seq.*) when posting meeting notices and agendas.

(b) All boards, commissions, committees, sub-committees and ad hoc committees of the City of Norman shall post meeting notices and agendas on the City of Norman website.

§ 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

_____, 2013.

_____
Cindy Rosenthal, Mayor

NOT ADOPTED this _____ day of

_____, 2013.

_____
Cindy Rosenthal, Mayor

ATTEST:

_____
Brenda Hall, City Clerk

AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA AMENDING CHAPTER FOUR OF THE CODE OF THE CITY OF NORMAN TO ADD SECTION 4-107 REQUIRING ALL BOARDS, COMMISSIONS, COMMITTEES AND SUB-COMMITTEES TO COMPLY WITH THE OPEN MEETINGS ACT WHEN POSTING MEETING NOTICES AND AGENDAS AND POSTING SAID NOTICES AND AGENDAS ON THE CITY OF NORMAN WEBSITE; AND PROVIDING FOR THE SEVERABILITY THEREOF.

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§ 1. That Section 4-107 of Chapter 10 of the Code of the City of Norman shall be added to read as follows:

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(b) All boards, commissions, committees, sub-committees and ad hoc committees of the City of Norman shall post meeting notices and agendas on the City of Norman website.

§ 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

_____. 2013

_____

Cindy Rosenthal, Mayor

NOT ADOPTED this _____ day of

_____, 2013.

_____

Cindy Rosenthal, Mayor

ATTEST:

_____

Brenda Hall, City Clerk

Item 2, continued:

Ms. Madden said there are tools that would allow the City the ability to tier data. She said the City would be able to tier data to be saved for one year, five years, ten years, or infinity. She asked for direction on what Council was trying to achieve so she can find the tools that would best accomplish that. Chairman Kovach said Council is trying to get some level of transparency that is not overly burdensome on the City. He said saving emails for one year is fine unless they are involved in litigation. Ms. Madden said she would look at tools that can assist with Council's desire and bring information back to the Committee for further review.

Mr. Knighton said one concern is that he and other employees have folders that contain emails older than one year and if I.T. goes through and deletes everything over one year old, how will that affect those folders. Mr. Francisco said if the direction is to delete everything that is more than one year old in an inbox, the tool can do that, but some employees have email in their inbox and sent box that is ten years old and want to keep it.

Ms. Madden said policy can be applied to the exchange server because that needs to be kept lean to keep the mail moving. Every day at 5:00 p.m. the server is backed up and stored in the archives forever. Chairman Kovach asked Staff to do what needs to be done to keep the exchange server lean and still allow people to keep folders of old emails on their computers as well as documents required by law. He asked Staff to clarify language in the resolution regarding issues discussed tonight and bring it back to the Committee for further review.

Items submitted for the record

1. Memorandum dated April 4, 2013, from Rickey J. Knighton II, Assistant City Attorney, and Kari Madden, Network Manager, to City Council Oversight Committee

Item 3, being:

DISCUSSION REGARDING A PROPOSED ORDINANCE ESTABLISHING AN OPEN MEETING POLICY.

Mr. Knighton said the Oklahoma Open Meetings Act sets forth requirements that a public body must follow related to disseminating information about its meetings in a way that will encourage and facilitate an informal citizenry's understanding of the governmental processes and problems. The term "public body" as defined in the Open Meetings Act does not encompass all the City's committees.

In 2002, Council adopted Resolution No. R-0102-110 to specifically require the Citizen's Oversight Committee, Wastewater Master Plan Implementation Committee, and the Northside Wastewater Site Selection Review Committee to follow the provisions of the Open Meetings Act. In 2011, Council adopted Resolution No. R-1112-9 to require all committees, sub-committees, and ad-hoc committees follow the Open Meetings Act as well as State law requiring agendas be posted on a City's website.

Chairman Kovach said he wanted the resolution to be codified and asked Staff to draft an ordinance that would ensure all boards, commissions, committees, sub-committees, and ad hoc committees of the City of Norman comply with the Open Meetings Act and State law requiring agendas be posted on the City's website.

Ms. Walker said Staff drafted an ordinance using language from the resolution to be placed in Section 4-107, Meeting Notices. She provided a list of board, committees, and commissions. Councilmember Gallagher asked why there are no subcommittees on the list and Ms. Walker said there are currently no sub-committees.

Item 3, continued:

Councilmember Spaulding asked the time limit for posting meeting agendas and Ms. Walker said an annual meeting schedule must be filed with the City Clerk's Office by December 15th. Meeting agendas must be posted 24 hours prior to the meeting and 48 hours if it is a Special Meeting. If the meeting is an emergency meeting you have to give notice as soon as possible.

Councilmember Jungman asked what is unique about Norman Economic Development Coalition (NEDC) that they are not on the list. Ms. Walker said NEDC is not a City created committee. The City Manager serves on the board as an ex-officio member. Councilmember Castleberry said NEDC is not subject to the Open Meetings Act and they have a legal opinion on that. Chairman Kovach asked Ms. Walker if it is fair to say the City cannot impose their beliefs on NEDC and Ms. Walker said that is true and under the Open Meetings Act they are not considered a public body by definition. Councilmember Gallagher said in the spirit of cooperation, NEDC should be approached about following the Open Meetings Act. Chairman Kovach said a lot of NEDC discussions would probably require them to adjourn into Executive Session, but it would not hurt to ask.

Councilmember Jungman asked if all 501-C companies fall under the Open Meetings Act and Ms. Walker said some City contracts require them to follow the Open Meetings Act, but some like the Norman Convention and Visitors Bureau (NCVB) do not. Ms. Hampton said the NCVB has always welcomed her at their meetings and have always acted as if they had to follow the Open Meetings Act. She said the key in case law is whether the committee or group receiving public funds is also acting with decision making authority for the City.

Chairman Kovach said the reason he asked for the resolution to be codified as an ordinance is because as time goes by people forget about resolutions and making it an ordinance gives it more strength and makes it more permanent.

Councilmember Spaulding asked if requiring advanced notice of meetings interferes with the development streamlining process the City is implementing and Ms. Walker said the only thing that is part of the development process is groups that are currently following the Open Meetings Act such as Parks Board, Greenbelt Commission, Planning Commission, etc.

Ms. Hampton expressed concern regarding Youth Council following the Open Meetings Act. She said it is treated like the other boards, committees, and commissions, but an adult male attended a meeting and began interacting and participating in the teenager's activities, which was very awkward for the group and Staff. She said Youth Council is basically a mock meeting and wants to make sure they are not swept up in the regulations since they are not making any decisions. Ms. Hall said the Youth Council is under the umbrella of the Children's Rights Commission. She said they do not make decisions, but they may sometimes make suggestions to Council about certain things from the perspective of youth. Chairman Kovach said the resolution deals with sub-committees of Council not sub-committees of citizen committee's so they should not fall under the Open Meetings Act and members agreed.

Items submitted for the record

1. Memorandum dated April 3, 2013, from Kathryn L. Walker, Assistant City Attorney, through Jeff. H. Bryant, City Attorney, to Members of the Council Oversight Committee
2. Draft ordinance
3. Boards, Committees, Commissions List

Items submitted for the record

1. Memorandum dated April 25, 2013, from Ms. Kathryn Walker, Assistant City Attorney, through Mr. Jeff H. Bryant, City Attorney, to the Honorable Mayor and City Council
2. Draft Ordinance No. O-1213-48
3. Powerpoint presentation entitled "Domestic Water Wells" City Council Study Session dated April 30, 2013
4. Powerpoint presentation entitled "Old Oilfield Water Well Pollution and Case Studies State and Town Solution for New Development created by Ms. Patricia Billingsley, Brownfields Manager, Oklahoma Corporation Commission, and Mr. John Harrington, Director of Water Resources, Association of Central Oklahoma Governments

Item 2, being:

DISCUSSION REGARDING AN ORDINANCE REQUIRING ALL MEETINGS OF BOARDS, COMMISSIONS, COMMITTEES AND SUB-COMMITTEES TO COMPLY WITH THE OPEN MEETINGS ACT WHEN POSTING MEETING NOTICES AND AGENDAS AND POSTING SAID NOTICES AND AGENDAS ON THE CITY OF NORMAN WEBSITE.

Ms. Kathryn Walker, Assistant City Attorney, provided background information regarding the Oklahoma Open Meetings Act (25 O.S. §301 et seq.) stating it sets forth requirements that a "public body" must follow related to disseminating information about its meetings in a way that will "encourage and facilitate an informed citizenry's understanding of the governmental processes and governmental problems." She said the term "public body" as defined in the Open Meetings Act does not encompass all of the City's committees.

Council adopted Resolution No. R-0102-110 in 2002, to specifically require the Citizens Oversight Committee, Wastewater Master Plan Implementation Committee, and the Northside Wastewater Site Selection Review Committee to follow the provisions of the Open Meeting Act. In 2011, Council adopted Resolution No. R-1112-9 to require all committees, sub-committees, and ad hoc committees follow the Open Meeting Act and State law provision (74 O.S. §3106.2) that requires meeting agendas to be posted on the City's website.

Councilmember Kovach, Chair, Oversight Committee, requested Staff prepare an ordinance which would codify the previous action to ensure all boards, commissions, committees, sub-committees, and ad hoc committees of the City of Norman comply with the Open Meetings Act when posting meeting notices and agendas and requiring the same to be posted on the City's website similar to the requirements of 74 O.S. §3106.2. This would add a section to Chapter 4 of the Code of the City of Norman to clearly express this intent. Under proposed Section 4-107(a), all City of Norman boards, commissions, committees, sub-committees, and ad hoc committees would be required to follow the provisions of the Open Meeting Act when posting notices and agendas. Under proposed Section 4-107(b), those same entities would be required to post the meeting notices and agendas on the City website similar to the provision found in Title 74.

The Council Oversight Committee met and reviewed Ordinance No. O-1213-47 on April 10, 2013, and recommended the proposed ordinance go forward to full Council for review during a Study Session.

Mayor Rosenthal asked if there was or has been a problem with the previously adopted resolutions not being followed and Councilmember Kovach said not at all, this was simply looking at ease for future Councils. He felt if the open meeting requirement was codified it would be much easier to follow.

Ms. Walker said she and Brenda Hall, City Clerk, put together a list that included groups listed in the Charter, City Code, created by contract, and have City representation. Council discussed the committees and boards that would follow the ordinance and those that would not. Mr. Jeff Bryant, City Attorney, said a sub-section can be added to the draft ordinance stating the Norman Convention and Visitors Bureau (NCVB) and Norman Economic Development Coalition (NEDC) are not boards, commissions, committees, sub-committees, or ad hoc committees of the City of Norman. Councilmember Kovach did not support adding that language simply because the ordinance does not list the boards and commissions that are subject to the requirements since the lists can change.

Item 2, continued:

Mayor Rosenthal said she did not think the ordinance was needed and felt the resolutions cover the requirements for boards and commissions to comply with the open meetings act. She said the policy of posting agendas and minutes are currently done and Councilmember Jungman agreed. Councilmember Jungman said he would support the draft ordinance if an exception was included regarding NCVB and NEDC and Mayor Rosenthal suggested inserting language "all boards, commissions, committees, sub-committees, and ad hoc committees constituted by the City of Norman..." Councilmember Castleberry said he supported the draft ordinance as is and felt the proposed ordinance would clarify the requirement. Councilmembers Kovach and Williams agreed.

Items submitted for the record

1. Memorandum dated April 25, 2013, from Ms. Kathryn Walker, Assistant City Attorney, through Mr. Jeff H. Bryant, City Attorney, to Members of the Council Oversight Committee
2. Draft Ordinance No. O-1213-47

The meeting adjourned at 7:03 p.m.

ATTEST:

City Clerk

Mayor

..Title
ITEM NO. 6
CONSIDERATION OF ORDINANCE NO. O-1213-48 UPON FIRST READING BY TITLE: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA AMENDING CHAPTER 21, SECTION 21-404 OF THE CODE OF THE CITY OF NORMAN TO REQUIRE PERMITS FOR DOMESTIC AND INDUSTRIAL WATER WELLS AND SET FORTH CONDITIONS FOR APPROVAL OF SUCH PERMITS; AND PROVIDING FOR THE SEVERABILITY THEREOF.

ACTION NEEDED: Motion to Introduce and adopt Ordinance No. O-1213-48 upon First Reading by title.

ACTION TAKEN: _____

..Body
BACKGROUND:: Recently, a property owners association (POA) inquired about the potential for drilling a well from which water could be drawn and used for irrigation of the neighborhood's common areas. As discussed in the February 13, 2013 Oversight Committee meeting, Staff has been examining the City's existing ordinances regulating wells and determined that the applicable Code provision needs to be updated both to reflect the current constraints of state law on water well regulation by cities as well as to ensure contamination and quantity issues with domestic water wells are addressed to protect the public water supply. The Oversight Committee met on March 6, 2013 and recommended the Ordinance go forward to full Council. The ordinance was discussed by the full City Council at its April 30, 2013 Study Session. Changes were made to the ordinance consistent with the discussion by the full Council. The first portion of this memorandum will examine the applicable laws related to domestic water wells, and the second portion will outline the proposed changes to Section 21-404 of Norman's Code.

Applicable State Law

The Oklahoma Water Resources Board (OWRB) has exclusive authority by law to regulate groundwater use and to issue permits allowing its withdrawal.[1] Any landowner has a right to take groundwater from land owned by him for domestic use without a permit from the OWRB.[2] Although a municipality cannot deny a landowner the right to withdraw groundwater for a domestic use, it can regulate or permit the drilling of domestic and industrial water wells within its corporate limits.[3] Pursuant to this authority, the City can require landowners in Norman to obtain a permit from the City to drill a water well for domestic or industrial use. Water wells drilled for other beneficial uses – e.g., irrigation use[4] – require a permit from the OWRB.[5] The OWRB estimates that approximately 100,000 groundwater wells existed in 2012, with an estimated 70,000 of those being domestic wells.[6] Because domestic wells are exempt from permitting

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[1] *Ricks Exploration Co. v. Oklahoma Water Res. Bd.*, 1984 OK 73, 695 P.2d 498, 501.
[2] 82 O.S. § 1020.3.
[3] 82 O.S. § 1020.21. This provision also allows a municipality to use the water allocated to the platted land within its corporate limits provided the municipality can make water available to the platted land, a permit is obtained from OWRB, and the wells are located not less than six hundred (600) feet within its limits, and such wells are drilled on the platted land.
[4] "Irrigation use" is defined by the OWRB as the use of water for the production of food, fiber, crops, timber, fruits, nuts; and water applied to pastures, fields, landscaping, horticulture services, and golf courses. OAC 785:30-1-2.
[5] *See* 82 O.S. § 1020.7; OAC 785:30-1-4.
[6] Drew L. Kershen, *Domestic Well Exemption in Oklahoma Groundwater Law – Impact and Implications,* 64 Okla. L. Rev. 563, 565 (2012) (discussing potential impact of well exemption), citing a telephone interview with Dean Couch, General Counsel of the OWRB.

requirements through the OWRB, it is unknown how much water is being withdrawn from the 70,000 domestic wells.[7]

The City's ordinances do not define the term "domestic use." Oklahoma groundwater law defines "domestic use" as "the use of water by a natural individual or by a family or household for household purposes, for farm and domestic animals up to the normal grazing capacity of the land and for the irrigation of land not exceeding a total of three (3) acres in area for the growing of gardens, orchards and lawns, and for such other purposes, specified by Board rules, for which *de minimis* amounts are used[.]"[8] The Oklahoma Water Resources Board has specified that "domestic use" also includes "the use of water by non-household entities for drinking water purposes, restroom use, and the watering of lawns, provided that the amount of groundwater used for any such purposes does not exceed five acre-feet per year."[9]

Reading the two definitions together, the domestic use exemption appears to have four components: (1) household use for natural individuals, families, households; (2) farm and animal use to the normal grazing capacity of the land; (3) irrigation use for gardens, orchards, and lawns not exceeding three acres; and (4) other purposes specified by the OWRB in de minimis amounts, i.e. up to 5 acre feet of water per year for use by non-household entities for drinking water, restrooms, and watering of lawns.[10]

The use of groundwater by a property owner's association for irrigation of the common areas appears to qualify as a "domestic use" under the OWRB rule as a use by a non-household entity for the watering of lawns. As such, the use of the water would be limited to 5 acre feet or 1,629,257 gallons of water per year. Such a domestic use would not require a permit from the OWRB, but would require a permit from the City.

Water Well Permits, Norman Code, Section 21-404

Section 21-404 was adopted by the City Council of Norman in the early 1970's and has not been updated since that time. It requires all persons desiring to drill a water well to obtain a permit from the City of Norman and forbids non-domestic users from drilling or deepening a privately owner well into the Garber Wellington sandstone formation without approval by City Council. It also empowers Council to issue cease and desist orders during a period of drought, low water supply, or when deemed necessary to safeguard the citizen welfare. Finally, it requires the owners of private water wells to plug and abandon those wells when the City furnishes water service to them.

The ordinance, while well intentioned, is out of date and is inconsistent with existing State law. Staff has been working on draft amendments to this section that would be consistent with State law while providing reasonable protection of the public water supply.

DISCUSSION: Ordinance No. O-1213-48 would limit the City's authority to regulate to only domestic and industrial wells and also limit the use of such water to domestic and industrial use as defined by State law. The protections for the City are contained in the proposed amendments to Section 21-404(c). Permits for industrial and domestic water wells would be conditioned on the following:

Wells must be constructed by an OWRB certified well driller;
The OWRB Groundwater Well Completion Report must be submitted to the City upon completion;
An operable totalizing meter must be installed and maintained by the permit applicant;

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[7] *Id.*
[8] 82 O.S. § 1020.1(2) (*emphasis* added).
[9] OAC 785:30-1-2.
[10] Kershen, *supra* note 6, at 566.

At least 30 feet of well surface casing must be installed to reduce the risk of groundwater contamination;
There must be no cross-connection of the well to the public water supply;
Water must not be withdrawn in excess of the limits set by law;
Water withdrawn from the well will be used only for the stated purpose for which the well is installed;
Water withdrawn from the well must not be applied or discharged to property owned by others; and
Well user must submit records annually that document the volume of water being withdrawn.

These items will help protect the public water supply by reducing the risk of contamination and monitoring the amount of water being withdrawn from each domestic or industrial water well. Additionally, on those properties served by City water, or required to be served by City water, privately owned wells may not be drilled into the Garber-Wellington sandstone formation.

RECOMMENDATION: Staff recommends adoption of Ordinance No. O-1213-48.

AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA AMENDING CHAPTER 21, SECTION 21-404 OF THE CODE OF THE CITY OF NORMAN TO REQUIRE PERMITS FOR DOMESTIC AND INDUSTRIAL WATER WELLS AND SET FORTH CONDITIONS FOR APPROVAL OF SUCH PERMITS; AND PROVIDING FOR THE SEVERABILITY THEREOF.

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

§ 1. That Section 21-404 of Chapter 21 of the Code of the City of Norman shall be added to read as follows:

Sec. 21-404. - Installation and use of water wells.

(a) No person shall drill or enlarge any domestic or industrial water well, or subsequently use the water from such well, except upon:

(1) Application for a permit for such activity or usage from the ~~Public Works~~ Utilities Department,

(2) Payment of a $50.00 permit fee, and

(3) Compliance with this Code and applicable Federal and State laws. ~~the rules and regulations of the Oklahoma Department of Health~~.

(b) Water from such wells shall be used only for domestic or industrial purposes as defined by applicable Oklahoma law on the premises where the well is located, and there shall be no inter-connection of any kind between such well and the water supply of the City. ~~Any non-domestic or non-industrial usage existing before February 8, 1955, may be continued to the same extent and for the same purposes, but such uses shall not be extended or increased.~~

(c) Except as otherwise provided, no person whose property is served by City water or is required to be served by City water shall drill, deepen, or otherwise complete any privately owned well into the Garber-Wellington sandstone formation, the water from such formation being part of the City of Norman municipal water supply system.

(d) Persons excepted from the provisions of the above subsection (c) are

(1) Domestic users residing in areas not serviced by the City water supply, and

(2) Those ~~commercial or~~ industrial users specifically granted permission by the Oklahoma Water Resources Board. ~~City Council.~~

(e) Permits for industrial and domestic wells shall be conditioned on the following:

(g) Should the City subsequently furnish water service to users of private water wells drawing water from the Garber-Wellington formation, those persons owning such wells shall immediately plug ~~and abandon~~ those wells in accordance with State law.

§ 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

_____, 2013.

_____
Cindy Rosenthal, Mayor

NOT ADOPTED this _____ day of

_____, 2013.

_____
Cindy Rosenthal, Mayor

ATTEST:

_____
Brenda Hall, City Clerk

CITY COUNCIL OVERSIGHT COMMITTEE MINUTES

March 6, 2013

The City Council Oversight Committee of the City of Norman, Cleveland County, State of Oklahoma, met at 5:30 p.m. in the City Council Conference Room on the 6th day of March, 2013, and notice and agenda of the meeting were posted in the Municipal Building at 201 West Gray 48 hours prior to the beginning of the meeting.

PRESENT:	Councilmembers Castleberry, Lockett, and Chairman Kovach
ABSENT:	Councilmembers Jungman and Spaulding
OTHERS PRESENT:	Councilmember Roger Gallagher, Ward One Mayor Cindy Rosenthal Ms. Joy Hampton, The Norman Transcript
STAFF PRESENT:	Mr. Jeff Bryant, City Attorney Mr. Mark Daniels, Utilities Engineer Mr. Ken Komiske, Director of Utilities Mr. Steve Lewis, City Manager Ms. Kathryn Walker, Assistant City Attorney Ms. Syndi Runyon, Administrative Assistant IV

Item 1, being:

DISCUSSION REGARDING DOMESTIC WATER WELLS FOR NON-POTABLE USE AND RELATED PERMIT REQUIREMENTS.

Ms. Kathryn Walker, Assistant City Attorney, said with recent conservation measures, Property Owner Associations (POA) and other entities are becoming more interested in drilling their own wells to use non-potable water for irrigation purposes. She said citizens, businesses, and organization's that have a well are not subject to the City's conservation regulations.

Ms. Walker said the Oklahoma Water Resources Board (OWRB) regulates groundwater use and issues permits for beneficial use of groundwater that includes municipal, industrial, agricultural, recreational, fish and wildlife, etc., but they do not issue permits for domestic wells. She said cities can regulate and permit domestic and industrial wells, but cannot forbid domestic wells because that is a property owner's right. She said all public wells have to be built to the Department of Environmental Quality (DEQ) standards.

Ms. Walker said the definition for industrial use is "the use of water in processes designed to convert materials of a lower order of value into forms having greater usability and commercial value" and water quantity is set by the terms of the OWRB permit. She said the Legislative definition of domestic use is "the use of water by an individual/family/household for household purposes; farm and domestic animals (up to normal grazing of land); and irrigation of land not exceeding three acres in area for gardens, orchards, and lawns." State Statute also states that other domestic uses can be approved by OWRB as they see fit. OWRB has specified the use of water by non-household entities for drinking water purposes, restroom use, and watering of lawns up to five acre feet per year (1.6 million gallons).

Mr. Komiske said the State has always classified domestic use as *De minimis* and not worth caring about; however, when States start getting into drought conditions, everyone wants to drill their own well and when you have tens of thousands of wells in the aquifer it is no longer De minimis. He said some States are beginning to realize this and are considering permitting and monitoring domestic wells differently. He said every hole in aquifer is a potential source for pollution. He said surface water is pretty forgiving and can be straightened out easily, but if you pollute an aquifer it takes tens of years to straighten out.

Mr. Komiske said the City cannot prevent someone from drilling into the Garber Wellington so domestic wells will be competing with the City for water. Mayor Rosenthal asked if that could be avoided by limiting the depth of domestic wells and Mr. Komiske said, according to the OWRB, a homeowner can do what they want on their property. Ms. Walker said the City has the ability to regulate, but it is not clear how far those regulations can be structured planned because it is a property right. Councilmember Gallagher said municipalities can make laws less severe than State laws, but cannot be more severe and Mr. Jeff Bryant, City Attorney, said municipalities can regulate a little bit beyond what the States does, but property rights are different and State laws would preempt the City's ability to regulate that.

Mr. Komiske said the City needs to consider what message they are sending to their customers. Will citizens and POA's with domestic wells be able to water their yards as much as they like no matter what is happening to citizens around them that do not have domestic wells and are subject to water conservation rules? He said these are also potential customers for highly treated effluent from the Wastewater Treatment Plant if the City ever gets reuse permission. Chairman Kovach said a constituent contacted him regarding concerns about domestic well users overwatering and that is a legitimate concern. Ms. Walker said that is why a meter requirement is being proposed so the customer and the City are aware of how much water is being used.

Chairman Kovach said the Association of Central Oklahoma Government (ACOG) is recommending well casings be cement for thirty (30) feet with gravel below that. He said this is important because there are a lot of pre-1980 oil wells and whenever there is a water well near a pre-1980 oil well, there is a high risk of salt polluting the water, which affects everyone's water.

Councilmember Gallagher asked how many POA's have applied for a permit and Ms. Walker said the City has not received any permit applications, but there has been a lot of inquiry. Mr. Mark Daniels, Utilities Engineer, said five to ten permits are obtained on an annual basis, but not everyone that drills a well gets a permit like they should or informs the City.

Mayor Rosenthal said the POA's want domestic wells to water common areas, but felt OWRB regulations already rule that out because of the distance requirement from sewer lines. Mr. Komiske said many of the POA's have a park in their area so it could be possible to drill a well near the park. Mayor Rosenthal asked if the City should be more aggressive in drilling wells for the parks embedded in developments. She said that way the City could control the water usage and protect the water supply. Mr. Komiske said Westwood and Griffin Parks have wells due to the golf course and/or having sports fields. He said if the area is a park with playground equipment and nothing else, the City should not care whether the park is green or not. Mr. Steve Lewis, City Manager, said a majority of parks are not irrigated. Mayor Rosenthal said watering the parks is a public benefit, but raises the question again of what message the City is sending to citizens.

Chairman Kovach asked if non-potable water can be used at the splash pads and Mr. Daniels said no, there are too many variables for water contamination.

Councilmember Gallagher said Parking Officers and Code Enforcement Inspectors could talk to violators especially if water is seen running into the streets and Mr. Lewis said Parking Officers do report violations to Code Enforcement, but Parking Officers only patrol certain areas of the City. He said Code Enforcement Officers patrol throughout the City and make contact with violators when violations are reported and/or when witnessed. Mayor Rosenthal suggested cross training other departments such as sanitation, line maintenance, and police to watch for violations since these employees are out every day in neighborhoods. She said they could carry information with them to place on the doors of citizens in violation to let them know the City is under moderate mandatory conservation and what the rules are.

Chairman Kovach said there seems to be a consensus on most of the requirements and he would like to move the recommended amendments forward to the full Council.

Items submitted for the record

1. Memorandum dated February 27, 2013, from Kathryn L. Walker, Assistant City Attorney, through Jeff H. Bryant, City Attorney, to Members of the Council Oversight Committee
2. Draft ordinance
3. PowerPoint presentation entitled, "Domestic Wells," City Council Oversight Committee, March 6, 2013

Item 2, being:

MISCELLANEOUS DISCUSSION.

Chairman Kovach said the Open Meetings Act and storage of e-mails will be discussed at the next meeting.

ADJOURNMENT.

The meeting adjourned at 6:28 p.m.

ATTEST:

City Clerk

Mayor

CITY COUNCIL STUDY SESSION MINUTES

April 30, 2013

The City Council of the City of Norman, Cleveland County, State of Oklahoma, met in a study session at 5:35 p.m. in the Municipal Building Conference Room on the 30th day of April, 2013, 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 Castleberry, Griffith, Jungman, Kovach, Lockett, Williams, and Mayor Rosenthal

ABSENT: Councilmembers Gallagher and Spaulding

Item 1, being:

DISCUSSION REGARDING AN ORDINANCE TO REQUIRE PERMITS FOR DOMESTIC AND INDUSTRIAL WATER WELLS.

Mr. John Harrington, Director of Water Resources, Association of Central Oklahoma Governments (ACOG), provided background of the legacy of oil and gas well areas in Oklahoma. He said the Corporation Commission has been mapping out particular areas and providing maps to the member cities of ACOG. Mr. Harrington said eventually the Corporation Commission will be mapping out all of the oil and gas well areas throughout the state.

The Corporation Commission has had many complaints of water well pollution, both suburban and rural, from homeowners over the past 20 years. Mr. Harrington said the complaints are in and near oilfields, mostly older oilfields with activity initiated pre-1980, when modern regulations began. He said the complaints vary from petroleum to the most common salinity (salty). The Corporation Commission now understands enough about how these particular problems occur to propose prevention solutions.

Mr. Harrington said the groundwater issue is important and matters to the people of Oklahoma as groundwater supplies almost 40% of all water used in Oklahoma; 295,000 Oklahoma residents are served by privately owned individual wells and 73% of all irrigation for agriculture comes from groundwater. For example, a recent homebuyer in a fairly new gated community in Northwest Oklahoma City complained of salty well water and soon thereafter, her neighbors also complained. This area was a historic oilfield area until 1980; therefore, a Corporation Commission field inspector went to the home community and sampled several water wells. Mr. Harrington said later the Corporation Commission learned that two original (older) domestic water wells had been drilled in residential backyards within the subdivision and when the wells became salty, the homeowners re-drilled the wells in their front yards without plugging the well in the backyard. This worked for a couple a years, but eventually the wells in the front yard also went salty. Mr. Harrington said salt water has a tendency to be real hard on vegetation and highlighted the samples retrieved from the Corporation Commission field inspector that reflected high chloride levels.

The Corporation Commission's conclusion was the gravel packed construction caused contamination to the open surface up to 300 feet below the surface which allowed contaminants into the Garber Wellington Aquifer. In effect, the water wells, by their standard design, polluted themselves and the aquifer, especially the unplugged backyard wells.

Mr. Harrington said the City of Oklahoma City was persuaded to bring a water line into the subdivision so the homeowners could connect to clean drinking water for a fee and the Corporation Commission's Brownfields Program paid to have the now "unused" water wells drilled out and plugged to prevent the spread of more contaminants into the aquifer.

The Corporation Commission is currently mapping old (pre 1980) wells on Oklahoma aquifers, starting with the Central Oklahoma aquifer. The pit design, well plugging oversite, and field inspection was not as rigorous before 1980 as it is currently and the mechanical integrity testing of well casing, lines, and equipment was not required until after 1980.

Item 1, continued:

Ms. Walker provided an overview of OWRB's definition of industrial and domestic water use.

Industrial Use
The use of water in processes designed to convert materials of a lower order of value into forms having greater usability and commercial value. The quantity is set by the terms of the OWRB permit.

Domestic Use
Use of water by an individual, family, and/or household can include: household purposes, farm and domestic animals (up to normal grazing capacity of land), irrigation of land can not exceed three (3) acres for gardens, orchards, and lawns. For non-household entities the domestic use is as follows: drinking water, restrooms, and watering of lawns up to five (5) acres (approximately 1,630,000 gallons) per year. Domestic use is not subject to well spacing standards; however, the domestic use is subject to sanctions against waste.

OWRB Well Construction Standards
Location:
- At least 10 feet from closed sanitary sewer line, 24 feet from above ground sprinkler spray, and 50 feet from above ground sprinkler head;
- At least 300 feet from outside perimeter of waste lagoon for feedlot; and
- At least 50 feet from other pollution sources.

Well Surface Casing
- Must be sealed off from the groundwater zones containing water not meeting groundwater quality standards; no wells in salt water zones;
- At least 10 inches below minimum seasonal stage of water table; and
- At least 12 inches above the natural ground level; 24 inches above the maximum level if known to flood.

Ms. Walker said there are several reasons to regulate domestic wells. State standards for construction do not always adequately protect the groundwater, widespread proliferation of domestic wells can ultimately deplete the aquifer, i.e., the source of our municipal well supply and regulation can provide a tool to monitor water usage to ensure the character of the use remains "domestic".

The current Code provision requires permits for all water wells and they must comply with Oklahoma Department of Health rules. Domestic wells are limited to "domestic uses" under State law and the Code forbids drilling into the Garber Welling sandstone formation unless the City does not service the location or it is a commercial or industrial well where the City has granted permission.

Proposed Code Amendments
Staff proposed the following code amendments:

- Increase permit fee from $5.00 to $50.00;
- Update to ensure we are in compliance with State law (regulate only domestic and industrial wells);
- Update to ensure appropriate State agencies are listed;
- Use of State definitions for domestic and industrial use to ensure consistency in application; and
- Permit requirements to protect water supply and monitor usage.
  - **Permit Requirements**
    - Well must be constructed by OWRB certified well driller;
    - OWRB Groundwater Well Completion Report submitted to City;
    - 30 feet of well surface casing – reduce risk of contamination; and
    - No cross connection to the public water supply.

Item 1, continued:

drafted the proposed ordinance based on prior meeting discussions and Staff felt Council desired to have more regulation on the actual wells, casing, etc., rather than language regulating and not allowing person(s) to drill into the Garber Wellington. Mr. Bryant said if Council desires to keep the current language of not allowing person(s) to drill into the Garber Wellington,

Staff can certainly pursue that. Council discussed and agreed that Sub-Section C Section 21-404, should be put back into the Ordinance prohibiting person(s) from drilling into the Garber Wellington. Councilmember Kovach asked if the language stating "... any property served by City water or required by law to be served by City water is not eligible for a permit to drill into the Garber Wellington..." could be added to the proposed ordinance and Mr. Bryant said that particular language is already in the proposal stating if the City provides water service then you are prohibited from drilling into the Garber Wellington. He said one compromise to that might be focusing on potable and non-potable, which is what Mr. Heiple is suggesting, i.e., if a person can drill a 200 or 250 foot water well and get water that is suitable for irrigation purposes but is not potable then that is not water that the City would be using for the municipal water supply anyway.

Councilmember Williams asked if the regulation would apply to existing wells if the City extended water lines/services and Mr. Bryant felt the City should be consistent stating that if the City was to extend water service, by statute the City would get those water rights as long as the City is providing municipal water supply. He said this is the area that is a little unclear, and Council could certainly discuss a policy that would allow the person(s) to waive the requirement for municipal water.

Mr. Bobby Stevens, P.O. Box 6226, asked how the City would enforce the water laws on tribal land and Mr. Bryant said there has recently been an argument at the U.S. Supreme Court regarding water rights and how far states can pursue the issue. He said if tribal land rights versus municipal water rights came into fruition, the City would be pre-empted if the land is federal Indian land.

Mayor Rosenthal said the City does need to protect the Garber Wellington since it is the City's water supply, but felt allowing non-potable drilling for irrigation purposes is a reasonable compromise. Councilmember Kovach agreed and Councilmember Williams felt if person(s) are within 300 feet of City water they should connect for potable water; however, if they choose to drill and use a private well that is not in the aquifer for non-potable uses they should be allowed to do so. Mr. Chris Mattingly, Utilities Superintendent, said he was concerned about the definition of potable changing in the future due to the changing dynamics and regulations regarding water. Mayor Rosenthal said the ordinance needs to distinguish between (not) drilling into the aquifer and non-potable water.

Councilmember Williams asked if the City were to extend water supply services to an area that already has a water well in the aquifer, would they be "grandfathered in", and therefore the person(s) would not have to connect to City water services unless the person(s) made a change to the existing well. Mr. Bryant said the ordinance can be created however Council desires and he said it is not unusual to have "grandfathering" provisions. He said the current language already has a "grandfathering" provision stating "...domestic or non-industrial uses existing before February 8, 1955..." and can be added to the draft ordinance going forward if Council desires.

Staff drafted the proposed ordinance from the most conservative approach recognizing the domestic use water rights. Regardless when a private well was drilled, if someone connects to City water services they must disconnect the private well so there will not be a risk cross-contamination. Councilmember Castleberry asked if the private well would need to be plugged and Ms. Walker said the proposed draft would not require the well be plugged; however, it could be required under other regulations. She said the requirement to plug the disconnected private water wells can be added to the draft ordinance if Council so desires.

Mr. Harrington said the City may want to consider collecting water quality data as part of the ordinance and Councilmembers Kovach and Castleberry said the City should collect and carry the burden of testing water quality samples. Staff will re-draft the ordinance and bring forward for Council consideration and approval.

CITY COUNCIL STUDY SESSION MINUTES

April 30, 2013

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PRESENT:	Councilmembers Castleberry, Griffith, Jungman, Kovach, Lockett, Williams, and Mayor Rosenthal
ABSENT:	Councilmembers Gallagher and Spaulding

Item 1, being:

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Mr. John Harrington, Director of Water Resources, Association of Central Oklahoma Governments (ACOG), provided background of the legacy of oil and gas well areas in Oklahoma. He said the Corporation Commission has been mapping out particular areas and providing maps to the member cities of ACOG. Mr. Harrington said eventually the Corporation Commission will be mapping out all of the oil and gas well areas throughout the state.

The Corporation Commission has had many complaints of water well pollution, both suburban and rural, from homeowners over the past 20 years. Mr. Harrington said the complaints are in and near oilfields, mostly older oilfields with activity initiated pre-1980, when modern regulations began. He said the complaints vary from petroleum to the most common salinity (salty). The Corporation Commission now understands enough about how these particular problems occur to propose prevention solutions.

Mr. Harrington said the groundwater issue is important and matters to the people of Oklahoma as groundwater supplies almost 40% of all water used in Oklahoma; 295,000 Oklahoma residents are served by privately owned individual wells and 73% of all irrigation for agriculture comes from groundwater. For example, a recent homebuyer in a fairly new gated community in Northwest Oklahoma City complained of salty well water and soon thereafter, her neighbors also complained. This area was a historic oilfield area until 1980; therefore, a Corporation Commission field inspector went to the home community and sampled several water wells. Mr. Harrington said later the Corporation Commission learned that two original (older) domestic water wells had been drilled in residential backyards within the subdivision and when the wells became salty, the homeowners re-drilled the wells in their front yards without plugging the well in the backyard. This worked for a couple a years, but eventually the wells in the front yard also went salty. Mr. Harrington said salt water has a tendency to be real hard on vegetation and highlighted the samples retrieved from the Corporation Commission field inspector that reflected high chloride levels.

The Corporation Commission's conclusion was the gravel packed construction caused contamination to the open surface up to 300 feet below the surface which allowed contaminants into the Garber Wellington Aquifer. In effect, the water wells, by their standard design, polluted themselves and the aquifer, especially the unplugged backyard wells.

Mr. Harrington said the City of Oklahoma City was persuaded to bring a water line into the subdivision so the homeowners could connect to clean drinking water for a fee and the Corporation Commission's Brownfields Program paid to have the now "unused" water wells drilled out and plugged to prevent the spread of more contaminants into the aquifer.

The Corporation Commission is currently mapping old (pre 1980) wells on Oklahoma aquifers, starting with the Central Oklahoma aquifer. The pit design, well plugging oversite, and field inspection was not as rigorous before 1980 as it is currently and the mechanical integrity testing of well casing, lines, and equipment was not required until after 1980.

Item 1, continued:

Unfortunately many of these old oilfields are just open fields today, so pollution risks are often not obvious to developers or well drillers. Mr. Harrington said the Corporation Commission also realized the information gathered could be utilized by the general public and town planners and will load the maps, once made, onto the OWRB's website map viewer.

These Geographical Information System (GIS) maps can be output on any area basis, by aquifer, county, town, or individual 36 square mile townships.

ACOG came up with a plan to protect the aquifers of Oklahoma from similar old oilfield problems in the future as well as protect others and requested OWRB establish rules to assist with the prevention of shallow pollutants from entering the water wells and traveling down the gravel pack into the aquifer. Mr. Harrington said the Corporation Commission requested a new rule requiring future water wells to be cased and cemented from the surface to at least 30 feet deep, with gravel pack only being allowed below 30 feet.

Mr. Harrington provided a Legacy Oil and Gas Fields map depicting Cleveland County 10N 2W oilfield areas and said the information has already been sent to the City of Norman Planning Department. He said the Corporation Commission will be making a proposal to the OWRB in the fall to essentially amend Chapter 35 in the drilling standards to incorporate the Legacy Oil and Gas Field maps and recommend to the drillers to install any future water well inside 30 feet of casing.

Councilmember Williams asked Mr. Harrington if any studies had been done with water wells utilizing a 30 foot casing and Mr. Harrington said no. Mr. Harrington said the Corporation Commission originally discussed the casing as 50 feet but determined 30 feet would be acceptable because that is the depth most oil surface pollution would be present.

Councilmember Griffith asked whether the expense of adding an additional 20 feet of casing would be an extraordinary expense and Mr. Harrington said it would add approximately $1,000 more to the well.

ORDINANCE REQUIRING PERMITS FOR DOMESTIC AND INDUSTRIAL WATER WELLS.

Ms. Kathryn Walker, Assistant City Attorney, said Staff was made aware of Mr. Harrington's work and presentation relating to the old oilfield water well pollution and case studies and began to look at Norman's ordinance, specifically how the City could incorporate the same or similar kinds of protection measures, as well as update the ordinance to make it more consistent with State law.

Ms. Walker highlighted recent events regarding domestic water wells. She said a property owners association (POA) inquired about the potential for drilling a water well from which water could be drawn and used for irrigation of the neighborhood's common areas. The Oversight Committee met and discussed POAs drilling water wells for irrigation purposes on February 13, 2013, and again on March 6, 2013. Staff examined the City's existing ordinances relating to wells and determined the applicable Code provision needs to be updated, both to reflect the current constraints of State law on water well regulation by cities, as well as to ensure contamination and quality issues with domestic water wells are addressed to protect the public water supply. The Oversight Committee recommended the Ordinance go forward to full Council.

Ms. Walker said the applicable State law is as follows:

- General Authority – Oklahoma Water Resources Board (OWRB) regulates groundwater use and issues permits for most, but not all wells.
  - ❖ OWRB permit required to put groundwater to beneficial use for other than domestic purposes, i.e., municipal, industrial, agricultural, irrigation, recreation, fish and wildlife, etc.;
  - ❖ Cities can regulate and permit the drilling of domestic and industrial water wells, however the extent to which cities can regulate is unclear;
  - ❖ All public wells have to be built to Department of Environmental Quality (DEQ) standards.

Item 1, continued:

Ms. Walker provided an overview of OWRB's definition of industrial and domestic water use.

Industrial Use
The use of water in processes designed to convert materials of a lower order of value into forms having greater usability and commercial value. The quantity is set by the terms of the OWRB permit.

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- At least 50 feet from other pollution sources.

Well Surface Casing
- Must be sealed off from the groundwater zones containing water not meeting groundwater quality standards; no wells in salt water zones;
- At least 10 inches below minimum seasonal stage of water table; and
- At least 12 inches above the natural ground level; 24 inches above the maximum level if known to flood.

Ms. Walker said there are several reasons to regulate domestic wells. State standards for construction do not always adequately protect the groundwater, widespread proliferation of domestic wells can ultimately deplete the aquifer, i.e., the source of our municipal well supply and regulation can provide a tool to monitor water usage to ensure the character of the use remains "domestic".

The current Code provision requires permits for all water wells and they must comply with Oklahoma Department of Health rules. Domestic wells are limited to "domestic uses" under State law and the Code forbids drilling into the Garber Welling sandstone formation unless the City does not service the location or it is a commercial or industrial well where the City has granted permission.

Proposed Code Amendments
Staff proposed the following code amendments:

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- Update to ensure we are in compliance with State law (regulate only domestic and industrial wells);
- Update to ensure appropriate State agencies are listed;
- Use of State definitions for domestic and industrial use to ensure consistency in application; and
- Permit requirements to protect water supply and monitor usage.
  - **Permit Requirements**
    - Well must be constructed by OWRB certified well driller;
    - OWRB Groundwater Well Completion Report submitted to City;
    - 30 feet of well surface casing – reduce risk of contamination; and
    - No cross connection to the public water supply.

Item 1, continued

- **Character of Use Measures**
  - Water meter must be installed;
  - Water cannot be drawn in excess of limits set by State law;
  - Water used only for stated purposes; and
  - Records submitted to the City annually that document amount of water withdrawn.

Private Wells

- Domestic use for household purposes = three (3) acre feet per year (980,000 gallons);
- Domestic use for non-household purposes = five (5) acre feet per year (1,630,000 gallons);
- Cost of private wells in Norman vary with location and depth;
- Domestic well in East Norman = $6,500 and is 100 feet deep with 15-20 gallons per minute (gpm); and
- Domestic well in West Norman = $45,000 and is 650 feet deep with 15-20 gpm.

Property Owners Association

A POA would be able to withdraw five (5) acre feet per year that would equal 1.63 million gallons, 60 inches per year per acre, and 60 applications of 1-inch over one acre.

Ms. Walker said every domestic use is somewhat de minimis, but every hole in the aquifer is a potential source of pollution. She said ultimately if there are a lot of domestic water wells drilling deep into the aquifer, the City may be competing for the same water. The City is also pushing to get re-use standards and Ms. Walker felt customers who would like to use non-potable water or the domestic wells for irrigation eventually would be good customers for re-use when that comes to fruition. She said the biggest consideration is balancing the community's water supply versus individual water usage.

Councilmember Griffith asked how deep the Garber Wellington Aquifer is and Mr. Harrington said it varies from 400 feet on the east to 600 to 700 feet on the west.

Mr. Harold Heiple, Attorney representing Oklahoma Electric Co-op (OEC), said the City needs to protect the Garber Wellington Aquifer and he felt the following verbiage should be included in the ordinance "...any property served by City water or required by law to be served by City water is not eligible for a permit to drill into the Garber Wellington..." He said Mr. DiCastro with the Cascade Addition POA met with OEC regarding the POAs request for a water well permit and it was a very productive meeting. Mr. Heiple felt OEC will get on board with the POAs request as long as the POA does not go into the Garber Wellington for irrigation purposes.

Councilmember Kovach said for clarification purposes, the Oversight Committee began discussing this ordinance before the POA came forward with their request. He asked Staff if the City can regulate how deep a person can drill and Ms. Walker said the current ordinance reads that a person can not drill into the Garber Wellington unless you do not get City water or you are an industrial or commercial user and Council approves it. She said the City can not regulate commercial wells, but the City does have some degree of regulatory authority over industrial and domestic wells. Ms. Walker said she is not certain the law is clear, it is a gray area, whether or not the City can regulate how deep a person can drill into the aquifer. She said Staff has chosen not to include this issue in the ordinance at this point, but will continue to research it. She said there is a balance between the fact the property owner has a right to domestic use versus the City's interest in protecting the aquifer and try to determine how the Courts might interpret this issue.

Mr. Jeff Bryant, City Attorney, said his office has had many discussions on this topic and the existing ordinance language has verbiage that prohibits person(s) from drilling into the Garber Wellington if the person(s) already has City water supplied to the property. He said the law is not very clear and the issue is whether or not the law is enforceable. Staff

Item 1, continued:

drafted the proposed ordinance based on prior meeting discussions and Staff felt Council desired to have more regulation on the actual wells, casing, etc., rather than language regulating and not allowing person(s) to drill into the Garber Wellington. Mr. Bryant said if Council desires to keep the current language of not allowing person(s) to drill into the Garber Wellington,

Staff can certainly pursue that. Council discussed and agreed that Sub-Section C Section 21-404, should be put back into the Ordinance prohibiting person(s) from drilling into the Garber Wellington. Councilmember Kovach asked if the language stating "... any property served by City water or required by law to be served by City water is not eligible for a permit to drill into the Garber Wellington..." could be added to the proposed ordinance and Mr. Bryant said that particular language is already in the proposal stating if the City provides water service then you are prohibited from drilling into the Garber Wellington. He said one compromise to that might be focusing on potable and non-potable, which is what Mr. Heiple is suggesting, i.e., if a person can drill a 200 or 250 foot water well and get water that is suitable for irrigation purposes but is not potable then that is not water that the City would be using for the municipal water supply anyway.

Councilmember Williams asked if the regulation would apply to existing wells if the City extended water lines/services and Mr. Bryant felt the City should be consistent stating that if the City was to extend water service, by statute the City would get those water rights as long as the City is providing municipal water supply. He said this is the area that is a little unclear, and Council could certainly discuss a policy that would allow the person(s) to waive the requirement for municipal water.

Mr. Bobby Stevens, P.O. Box 6226, asked how the City would enforce the water laws on tribal land and Mr. Bryant said there has recently been an argument at the U.S. Supreme Court regarding water rights and how far states can pursue the issue. He said if tribal land rights versus municipal water rights came into fruition, the City would be pre-empted if the land is federal Indian land.

Mayor Rosenthal said the City does need to protect the Garber Wellington since it is the City's water supply, but felt allowing non-potable drilling for irrigation purposes is a reasonable compromise. Councilmember Kovach agreed and Councilmember Williams felt if person(s) are within 300 feet of City water they should connect for potable water; however, if they choose to drill and use a private well that is not in the aquifer for non-potable uses they should be allowed to do so. Mr. Chris Mattingly, Utilities Superintendent, said he was concerned about the definition of potable changing in the future due to the changing dynamics and regulations regarding water. Mayor Rosenthal said the ordinance needs to distinguish between (not) drilling into the aquifer and non-potable water.

Councilmember Williams asked if the City were to extend water supply services to an area that already has a water well in the aquifer, would they be "grandfathered in", and therefore the person(s) would not have to connect to City water services unless the person(s) made a change to the existing well. Mr. Bryant said the ordinance can be created however Council desires and he said it is not unusual to have "grandfathering" provisions. He said the current language already has a "grandfathering" provision stating "...domestic or non-industrial uses existing before February 8, 1955..." and can be added to the draft ordinance going forward if Council desires.

Staff drafted the proposed ordinance from the most conservative approach recognizing the domestic use water rights. Regardless when a private well was drilled, if someone connects to City water services they must disconnect the private well so there will not be a risk cross-contamination. Councilmember Castleberry asked if the private well would need to be plugged and Ms. Walker said the proposed draft would not require the well be plugged; however, it could be required under other regulations. She said the requirement to plug the disconnected private water wells can be added to the draft ordinance if Council so desires.

Mr. Harrington said the City may want to consider collecting water quality data as part of the ordinance and Councilmembers Kovach and Castleberry said the City should collect and carry the burden of testing water quality samples. Staff will re-draft the ordinance and bring forward for Council consideration and approval.

City of Norman, OK

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

Master

File Number: AP-1213-24

File ID:	AP-1213-24	**Type:**	Appointment	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 7	**In Control:**	City Council
Department:	City Clerk Department	**Cost:**		**File Created:**	05/13/2013
File Name:	Appointments			**Final Action:**	

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

BICYCLE ADVISORY COMMITTEE
TERM: 05-28-13 TO 02-13-15: KIM FLOYD, 229 22ND AVENUE N.E.
TERM: 05-28-13 TO 02-13-14: JOHN WICKHAM, 536 WOODSONG DRIVE
TERM: 07-02-13 TO 02-13-15: JONATHAN MULLEN, 1506 MELROSE DRIVE

BOARD OF ADJUSTMENT
TERM: 05-28-13 TO 12-22-15: CINDY DECKARD, 1531 MELROSE DRIVE
TERM;: 05-28-13 TO 12-22-15: THOMAS BALLENGER, 3649 24TH AVE. #11

DEVELOPMENT OVERSIGHT COMMITTEE FOR TIF DISTRICT NO. 2
TERM: 05-28-13 TO 04-10-15: CLINT WILLIAMS, 2650 BRENTWOOD DRIVE
TERM: 04-10-13 TO 04-10-16: HEATH HANS, 3820 CRAIL DRIVE
TERM: 04-10-13 TO 04-10-16: HAROLD HARALSON, 516 AVON DRIVE
TERM: 04-10-13 TO 04-10-16: TED SMITH, 613 RIVERWALK COURT

FLOODPLAIN PERMIT COMMITTEE
TERM 6-12-12 TO 06-12-15: SHERRI STANSEL, 608 SHADOW CREST COURT

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

ACTION TAKEN: _____

Agenda Date: 06/11/2013

Agenda Number: 7

Attachments:

Project Manager: Brenda Hall, City Clerk

Entered by: Ellen.Usry@mccinnovations.com

Effective Date:

History of Legislative File

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

Text of Legislative File AP-1213-24

body
INFORMATION: In accordance with the Mayor's request, the above-described item is submitted for City

Council's consideration. Kim Floyd will fill the unexpired term of Helen Robertson who has resigned; John Wickham will fill the unexpired term of John Joyce who has resigned; Jonathan Mullen will fill the unexpired term of Councilmember-Elect Greg Heiple; Cindy Deckard will fill the vacancy left by Howard Saxion; Thomas Ballenger will replace Thomas Sherman; Clint Williams will fill the unexpired term of Gail Poole who has resigned; and Sherri Stansel, Heath Hans, Harold Haralson, and Ted Smith are reappointments.

City of Norman, OK

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

Master

File Number: RPT-1213-90

File ID:	RPT-1213-90	**Type:**	Communication or Report	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 8	**In Control:**	City Council
Department:	City Clerk Department	**Cost:**		**File Created:**	05/30/2013
File Name:	NPL Budget			**Final Action:**	

Title: SUBMISSION OF THE PIONEER LIBRARY SYSTEM FYE 2014 ANNUAL BUDGET.

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

ACTION TAKEN: _____

Agenda Date: 06/11/2013

Agenda Number: 8

Attachments: Pioneer Library System 2013-14 Budget

Project Manager: Brenda Hall, City Clerk

Entered by: Ellen.Usry@mccinnovations.com

Effective Date:

History of Legislative File

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

Text of Legislative File RPT-1213-90

PIONEER LIBRARY SYSTEM
BUDGET
July 1, 2013 - June 30, 2014

REVENUES			
Ad Valorem Taxes			
Cleveland County	$10,385,843		
McClain County	1,368,254		
Pottawatomie County	1,801,571		
Total Ad Valorem Taxes		$13,555,668	
Oklahoma Department of Libraries			
State Aid	$149,662		
Total State Aid		$149,662	
Other Revenue	$436,918		
		$436,918	
Subtotal All Revenue			$14,142,248
Use of Designated Fund Balance			$138,420
Fund Balance			
Reserved for Encumbrances			$64,314
Fund Balance Carryover			
Designated Fund Balance			$718,996
Undesignated Fund Balance			$854,056
Total Fund Balance			$1,637,366
TOTAL REVENUE			$15,918,034
EXPENDITURES			
Personnel Services		$9,338,189	
Books and Other Materials		1,980,000	
Books and Other Materials-West Side Nor.		200,000	
General & Administrative		1,018,336	
Technology		825,000	
Technology-West Side Norman Branch		206,000	
Virtual Library		190,000	
Construction Norman Center Court Project		118,689	
System Services		404,454	
(Development, Literacy, Programming, PIO, Outreach)			
Subtotal All Expenditures			$14,280,668
Fund Balance			
Reserved for Encumbrances			$64,314
Fund Balance Carryover			
Designated Fund Balance			$718,996
Undesignated Fund Balance			$854,056
Total Fund Balance			$1,637,366
TOTAL GENERAL FUND EXP & FUND BALANCE			$15,918,034

Robin Parker, Chair

Anne Masters, Secretary

5/23/2013

INCOME	Revised Budget January 2012/2013	Budget May 2013/2014	Change From 2012/13	% Change From 2012/13 Budget
Cleveland Co.	$10,385,843	$10,385,843	$0	0.00%
McClain Co.	$1,368,254	$1,368,254	$0	0.00%
Pott Co.	$1,801,571	$1,801,571	$0	0.00%
Total Ad Valorem	$13,555,668	$13,555,668	$0	0.00%
State Revenue				
State Aid	$149,662	$149,662	$0	0.00%
Miscellaneous				
Fines	$230,000	$230,000	$0	0.00%
Reprographics	$20,500	$20,500	$0	0.00%
Public Printers	$37,500	$37,500	$0	0.00%
Promotional Sales	$1,000	$1,000	$0	0.00%
Headphone Sales	$800	$800	$0	0.00%
Lost Book Reimburs	$10,000	$10,000	$0	0.00%
Non Resident Fees	$2,100	$2,100	$0	0.00%
Fax Income	$22,000	$22,000	$0	0.00%
Interest Income	$29,000	$29,000	$0	0.00%
Lease Income		$52,500	$52,500	
Miscellaneous	$2,000	$2,000	$0	0.00%
Contractual Services	$27,397	$29,518	$2,121	7.74%
Total Miscellaneous	$382,297	$436,918	$54,621	14.29%
Subtotal All Revenue	$14,087,627	$14,142,243	$54,621	0.39%
Release of Fund Balance				
Reserved for Encumbrances	$141,532	0	($141,532)	-100.00%
Use of Designated Fund Balance	$3,669,032	$138,420	($3,530,612)	-96.23%
Fund Balance				
Reserved for Encumbrances	$64,314	$64,314	$0	0.00%
Fund Balance Carryover Prior				
Designated Fund Balance	$718,996	$718,996	$0	0.00%
Undesignated Fund Balance	$854,056	$854,056	$0	0.00%
Total Fund Balance	$1,637,366	$1,637,366	$0	0.00%
TOTAL REVENUE	$19,535,557	$15,918,034	($3,617,523)	-18.52%

EXPENSES	Revised Budget January 2012/2013	Budget May 2013/2014	Change from 2012/13	% Change From 2012/13 Budget
Personnel Services				
Salaries	$7,074,398	$7,074,398	$0	0.00%
Social security/medicare	$541,191	$541,191	$0	0.00%
Recruitment	$5,000	$5,000	$0	0.00%
Retirement Benefits	$548,000	$555,300	$7,300	1.33%
Health Insurance	$1,050,000	$1,030,000	($20,000)	-1.90%
Group Term Life Insurance	$23,700	$21,500	($2,200)	-9.28%
Disability Insurance	$27,600	$32,100	$4,500	16.30%
Employee Assistance Programs	$15,800	$15,800	$0	0.00%
Workers Compensation	$32,200	$33,900	$1,700	5.28%
Contract Labor	$76,800	$20,000	($56,800)	-73.96%
Unemployment Insurance	$2,000	$2,000	$0	0.00%
Scholarship	$7,000	$7,000	$0	0.00%
Total Personnel Services	**$9,403,689**	**$9,338,189**	**($65,500)**	-0.70%
Materials	**$1,980,843**	**$1,980,000**	($843)	-0.04%
Materials - West Side Norman Branch	**$175,000**	**$200,000**	$25,000	14.29%
Administrative Services				
Professional Services	$0	$56,800	$56,800	
Attorney Fees	$40,000	$40,000	$0	0.00%
Continuing Education	$116,955	$116,955	$0	0.00%
Equipment	$372,226	$125,000	($247,226)	-66.42%
Equiment Repair & Maint.	$5,000	$5,000	$0	0.00%
Insurance	$68,500	$68,500	$0	0.00%
Membership	$16,625	$16,625	$0	0.00%
Postage	$65,000	$50,000	($15,000)	-23.08%
Supplies	$80,756	$80,756	$0	0.00%
Telephone	$42,000	$42,000	$0	0.00%
Travel	$42,000	$45,000	$3,000	7.14%
Vehicles	$75,000	$75,000	$0	0.00%
Audit	$26,250	$28,500	$2,250	8.57%
Interest Expense	$0	$0	$0	
Miscellaneous Expense	$2,500	$2,500	$0	0.00%
Reprographics	$77,000	$77,000	$0	0.00%
Sales Tax	$5,500	$5,500	$0	0.00%
Data Processing	$44,200	$59,200	$15,000	33.94%
Fine Collection Service	$25,000	$25,000	$0	0.00%
Revaluation	$83,000	$99,000	$16,000	19.28%
Budget Contingency	$0		$0	
Total G& A	**$1,187,512**	**$1,018,336**	($169,176)	-14.25%
Technology	**$879,495**	**$825,000**	($54,495)	-6.20%
Technology West Side Norman Branch	**$241,500**	**$206,000**	($35,500)	-14.70%
Virtual Library	**$190,000**	**$190,000**	$0	0.00%
Construction Project Norman Cntr Court	**$3,185,282**	**$118,689**	($3,066,593)	-96.27%
System Services				
Development	$25,817	$25,000	($817)	-3.16%
Events/Hospitality	$3,000	$3,000	$0	0.00%

System Signage	$25,000	$25,000	$0	0.00%
Public Information	$87,695	$87,695	$0	0.00%
Programming	$19,000	$19,000	$0	0.00%
Literacy	$10,000	$10,000	$0	0.00%
System Facilities	$205,241	$180,241	($25,000)	-12.18%
System Outreach	$50,000	$25,000	($25,000)	-50.00%
Contractual Services	$29,117	$29,518	$401	1.38%
Total System Services	**$454,870**	**$404,454**	($50,416)	-11.08%
Subtotal GF Expenditures	**$17,698,191**	**$14,280,668**	($3,417,523)	-19.31%
Fund Balance				
Reserved for Encumbrances	$64,314	$64,314	$0	0.00%
Fund Balance Designated Current Year	$200,000	$0	($200,000)	-100.00%
Fund Balance Carryover Prior				
Designated Fund Balance	$718,996	$718,996	$0	0.00%
Undesignated Fund Balance	$854,056	$854,056	$0	0.00%
Total Fund Balance	**$1,837,366**	**$1,637,366**	($200,000)	-10.89%
Total General Fund Expend. and Fund Balance	**$19,535,557**	**$15,918,034**	($3,617,523)	-18.52%

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

REVENUES			
Ad Valorem Taxes			
Cleveland County	$10,385,843		
McClain County	1,368,254		
Pottawatomie County	1,801,571		
Total Ad Valorem Taxes		$13,555,668	
Oklahoma Department of Libraries			
State Aid	$149,662		
Total State Aid		$149,662	
Other Revenue	$436,918		
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Robin Parker, Chair

Anne Masters, Secretary

5/23/2013

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Revaluation	$83,000	$99,000	$16,000	19.28%
Budget Contingency	$0		$0	
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System Services				
Development	$25,817	$25,000	($817)	-3.16%
Events/Hospitality	$3,000	$3,000	$0	0.00%

System Signage	$25,000	$25,000	$0	0.00%
Public Information	$87,695	$87,695	$0	0.00%
Programming	$19,000	$19,000	$0	0.00%
Literacy	$10,000	$10,000	$0	0.00%
System Facilities	$205,241	$180,241	($25,000)	-12.18%
System Outreach	$50,000	$25,000	($25,000)	-50.00%
Contractual Services	$29,117	$29,518	$401	1.38%
Total System Services	**$454,870**	**$404,454**	($50,416)	-11.08%
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Fund Balance				
Reserved for Encumbrances	$64,314	$64,314	$0	0.00%
Fund Balance Designated Current Year	$200,000	$0	($200,000)	-100.00%
Fund Balance Carryover Prior				
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Total Fund Balance	**$1,837,366**	**$1,637,366**	($200,000)	-10.89%
Total General Fund Expend. and Fund Balance	**$19,535,557**	**$15,918,034**	($3,617,523)	-18.52%

City of Norman, OK

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

Master

File Number: K-1213-88

File ID:	K-1213-88	**Type:**	Contract	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 9	**In Control:**	City Council
Department:	Utilities Department	**Cost:**	$2,774,200.00	**File Created:**	05/27/2013
File Name:	SMP11			**Final Action:**	

Title: CONSIDERATION OF BID NO. 1213-44, CONTRACT NO. K-1213-88 WITH URBAN CONTRACTORS, L.L.C., IN THE AMOUNT OF $2,774,200; PERFORMANCE BOND NO. B-1213-34; STATUTORY BOND NO. B-1213-35, AND MAINTENANCE BOND NO. MB-1213-27 FOR THE SEWER MAINTENANCE PROJECT FYE 2011 AND BUDGET TRANSFERS.

Notes: ACTION NEEDED: Acting as the Norman Utilities Authority, motion to accept or reject all bids meeting specifications; and, if accepted, award the bid in the amount of $2,774,200 to Urban Contractors, L.L.C., as the lowest and best bidder meeting specifications; approve Contract No. K-1213-88 and the performance, statutory, and maintenance bonds; authorize the execution of the contract and bonds and the Norman Utilities Authority as part of the contract to pay vendors supplying equipment and materials for the Sewer Maintenance Project FYE 2011; direct the filing of the bonds; and transfer $840,803 from Project No. WW0055, SMP10, Construction (321-9338-432.61-01) and $403,314 from Project No. WW0200, Construction SMP13, Construction (321-9338-432.61-01) to Project No. WW0064, SMP11, Construction (321-9338-432.61-01).

ACTION TAKEN: _____

Agenda Date: 06/11/2013

Agenda Number: 9

Attachments: Text File K-1213-88, Bid Tab Sewer Maintenance Project, K-1213-88, Perf B-1213-34, Stat B-1213-35, MB-1213-27, Location map

Project Manager: Charlie Thomas, Capital Projects Engineer

Entered by: charlie.thomas@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-1213-88

Body

BACKGROUND: In 2001, the citizens of Norman approved a five dollar per month maintenance fee providing for the systematic replacement of aged and deteriorating sewer lines throughout our system. The fiscal year 2010-2011 (FYE11) Sewer Maintenance Plan (SMP) project is rehabilitative in nature, generally bounded by

Alameda to the north, Bishop Creek to the west, partially Boyd and partially Brooks to the south, and Shiloh to the east (see map attached). It will replace about 38,000 feet (7 miles) of sewer line and replace or rehabilitate about 220 manholes. All existing six inch (6") diameter pipe and all clay tile pipe will be replaced with high density polyethylene (HDPE) sewer pipe at existing grades and depths, with a minimum diameter of eight inches (8"), primarily using the pipe-bursting technique.

DISCUSSION: An advertisement for bids was published in the Norman Transcript on April 25 and May 2, 2013. Project bids opened on May 23, 2013; as shown on the attached Bid Tabulation, four (4) bids were received and Urban Contractors, LLC was the low bidder at $2,774,200. Staff engineer's estimate was $2,892,276. Work should begin during July with 440 days scheduled contract completion time.

The Fiscal Year Ending (FYE) 2013 budget includes an unencumbered balance of $1,668,793 for Construction (account 321-9338-432.61-01; project WW064), a shortfall of $1,105,407 from the low bid amount. Historically, our annual sewer maintenance project is funded at about $2.8M. However, the previous fiscal year budget only provided the above balance, which has been subsequently carried over in accordance with City policy. Staff recommends supplemental funding of the shortfall plus five percent (5%) contingency, for a total of $1,244,117, as follows.

Our previous annual sewer project SMP FYE10 is complete but funds are still available in its construction account. Therefore, staff recommends transfer of the remaining balance, $840,803 from SMP FYE10, Construction (account 321-9338-432.61-01; project WW0055) to SMP FYE11, Construction (account 321-9338-432.61-01; project WW0064). The SMP FYE13 budget also currently includes an available balance of $4,011,743, since unexpended balances from previously completed annual sewer maintenance projects were accumulated there. Therefore, staff further recommends a transfer of $403,314 from SMP FYE13, Construction (account 321-9338-432.61-01; project WW0200) to SMP FYE11, Construction (account 321-9338-432.61-01; project WW0064).

The City of Norman is exempt from the payment of any sales or use taxes. Pursuant to Title 68 O.S., Section 1356 (10) and as allowed by Oklahoma Tax Commission Rules Part 27 Trust Authority 710:65-13-140, direct vendors to the Norman Utilities Authority (NUA) are also exempt from those taxes. A bidder and his subcontractors may exclude from their bid sales taxes on appropriate equipment, materials, and supplies that will not have to be paid while acting on behalf of the NUA. To minimize project costs, the NUA will make payment directly to vendors supplying equipment and materials for incorporation into the project.

STAFF RECOMMENDATIONS: Staff recommends that the NUA accept the bids received in response to Bid 1213-44 and award to the low bidder, Urban Contractors, L.L.C., of Oklahoma City. Staff further recommends transfers as follows:

$840,803 from SMP10, Construction (account 321-9338-432.61-01; project WW0055) to SMP11, Construction (account 321-9338-432.61-01; project WW0064).
$403,314 from SMP13, Construction (account 321-9338-432.61-01; project WW0200) to SMP11, Construction (account 321-9338-432.61-01; project WW0064).

Staff further recommends approval of Contract K-1213-88 with Urban Contractors, L.L.C., in the amount of $2,774,200, Performance Bond B-1213-34, Statutory Bond B-1213-35, and Maintenance Bond MB-1213-27; each in the contract amount. Staff further recommends that the Utilities Director be allowed to approve the purchase of equipment and materials for Sewer Maintenance Project FYE 2011 directly from vendors at prices agreed to by the Contractor.

Bid No. 1213-44
Sewer Maintenance Project FYE 2011
May 23, 2013

The following is a tabulation of bids received by the City of Norman for the Sewer Maintenance Project FYE 2011.

Bidder	Bid
Urban Contractors Oklahoma City, Oklahoma	$2,774,200
Jordan Contractors Tecumseh, OK	$3,046,310
Krapff-Reynolds Construction Oklahoma City, Oklahoma	$3,130,424
Matthews Trenching Oklahoma City, Oklahoma	$3,879,974206,730

RECOMMENDATION: That Urban Contractors, LLC,., be awarded the bid for the Sewer Maintenance Project FYE 2011. Funds are recommended for appropriation to Project No. WW0064, Construction (321-9338-432.61-01).

Respectfully submitted:

Charlie Thomas
Capital Projects Engineer

CONTRACT

THIS CONTRACT by and between the NORMAN UTILITIES AUTHORITY, a Public Trust of the State of Oklahoma, hereinafter designated as the AUTHORITY, and URBAN CONTRACTORS, LLC hereinafter designated as the CONTRACTOR, effective the date last executed below,

WITNESSETH

WHEREAS, the AUTHORITY has caused to be prepared in accordance with law, specifications and other Contract Documents for the work hereinafter described; and has approved and adopted all of said Contract Documents; and has given and advertised an Invitation to Bid as required by law; and has received sealed Bids for the furnishing of all labor, materials and equipment for the following project:

SEWER MAINTENANCE PROJECT, FYE 11
NORMAN, OKLAHOMA

in accordance with and as outlined and set out in the terms and provisions of said Contract Documents; and,

WHEREAS, the CONTRACTOR in response to said Invitation to Bid, has submitted to the AUTHORITY in the manner and at the time specified, a sealed Bid in accordance with the terms of this said Contract Documents; and

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

Two million, seven hundred seventy-four thousand, two hundred & no/100 Dollars ($2,774,200.00)

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 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 said CONTRACT Documents, per the Table of Contents, including, but not limited to:

- the Invitation to Bid published in the Norman Transcript
- the Instructions to Bidders;
- the CONTRACTOR'S Bid or Proposal;
- the Bonds hereto;
- Multiple affidavits
- the Conditions of the Contract
- the Technical Specifications and Construction Drawings

all of which documents are on file in the Office of the Purchasing Department of the AUTHORITY, and are made a part of this CONTRACT as fully as if the same were set out in full, with the following additions and/or exceptions:

Addendum No. 1 dated May 15, 2013

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

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

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

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

3) The CONTRACTOR shall commence said work within ten (10) calendar days following receipt of a NOTICE-TO-PROCEED, prosecute the same vigorously and continuously, and complete the same within four hundred forty (440) calendar days following receipt of NOTICE-TO-PROCEED.

4) Time is of the essence in completion of this project and the AUTHORITY will suffer financial loss if the Work is not completed within the time(s) specified in preceding paragraph. CONTRACTOR and AUTHORITY also recognize the delays, expense, and difficulties involved in proving in a legal or arbitration proceeding such actual loss. Accordingly, instead of requiring any such proof, CONTRACTOR and AUTHORITY therefore further agree that as liquidated damages for delay (but not as a penalty) CONTRACTOR shall pay AUTHORITY five hundred dollars ($500) for each calendar day that expires after the time specified in preceding paragraph, plus any authorized extensions thereof, for completion and readiness for final payment of each portion of the Work.

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

6) The AUTHORITY reserves the right to add to or subtract from the estimated quantities or amount of work to be performed up to a maximum of 15% of the total bid price.

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

8) The parties mutually agree and acknowledge that this is an Oklahoma AGREEMENT and any dispute shall be resolved in accordance with the Laws of the State of Oklahoma and actions if necessary shall be brought in the District Court of Cleveland County. In the event of ambiguity in any of the terms of this AGREEMENT, it shall not be construed for or against any party on the basis that such party did or did not author the same

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

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

11) The CONTRACTOR shall furnish surety bonds and certificate of insurance as specified herein which bonds and insurance must be approved by the AUTHORITY prior to issuance of the NOTICE-TO-PROCEED and commencement of work on the project.

The following statement must be signed and notarized before this Contract will become effective.

STATE OF_OKlahoma)

COUNTY OF Oklahoma)

I certify that I am the duly authorized agent of Urban Contractors, LLC, CONTRACTOR.

I further certify that neither the CONTRACTOR nor the anyone subject to the his/her direction or control has paid, given or donated, or agreed to pay, give or donate to any officer or employee of the AUTHORITY, any money or other thing of value, either directly or indirectly, in the procuring of the CONTRACT.

URBAN CONTRACTORS LLC CORPORATE SEAL OKLAHOMA

Urban Contractors, LLC
(Bidder Company Name)

James Parrish
James Parrish, LLC Manager
(printed/typed name and title)

Subscribed and sworn to before me this 4 day of June, 20 13.

Amy Hampton
Notary Public (or Clerk or Judge)

NOTARY PUBLIC State of Oklahoma AMY HAMPTON Comm. #06007912 Exp: Aug. 14, 2014

My Commission Expires: _____ (SEAL)

IN WITNESS WHEREOF, AUTHORITY and CONTRACTOR have executed this AGREEMENT;

DATED this _____ day of _____, 2013.

ATTEST

Corporate Secretary (where applicable)

URBAN CONTRACTORS, LLC CORPORATE SEAL OKLAHOMA

Signed:

Urban Contractors, LLC
PRINCIPAL

Authorized Representative

James Parrish, LLC Manager
Name and Title

(Corporate Seal) (where applicable)

Address: 7113 N. Bryant Ave
Oklahoma City, OK 73121

Telephone: 405-478-5370

NORMAN UTILITIES AUTHORITY

APPROVED as to form and legality this 4 day of June, 2013.

AUTHORITY Attorney

Approved by the Trustees of the NORMAN UTILITIES AUTHORITY this _____ day of

_____, 20____.

NORMAN UTILITIES AUTHORITY

ATTEST

By: _____ _____

Title: Chairman Secretary

Bond # SSB0414186

PERFORMANCE BOND

Know all men by these presents that Urban Contractors, LLC, as PRINCIPAL, and RLI Insurance Company, a corporation organized under the laws of the State of Illinois, and authorized to transact business in the State of Oklahoma, as SURETY, are held and firmly bound unto NORMAN UTILITIES AUTHORITY, a Public Trust of the State of Oklahoma, herein called AUTHORITY, in the sum of Two million, seven hundred seventy-four thousand, two hundred & no/100 Dollars ($2,774,200.00), 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 successful bidder on the following PROJECT:

FYE11 SEWER MAINTENANCE PROJECT
NORMAN, OKLAHOMA

has entered into a written CONTRACT (K-1213-88) with the AUTHORITY, dated _____ for the erection and construction of this PROJECT, that CONTRACT being incorporated herein by reference as if fully set forth.

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

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

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

IN WITNESS WHEREOF, the PRINCIPAL has caused these presents to be executed in its name and its corporate seal (where applicable) to be hereunto affixed by its duly authorized representative(s), on the 4th day of June, 2013, 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 4th day of June, 2013.

(Corporate Seal) (where applicable)

ATTEST

Corporate Secretary (where applicable)

URBAN CONTRACTORS, LLC CORPORATE SEAL OKLAHOMA

Urban Contractors, LLC
PRINCIPAL

Signed:

Authorized Representative

James Parrish, LLC Manager
Name and Title

Address: 7113 N. Bryant Ave
Oklahoma City, OK 73121

Telephone: 405-478-5370

(Corporate Seal)

ATTEST

Natalie Garrett
Corporate Secretary

RLI Insurance Company
SURETY

Signed:

Authorized Representative

Donna Benell, Attorney-in-fact
Name and Title

Address: PO Box 1349
Enid, OK 73702

Telephone: (580) 233-1442

' A Limited Liability Company'
CORPORATE ACKNOWLEDGEMENT

STATE OF Oklahoma)
)§
COUNTY OF Oklahoma)

The foregoing instrument was acknowledged before me this 4 day of June,

20 13, by James Parrish, LLC Manager of Urban Contractors, LLC
Name and Title Contractor
a Limited Liability Company corporation, on behalf of the corporation.

WITNESS my hand and seal this 4 day of June 2013.

State of Oklahoma
AMY HAMPTON
NOTARY PUBLIC
Comm. #06007912
Exp.:Aug. 14, 2014

Amy Hampton
Notary Public

My Commission Expires: _____

INDIVIDUAL ACKNOWLEDGEMENT

STATE OF _____)
)§
COUNTY OF _____)

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

20 ____, by _____ an individual.
Name and Title

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

_____
Notary Public

My Commission Expires: _____

PARTNERSHIP ACKNOWLEDGEMENT

STATE OF _____)
)§
COUNTY OF _____)

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

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

_____, a partnership.

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

_____
Notary Public

My Commission Expires: _____

NORMAN UTILITIES AUTHORITY

APPROVED as to form and legality this 4 day of June, 20 13.

_____
AUTHORITY Attorney

Approved by the Trustees of the NORMAN UTILITIES AUTHORITY this _____ day of

_____, 20_____.

NORMAN UTILITIES AUTHORITY

ATTEST

By: _____ _____

Title: Chairman Secretary

Bond # SSB0414186

STATUTORY BOND

Know all men by these presents that Urban Contractors, LLC, as PRINCIPAL, and RLI Insurance Company, a corporation organized under the laws of the State of Illinois, and authorized to transact business in the State of Oklahoma, as SURETY, are held and firmly bound unto NORMAN UTILITIES AUTHORITY, a Public Trust of the State of Oklahoma, herein called AUTHORITY, in the sum of Two million, seven hundred seventy-four thousand, two hundred & no/100 Dollars ($2,774,200.00), 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 succesful bidder on the following PROJECT:

FYE11 SEWER MAINTENANCE PROJECT
NORMAN, OKLAHOMA

has entered into a written CONTRACT (K-1213-88) with the AUTHORITY, dated _____ for the erection and construction of this PROJECT, that CONTRACT being incorporated herein by reference as if fully set forth.

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

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

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

IN WITNESS WHEREOF, the PRINCIPAL has caused these presents to be executed in its name and its corporate seal (where applicable) to be hereunto affixed by its duly authorized representative(s), on the 4th day of June, 2013, 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 4th day of June, 2013.

(Corporate Seal) (where applicable)

ATTEST

Corporate Secretary (where applicable)

URBAN CONTRACTORS, LLC CORPORATE SEAL OKLAHOMA

Urban Contractors, LLC
PRINCIPAL

Signed:

Authorized Representative

James Parrish, LLC Manager
Name and Title

Address: 7113 N. Bryant Ave
Oklahoma City, OK 73121

Telephone: 405-478-5370

(Corporate Seal)

ATTEST

Natalie Garrett
Corporate Secretary

RLI Insurance Company
SURETY

Signed:

Authorized Representative

Donna Benell, Attorney-in-fact
Name and Title

Address: PO Box 1349
Enid, OK 73702

Telephone: (580) 233-1442

'A Limited Liability Company'
CORPORATE ACKNOWLEDGEMENT

STATE OF Oklahoma)
)§
COUNTY OF Oklahoma)

The foregoing instrument was acknowledged before me this 4 day of June,

20 13, by James Parrish, LLC Manager of Urban Contractors, LLC
Name and Title
a Limited Liability Company corporation, on behalf of the corporation.

WITNESS my hand and seal this 4 day of June 20 13.

Amy Hampton
Notary Public

State of Oklahoma
AMY HAMPTON
NOTARY PUBLIC
Comm. #06007912
Exp.:Aug. 14, 2014

My Commission Expires: _____

INDIVIDUAL ACKNOWLEDGEMENT

STATE OF _____)
)§
COUNTY OF _____)

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

20 _____, by _____ an individual.
Name and Title

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

_____
Notary Public

My Commission Expires: _____

PARTNERSHIP ACKNOWLEDGEMENT

STATE OF _____)
)§
COUNTY OF _____)

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

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

_____, a partnership.

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

_____
Notary Public

My Commission Expires: _____

NORMAN UTILITIES AUTHORITY

APPROVED as to form and legality this 4 day of June, 2013.

_____
AUTHORITY Attorney

Approved by the Trustees of the NORMAN UTILITIES AUTHORITY this _____ day of
_____, 20_____.

NORMAN UTILITIES AUTHORITY

ATTEST

By: _____ _____

Title: Chairman Secretary

Bond # SSB0414186

MAINTENANCE BOND

Know all men by these presents that Urban Contractors, LLC, as PRINCIPAL, and RLI Insurance Company, a corporation organized under the laws of the State of Illinois, and authorized to transact business in the State of Oklahoma, as SURETY, are held and firmly bound unto NORMAN UTILITIES AUTHORITY, a Public Trust of the State of Oklahoma, herein called AUTHORITY, in the sum of Two million, seven hundred seventy-four thousand, two hundred & no/100 Dollars ($2,774,200.00), 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 successful bidder on the following PROJECT:

FYE11 SEWER MAINTENANCE PROJECT
NORMAN, OKLAHOMA

has entered into a written CONTRACT (K-1213-88) with the AUTHORITY, dated _____ for the erection and construction of this PROJECT, that CONTRACT being incorporated herein by reference as if fully set forth.

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

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

Provided further, however, that upon neglect, failure or refusal of the PRINCIPAL to maintain or make any needed repairs upon the construction on the PROJECT, as set out in the preceding paragraph, within ten (10) days after the mailing of notice to the PRINCIPAL by letter deposited in the United States Post Office at Norman, Oklahoma, addressed to the PRINCIPAL at the address set forth below, then the PRINCIPAL and SURETY shall jointly and severally be liable to the AUTHORITY for the cost and expense for making such repair, or otherwise maintaining the said construction.

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

IN WITNESS WHEREOF, the said PRINCIPAL has caused these presents to be executed in its name and its corporate seal (where applicable) to be hereunto affixed by its duly authorized representative(s), on the 4th day of June, 2013, 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 4th day of June, 2013.

(Corporate Seal) (where applicable)
ATTEST

Corporate Secretary (where applicable)

URBAN CONTRACTORS, LLC CORPORATE SEAL OKLAHOMA

Signed:

Urban Contractors, LLC
PRINCIPAL

Authorized Representative

James Parrish, LLC Manager
Name and Title

Address: 7113 N. Bryant Ave
Oklahoma City, OK 73121

Telephone: 405-478-5370

(Corporate Seal)

ATTEST

Natalie Garrett
Corporate Secretary

RLI Insurance Company
SURETY

Signed:

Donna Benell
Authorized Representative

Donna Benell, Attorney-in-fact
Name and Title

Address: PO Box 1349
Enid, OK 73702

Telephone: (580) 233-1442

' A Limited Liability Company'

CORPORATE ACKNOWLEDGEMENT

STATE OF Oklahoma)
)§
COUNTY OF Oklahoma)

The foregoing instrument was acknowledged before me this 4 day of June,

20 13, by James Parrish, LLC Manager of Urban Contractors, LLC;
Name and Title
a Limited Liability Company corporation, on behalf of the corporation.

WITNESS my hand and seal this 4 day of June 20 13.

Amy Hampton
Notary Public

My Commission Expires: NOTARY PUBLIC State of Oklahoma AMY HAMPTON Comm. #06007912 Exp. Aug. 14, 2014

INDIVIDUAL ACKNOWLEDGEMENT

STATE OF _____)
)§
COUNTY OF _____)

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

20 _____, by _____ an individual.
Name and Title

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

_____
Notary Public

My Commission Expires: _____

PARTNERSHIP ACKNOWLEDGEMENT

STATE OF _____)
)§
COUNTY OF _____)

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

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

_____, a partnership.

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

_____
Notary Public

My Commission Expires: _____

NORMAN UTILITIES AUTHORITY

APPROVED as to form and legality this 4 day of June, 20 13.

_____
AUTHORITY Attorney

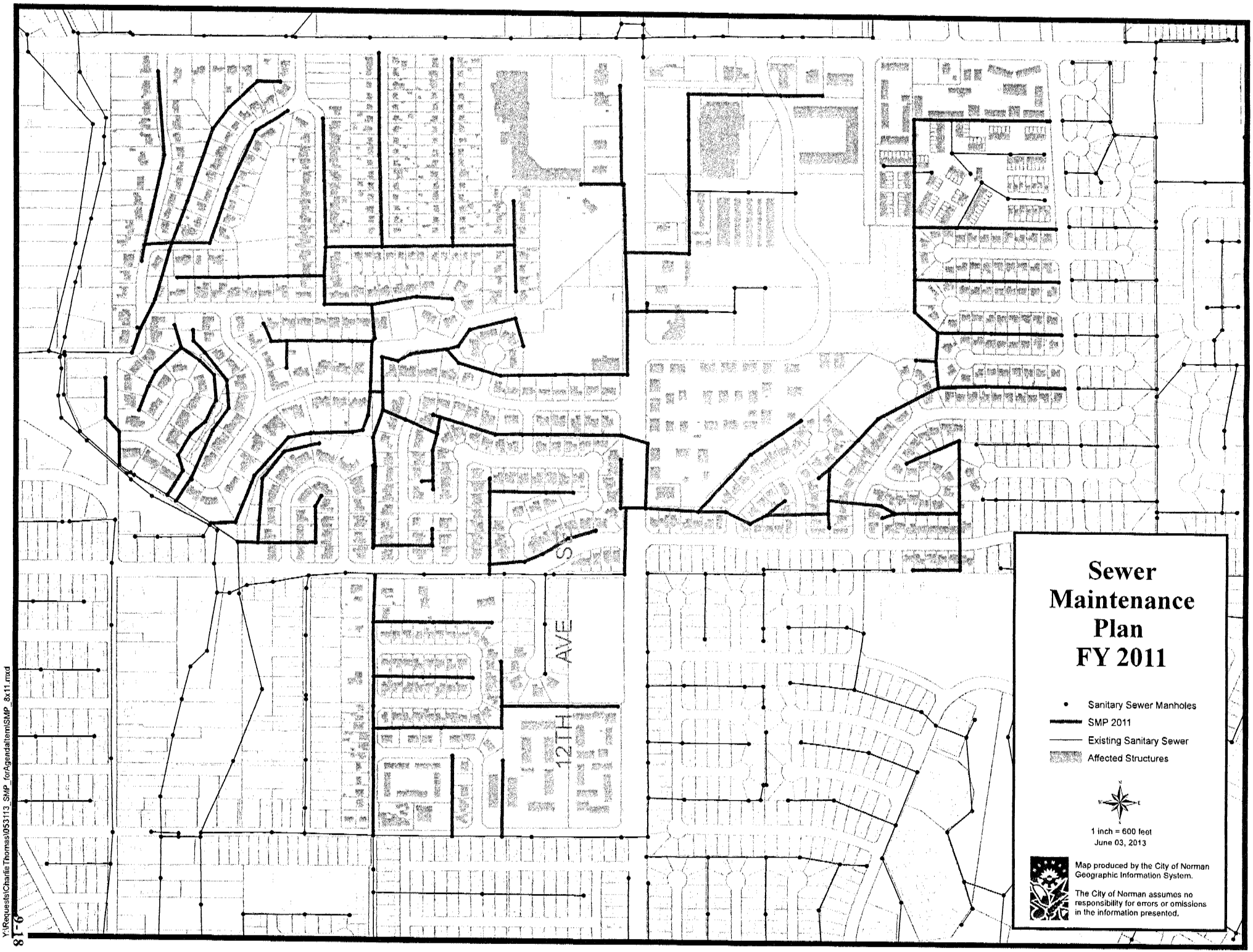
Approved by the Trustees of the NORMAN UTILITIES AUTHORITY this _____ day of
_____, 20____.

NORMAN UTILITIES AUTHORITY

ATTEST

By: _____ _____

Title: Chairman Secretary


12TH AVE
Sewer Maintenance Plan FY 2011
Sanitary Sewer Manholes
SMP 2011
Existing Sanitary Sewer
Affected Structures
1 inch = 600 feet
June 03, 2013
Map produced by the City of Norman Geographic Information System.
The City of Norman assumes no responsibility for errors or omissions in the information presented.
Y:\Requests\Charlie Thomas\0531113_SMP_forAgendaItem\SMP_8x11.mxd

PURCHASE REQUISITION NBR: 0000217859

STATUS: INSUFFICIENT FUNDS

REQUISITION BY: WEBB G
REASON: SEWER MAINTENANCE PLAN 11
DATE: 5/30/13

SHIP TO LOCATION: P W - UTILITIES DIRECTOR
SUGGESTED VENDOR: 1674 URBAN CONTRACTORS INCORPORATED
DELIVER BY DATE: 6/30/13

LINE NBR	DESCRIPTION	QUANTITY	UOM	UNIT COST	EXTEND COST	VENDOR PART NUMBER
1	SEWER MAINTENANCE PLAN 11 COMMODITY: CONSTRUCTION SERVICES, HE SUBCOMMOD: CONSTRUCTION, SEWER AND S	2774200.00	DOL	1.0000	2774200.00	

REQUISITION TOTAL: 2774200.00

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

LINE #	ACCOUNT		PROJECT	%	AMOUNT
1	321933843261O1	Capital Projects Construction	WW0064 Sewer Maint Proj FYE11	100.00	2774200.00
					2774200.00

REQUISITION IS IN THE CURRENT FISCAL YEAR.

REQUISITION COMMENTS:

CONTRACT K-1213-88 CONTINGENT ON NUA APPROVAL
6-11-13.

City of Norman, OK

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

Master

File Number: BID-1213-53

File ID:	BID-1213-53	**Type:**	Bid	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 10	**In Control:**	City Council
Department:	Fire Department	**Cost:**	$79,182.00	**File Created:**	06/04/2013
File Name:	Fire Department Dress Uniforms			**Final Action:**	

Title: CONSIDERATION AND AWARDING OF BID NO. 1213-53 WITH SPECIAL OPS, INC., IN THE AMOUNT OF $79,182 FOR THE PURCHASE OF DRESS UNIFORMS FOR THE NORMAN FIRE DEPARTMENT.

Notes: ACTION NEEDED: Motion to accept or reject all bids meeting specifications; and, if accepted, award the bid in the amount of $79,182 to Special Ops, Inc., as the lowest and best bidder meeting specifications.

ACTION TAKEN: _____

Agenda Date: 06/11/2013

Agenda Number: 10

Attachments: Text File Special Ops, Bid Record

Project Manager: James Fullingim, Fire Chief

Entered by: kathryn.walker@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 BID-1213-53

Body

BACKGROUND: During negotiations for the fiscal year 2012-2013 (FYE 2013) contract between the International Association of Firefighters (IAFF union) and the City of Norman, the Parties agreed to provide new dress uniforms for the IAFF members in the Norman Fire Department.

DISCUSSION: Invitation to Bid 1213-53 was issued in November 2012. Two uniform companies submitted bids: Lighthouse Uniform Company, Seattle, Washington; and Special Ops, Inc., Oklahoma City, Oklahoma. The lowest and best bidder was Special Ops, Inc., in the amount of $79,182.

Funds are available in General Fund, Fire Suppression, Uniform and Clothing/Wearing Apparel (account 010-6443-422.35-03).

RECOMMENDATION: It is recommended that Bid 1213-53 be awarded to Special Ops, Inc., as the lowest and best bidder meeting specifications.

Bid No. 1213-53
Fire Department Dress Uniforms
November 29, 2012

The following is a tabulation of bids received by the City of Norman for the purchase of dress uniforms for the Fire Department.

Bidder	Base Bid
Special Ops, Inc. Oklahoma City, OK	$79,182 (* see cost breakdown)
Lighthouse Uniform Company Seattle, WA	$83,475

* Standard Uniform $498 each
Oversized Uniforms $565 each
"Chief's" Uniforms $570 each

RECOMMENDATION: That Special Ops Uniforms be awarded the bid for the purchase of dress uniforms as the lowest and best bidder meeting specifications.

City of Norman, OK

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

Master

File Number: K-1213-201

File ID:	K-1213-201	**Type:**	Contract	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 11	**In Control:**	City Council
Department:	Parks and Recreation Department	**Cost:**	$141,114.00	**File Created:**	05/28/2013
File Name:	Whittier/Irving Gym Floors			**Final Action:**	

Title: CONSIDERATION OF REQUEST FOR PROPOSAL NO. RFP-1213-82 FOR THE WHITTIER AND IRVING RECREATION CENTERS GYM FLOOR REPLACEMENT PROJECT, APPROVAL OF CONTRACT NO. K-1213-201 WITH Z-FLOOR COMPANY, LTD., IN THE AMOUNT OF $141,114; PERFORMANCE BOND NO. B-1213-99; STATUTORY BOND NO. B-1213-101, MAINTENANCE BOND NO, MB-1213-90, AND RESOLUTION NO. R-1213-145.

Notes: ACTION NEEDED: Motion to accept or reject Request for Proposal No. RFP-1213-82 from Z-Floor Company, Inc., for the Whittier and Irving Recreation Centers Gym Floor Replacement Project; and, if accepted, approve Contract No. K-1213-201 and the performance, statutory, and maintenance bonds, authorize execution of the contract and bonds, direct the filing of the bonds, and adopt Resolution No. R-1213-145.

ACTION TAKEN: _____

Agenda Date: 06/11/2013

Agenda Number: 11

Attachments: Text File K-1213-201, Bid tab Gym Floors,
K-1213-201, Perf B-1213-99, Stat B-1213-100,
MB-1213-90, R-1213-145 Whttier Irving, Z-Floor PR

Project Manager: Jeff Hill, Recreation Superintendent

Entered by: suzanne.terry@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-1213-201

Body

BACKGROUND: Since 1975, the Parks and Recreation Department has operated recreation centers attached to both Irving and Whittier Middle Schools. Over the years, these facilities have been home to numerous sports leagues and afterschool programs, as well as sports camps, summer camps and open gym hours. These two facilities have identical floor plans, which include a basketball gymnasium with bleachers, concession areas, a large multi-purpose room, a smaller game room, office space, restrooms and various equipment storage areas. The gymnasiums currently have a Vinyl Composition Tile (VCT) floor, which has been in place for decades. Over time, the Junior Jammers Basketball program has grown to its current level of 95 Teams in the fall and spring sessions each year. The current floors have been worn to the point of needing replacement. After

visiting with both the Norman Public Schools and several other Parks and Recreation Departments in the area, staff determined that the best option for the new gym flooring would be to overlay our existing VCT floor with a rolled rubber flooring system. Similar floors are the standard in new school and recreation facility gymnasiums in Norman, Oklahoma City and other locations in the state.

Funding for the Whittier and Irving Recreation Centers Gym Floor Replacement Project will come from the Room Tax Fund balance, which is that portion of the Hotel/Motel Tax that is collected and dispersed to the Parks and Recreation Department. Included in this project is cleaning and prepping the existing VCT floor, detaching the bleachers and moving them to install the new floor, laying down a padded underlayment, rolling down an adhered 8 millimeter rubber flooring and re-attaching the bleachers.

The chosen contractor will work with Parks and Recreation staff to complete the floor replacements during the summer months, while the Norman Public Schools are on break. All summer activities scheduled for the Recreation Centers will be adjusted as-needed to make sure the work is done in a manner to cause the least disruption to gym users.

DISCUSSION: On 12 and 19 April 2013, RFP No. 1213-82 for the Whittier and Irving Recreation Centers Gym Floor Replacement Project was advertised in the *Norman Transcript*. The project was also advertised in *Reid Construction Data, Dodge Report* and *Bid News, i-SquareFoot and on e-plan*. Proposals were distributed to six contractors, four of whom responded with complete proposals.

The lowest and best proposal to meet specifications was received from Z-Floor Co., Ltd. (Z-Floor). The proposals were evaluated based on the total cost of the project as specified in the RFP. Some bidders offered other types of floors such as poured-in-place rubber and wood floors; however staff had determined that the most economical choice would be the rolled rubber flooring, based on the product lifespan and replacement and maintenance costs. The bids were submitted as a base bid for a rolled rubber floor at each gym, with one add-alternate for a new scrubber machine at each facility. The base bid from Z-Floor is for a total cost of $ 141,114 for both facilities. Staff has determined that it would be more cost effective to purchase the floor scrubber machines separately on an as-needed basis.

Staff recommends that the contract be awarded to Z-Floor, in the amount of $141,114 as the lowest and best proposal to meet specifications for the Whittier and Irving Recreation Centers Gym Floor Replacement Project.

RECOMMENDATION NO 1: It is recommended that the City Council approve the appropriation of $141,161.85 from the Room Tax Fund Balance (account 023-0000-253.20-00) to Project No. RT0078, Whittier and Irving Recreation Centers Gym Floor Replacement, Construction (023-9321-451.61-01); this includes $141,114 for the floor project and $47.85 for project advertising.

RECOMMENDATION NO. 2: It is recommended that City Council accept RFP No. 1213-82 for the Whittier and Irving Recreation Centers Gym Floor Replacement Project for the Parks and Recreation Department and award the contract to Z-Floor Co., Ltd., in the amount of $141,114. The estimated budget for this project is $170,000. Funding after the above listed appropriation is available in Project No. RT0078, Whittier and Irving Recreation Centers Gym Floor Replacement Project, Construction (023-9321-451.61-01)

RECOMMENDATION NO. 3: It is further recommended that Contract No. K-1213-201, Maintenance Bond No. MB-1213-90, Performance Bond No. B-1213-99, and Statutory Bond No. B-1213-100 be approved.

RECOMMENDATION NO. 4: It is further recommended that Z-Floor Co., Ltd. be authorized and appointed as project agent for the Whittier & Irving Recreation Centers Project by Resolution No. R-1213-145.

CITY OF NORMAN
Parks and Recreation Department
Norman, Oklahoma
May 22, 2013

TABULATION OF RFP'S
RFP NUMBER 1213-82

The following is a tabulation of RFP's received by the City of Norman for the Whittier and Irving Recreation Centers Gym Floor Replacement Project. Funding for this project is available in Account #023-9321-451.6101, Project # RT0078.

Bidders	Bid Amount
Z-Floor Co., Ltd. (Lake Dallas, TX)	$ 141,114
Sports Tech Cardio (Tulsa, OK)	$ 168,800
Performance Surfaces (OKC, OK)	$ 170,370
Rubber Flooring Systems (Kemah, TX)	$ 176,130
Dynamic Sports Construction (Leander, TX)	Did not meet specifications

RECOMMENDATION: That the project be awarded to Z-Floor Co., Ltd., in the amount of **$141,114**, as the lowest and best bidder to meet specifications.

City of Norman

Jud Foster, Director of Parks and Recreation

CONTRACT

THIS CONTRACT made and entered into this, day of ____ ___, 20 13 by and between Z FLOOR CO., LTD as Party of the First Part, hereinafter designated as the CONTRACTOR, and the City of Norman, a municipal corporation, hereinafter designated as the City, Party of the Second Part.

WITNESSETH

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

Whittier and Irving Recreation Center Gym Floor Replacement 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 Solicitation for Bids, has submitted to the City of Norman on the manner and at the time specified, a sealed proposal in accordance with the terms of this Contract; and

WHEREAS, the City, in the manner provided by law, has publicly opened, examined, and canvassed the proposals submitted and has determined and declared the above-named Contractor to be the lowest and best bidder on the above-prepared project, and has duly awarded this contract to said Contractor, for the sum named in the proposal, to wit: One hundred forty one thousand one hundred fourteen Dollars ($ 141,114);

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

1. The Contractor shall, in a good and first-class, workmanlike manner at his own cost and expense, furnish all labor, materials, tools, and equipment required to perform and complete said work in strict accordance with this Contract and the following Contract Documents:

Specifications, Provisions and Bonds thereto, all of which documents are on file in the office of the City Clerk of the City of Norman, and are made a part of this Contract as fully as if the same were set out at length, with the following additions and or exceptions: (If none, so state.)

2. The City shall make payments to the Contractor in the following manner: 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 the 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 as required by Senate Bills 469 of the 1974 Legislature.

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 estimates 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 7 days following receipt of a NOTICE-TO-PROCEED, and prosecute the same vigorously and continuously, and complete the same in sixty (60) calendar days.

The Notice to Bidders published in the *Norman Transcript* 9 and 16, November, 2012 , the instructions to bidders, the special and general provisions of specifications and the Contractor's bid or proposal, each of said instruments on file in the office of the City Clerk of the City of Norman, are hereby referred to and by reference thereto are made part of this contract as if fully written in detail herein or attached thereto.

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

4. The sworn, statement below 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 28 day of May, 2013.

CORPORATE SEAL

Z FLOOR CO., LTD
Company Name

ATTEST:_____
Corporate Secretary

BY_____
President

STATE OF Texas)
COUNTY OF Denton)

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

_____
President

Subscribed and sworn to before me this 28 day of May, 2013

Penny Colleen Tucker
Notary Public

My Commission Expires: 1-21-2015
Commission Number:_____

PENNY COLLEEN TUCKER
MY COMMISSION EXPIRES
January 21, 2015

CITY OF NORMAN

Approved as to form and legality this 30th day of May, 2013.

_____
City Attorney

Approved by the City Council this _____ day of _____, 20____.

ATTEST:

_____
Mayor

_____
City Clerk

Bond # B-1213-100

STATUTORY BOND

KNOW ALL MEN BY THESE PRESENTS:

That we, Z FLOOR CO., LTD, as Principal, and Oklahoma Surety Company, a corporation organized under the laws of the State of Ohio, and authorized to transact business in the State of Oklahoma, as Surety, are held and firmly bound unto the State of Oklahoma in the penal sum of One hundred forty one thousand one hundred fourteen DOLLARS ($ 141,114), for the payment of which well and truly to be made, we, and each of us, bind ourselves, our heirs, executors and assigns, themselves, and its successors and assigns, jointly and severally, firmly by these presents.

Dated this ___ day of ___ _____, 20 13 .

The conditions of this obligation are such, that whereas, the above Bonded Principal Z FLOOR CO., LTD is the lowest and best bidder for the making of the following City work and improvement, viz.:

Whittier and Irving Recreation Centers Gym Floor Replacement Project

and has entered into a certain written contract with THE CITY OF NORMAN, dated _____, 20_____, for the erection and construction of said work and improvement, in exact accordance with the bid of said Principal, and according to certain specifications heretofore made, adopted and placed on file in the office of the City Clerk of the City of Norman.

NOW, THEREFORE, if the said Z FLOOR CO., LTD Principal, shall well and truly pay all indebtedness incurred for labor and material and repairs to and parts for equipment furnished in the making of said public improvement incurred by said Principal or subcontractors, 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 same becomes due and payable, the person, firm, or corporation entitled thereto may sue and recover on this bond, 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 obligations of this Bond.

IN WITNESS WHEREOF, the said Principal has caused these presents to be executed in its name and its corporate seal to be hereunto affixed by its duly authorized officers, and the said Surety has caused these presents to be executed in its name and its corporate seal to be hereunto affixed by its attorney-in-fact, duly authorized to do so, the day and year first above written.

Bond # B-1213-100

ATTEST:

Z FLOOR CO.,LTD
Company Name

Corporate Secretary

BY _____
Principal

ATTEST:

Oklahoma Surety Company
Surety Name

Andriana M. Gonzales
Corporate Secretary (Surety)
Andriana M. Gonzales, Bond Admin.

BY _____
John W. Schuler Surety **Attorney-In-Fact**

STATE OF OKLAHOMA, COUNTY OF CLEVELAND, SS:

Before me, the undersigned, a Notary Public in and for said County and State on this 29 day of May, 2013 personally appeared Kevin Zablosky to me known to be the identical person who executed the foregoing, and acknowledged to me that he/she executed the same as his/her 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.

PENNY COLLEEN TUCKER
MY COMMISSION EXPIRES
January 21, 2015

Penny Colleen Tucker
Notary Public

My Commission Expires: 1-21-2015
Commission Number: _____

Approved as to form and legality this 30th day of May, 2013.

City Attorney

Approved by the Council of the City of Norman, this ____, day of _____ 20___.

ATTEST:

Mayor

City Clerk

Bond # B-1213-99

PERFORMANCE BOND

KNOW ALL MEN BY THESE PRESENTS:

That we, Z FLOOR CO., LTD, as Principal, and **Oklahoma Surety Company**, a corporation organized under the laws of the State of **Ohio**, 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 and city of the first class, of the State of Oklahoma, in the full and just sum of One hundred forty one thousand one hundred fourteen DOLLARS, ($ 141,114), for the payment of which, well and truly to be made, we, and each of us, bind ourselves, our heirs, executors and assigns, themselves, and its successors and assigns jointly and severally, firmly by these presents. Dated this _ __ day of __ _____, 20 13 .

The conditions of this obligation are such, that whereas, said Principal is the lowest and best bidder for the making of the following city work and improvements, viz.:

Whittier and Irving Recreation Centers Gym Floor Replacement Project

and has entered into a certain written contract with THE CITY OF NORMAN dated _____20_____, for the erection and construction of said work and improvement, which said contract is hereby made a part and parcel of this bond as if literally written herein.

NOW, THEREFORE, if said Principal shall, in all particulars, well, truly and faithfully perform and abide by said Contract and each and every covenant, condition and part thereof and shall fulfill all obligations resting upon said Principal by the terms of said contract and said specifications; and if said Principal shall promptly pay, or cause to be paid, all labor, materials and/or repairs and all bills for labor performed on said work, whether by subcontract or otherwise; and if said Principal shall protect and save harmless said City of Norman from all loss, damage and expense to life or property suffered or sustained by any person, firm, or corporation caused by said Principal or his or its agents, servants, or employees in the construction of said work, or by or in consequence of any negligence, carelessness or misconduct in guarding and protecting the same, or from any act or omission of said Principal or his or its agents servants, or employees, and if said Principal shall protect and save the City of Norman 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 to be and remain in full force and effect.

It is further expressly agreed and understood by the parties thereto 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 to be hereunto affixed by its duly authorized officers, and the said surety has caused these presents to be executed in its name and its corporate seal to be hereunto affixed by its attorney-in-fact, duly authorized to do so, the day and year first above written.

Bond #B-1213-99

ATTEST:

Z FLOOR CO., LTD
Company Name

BY
Principal

Corporate Secretary

ATTEST:
Andriana N. Gonzales
Corporate Secretary (Surety)
Andriana M. Gonzales, Bond Admin.

Oklahoma Surety Company
Surety Name

BY
John W. Schuler Surety **Attorney-In-Fact**

STATE OF OKLAHOMA, COUNTY OF CLEVELAND, SS:

Before me, the undersigned, a Notary Public in and for said County and State, on this 29 day of May, 2013 personally appeared Kevin Zablosk to me know to be the identical person who executes the foregoing, and acknowledge 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.

PENNY COLLEEN TUCKER
MY COMMISSION EXPIRES
January 21, 2015

Penny Colleen Tucker
Notary Public

My Commission Expires: 1-21-2015
Commission Number:

Approved as to form and legality this 30th day of May, 2013.

City Attorney

Approved by the Council of the City of Norman, this ____ day of _____, 20__.

ATTEST:

Mayor

City Clerk

Bond # MB-1213-90

MAINTENANCE BOND

WHEREAS, THE UNDERSIGNED, Z FLOOR CO., LTD , hereinafter referred to as the Principal, has entered into a certain contract dated _____,20____, for the construction of:

Whittier and Irving Recreation Centers Gym Floor Replacement Project

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

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

That the said Principal and **Oklahoma Surety Company**, as a corporation organized under the laws of the State of **Ohio**, and authorized to transact business in the State of Oklahoma, as surety, are jointly and severally, firmly held and bound unto said City in the penal sum of One hundred forty one thousand one hundred fourteen Dollars ($ 141,114), in lawful money of the United States of America, same being 100% of the cost of the construction herein referred to for the payment of which, well and truly to be made, we hereby bind ourselves, our heirs, executors, administrators, successors and assigns, firmly by these presents.

The condition of this bond is such that if the said Principal shall keep and maintain, subject to normal wear and tear, the said construction, except for defects not occasioned by improper workmanship, materials, or failure to protect new work until it is accepted, for a period of one year from the date of the written final acceptance thereof by the City, and shall promptly repair, without notice from the City, any and all defects or failures occurring or arising from improper workmanship, materials, or failure to protect new work until it is accepted within a period of one year without notice from said City, and without expense to said City, thence this obligation shall be null and void and of no force and effect; otherwise to be and remain in full force and effect at all times.

Provided further, however, that upon neglect, failure or refusal of the Principal to make any needed repairs upon said construction, or to maintain any part of the same, 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 repairs, 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 to be hereunto affixed by its duly authorized officers, and the said Surety has

Bond #MB-1213-90

caused these presents to be executed in its name its corporate seal to be hereunto affixed by its attorney-in-fact, duly authorized to do so, the day and year first above written.

Executed and delivered this 28th day of May ,2013.

ATTEST:_____
Corporate Secretary

Z FLOOR CO., LTD
Company Name

Mailing Address of Principal:

BY_____
Principal

350 Betchan Avenue

Lake Dallas, TX. 75065

Oklahoma Surety Company
Surety Name

BY:_____
John W. Schuler Attorney-in-Fact Attorney-In-Fact

STATE OF OKLAHOMA, COUNTY OF CLEVELAND,SS:

Before me, the undersigned, a Notary Public in and for said County and State, this 29 day of May, 2013, personally appeared Kevin Zabloski to me known to be the identical person who executed the foregoing, and acknowledge 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.

PENNY COLLEEN TUCKER
MY COMMISSION EXPIRES
January 21, 2015

Penny Colleen Tucker
Notary Public

My Commission Expires: 1-21-2015
Commission Number:_____

Approved as to form and legality this 30th day of May, 2013.

City Attorney

Approved by the Council of the City of Norman, this ___ day of _____, 20____.

Mayor

ATTEST:_____
City Clerk

Resolution

R-1213-145

A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AUTHORIZING AND APPOINTING Z-FLOOR COMPANY, LTD., AS PROJECT AGENT FOR THE WHITTIER AND IRVING RECREATION CENTERS GYM FLOOR REPLACEMENT 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 Z-Floor Company, Ltd., for the Whittier and Irving Recreation Centers Gym Floor Replacement Project; and

§ 2. WHEREAS, the City of Norman, Oklahoma, in compliance with State law, desires to confer on Z-Floor Company, Ltd., 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, Z-Floor Company, Ltd., to purchase materials which are in fact used for the Whittier and Irving Recreation Centers Gym Floor Replacement Project;; and

§ 3. WHEREAS, this limited agent status is conferred with the express understanding that Z-Floor Company, Ltd., 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 11th day of June, 2013, did appoint Z-Floor Company, Ltd., who is involved with the Whittier and Irving Recreation Centers Gym Floor Replacement 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 Whittier and Irving Recreation Centers Gym Floor Replacement Project.

PASSED AND ADOPTED THIS 11th day of June, 2013.

_____
Mayor

ATTEST:

_____
City Clerk

PURCHASE REQUISITION NBR: 0000217687

STATUS: DIVISION APPROVAL

REQUISITION BY: TERRY-FOSTER REASON: WHITTIER & IRVING REC.CENTERS GYM FLOOR REPLACE DATE: 5/28/13

SHIP TO LOCATION: PARKS AND RECREATION SUGGESTED VENDOR: Z-FLOOR COMPANY, LTD. DELIVER BY DATE: 5/29/13

1	WHITTIER & IRVING GYMS FLOOR REPLACEMENT PROJECT RFP#1213-82, CONTRACT#K-1213-201 COUNCIL AGENDA: 6-11-13 - NEW VENDOR. W9 FORWARDED 5-28-13 - FUNDING TO BE APPROPRIATED AT COUNCIL. COMMODITY: CONSTRUCTION SERVICES, HE SUBCOMMOD: CONSTRUCTION AND UPGRADES	141114.00	EA	1.0000	141114.00	COUNCIL 6-11-13

REQUISITION TOTAL: 141114.00

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

LINE #	ACCOUNT		PROJECT	%	AMOUNT
1	02393214516101	Capital Projects Construction	RT0078 Gym Floor Irving/Whittier	100.00	141114.00
					141114.00

REQUISITION IS IN THE CURRENT FISCAL YEAR.

FUNDING TO BE APPROPRIATED AT COUNCIL.

City of Norman, OK

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

Master

File Number: K-1213-202

File ID:	K-1213-202	**Type:**	Contract	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 12	**In Control:**	City Council
Department:	Parks and Recreation Department	**Cost:**		**File Created:**	05/28/2013
File Name:	Rotary Park Pavilion Project			**Final Action:**	

Title: CONSIDERATION OF REQUEST FOR PROPOSAL NO. RFP-1213-85 FOR THE ROTARY PARK PAVILION PROJECT, APPROVAL OF CONTRACT NO. K-1213-202 WITH FREDGREN QUALITY WORKS, L.C., IN THE AMOUNT OF $103,944; PERFORMANCE NO. BOND B-1213-101; STATUTORY BOND NO. B-1213-102, MAINTENANCE BOND NO. MB-1213-91, AND RESOLUTION NO. R-1213-146 AND BUDGET TRANSFER.

Notes: ACTION NEEDED: Motion to accept or reject Request for Proposal No. RFP-1213-85 from Fredgren Quality Works, L.C., for the Rotary Park Pavilion Project; and, if accepted, approve Contract No. K-1213-202 and the performance, statutory, and maintenance bonds, authorize execution of the contract and bonds, direct the filing of the bonds, and adopt Resolution No. R-1213-146, and $80,695.31 be tranferred from Project No. BG0036, Tornado Damage Repairs, Construction, (050-9387-419.61-01) to Project No. PR0095, Rotary Park Improvements, Construction (050-9618-452.61-01).

ACTION TAKEN: _____

Agenda Date: 06/11/2013

Agenda Number: 12

Attachments: Text File K-1213-202 Rotary Park, Bid Tabulation Rotary Pavilion, K-1213-202, Perf B-1213-101, Stat B-1213-102, MB-1213-91, R-1213-146 Rotary Park, PR Fredgren

Project Manager: James Briggs, Park Planner

Entered by: suzanne.terry@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-1213-202

Body

BACKGROUND: Funding for the Rotary Park Improvements Project was approved in the Fiscal Years 2009 through 2012 Capital budgets. Included in this project was the construction of a walking trail in the park,

replacement of the ball field fencing and lighting, renovation of the tennis court (fence, lights, surface, etc.), purchase of additional playground equipment, tree planting, and replacement of all park furniture. However, during the project a tornado went through the park on April 13, 2012. At that time, a large number of the mature trees were destroyed, and damage was done to some structures in the park. The picnic pavilion in the park was damaged when a large tree fell over on it. Since that time, the park structures left standing have been repaired, and City staff is waiting for the end of the current water conservation practices to re-plant the trees in the park-including the use of a $5,000 donation from the Sooner Rotary Club to the Norman Park Foundation designated for tree planting.

The Tornado Damage Repair project also accounted for repairs in Andrews Park, Frances Cate Park, Griffin Park and various parts of the Municipal Complex buildings and some road signs and other public property. Some of these items were repaired through existing maintenance accounts or existing project accounts-leaving a balance of funds available for the several park projects.

The Norman Parks and Recreation Master Plan, adopted by City Council in 2011, recommends constructing large pavilions and buildings in City parks with similar architectural style in order to make the park system more recognizable. In keeping with this goal, staff is proposing to replace the steel and wood shelter that was destroyed by the tornado in Rotary Park with a larger stone and timber structure resembling the one built in 2006 at Griffin Park. To that end, staff hired The McKinney Partnership (TMP), Architects, who designed the Griffin Park shelter to modify that design to a slightly smaller version for Rotary Park.

DISCUSSION: On 26 April and 3 May 2013, RFP No. 1213-85 for the Rotary Park Pavilion Project was advertised in the *Norman Transcript*. The project was also advertised in *Reid Construction Data, Dodge Report* and *Bid News, i-SquareFoot and on e-plan*. Proposals were distributed to six contractors, five of whom responded with complete proposals.

The lowest and best proposal to meet specifications was received from Fredgren Quality Works, LC. The proposals were evaluated based on the total construction cost of the project as shown in the plans from TMP Architects. The bids were submitted as a base bid for a stone and timber shelter, with four add-alternates, including an option to add stone around the outdoor grill at one end of the structure. The proposal from Fredgren Quality Works, LC had a base bid total of $102,944. Once a lowest base bid was determined, Parks and Recreation staff met with the low bidder to discuss the basic design and add-alternates, which brought the final negotiated cost for the pavilion to $103,944. The total funding available for the project is $115,005, which is a combination of the remaining balances in both the Rotary Park Improvements Project and the Tornado Damage Repairs Project.

RECOMMENDATION NO. 1. It is recommended that City Council approve a transfer of funds in the amount of $80,695.31 from Tornado Damage Repairs, Construction (account 050-9387-419.6101; project BG0036) to Rotary Park Improvements (account 050-9618-452.6101; project PR0095). The estimated budget for the project is $115,005.

RECOMMENDATION NO.2: It is further recommended that City Council approve RFP No. 1213-85 to Fredgren Quality Works, LC, in the amount of $103,944 as the lowest and best proposal to meet specifications for the Rotary Park Pavilion Project for the Rotary Park Pavilion Project for the Parks and Recreation Department.

RECOMMENDATION NO.3: It is further recommended that Contract No. K-1213-202, Maintenance Bond No. MB-1213-91, Performance Bond No. B-1213-101, and Statutory Bond No. B-1213-102 be approved.

RECOMMENDATION NO.4: It is further recommended that Fredgren Quality Works, LC be authorized and appointed as project agent for the Rotary Park Pavilion Project by Resolution No. R-1213-146.

CITY OF NORMAN
Parks and Recreation Department
Norman, Oklahoma
May 27, 2013

TABULATION OF RFP'S
RFP NUMBER 1213-85

The following is a tabulation of RFP's received by the City of Norman for the Rotary Park Pavilion Project. Funding for this project is available in Account #050-9387-419.6101 (BG0036) and Account #050-9618-452.6101 (PR0095).

Bidders

	Base Bid Amount	Negotiated Bid Amount (w/Alternate(s))
Fredgren Quality Works, LC (Norman)	$102,944	$103,944
Ron Walters Construction Services, Inc. (OKC, OK)	$108,000	
Compass Commercial (Norman,OK)	$191,000	
Sexton Construction, LLC (OKC, OK)	$202,000	
Design + Build Group, LLC (OKC, OK)	$223,000	
Cunningham Recreation (OKC, OK)	No Bid	

RECOMMENDATION: That the project be awarded to Fredgren Quality Works, LC, in the amount of **$103,944**, as the lowest and best bidder to meet specifications.

City of Norman

Jud Foster, Director of Parks and Recreation

Contract # K-1213-202

CONTRACT

THIS CONTRACT made and entered into this ____ day of _____, 20__, by and between Fredgren Quality Works LC as Party of the First Part, hereinafter designated as the CONTRACTOR, and the City of Norman, a municipal corporation, hereinafter designated as the City, Party of the Second Part.

WITNESSETH

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

ROTARY PARK PAVILION

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

WHEREAS, the Contractor in response to said Solicitation for Bids, has submitted to the City of Norman on the manner and at the time specified, a sealed proposal in accordance with the terms of this Contract; and

WHEREAS, the City, in the manner provided by law, has publicly opened, examined, and canvassed the proposals submitted and has determined and declared the above-named Contractor to be the lowest and best bidder on the above-prepared project, and has duly awarded this contract to said Contractor, for the sum named in the proposal, to wit: One hundred three thousand nine hundred forty four DOLLARS ($ 103,944);

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

1. The Contractor shall, in a good and first-class, workmanlike manner at his own cost and expense, furnish all labor, materials, tools, and equipment required to perform and complete said work in strict accordance with this Contract and the following Contract Documents:

Specifications, Provisions and Bonds thereto, all of which documents are on file in the office of the City Clerk of the City of Norman, and are made a part of this Contract as fully as if the same were set out at length, with the following additions and or exceptions: (If none, so state.)

2. The City shall make payments to the Contractor in the following manner: 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

Contract # K-1213-202

IN WITNESS WHEREOF, the said parties of the First and Second Part have hereunto set their hands and seals respectively the 3 day of June, 2013.

CORPORATE SEAL

Tom Fredgren dba
Tom's Quality Construction
Company Name

ATTEST: N/A
Corporate Secretary

BY Tom Fredgren
President

STATE OF Oklahoma)
COUNTY OF Cleveland

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

Tom Fredgren
President

Subscribed and sworn to before me this 3 day of June, 2013

Notary Public

My Commission Expires: 30 Jan. 2017
Commission Number: 01006390

CITY OF NORMAN

Approved as to form and legality this 3rd day of June, 2013.

City Attorney

Approved by the City Council this _____ day of _____, 20___.

ATTEST:

Mayor

City Clerk

Surety Bond No. 71420920

Bond # B-1213-101

PERFORMANCE BOND

KNOW ALL MEN BY THESE PRESENTS:

That we, Tom Fredgren dba Tom's Quality Construction as Principal, and WESTERN SURETY COMPANY, a corporation organized under the laws of the State of South Dakota, 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 and city of the first class, of the State of Oklahoma, in the full and just sum of One hundred three thousand nine hundred forty four DOLLARS ($ 103,944), for the payment of which, well and truly to be made, we, and each of us, bind ourselves, our heirs, executors and assigns, themselves, and its successors and assigns jointly and severally, firmly by these presents. Dated this ___ day of _____, 20 13.

The conditions of this obligation are such, that whereas, said Principal is the lowest and best bidder for the making of the following city work and improvements, viz.:

WESTERN SURETY COMPANY CORPORATE SEAL SOUTH DAKOTA

ROTARY PARK PAVILION

and has entered into a certain written contract with THE CITY OF NORMAN dated June 3 20 13, for the erection and construction of said work and improvement, which said contract is hereby made a part and parcel of this bond as if literally written herein.

NOW, THEREFORE, if said Principal shall, in all particulars, well, truly and faithfully perform and abide by said Contract and each and every covenant, condition and part thereof and shall fulfill all obligations resting upon said Principal by the terms of said contract and said specifications; and if said Principal shall promptly pay, or cause to be paid, all labor, materials and/or repairs and all bills for labor performed on said work, whether by subcontract or otherwise; and if said Principal shall protect and save harmless said City of Norman from all loss, damage and expense to life or property suffered or sustained by any person, firm, or corporation caused by said Principal or his or its agents, servants, or employees in the construction of said work, or by or in consequence of any negligence, carelessness or misconduct in guarding and protecting the same, or from any act or omission of said Principal or his or its agents servants, or employees, and if said Principal shall protect and save the City of Norman 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 to be and remain in full force and effect.

It is further expressly agreed and understood by the parties thereto 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 to be hereunto affixed by its duly authorized officers, and the said surety has caused these presents to be executed in its name and its corporate seal to be hereunto affixed by its attorney-in-fact, duly authorized to do so, the day and year first above written.

Surety Bond No. 71420920

Bond #B-1213-101

ATTEST:

Tom's Quality Construction
Company Name

N/A
Corporate Secretary

BY Tom Fredgren
Principal

ATTEST:

WESTERN SURETY COMPANY
Surety Name

Corporate Secretary (Surety)

BY
Surety
MONTGOMERY WALTER MOORE, Attorney-In-Fact

STATE OF OKLAHOMA, COUNTY OF CLEVELAND, SS:

Before me, the undersigned, a Notary Public in and for said County and State, on this 3 day of June, 2013 personally appeared Tom Fredgren to me know to be the identical person who executes the foregoing, and acknowledge to me that he executed the same as his free and voluntary act and deed for the uses and purposes therein set forth.

OFFICIAL SEAL
NOTARY PUBLIC SEAL STATE OF OKLAHOMA
LORI JAYNE RUNGE
Commission #02015193
Expires Sept. 12, 2014

WITNESS my hand and seal the day and year last above written.

Lori Jayne Runge
Notary Public

My Commission Expires: 9-12-2014
Commission Number: 02015193

Approved as to form and legality this 3 day of June, 2013.

City Attorney

Approved by the Council of the City of Norman, this ____ day of _____, 20__.

ATTEST:

Mayor

City Clerk

Surety Bond No. 71420920

Bond # B-1213-102

STATUTORY BOND

KNOW ALL MEN BY THESE PRESENTS:

That we, Tom Fredgren dba Tom's Quality Construction, as Principal, and WESTERN SURETY COMPANY, a corporation organized under the laws of the State of South Dakota, and authorized to transact business in the State of Oklahoma, as Surety, are held and firmly bound unto the State of Oklahoma in the penal sum of One hundred three thousand nine hundred forty four DOLLARS ($ 103,944), for the payment of which well and truly to be made, we, and each of us, bind ourselves, our heirs, executors and assigns, themselves, and its successors and assigns, jointly and severally, firmly by these presents.

Dated this _____ day of _____ _____, 20 13 .

The conditions of this obligation are such, that whereas, the above Bonded Principal Tom Fredgren is the lowest and best bidder for the making of the following City work and improvement, viz.:

ROTARY PARK PAVILION

and has entered into a certain written contract with THE CITY OF NORMAN, date _____, for the erection and construction of said work and improvement, in exact accordance with the bid of said Principal, and according to certain specifications heretofore made, adopted and placed on file in the office of the City Clerk of the City of Norman.

NOW, THEREFORE, if the said Tom Fredgren dba Tom's Quality Construction Principal, shall well and truly pay all indebtedness incurred for labor and material and repairs to and parts for equipment furnished in the making of said public improvement incurred by said Principal or subcontractors, 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 same becomes due and payable, the person, firm, or corporation entitled thereto may sue and recover on this bond, 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 obligations of this Bond.

IN WITNESS WHEREOF, the said Principal has caused these presents to be executed in its name and its corporate seal to be hereunto affixed by its duly authorized officers, and the said Surety has caused these presents to be executed in its name and its corporate seal to be hereunto affixed by its attorney-in-fact, duly authorized to do so, the day and year first above written.

Surety Bond No. 71420920

Bond # B-1213-102

ATTEST:

N/A
Corporate Secretary

Tom's Quality Construction
Company Name

BY Tom Fredgren
Principal

ATTEST:

Corporate Secretary (Surety)

WESTERN SURETY COMPANY
Surety Name

BY
Surety
MONTGOMERY WALTER MOORE , Attorney-In-Fact

STATE OF OKLAHOMA, COUNTY OF CLEVELAND, SS:

Before me, the undersigned, a Notary Public in and for said County and State on this 3 day of June, 2013 personally appeared Tom Fredgren to me known to be the identical person who executed the foregoing, 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.

OFFICIAL SEAL
LORI JAYNE RUNGE
Commission #02015193
Expires Sept. 12, 2014
NOTARY PUBLIC SEAL STATE OF OKLAHOMA

Lori Jayne Runge
Notary Public

My Commission Expires: 9-12-2014
Commission Number: 02015193

Approved as to form and legality this 3rd day of June, 2013

City Attorney

Approved by the Council of the City of Norman, this ____, day of _____ 20___.

ATTEST:

Mayor

City Clerk

Surety Bond No. 71420920

Bond # MB-1213-91

MAINTENANCE BOND

WHEREAS, THE UNDERSIGNED Tom Fredgren dba Tom's Quality Construction, hereinafter referred to as the Principal, has entered into a certain contract dated ,2013, for the construction of:

ROTARY PARK PAVILION

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

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

That the said Principal and WESTERN SURETY COMPANY, as a corporation organized under the laws of the State of South Dakota, and authorized to transact business in the State of Oklahoma, as surety, are jointly and severally, firmly held and bound unto said City in the penal sum of One hundred three thousand nine hundred forty four DOLLARS ($ 103,944), in lawful money of the United States of America, same being 100% of the cost of the construction herein referred to for the payment of which, well and truly to be made, we hereby bind ourselves, our heirs, executors, administrators, successors and assigns, firmly by these presents.

The condition of this bond is such that if the said Principal shall keep and maintain, subject to normal wear and tear, the said construction, except for defects not occasioned by improper workmanship, materials, or failure to protect new work until it is accepted, for a period of one year from the date of the written final acceptance thereof by the City, and shall promptly repair, without notice from the City, any and all defects or failures occurring or arising from improper workmanship, materials, or failure to protect new work until it is accepted within a period of one year without notice from said City, and without expense to said City, thence this obligation shall be null and void and of no force and effect; otherwise to be and remain in full force and effect at all times.

Provided further, however, that upon neglect, failure or refusal of the Principal to make any needed repairs upon said construction, or to maintain any part of the same, 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 repairs, 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 to be hereunto affixed by its duly authorized officers, and the said Surety has

Surety Bond No. 71420920

Bond #MB-1213-91

caused these presents to be executed in its name its corporate seal to be hereunto affixed by its attorney-in-fact, duly authorized to do so, the day and year first above written.

Executed and delivered this 3rd day of June ,20 13 .

ATTEST: N/A
Corporate Secretary

Tom's Quality Construction
Company Name

Mailing Address of Principal:

BY Tom Fredgren
Principal

211 E. Daws St.

Norman, OK 73069

WESTERN SURETY COMPANY
Surety Name

BY:
MONTGOMERY WALTER MOORE , Attorney-in-Fact

STATE OF OKLAHOMA, COUNTY OF CLEVELAND,SS:

Before me, the undersigned, a Notary Public in and for said County and State, this 3 day of June , 2013 personally appeared Tom Fredgren to me known to be the identical person who executed the foregoing, 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.

OFFICIAL SEAL
LORI JAYNE RUNGE
Commission #02015193
Expires Sept. 12, 2014

Lori Jayne Runge
Notary Public

My Commission Expires 9-12-2014
Commission Number 02015193

Approved as to form and legality this 3rd day of June , 2013

City Attorney

Approved by the Council of the City of Norman, this ___ day of _____, 20____.

Mayor

ATTEST:
City Clerk

Resolution

R-1213-146

A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AUTHORIZING AND APPOINTING FREDGREN QUALITY WORKS, L.C., AS PROJECT AGENT FOR THE ROTARY PARK PAVILION 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 Fredgren Quality Works, L.C., for the Rotary Park Pavilion Project; and

§ 2. WHEREAS, the City of Norman, Oklahoma, in compliance with State law, desires to confer on Fredgren Quality Works, L.C., its special State and Federal sales tax exemptions and in order to achieve such end, finds it necessary to appoint as its direct purchasing agent Fredgren Quality Works, L.C., to purchase materials which are in fact used for the Rotary Park Pavilion Project;; and

§ 3. WHEREAS, this limited agent status is conferred with the express understanding that Fredgren Quality Works, L.C., shall appoint employees and subcontractors as subagents who shall be authorized to make purchases on their behalf.

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

§ 4. That the City of Norman, Oklahoma, on the 11th day of June, 2013, did appoint Fredgren Quality Works, L.C., who is involved with Rotary Park Pavilion 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 Rotary Park Pavilion Project.

PASSED AND ADOPTED THIS 11th day of June, 2013.

_____
Mayor

ATTEST:

_____
City Clerk

PURCHASE REQUISITION NBR: 0000217689

STATUS: DIVISION APPROVAL

REQUISITION BY: TERRY-FOSTER REASON: ROTARY PARK PAVILION PROJECT DATE: 5/28/13

SHIP TO LOCATION: PARKS AND RECREATION SUGGESTED VENDOR: 11461 FREDGREN QUALITY WORKS LC DELIVER BY DATE: 5/28/13

1	ROTARY PARK PAVILION PROJECT - TORNADO PORTION COMMODITY: CONSTRUCTION SERVICES, HE SUBCOMMOD: CONSTRUCTION AND UPGRADES	80695.31	EA	1.0000	80695.31	RFP#1213-85
2	ROTARY PARK PAVILION PROJECT, COUNCIL 6-11-13 COMMODITY: CONSTRUCTION SERVICES, HE SUBCOMMOD: CONSTRUCTION AND UPGRADES	23248.69	EA	1.0000	23248.69	RFP#1213-85

REQUISITION TOTAL: 103944.00

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

LINE #	ACCOUNT		PROJECT	%	AMOUNT
1	05093874196101	Capital Projects Construction	BG0036 Repair Apr'12 Tornado Dmg	100.00	80695.31
2	05096184526101	Capital Projects Construction	PR0095 Rotary Park Improvements	100.00	23248.69
					103944.00

REQUISITION IS IN THE CURRENT FISCAL YEAR.

ROTARY PARK PAVILION PROJECT

City of Norman, OK

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

Master

File Number: FP-1213-31

File ID:	FP-1213-31	**Type:**	Final Plat	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 13	**In Control:**	City Council
Department:	Public Works Department	**Cost:**		**File Created:**	03/14/2013
File Name:	Brookhaven 43 Final Plat			**Final Action:**	

Title: CONSIDERATION OF A FINAL PLAT FOR BROOKHAVEN NO. 43 ADDITION AND ACCEPTANCE OF PUBLIC DEDICATIONS CONTAINED THEREOF. (GENERALLY LOCATED ONE-FOURTH MILE SOUTH OF WEST ROCK CREEK ROAD EAST OF BROOKHAVEN BOULEVARD)

Notes: ACTION NEEDED: Motion to approve or reject the final plat for Brookhaven No. 43 Addition; and, if approved, accept the public dedications contained therein, 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: _____

Agenda Date: 06/11/2013

Agenda Number: 13

Attachments: Text File Brookhaven 43 Final Plat, BRH_No43
Location Map, Final Plat Brookhaven 43, Brookhaven 43 Staff Report, Brookhaven 43 Preliminary Plat, 4-11-13 PC Minutes - FP-1213-31

Project Manager: Ken Danner, Subdivision Manager

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	04/11/2013					

Text of Legislative File FP-1213-31

body

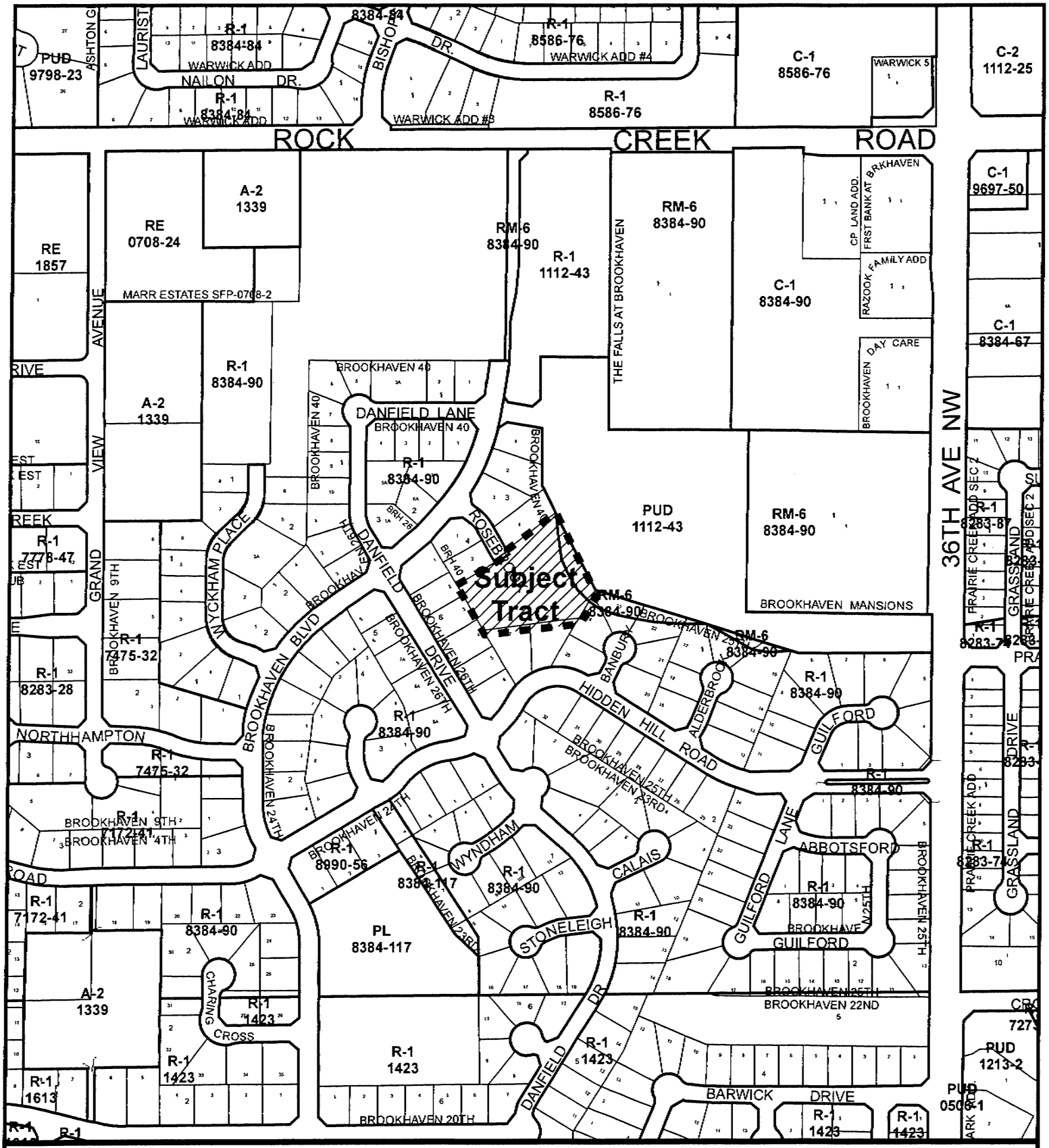
BACKGROUND: This item is a final plat for Brookhaven No. 43 Addition and is generally located approximately one-quarter mile south of Rock Creek Road and east of Brookhaven Boulevard. The Norman Board of Parks Commission, at its meeting of February 2, 1984, recommended park land dedication for the Brookhaven Addition. Whenever there was no longer land available, fee in lieu of park land would be required. A fee in the amount of $491.25 has been negotiated between City staff and the developer. The developer has paid the required fee in lieu of park land.

City Council, at its meeting of April 3, 1984, adopted Ordinance No. O-8384-90 placing this property in R-1, Single Family Dwelling District. City Council, at its meeting of July 24, 2012, approved the revised preliminary plat for Brookhaven No. 41 Addition. Brookhaven No. 43 Addition consists of 6 single-family residential lots on 2.11 acres. There are 34 single-family residential lots remaining within the preliminary plat of Brookhaven No. 41 Addition.

Planning Commission, at its meeting of April 11, 2013, approved the final plat for Brookhaven No. 43 Addition.

DISCUSSION: Construction plans have been reviewed for the required public improvements for this property. These improvements consist of paving, drainage, sidewalks, sanitary sewer, and water mains with fire hydrants.

STAFF RECOMMENDATION: The final plat is consistent with the revised preliminary plat. Based on the above information, staff recommends acceptance of the public dedications, approval and filing of the final plat subject to completion of public improvements. The City Development Committee will ensure completion of all required public improvements or bonds and will recommend that the Mayor 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

April 4, 2013

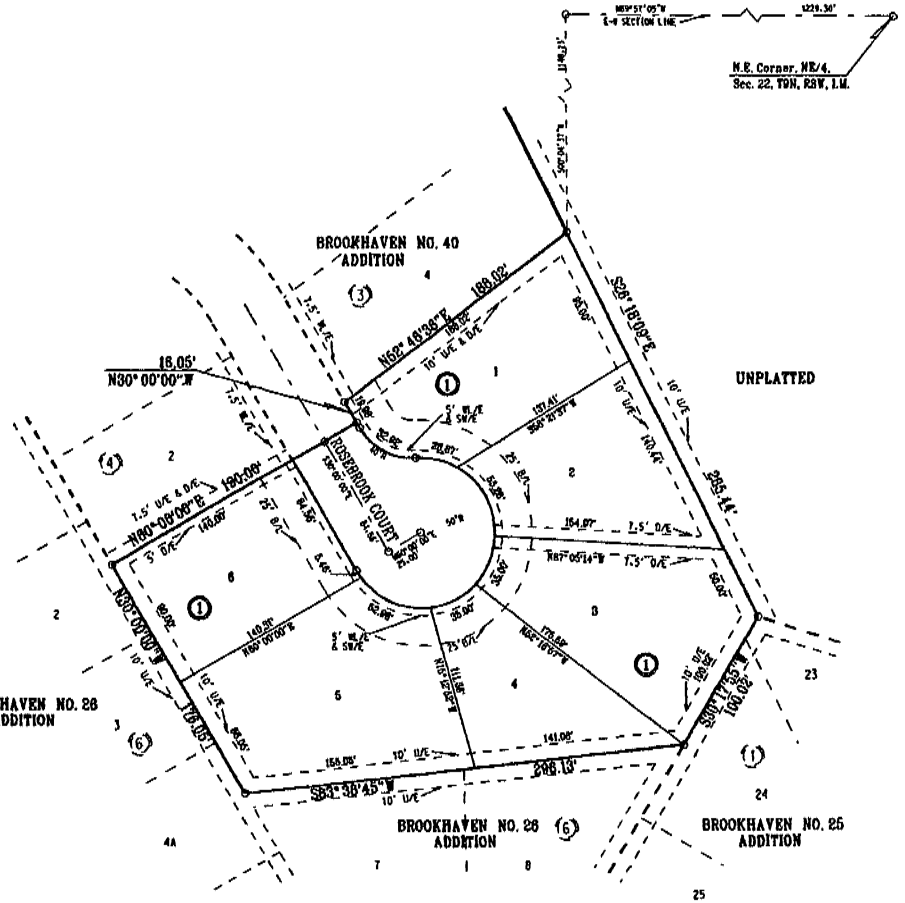
0 200 400 Ft.

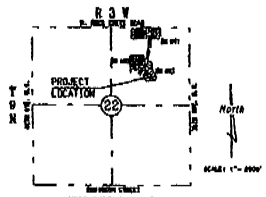
Subject Tract

Zoning

G:\ArcGIS\10 Map Templates\8x11 LocationMap\ArcMap 10.mxd

FINAL PLAT
BROOKHAVEN NO. 43 ADDITION
A PART OF THE NE/4, SEC. 22, T9N-R3W, I.M.
NORMAN, CLEVELAND COUNTY, OKLAHOMA





VICINITY MAP

Scale: 1" = 40'

LEGAL DESCRIPTION:

A tract of land located in the Northeast Quarter (NE/4) of Section Twenty-Two (22), Township Nine (9) North, Range Three (3) West, of the Indian Meridian, Norman, Cleveland County, Oklahoma, described as follows:

COMMENCING at the Northeast Corner of said NE/4;
Thence N89°57'05"W on the North Line of said NE/4 for a distance of 1229.30 feet;
Thence S00°04'31"W for a distance of 1148.23 feet to the POINT OF BEGINNING;
Thence S26°18'09"E for a distance of 285.44 feet;
Thence S30°17'55"W for a distance of 100.02 feet;
Thence S63°38'45"W for a distance of 298.13 feet;
Thence N30°00'00"W for a distance of 116.05 feet;
Thence N60°00'00"E for a distance of 190.00 feet;
Thence N30°00'00"W for a distance of 16.05 feet;
Thence N52°46'36"E for a distance of 188.02 feet to the POINT OF BEGINNING, containing 2.17 acres, more or less.

OFFSITE STORM DRAINAGE DETENTION FACILITY EASEMENT:

Stormwater from this site drains into the regional detention pond to the east.

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 Brookhaven No. 43 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 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.

BENCH MARK:

Brass Cap @ West end of Southwest curb return at intersection of Montelena Ct. and Brookhaven Blvd.
Elev. _____

BLOCK 1 CONTAINS 6 LOTS

ENGINEERS
SURVEYORS
PLANNERS
CPES
Clour Planning & Engineering Services

BROOKHAVEN NO. 43 ADDITION
A PART OF THE NE/4, SEC. 22, T9N-R3W, I.M.
NORMAN, CLEVELAND COUNTY, OKLAHOMA
FINAL PLAT

Sheet 2 of 2 | P-032

13-2

FINAL PLAT ITEM NO. 6

FP-1213-31

STAFF REPORT

ITEM: Consideration of a Final Plat for BROOKHAVEN NO. 43 ADDITION.

LOCATION: Generally located approximately one-quarter of a mile south of West Rock Creek Road on the east side of Brookhaven Boulevard.

INFORMATION:

1. Owner. Cies Properties, Inc.

2. Developer. Cies Properties, Inc.

3. Engineer. Clour Planning & Engineering Services

HISTORY:

1. March 6, 1980. The Norman Board of Park Commissioners, on a vote of 7-0, recommended park land for the revised preliminary plat for Brookhaven Addition.

2. March 13, 1980. Planning Commission, on a vote of 7-0, approved the revised preliminary plat for Brookhaven Addition.

3. February 2, 1984. The Norman Board of Park Commissioners, on a vote of 6-0, recommended park land dedication for Brookhaven Addition.

4. March 8, 1984. Planning Commission, on a vote of 8-0, recommended to City Council that this property be placed in R-1, Single Family Dwelling District and removed from A-2, Rural Agricultural District.

5. March 8, 1984. Planning Commission approved the preliminary plat for Brookhaven 22nd Addition.

6. April 3, 1984. City Council adopted Ordinance No. O-8384-90 placing this property in R-1, Single Family Dwelling District and removing it from A-2, Rural Agricultural District.

HISTORY (cont.):

7. May 10, 1984. Planning Commission, on a vote of 8-0, approved the revised preliminary plat for Brookhaven 22nd Addition.

8. July 14, 1988. Planning Commission, on a vote of 7-0, approved the revised preliminary plat for Brookhaven 22nd Addition.

9. May 13, 1993. Planning Commission, on a vote of 9-0, approved the revised preliminary plat for Brookhaven No. 26 Addition.

10. June 13, 2002. Planning Commission, on a vote of 7-0, recommended to City Council the preliminary plat for Brookhaven No. 38 Addition be approved.

11. August 13, 2002. City Council approved the preliminary plat for Brookhaven No. 38 Addition.

12. August 13, 2007. The preliminary plat approval for Brookhaven No. 38 Addition became null and void.

13. January 10, 2008. Planning Commission, on a vote of 8-0, recommended to City Council that the preliminary plat for Brookhaven No. 41 Addition (previously known as Brookhaven No. 38) be approved.

14. February 26, 2008. City Council approved the preliminary plat for Brookhaven No. 41 Addition (previously known as Brookhaven No. 38).

15. November 10, 2011. Planning Commission, on a vote of 8-0, recommended to City Council that the revised preliminary plat for Brookhaven No. 41 Addition be approved.

16. November 22, 2011. City Council approved the revised preliminary plat for Brookhaven No. 41 Addition.

17. June 14, 2012. Planning Commission, on a vote of 9-0, recommended to City Council that the revised preliminary plat for Brookhaven No. 41 Addition be approved.

18. July 24, 2012. City Council approved the revised preliminary plat for Brookhaven No. 41 Addition.

IMPROVEMENT PROGRAM:

1. Fire Protection. Fire hydrants will be installed in accordance with approved plans. Their locations have been approved by the Fire Department.

2. Permanent Markers. Permanent markers will be installed prior to City acceptance of street improvements.

3. Sanitary Sewers. Sanitary sewer mains are existing.

4. Sidewalks. Sidewalks will be located and constructed on each lot prior to occupancy.

5. Storm Sewers. Storm sewer and appurtenant drainage structures will be installed in accordance with approved plans and City drainage standards. Stormwater will be conveyed to an existing privately-maintained detention pond. Stormwater will then be conveyed to Brookhaven Creek located on the east side of 36th Avenue N.W.

6. Streets. Streets will be constructed in accordance with approved plans and City paving standards. Rosebrook Court will terminate as a cul-de-sac.

7. Water Mains. A water main will be installed in accordance with approved plans and City and Oklahoma Department of Environmental Quality standards.

PUBLIC DEDICATIONS:

1. Easements. All required easements are dedicated to the City on the final plat.

2. Rights-of-Way. All required street rights-of-way are dedicated to the City on the final plat.

SUPPLEMENTAL MATERIAL: Copies of a location map, revised preliminary plat and final plat are included in the Agenda Book.

STAFF RECOMMENDATION: The owner/developer will pay a fee in lieu of park land dedication. There is no additional land contiguous to the existing park that can be dedicated. The final plat consists of 6 single family lots. With this final plat the existing street of Rosebrook will terminate as a cul-de-sac. The final plat is consistent with the approved preliminary plat. Staff recommends approval of the final plat for Brookhaven No. 43 Addition.

ACTION NEEDED: Approve or disapprove the final plat for Brookhaven No. 43 Addition.

ACTION TAKEN: _____

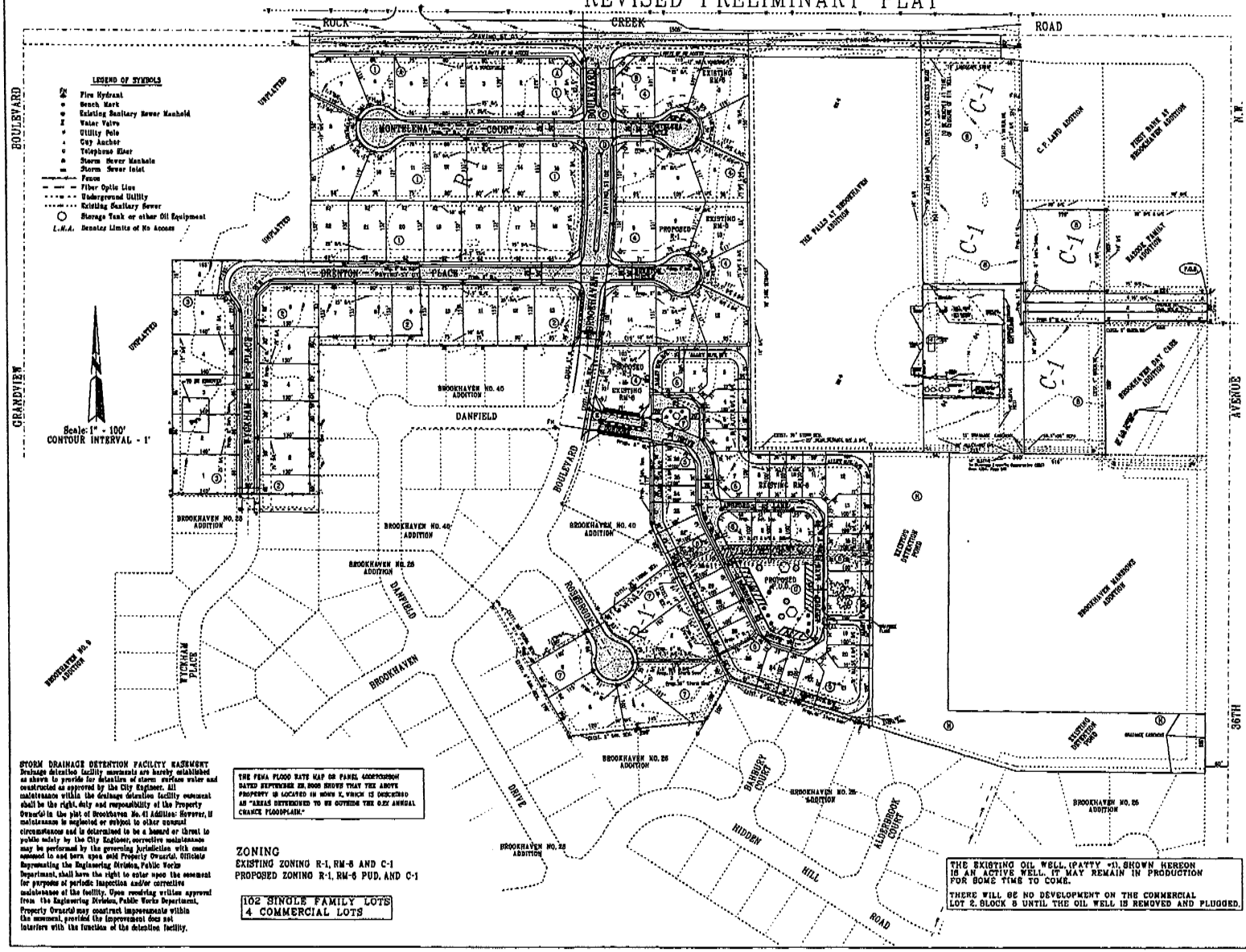
BROOKHAVEN NO. 41 ADDITION

NE 1/4, SECTION 22, T9N, R3W, I.M.
NORMAN, CLEVELAND COUNTY, OKLAHOMA

REVISED PRELIMINARY PLAT

Sidewalks to be constructed in accordance with the Standards of The City of Norman on each lot including Rock Creek Road. Sidewalks are not shown on this drawing for clarity.

THE SMALL GROUP OF TREES SHOWN WEST OF THE DETENTION POND ARE LOCATED BY AERIAL PHOTOGRAPHY. THEIR SIZE IS NOT KNOWN. THEY ARE NOT IN THE AREA BEING CONSIDERED FOR DEVELOPMENT AT THIS TIME.



VICINITY MAP

LEGEND OF SYMBOLS

- Fire Hydrant
- Bench Mark
- Existing Sanitary Sewer Manhole
- Water Valve
- Utility Pole
- Guy Anchor
- Telephone Riser
- Storm Sewer Manhole
- Storm Sewer Inlet
- Fence
- Fiber Optic Line
- Underground Utility
- Existing Sanitary Sewer
- Storage Tank or other Oil Equipment
- L.N.A. Denotes Limits of No Access

Scale: 1" = 100'
CONTOUR INTERVAL - 1'

LEGAL DESCRIPTION:

A tract of land located in the Northeast Quarter (NE/4) of Section Twenty-Two (22), Township Nine (9) North, Range Three (3) West, of the Indian Meridian, Norman, Cleveland County, Oklahoma described as follows:

COMMENCING at the Northeast Corner of said NE/4;
Thence S00°39'04"W on the East Line of said NE/4 for a distance of 562.62 feet;
Thence N89°20'56"W for a distance of 50.00 feet to the POINT OF BEGINNING, said point being on the West Right-of-Way Line of 36th Avenue N.W.;
Thence S00°39'04"W on said Right-of-Way Line for a distance of 60.00 feet;
Thence N89°57'05"W for a distance of 223.09 feet;
Thence S00°02'55"W for a distance of 283.47 feet;
Thence N89°13'55"W for a distance of 339.91 feet;
Thence S00°39'04"W for a distance of 560.00 feet;
Thence S89°13'55"E for a distance of 560.00 feet to a point on said West Right-of-Way Line;
Thence S00°39'04"W on said Right-of-Way Line for a distance of 131.01 feet;
Thence N89°13'55"W for a distance of 612.42 feet;
Thence N72°29'56"W for a distance of 654.00 feet;
Thence S30°17'55"W for a distance of 100.02 feet;
Thence S63°38'44"W for a distance of 296.14 feet;
Thence S00°00'00"W for a distance of 176.05 feet;
Thence N60°00'00"E for a distance of 190.02 feet;
Thence S00°00'00"W for a distance of 16.05 feet;
Thence N52°48'34"E for a distance of 188.62 feet;
Thence N25°18'09"E for a distance of 53.51 feet;
Thence N00°04'41"E for a distance of 176.99 feet;
Thence N60°11'07"W for a distance of 110.08 feet;
Thence S56°28'44"W for a distance of 34.31 feet;
Thence Northeasterly, on a curve to the left, having a radius of 630.00 feet, a chord bearing of N11°28'44"E, for a curve distance of 36.59 feet;
Thence N09°48'13"E for a distance of 95.31 feet;
Thence Northeasterly, on a curve to the left, having a radius of 197.96 feet, a chord bearing of N07°34'06"E, for a curve distance of 78.26 feet;
Thence N89°57'05"W for a distance of 615.31 feet;
Thence S00°24'48"E for a distance of 360.83 feet;
Thence N89°35'12"E for a distance of 130.00 feet;
Thence N00°24'48"E for a distance of 31.00 feet;
Thence N89°35'12"E for a distance of 190.00 feet;
Thence N00°24'48"E for a distance of 505.51 feet;
Thence S89°35'12"E for a distance of 302.51 feet;
Thence N00°04'37"E for a distance of 491.13 feet to a point on the North Line of said NE/4;
Thence S89°57'05"E on said North Line for a distance of 955.49 feet;
Thence S00°04'37"W for a distance of 906.38 feet;
Thence S88°55'23"E for a distance of 375.00 feet;
Thence N00°04'37"E for a distance of 906.57 feet to a point on the North Line of said NE/4;
Thence S89°57'05"E on said North Line for a distance of 174.48 feet;
Thence S00°02'44"E for a distance of 50.00 feet to a point on the South Right-of-Way Line of West Rock Creek Road;
Thence S44°14'05"E on said Right-of-Way Line for a distance of 44.76 feet;
Thence S00°02'55"E for a distance of 324.46 feet;
Thence S89°57'05"E for a distance of 176.48 feet;
Thence S00°02'55"E for a distance of 183.16 feet;
Thence S89°57'05"E for a distance of 223.72 feet to the POINT OF BEGINNING, containing 38.69 acres, more or less.

BLOCKS A, B, C, D, E, F, G & H WILL BE MAINTAINED BY THE PROPERTY OWNER'S ASSOCIATION.

DEVELOPER:

Cles, LLC
1203 Brookhaven Boulevard
Norman, Oklahoma 73072
405-329-0256

ENGINEER/SURVEYOR

CLOUR PLANNING & ENGINEERING SERVICES, LLC
Phil Clour, P.E. No. 10849, L.S. No. 1160
408 Bannister Court
Norman, Oklahoma 73072

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 Brookhaven No. 41 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 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.

THE FEMA FLOOD RATE MAP OR PANEL 400478C0350 DATED SEPTEMBER 26, 2008 SHOWS THAT THE ABOVE PROPERTY IS LOCATED IN ZONE X, WHICH IS DESCRIBED AS "AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN."

ZONING
EXISTING ZONING R-1, RM-6 AND C-1
PROPOSED ZONING R-1, RM-6 PUD, AND C-1

102 SINGLE FAMILY LOTS
4 COMMERCIAL LOTS

THE EXISTING OIL WELL, (PATTY #1) SHOWN HEREON IS AN ACTIVE WELL. IT MAY REMAIN IN PRODUCTION FOR SOME TIME TO COME.

THERE WILL BE NO DEVELOPMENT ON THE COMMERCIAL LOT 2, BLOCK B UNTIL THE OIL WELL IS REMOVED AND PLUGGED.

ENGINEERS SURVEYORS PLANNERS
CPES
Clour Planning & Engineering Services
C.A. No. 5976 Exp. Date 06-30-2012 • 408 Bannister Dr., Norman, Ok. • 405-615-2522

BROOKHAVEN NO. 41 ADDITION
NE 1/4, SECTION 22, T9N, R3W, I.M.
NORMAN, CLEVELAND COUNTY, OKLAHOMA
REVISED PRELIMINARY PLAT

Drawn By: KUNSTLING Checked By:
Dwg. File: P:\Engineering Files\P-029\dwg\...
Date: 05-25-2011 Rev.:

Sheet 1 of 3 | JOB NO. P-029

NORMAN PLANNING COMMISSION
REGULAR SESSION MINUTES

APRIL 11, 2013

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 11th day of April 2013. Notice and agenda of the meeting were posted at the Norman Municipal Building and online at http://www.normanok.gov/content/boards-commissions at least twenty-four hours prior to the beginning of the meeting.

Chairman Chris Lewis called the meeting to order at 6:30 p.m.

* * *

Item No. 1, being:
ROLL CALL

MEMBERS PRESENT	Curtis McCarty Jim Gasaway Roberta Pailes Cindy Gordon Dave Boeck Sandy Bahan Tom Knotts Chris Lewis
MEMBERS ABSENT	Andy Sherrer

A quorum was present.

STAFF MEMBERS PRESENT	Susan Connors, Director, Planning & Community Development Jane Hudson, Principal Planner Ken Danner, Subdivision Development Manager Roné Tromble, Recording Secretary Leah Messner, Asst. City Attorney Larry Knapp, GIS Analyst II Terry Floyd, Development Coordinator

* * *

Item No. 2, being:
CONSENT DOCKET
Chairman Lewis announced that the Consent Docket is designed to allow the Planning Commission to approve a number of items by one motion and vote. The Consent Docket consisted of the following items:

Item No. 3, being:
APPROVAL OF THE MARCH 14, 2013 REGULAR SESSION MINUTES

Item No. 4, being:
COS-1213-6 – CONSIDERATION OF A CERTIFICATE OF SURVEY SUBMITTED BY CHERYL BRUCKER (MORRIS ENGINEERING AND SURVEYING) FOR BRUCKER FARMS GENERALLY LOCATED AT THE NORTHEAST CORNER OF EAST FRANKLIN ROAD AND 175TH AVENUE N.E. (PRIVATE ROAD).

Item No. 5, being:
FP-1213-30 – CONSIDERATION OF A FINAL PLAT SUBMITTED BY SWITZER'S LOCKER ROOM OF NORMAN, L.L.C. (ARC ENGINEERING CONSULTANTS, L.L.C.) FOR SWITZER'S LOCKER ROOM EXPANSION ADDITION GENERALLY LOCATED ON THE WEST SIDE OF CLASSEN BOULEVARD APPROXIMATELY ¼ MILE NORTH OF CEDAR LANE ROAD.

Item No. 6, being:
FP-1213-31 – CONSIDERATION OF A FINAL PLAT SUBMITTED BY CIES PROPERTIES, INC. (CLOUR PLANNING & ENGINEERING SERVICES) FOR BROOKHAVEN NO. 43 ADDITION GENERALLY LOCATED APPROXIMATELY ¼ MILE SOUTH OF WEST ROCK CREEK ROAD ON THE EAST SIDE OF BROOKHAVEN BOULEVARD.

Item No. 7, being:
FP-1213-32 – CONSIDERATION OF A FINAL PLAT SUBMITTED BY ROSE ROCK SCHOOL FOUNDATION (PRIORITY LAND SURVEYING, L.L.C.) FOR ROSE ROCK SCHOOL ADDITION LOCATED AT 1515 WEST MAIN STREET.

Item No. 8, being:
FP-1213-33 – CONSIDERATION OF A FINAL PLAT SUBMITTED BY KENT CONNALLY (SMC CONSULTING ENGINEERS, P.C.) FOR FOUNDERS PARK ADDITION, SECTION 1, A PLANNED UNIT DEVELOPMENT FOR PROPERTY GENERALLY LOCATED ON THE NORTH SIDE OF TECUMSEH ROAD APPROXIMATELY ¼ MILE WEST OF 12TH AVENUE N.W.

Item No. 9, being:
FP-1213-34 – CONSIDERATION OF A FINAL PLAT SUBMITTED BY ST. JAMES PARK, L.L.C. (CRAFTON TULL) FOR ST. JAMES PARK ADDITION, SECTION 5 FOR PROPERTY GENERALLY LOCATED ON THE EAST SIDE OF 24TH AVENUE S.E. APPROXIMATELY ½ MILE SOUTH OF STATE HIGHWAY NO. 9.

Item No. 10, being:
FP-1213-35 – CONSIDERATION OF A FINAL PLAT SUBMITTED BY ST. JAMES PARK, L.L.C. (CRAFTON TULL) FOR ST. JAMES PARK ADDITION, SECTION 6 FOR PROPERTY GENERALLY LOCATED ON THE WEST SIDE OF 24TH AVENUE S.E. APPROXIMATELY ½ MILE SOUTH OF STATE HIGHWAY NO. 9.

Item No. 11, being:
PP-1213-14 – CONSIDERATION OF A PRELIMINARY PLAT SUBMITTED BY MONTEREY DEVELOPMENT COMPANY, L.L.C. (LEMKE LAND SURVEYING) FOR MONTEREY ADDITION FOR PROPERTY GENERALLY LOCATED AT THE SOUTHEAST CORNER OF 12TH AVENUE S.E. AND CEDAR LANE ROAD.

*

Chairman Lewis asked if any member of the Commission wished to remove any item from the Consent Docket. There being none, he asked if any member of the audience wished to have an item removed. There being none, he asked for discussion by the Planning Commission.

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:

Jim Gasaway moved to place approval of Item Nos. 3 through 6 and 8 through 11, and postponement of Item No. 7 indefinitely at the request of the applicant, on the Consent Docket and approve by one unanimous vote. Dave Boeck seconded the motion.

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

YEAS	Curtis McCarty, Jim Gasaway, Roberta Pailes, Cindy Gordon, Dave Boeck, Sandy Bahan, Tom Knotts, Chris Lewis
NAYES	None
MEMBERS ABSENT	Andy Sherrer

Ms. Tromble announced that the motion, to place approval of Item Nos. 3 through 6 and 8 through 11, and postponement of Item No. 7 indefinitely at the request of the applicant, on the Consent Docket and approve by one unanimous vote, passed by a vote of 8-0.

* * *

Item No. 6, being:
FP-1213-31 – CONSIDERATION OF A FINAL PLAT SUBMITTED BY CIES PROPERTIES, INC. (CLOUR PLANNING & ENGINEERING SERVICES) FOR BROOKHAVEN NO. 43 ADDITION GENERALLY LOCATED APPROXIMATELY ¼ MILE SOUTH OF WEST ROCK CREEK ROAD ON THE EAST SIDE OF BROOKHAVEN BOULEVARD.

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

FP-1213-31, the Final Plat for BROOKHAVEN NO. 43 ADDITION was approved on the Consent Docket by a vote of 8-0.

* * *

City of Norman, OK

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

Master

File Number: K-1213-204

File ID:	K-1213-204	**Type:**	Contract	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 14	**In Control:**	City Council
Department:	Parks and Recreation Department	**Cost:**		**File Created:**	05/29/2013
File Name:	Saxon Park TSET Grant			**Final Action:**	

Title: CONSIDERATION OF ACCEPTANCE OF AN OKLAHOMA TOBACCO SETTLEMENT ENDOWMENT TRUST GRANT IN THE AMOUNT OF $35,000 TO BE USED BY THE PARKS AND RECREATION DEPARTMENT TO INSTALL A FITNESS WALKING TRAIL AT SAXON PARK LOCATED ON HIGHWAY 9 JUST WEST OF 36TH AVENUE S.E., APPROVAL OF CONTRACT NO. K-1213-204, AND BUDGET APPROPRIATION.

Notes: ACTION NEEDED: Motion to accept or reject an Oklahoma Tobacco Settlement Endowment Trust Grant in the amount of $35,000 to be used by the Parks and Recreation Department in Saxon Park; and, if accepted, approve Contract No. K-1213-204, increase Other Revenue/Park Grants (022-0000-334.13-75) by $35,000, and appropriate $35,000 to Project No. PR0023, Saxon Park Fitness Trail, Construction (022-9674-452.61-01).

ACTION TAKEN: _____

Agenda Date: 06/11/2013

Agenda Number: 14

Attachments: Text File Grant, TSET Letter, K-1213-204

Project Manager: Jud Foster, Director of Parks and Recreation

Entered by: suzanne.terry@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-1213-204

body

BACKGROUND: The Oklahoma Tobacco Settlement Endowment Trust (TSET) offers Healthy Communities Incentive Grants to Oklahoma communities who have achieved Certified Healthy Community status. Certification may be achieved on several levels and includes a large variety of criteria such as an ordinance providing smoke free public buildings and parks, outdoor recreational opportunities, bike and walking paths and community health education. Norman became a Certified Healthy Community in 2011 when the certification program began. The certification must be applied for on an annual basis.

DISCUSSION: Norman Regional Health System is the lead agency who applied for the Healthy Communities Incentive Grant on behalf of the City of Norman, Cleveland County Turning Point, Norman Public Schools and Healthy Community Coalition among other local health agencies.

The application was for $35,000 to be used for a fitness/walking trail at Saxon Park. On 9 May 2013, TSET advised approval of the award for this application, see attachment. This grant is a part of the Saxon Park Phase II development plan which includes construction of a 10'wide concrete multi-modal trail with fitness stations along its route.

Saxon Park is a 67.36 acre park located at the southeast corner of Hwy 9 and 36th Avenue Southeast. Saxon Park was selected for the grant application as an underserved area of the Norman community. It is in proximity to the Kennedy, Madison, Reagan and Washington elementary schools. The Healthy Communities Incentive Grant for project will help promote physical activity, an important step toward serving the health needs of the surrounding community. Other components of the Saxon Park Project are being funded through the Oklahoma Recreation Trails Grant Program and the Community Parkland Development Fund.

RECOMMENDATION: It is recommended that City Council accept the Healthy Communities Incentive Grant, in the amount of $35,000, in order to construct a fitness trail on the southern boundary in Saxon Park and approve Contract No. K-1213-204. On acceptance of the grant the funding will be receipted into Miscellaneous Parks Grants (account 022-0000-334.13-75) and appropriated to Saxon Park Trail, Construction (account 022-9674-452.61-01; project PR0023).

May 9, 2013

Ms. Cindy Rosenthal
Mayor of Norman
900 N. Porter
Norman, OK 73070

Dear Mayor Rosenthal,

It is my pleasure to inform you that the Board of Directors of the Oklahoma Tobacco Settlement Endowment Trust (TSET) has awarded $35,000 to the City of Norman. This award is having achieved the Merit level within the Healthy Communities Incentive Grant Program for 2013.

You will receive an email from Connie Befort, Program Manager Healthy Communities Incentive Grant, providing further details and paperwork needed to begin the payment process and a sample press release about the award for use in your local newspaper. We would like to have a public recognition event to present your city officials with a symbolic check to commemorate your achievement. We would encourage you to invite your local media, local legislators and other dignitaries to attend.

On behalf of the Board of Directors, I want to thank you and your citizens for the strides you have taken in making health-related policy changes, enhancing awareness of the importance of physical activity and healthy nutrition in your community, along with other important health related activities. Your achievement is making a positive impact on the health of Oklahoma.

Please contact me at 405-521-3878 if you have questions or need assistance.

Congratulations!

Jonás Mata

Jonás Mata, MSW
Director of Grants and Programs

Contract #K-1213-204

LETTER OF AGREEMENT
Between the
Oklahoma Tobacco Settlement Endowment Trust
And
City of Norman Oklahoma

Purpose
This agreement is with the City of Norman (Grantee) for grant funds received from the Oklahoma Tobacco Settlement Endowment Trust Fund (TSET), through the Healthy Communities Incentive Grants Program.

Period of Agreement
The period of this agreement is from July 1, 2013 through June 30, 2014.

Scope of Work

1. The City of Norman has completed all requirements under the Healthy Communities Incentive Grants program for the Merit level of award in the amount of $35,000. The Grantee's application and signed documents are contained in the Letter of Agreement.

2. The City of Norman will provide TSET the Signed Letter of Agreement which includes supporting documents and new documents requiring signature:

   a) Attachment A - Supporting documents as submitted (Application, Narrative and Budget)
   Attachment B - Contract Non-Collusion Certification
   Attachment C - Workers Compensation Clause
   Attachment D - Vendor/Payee Form
   Attachment E - Direct Deposit /Change Request Form New Bank Account
   Attachment F - Invoice

   All documents must be completed, signed and returned to TSET.

   b) In the event that the grantee wishes to use grant funds for purposes other than those originally proposed, or if the grantee requires additional time beyond June 30, 2014 for completion of the project, the grantee agrees to seek prior written approval from TSET for any other uses of funding or an extension to the period of performance.
   c) The Grantee agrees to send TSET documentation acceptable to TSET upon completion of the project.

3. TSET will:
   a) Issue the grant funds by July 1, 2013 or within 45 days of receipt of a properly completed paperwork.
   b) Work with the Grantee in the event that the grantee wishes to use grant funds for purposes other than those originally proposed, or if the grantee requires additional time beyond June 30, 2014 for completion of the project to compliance with the guidelines of the original application.
   c) Verify the completion of the proposed project.

TERMS and CONDITIONS

Access to Records:
The Grantee agrees to maintain required records and supporting documentation as validation for dollars awarded and expended for a period of three years from the ending date of the Agreement. The Grantee also agrees to allow the State Auditor's Office, the TSET, or their authorized representatives access to the records,

books, documents, accounting procedures, practices or any items of the service provider relevant to this Agreement for purpose of audit and examination. The Grantee further agrees to provide appropriate access by the aforementioned parties to any sub-Grantee's associated records. In the event any audit, litigation or other action involving these pertinent records is started before the end of the three (3) year period, the Grantee agrees to retain these records until all issues arising out of the action are resolved or until the end of the three (3) year period, whichever is later.

Applicable Law:
This Agreement shall be governed by the laws of the state of Oklahoma notwithstanding its choice of law provisions. Any legal action in connection with this Agreement shall be filed in a court of competent jurisdiction in Oklahoma County, Oklahoma, to which jurisdiction and venue TSET and Grantee expressly agrees.

Contact Persons:
For the purposes of this Agreement, all contacts with the TSET shall be directed to its representative, Connie Befort at (405)521-4985.

For the purpose of this Agreement, all fiscal contacts with the Grantee shall be directed to its representative, Stephanie McGinnis at (405)307-3176.

Entire Agreement:
This Agreement, including referenced attachments, represents all the terms and conditions agreed upon by the parties. No other understandings or representations, oral or otherwise, regarding the subjectmatter of this Agreement shall be deemed to exist or to bind any of the parties hereto.

Failure To Comply Statement:
The Grantee agrees that should it be in non-compliance with any applicable Federal or State laws, or regulations that the Agreement may be suspended, terminated, or canceled in part or in whole. Observance of the compliance with the requirements thereof shall be the responsibility of the Grantee, without reliance on or direction by the TSET.

Grantee's Relation to the TSET:
The Grantee is in all respects an independent entity and is neither an agent nor an employee of the TSET. Neither the Grantee nor any of its officers, employees, agents, or members shall have authority to bind the TSET nor are they entitled to any of the benefits or worker's compensation provided by the TSET to its employees.

Non-Collusion
The Non-Collusion Affidavit must be signed, notarized and completed by the Grantee. (Attachment B)

Procurement Integrity:
The Parties certify they have not entered into this Agreement with this or any other Oklahoma state agency that would result in a substantial duplication of the services or duplication of the end product rendered by the Parties or their employees.

Statement of Responsibility and Liability:
The parties intend that each shall be responsible for its own intentional and negligent acts or omissions to act. The TSET shall be responsible for the acts and omissions to act of its officers, and employees while acting within the scope of their employment according to the Oklahoma Governmental Tort Claims Act, Title 51, O.S., 2011, §151 et seq., as amended.

The Grantee shall be responsible for any damages or personal injury caused by the negligent acts or omissions to act by its officers, employees, or agents acting within the scope of their authority or employment.

It is the express intention of the parties hereto that this Agreement shall not be construed as, or given the effect of, creating a joint venture, partnership or affiliation or association that would otherwise render the parties liable as partners, agents, employer-employee or otherwise create any joint and several liability.

Workers Compensation and Employer's Liability:
The Grantee is required to comply with applicable State worker's compensation statutes. (Attachment C)

The Grantee shall provide evidence of insurance coverage (Certificate of Insurance), including Workers Compensation, Automobile Insurance, Medical Malpractice, or General Liability, as applicable, from the insurance carrier before the commencement of any work. Such policy or policies shall require thirty days advance notice of cancellation be provided to the TSET.

Vendor Payee Form:
Complete form. If established with taxpayer identification number, please enter in appropriate area on form. (Attachment D)

Receipt of Funds:
Grantee will receive funds by EFT. Per HB 1086, "disbursements from the State Treasury must be processed electronically and electronic fund transfer (EFT) method is used to make state expenditures". (Attachment E)

Invoice:
Complete highlighted areas. Invoice must be signed, dated and returned to TSET. (Attachment F)

Tracey Strader Date
Executive Director
Oklahoma Tobacco Settlement Endowment Trust
3800 N. Classen Blvd., Suite 200
Oklahoma City, OK 73118

Cindy Rosenthal, Mayor Date
City of Norman
900 North Porter
Norman, OK 73070

City of Norman Legal Dept. Date

City Clerk Date

Rev 5.9.2013

Healthy Community Incentive Grant Application Narrative

The City of Norman has achieved the Merit levels of the Certified Healthy Communities program, as well as several key elements of the Excellence level. Norman Regional Health System (NRHS), the lead agency for this grant, is submitting this proposal in coordination with a community-wide consortium of health advocates including Cleveland County Turning Point (CCTP), Healthy Community, and the City of Norman. NRHS currently serves as the lead agency for several Oklahoma Tobacco Settlement Endowment Trust (TSET) grants including the Cleveland County Tobacco Cessation and Fitness and Nutrition programs. Many of the same partners will lend their expertise to successfully design and implement this project.

Last year, the City of Norman earned the Basic level of the Certified Healthy Community program. We are very grateful for the $15,000 we received as part of TSET's Certified Healthy grant opportunity. We are currently working with contractors and the City of Norman personnel to install a water fountain as well as a shade cover for the existing playground equipment in East Ridge Park. These enhancements will make the park a much nicer place to go during sunny days – especially during the hot summer months.

This year's grant program presents an exciting opportunity to create an environment that promotes physical activity in an underserved area of our community. Norman is home to several businesses, residential subdivisions, and the University of Oklahoma campus. The City has an inadequate trail system that hinders healthy lifestyles. The trails in the inner city are often dilapidated and not up to code, making walking a difficult endeavor.

We feel strongly that children deserve to grow up in an environment that is conducive to physical activity and promotes family exercise. After assessing parks in our community, we determined that improving Saxon Park had the potential to make a large impact on the community. The proposed grant funding will be used to install a Fitness Trail around the south side of Saxon Park for use by all residents within the Norman community. It will provide both cardio fitness opportunities, as well as strength training areas along the trail by having commercial-grade fitness equipment installed in several areas along the trail. This will give families a healthy, safe and fun way to enjoy the park, while benefiting a low-income area that has less access to such resources.

While all community members will have access to this park, the four closest schools to the park are Kennedy Elementary School, Madison Elementary School, Reagan Elementary School and Washington Elementary Schools. The demographics of three of these schools meet the grant requirements of a location that is in an area of the community with poor economic conditions. All four schools meet the poor health requirement. The following chart describes characteristics of the student populations and family income from each of those three schools:

Elementary School	**Percent of Students on Free and Reduced Lunch Program**	**Average Body Mass Index**
Kennedy Elementary	86.90 %	18.2
Madison Elementary	68.70 %	18.0
Reagan Elementary	67.24 %	17.5
Washington Elementary		17.7
Overall average of the three schools	**76.56 %**	

The exact location of John Saxon Community Park is 2700 36th Avenue SE, located on the southeast side of Norman. The maps included with this application show the location of the park as well as the location of the fitness trail as it relates to the overall master plan of the park. The park is currently in its first phase of development, which is the construction of the entry drive and parking area of the park and completion of the cross-country running course and trail head facilities. The overall plan for the park includes installation of trails, play equipment, restrooms, picnicking shelters, and a lake. The fitness trail will be a ten (10) foot wide multi-modal concrete trail, approximately 1,760 feet long (1/3 mile). This trail will encourage families to walk, jog, rollerblade or bicycle together, and be wide enough to encourage these different user groups to co-exist on the route. We feel that this is a tremendous opportunity, which will coincide with the grand opening of Norman's newest Community Park, once the entry road and cross-country trail are completed this summer.

The proposed project fulfills several of the Certified Healthy Communities Incentive Grant Criteria:

- *Community ensures equal consideration for safety and mobility for all users of all modes of transportation "complete streets" (in planning efforts).* According to a recent community poll, the number one request was for more sidewalks and walking trails. This project will help fulfill this need and support key components of the City of Norman's Greenway Master Plan.

- *Public health advocates and stakeholders are included in community development and zoning regulations (health in policies).* This project is a collaborative effort involving entities such as NRHS, Norman Public Schools, CCTP, Healthy Community Coalition, and the City of Norman. These organizations consist of representatives from all aspects of the community, including ardent supporters from the academic and after-school community, local government entities, and nonprofit organizations.

This project will benefit the community by encouraging physical activity and thereby lowering obesity rates and instances of chronic illnesses such as heart disease and diabetes. It will address the needs of a population that has few resources to undertake such an initiative on their own.

Thank you for presenting us with the opportunity to apply for this grant. We greatly appreciate your efforts to improve the health of Oklahomans, and hope you will join us in increasing physical activity rates in our community.

Contract #K-1213-204

OKLAHOMA TOBACCO SETTLEMENT ENDOWMENT TRUST

Healthy Communities Incentive Grant

Community Information

Rec'd TSET
FEB 25 2013

Applications are accepted from January 1 through February 28 at 4:00 pm.
(Grants will be awarded based on funds available.)

Community Information	
City Name:	City of Norman
Population Size:	95,000+
Mailing Address:	901 North Porter Norman, Oklahoma 73070
Physical Address: :	901 North Porter Norman, Oklahoma 73070
Mayor's name:	Mayor Cindy Rosenthal
Mayor's email address:	Mayor@normanok.gov
Application Contact Name:	Stephanie McGinnis
Job Title:	Community Health and Wellness Coordinator
Telephone:	405/307-3176
Fax Number:	405/307-3179
Email Address:	smcginnis@nrh-ok.com

OKLAHOMA TOBACCO SETTLEMENT ENDOWMENT TRUST
Healthy Communities Incentive Grant
Application

Level of certification community achieved from the 2012 Certified Healthy Communities Program:

- ○ Basic
- ⊗ **Merit**
- ○ Excellence

Brief description of the intended use of the incentive funds:

Norman Regional Health System (NRHS) is the lead agency for this application, submitted on behalf of the City of Norman, Cleveland County Turning Point, Healthy Community Coalition, Norman Public Schools, and other local health agencies. We strongly believe that community members deserve a chance to live in an environment that promotes physical activity. As a result, incentive funds will be used to install a Fitness Trail at John Saxon Community Park for use by families in nearby neighborhoods and other community members. The fitness trail part of the Saxon Park development will ideally coincide with the initial park development phase which is being let for bid at the time of this grant application's submission. Opening this park site for use will provide new large-scale outdoor recreation opportunities to an area of Norman that has not had such facilities offered before, since this is a 67-acre park site with ample parking and enough room to plan and build extensive running trails and other park facilities as show in the attached master plan for the park. This grant project will help fulfill the needs of an underserved population within our community. Three of the Norman elementary schools located close to the park have an average percentage of families qualifying for the free or reduced lunch program of 77%. This project is an important step toward making the Southeast side of the City of Norman a healthful place for our community members to learn and grow.

Project Start Date: The project will commence as funding is available.

Certification of Non-Acceptance of Tobacco Funds

The applicant named above hereby certifies that it will not accept funding from, nor have an affiliation or contractual relationship with, a company engaged in the manufacture of tobacco or tobacco products for the purpose of event sponsorships, curriculum, grants programs, research, evaluation or other similar activities during the term of the grant from the Oklahoma Tobacco Settlement Endowment Trust. The applicant further certifies that it will not engage in the manufacture of tobacco products during the term of the grant. This restriction does not apply to the growth or use of non-commercial tobacco for ceremonial use.

Cindy S Rosenthal 7-22-13

Signature of Mayor **Date**

Attachment B

Improving the Health of Every Oklahoman

TSET
BETTER LIVES THROUGH BETTER HEALTH

Contract Non-Collusion Certification

In accordance with 74 O.S. §85.22, any contract executed by the State shall contain the following certification:

1. I am the ☐VENDOR ☒duly authorized agent of VENDOR **(check applicable box)**, under the contract which is attached to this statement, for the purpose of certifying the facts pertaining to the giving of things of value to government personnel in order to procure said contract;

2. I am fully aware of the facts and circumstances surrounding the making of the contract to which this statement is attached and have been personally and directly involved in the proceedings leading to the procurement of said contract;

3. Neither the VENDOR nor anyone subject to the VENDOR's direction or control has paid, given, or donated, or agreed to pay, give, or donate, to any officer or employee of the State of Oklahoma any money or other things of value, either directly or indirectly, in procuring the contract to which this statement is attached; and

4. No person who has been involved in any manner in the development of the contract to which this statement is attached, while employed by the State of Oklahoma, shall be employed to fulfill any of the services provided for under this contract.

Cindy Rosenthal — Name (PRINT)

Mayor — Title (PRINT)

Signature

Date

VENDOR INFORMATION: (Must be completed)

Firm/Name: City of Norman

Address: P.O. Box 370

City/State: Norman, OK 73070

Phone: (405) 366-5472 (Parks & Recreation Dept).

SSN/FEIN: 73-6005350

The State of Oklahoma does not enter into contracts or other arrangements that have the effect of subjecting its citizens or employees to discrimination because of race, color, national origin, sex, or disability. All vendors of the State of Oklahoma must comply with state and federal laws prohibiting discrimination, including, but not limited to, the Civil Rights Acts of 1964 and 1991 and the Americans with Disabilities Act of 1990.

OKLAHOMA TOBACCO SETTLEMENT ENDOWMENT TRUST

Healthy Communities Incentive Grants

Use of Grant Funds Summary Budget

Community Name:	City of Norman
Project :	John Saxon Community Park Fitness Trail

Budget Category	Explanation (Include information on who is doing the work, travel involved, meetings, facility use, etc.)	Dollar Amount
Capital Improvement – Fitness Trail	Please see below for project information	$35,000
	Total	$35,000

If this project is related to or part of a larger project, please provide a brief explanation:

John Saxon Community Park is a 67-acre site, which the City of Norman plans to develop in an area of town currently under-served by such large-scale recreation facilities. The City is already preparing for the construction of the entry road, first phase of parking, trail head and final construction of a cross-country running course at the park site in 2013. The second phase of development is to layout and construct the fitness trail shown in the park master plan in the southeast part of the site. This 10-foot wide multi-modal trail will include strength training equipment stations along its route, which will be a vital complement to the cardio fitness gained by walking, jogging, rollerblading or cycling along the 1/3-mile long trail. The trail installation is estimated to cost around $125,000 and will include signage regarding trail etiquette and proper equipment use. The City of Norman will fund any costs for the project that are not covered by grant funds from this or other programs that may be able to help complete the project as soon as possible.

Workers Compensation Clause

Worker's Compensation Policy:

Workers Compensation Insurance is required by the State of Oklahoma for all entities that contract with the State. Proof of Workers Compensation Insurance is required by the Department of Central Services as specified below:

Worker's Compensation Insurance Policy # The City of Norman is self-insured and self-administered.

Policy Expires: n/a Carrier's Name: n/a

Note: Successful vendor shall furnish a certificate of insurance to the ordering agency to show insurance for the job in compliance with the Oklahoma Workers Compensation Law, before work begins. Failure to provide the Certificate of Insurance in a timely manner may result in cancellation of the contract award."

Exempt from Worker's Compensation:

If you are exempt from the Worker's Compensation Insurance statute you must state your exemption and sign the following waiver of liability.

I, the undersigned, hereby waive any claim against the using agency and/or its agents and assume responsibility for all accidents, injuries or losses incurred by me as a result of my negligence while in connection with any activity conducted with the using agency, thereby releasing the department, division and/or its agents for any responsibility.

The City of Norman is self-insured and self-administered.

Title 85 O.S. § 2.6
Claimed Exemption

(Signature)

(Name, printed)

(Date)

Edition: 10/1/09

Contract #K-1213-204

Attachment (D)

State of Oklahoma
Office of State Finance
Vendor Maintenance

Vendor/Payee Form

CURRENT VENDOR-No Changes

Change Existing Address # _____ ☐
Additional Address ☐

The State of Oklahoma requires the following information for all new vendors (payees) before any payments can be made. This information is used to establish you in the State's vendor file. The form must be signed to be valid. This form should not be used to establish Garnishment Vendors or State Employee Vendors.

AGENCY SECTION

Agency Name Oklahoma Tobacco Settlement Endowment Trust
Contact Name Dorothy Antwine Phone #: (405) 521-3887 Fax#: (405) 525-6104

1099 Reportable Status

Attention Paying Agency: Please check the ***Add*** box on the left if payments to this vendor/Payee are represented by Account Codes listed on page 3 of this form. If the vendor is incorrectly showing as 1099 Reportable, check the ***Remove*** box. The PeopleSoft system requires specific details regarding the type of transaction. Please check the box that applies to this vendor:

Add: ☐ 1 - Rents ☐ 2 - Royalties ☐ 3 - Prizes & Awards
☐ **Remove:** ☐ 6 - Medical & Health Care ☒ 7 - Non-Employee Compensation ☐ 10 – Crop Insurance Proceeds
☐ 14 – Gross Proceeds to an Attorney

PeopleSoft (Oracle) 10-digit Vendor #: 0000076924

VENDOR/PAYEE SECTION (Please print or type this information. Complete and fax to requesting State Agency)

CITY OF NORMAN — (405)366-5472 (Parks & Rec) — 366-5470
Company Name (or Individual, or Government Entity) — Phone # — Fax #

CITY OF NORMAN — same —
Name on IRS Record (if different than above) — Phone # — Fax #

VENDOR/PAYEE TIN/SSN: 73-6005350

Business Address:

201 WEST GRAY ST., NORMAN, OKLAHOMA 73069-7121 martha.lipps@normanok.gov
(PO Box or Street, City, State, **9-Digit Zip Required**) E-mail Address

Optional Address – check as appropriate:

If different; ☐ Pricing ☐ Ordering ☐ Invoicing ☐ Remitting ☐ Returning
Phone # Fax #

(PO Box or Street, City, State, **9-Digit Zip Required**) E-mail Address

Contact Name & Title:

If different, ☐ Pricing ☐ Ordering ☐ Invoicing ☐ Remitting ☐ Returning
Phone # Fax #

(PO Box or Street, City, State, **9-Digit Zip Required**) E-mail Address

Contact Name & Title:

Customer Service Information, if different:
Phone # Fax # E-mail

Vendors/Payees DO NOT fax to numbers below. The form must be returned to the state agency requesting this information.
Use OSF_GARNVEND form for Garnishment Vendors.

State Agency, fax completed and signed form to: OSF, Attention Vendor Maintenance 405-521-3383 or 405-522-0392

OSF/DCS USE ONLY: Date Posted: By:

SUPPLEMENTAL INFORMATION – ALL VENDORS OR PAYEES

The information below is requested under U.S. Tax Laws. Failure to provide this information may prevent you from being able to do business with the State, or may result in the State having to deduct backup withholding amounts from its remittances to you.

Federal Employer Identification Number (FEIN)
U.S. Taxpayer Identification Number (TIN) 73-6005350 If none, but applied for, date applied _____

U.S. Social Security Number (SSN) _____ If none, but applied for, date applied _____

Check the box below that best describes your residency status:

Companies:

☐ Domestic (U.S.) sole proprietorship ☐ Domestic (U.S.) partnership ☐ Domestic (U.S.) corporation ☐ Domestic (U.S.) other
☐ Foreign (non-U.S.) sole proprietorship* ☐ Foreign (non-U.S.) partnership* ☐ Foreign (non-U.S.) corporation*
☐ Foreign (non-U.S.) other* - explain: MUNICIPAL GOVERNMENT

Individuals:

☐ Citizen (individual) of the United States ☐ Resident alien (individual) of the United States ☐ Non-resident alien (individual) **

* NOTE: IF YOU MARK THIS BOX, WE WILL FORWARD AN INTERNAL REVENUE SERVICE (IRS) FORM W-8 (http://www.irs.gov/pub/irs-pdf/fw8ben.pdf), CERTIFICATE OF FOREIGN STATUS, TO YOU. THIS MAY EXEMPT YOU FROM BACKUP WITHHOLDING. FORM W-8 DOES NOT EXEMPT YOU FROM THE 30% (OR LOWER PERCENTAGE BY TREATY) NONRESIDENT WITHHOLDING TAXES. TO CLAIM THIS EXEMPTION, YOU MUST FILE IRS FORM 8233 WITH US. FOR MORE INFORMATION, REFER TO IRS PUBLICATION 519.

SIGNATURE - AND SUBSTITUTE IRS FORM W-9 CERTIFICATION

Under penalties of perjury, I certify that the above information is correct and that:

1. **The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me), and**
2. **I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding.**
3. **3. I am a U.S. person (including a U.S. resident alien).**

Certification Instructions - *You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding* because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the Certification, but you must provide your correct TIN

Signature of Vendor Representative or Individual Payee Date

Title of individual signing form for company

Vendor/Payee (Same as Company Name from Page 1)

IRS Instructions Regarding 1099 MISC Reporting

IRS Instructions regarding 1099 MISC reporting are posted on the IRS website at: http://www.irs.gov//instructions/i1099msc/index.html. Reportable payments include (a) royalties or broker payments in lieu of dividends or tax-exempt interest; (b) rents, services (including parts and materials), prizes and awards, other income payments, medical and health care payments, crop insurance proceeds, cash payments for fish (or other aquatic life) you purchase from anyone engaged in the trade or business of catching fish; (c) any fishing boat proceeds; or (d) gross proceeds paid to an attorney (see below).

Generally, if reportable payments do not fall under Box 1, 2, 3, 6 or 14, use Box 7. Specifically, all payments to physicians and medical corporations must be reported in Box 6. Attorney's fees, including payments to a law firm or other provider of legal services, are reportable in Box 7, except for gross proceeds. Gross proceeds paid to attorneys, under IRC section 6045(f), are reportable in Box 14. These include the total amount paid to an attorney for settlement agreements. These rules apply whether or not the legal services are provided to the payer and whether or not the attorney is exclusive payee (e.g., the attorney's and claimant's names are on one check). However, these rules do not apply to wages paid to attorneys that are reportable on Form W-2.

PeopleSoft Vendor Registration
State of Oklahoma
Office of State Finance
Office of the State Treasurer

Dear Valued Supplier,

We are in receipt of a request to add or update your company's bank account information within the State's Vendor system. In order for the Office of State Finance (OSF) and the Office of the State Treasurer (OST) to approve this request, your assistance is required to complete the attached **Change Request Form - New Bank Account** form.

The **Change Request Form - New Bank Account** form consists of three sections that are required to be completed in order for such request to be processed. As further described below, a Requestor must complete Section I. Section II must then be completed and signed by both the Requestor and Authorized Individual. The form must then be presented to your financial institution. A representative of your financial institution should then complete Section III and send the completed form to PeopleSoft Vendor Registration.

Section I – Company Information

Section II - New Bank Change Request. This section is to be completed and signed by (i) the individual within your company who initiated the bank account add/update through the portal ("Requestor"), and (ii) an individual authorized, on behalf of your company, with the requisite authority to open and close bank accounts (**"Authorized Individual"**). Unless you are a sole proprietor or your account is a consumer account whereby the Requestor is the sole owner of the account, **the Authorized Individual shall be someone different from the Requestor.**

Section III - Financial Institution Information. This section must be completed and signed by an authorized official of your company's financial institution. Once completed, your financial institution may fax this form to the attention of PeopleSoft Vendor Registration at 1-405-521-4994 or mail it to the attention of PeopleSoft Vendor Registration at Office of the State Treasurer, 2300 N. Lincoln Blvd, Room 217, Oklahoma City, OK 73105.

For assistance please contact PeopleSoft Vendor Registration, at: vendor.eft@osf.ok.gov

CHANGE REQUEST FORM
NEW BANK ACCOUNT

Authorized Individual: By signing this document, you represent and warrant that you have authority to create this new account on behalf of your company in the State of Oklahoma PeopleSoft Vendor network. In order to process your request in a timely manner, **this form must be (i) signed by an authorized individual, other than the Requestor,** with the requisite authority to open and close bank accounts, **and (ii) the Financial Institution Information must be completed and returned to OST by your financial institution.**

Press tab to go the next field. Complete all fields, print, sign, forward to your bank for completion.

Section I. Company Information

Company Name CITY OF NORMAN **Federal Tax ID #** 73-6005350
Vendor # 0000076924 **Location #**

Section II. New Bank Change Request

New Bank Account Requestor	Authorized Individual (Different than Requestor)
Name: NO CHANGES	**Name:**
Title:	**Title:**
Email:	**Email:**
Phone #:	**Phone #:**
Date:	**Date:**
Requestor signature	Authorized Individual signature

Section III FINANCIAL INSTITUTION INFORMATION
Bank Official: Please return this form to 1-405-521-4994. Cover sheet should direct to PeopleSoft Vendor Registrations.

Bank or Financial Institution Name:
Branch Name and Number:
Nine Digit Routing Transit Number:
Depositor Account Number:
Depositor Account Name:
Is this deposit account owned by the company listed in Section I? **Yes** ☐ **No** ☐
Type of Account: **Checking** ☐ **Savings** ☐

Authorized Bank or Financial Institution Official:

Signature of Authorized Bank Official:
Name: **Telephone:**
Title: **Date:**

Oklahoma Internal Use Only:			
Fax Received		Other	
Account Verified		Pass/Fail	
Acct Notes		Completed By	
Confirm New Bank		Approved Date	

City of Norman, OK

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

Master

File Number: K-1213-67 CO #1

File ID:	K-1213-67 CO #1	**Type:**	Contract	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 15	**In Control:**	City Council
Department:	Parks and Recreation Department	**Cost:**	$521,400.00	**File Created:**	06/03/2013
File Name:	Change Order 1 to Legacy Park			**Final Action:**	

Title: CONSIDERATION OF AWARDING ALTERNATE 11 OF BID NO. 1213-39 INCREASING THE CONTRACT AMOUNT BY $865,000 AND APPROVAL OF CHANGE ORDER ONE TO CONTRACT NO. K-1213-67 BY AND BETWEEN THE NORMAN TAX INCREMENT FINANCE AUTHORITY AND CGC, L.L.C., DECREASING THE CONTRACT AMOUNT BY $362,100 IN ORDER TO ADD FOUNTAIN MODIFICATIONS TO THE LEGACY PARK CONSTRUCTION PROJECT, AND BUDGET APPROPRIATION.

Notes: ACTION NEEDED: Acting as the Norman Tax Increment Finance Authority, motion to approve adding Alternate No. 11 to Bid No. 1213-39 increasing the bid amount by $865,000 and Change Order No. One to Contract No. K-1213-67 with CGC, Inc., decreasing the contract amount by $362,100 for a revised contract price of $6,400,800, authorize execution of the Change Order, and appropriate $521,400 from the University North Park Tax Increment Finance Fund Balance (057-0000-253.20-00) to Project No. UT0098, Legacy Park Project, Construction (057-9518-431.61-01).

ACTION TAKEN: _____

Agenda Date: 06/11/2013

Agenda Number: 15

Attachments: Text File Legacy, Change order#1-6-3-13, Legacy Park Fountain Options, Pert Excerpt SS Minutes of April 16 2013

Project Manager: Jud Foster, Director of Parks and Recreation

Entered by: kathryn.walker@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-1213-67 CO #1

Body

BACKGROUND: The Norman Tax Increment Finance Authority (NTIFA) approved Contract K-1213-67 with CGC, LLC in the amount of $5,897,900. The bid for Legacy Park included 14 add-alternates, eight of which were awarded with the contract approval on January 22, 2013. The NTIFA elected not to include add alternate number 11 at that time. Alternate 11 provided for cascading water features at a cost of $865,000. The NTIFA

asked Howard-Fairbairn Site Design to explore other fountain enhancing options that would be less costly.

Howard-Fairbairn consulted with Delta Fountains and CGC, L.L.C., on other options which were presented at a study session on April 16, 2013. During that discussion, the NTIFA expressed interest in options that would provide additional vertical water flow and additional water cannon blasts. Water spray heights would be adjustable with a computer animation program. Red, blue and green LED lighting would also be added to the center fountains and to the perimeter scupper fountains on the west side of the pond. These enhancements will provide additional aeration and water movement which will improve water quality in the pond. Following the study session, a detailed description of the potential fountain enhancements was provided to the NTIFA in a memorandum dated April 23, 2013. The total installed cost of these options is $521,400.

DISCUSSION: Since Alternate 11 was competitively bid with the rest of the project, Staff is recommending that the NTIFA award that alternate at this time. This will increase the initial contract amount with CGC, LLC by $865,000, to a total of $6,762,900. Subsequently, pursuant to the NTIFA's request on April 16, 2013, Staff is recommending a deduct change order in the amount of $362,100. This deduct reflects the changes in the fountain options that were presented at the April 16th study session.

The fountain enhancements that will be provided as a result of this action will include:
1. Remove center floating fountain provided in base bid
2. Seven additional water cannons, 21 red, blue, green LED lights in center fountains
3. Additional mechanical equipment and animation programming
4. 21 smooth bore spray nozzles
5. LED lighting on scupper fountains

RECOMMENDATION: In accordance with Council's input on April 16, 2013 and additional follow up, Staff recommends moving forward with the fountain lighting feature of Legacy Park, scaling back the cost of the original bid by $362,100 through a change order that modifies the fountains and lighting as outlined above.

It is recommended the savings on the lighting component of Legacy Park be accomplished as follows: that the NTIFA award alternate number 11 from Bid 1213-39 for the Legacy Park Construction Project increasing the bid amount by $865,000 for additional fountains; and also approve Change Order One to Contract K-1213-67 with CGC, LLC decreasing the contract amount by $362,100 to provide for changes to the fountain and lighting package included in the base bid. This action saves $362,100 from the original alternate 11 bid, and will result in a net increase to the contract of $521,400.

It is further recommended that $521,400 be appropriated from University North Park Tax Increment Finance Fund Balance (account 057-0000-253.20-00) to UNP Legacy Park, Construction (account 057-9518-431.61-01) to provide funding for this change order.

City of Norman, OK

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

Master

File Number: K-1213-67 CO #1

File ID:	K-1213-67 CO #1	**Type:**	Contract	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 15	**In Control:**	City Council
Department:	Parks and Recreation Department	**Cost:**	$521,400.00	**File Created:**	06/03/2013
File Name:	Change Order 1 to Legacy Park			**Final Action:**	

Title: CONSIDERATION OF AWARDING ALTERNATE 11 OF BID NO. 1213-39 INCREASING THE CONTRACT AMOUNT BY $865,000 AND APPROVAL OF CHANGE ORDER ONE TO CONTRACT NO. K-1213-67 BY AND BETWEEN THE NORMAN TAX INCREMENT FINANCE AUTHORITY AND CGC, L.L.C., DECREASING THE CONTRACT AMOUNT BY $362,100 IN ORDER TO ADD FOUNTAIN MODIFICATIONS TO THE LEGACY PARK CONSTRUCTION PROJECT, AND BUDGET APPROPRIATION.

Notes: ACTION NEEDED: Acting as the Norman Tax Increment Finance Authority, motion to approve adding Alternate No. 11 to Bid No. 1213-39 increasing the bid amount by $865,000 and Change Order No. One to Contract No. K-1213-67 with CGC, Inc., decreasing the contract amount by $362,100 for a revised contract price of $6,400,800, authorize execution of the Change Order, and appropriate $521,400 from the University North Park Tax Increment Finance Fund Balance (057-0000-253.20-00) to Project No. UT0098, Legacy Park Project, Construction (057-9518-431.61-01).

ACTION TAKEN: _____

Agenda Date: 06/11/2013

Agenda Number: 15

Attachments: Text File Legacy, Change order#1-6-3-13, Legacy Park Fountain Options, Pert Excerpt SS Minutes of April 16 2013

Project Manager: Jud Foster, Director of Parks and Recreation

Entered by: kathryn.walker@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-1213-67 CO #1

Body

BACKGROUND: The Norman Tax Increment Finance Authority (NTIFA) approved Contract K-1213-67 with CGC, LLC in the amount of $5,897,900. The bid for Legacy Park included 14 add-alternates, eight of which were awarded with the contract approval on January 22, 2013. The NTIFA elected not to include add alternate number 11 at that time. Alternate 11 provided for cascading water features at a cost of $865,000. The NTIFA

asked Howard-Fairbairn Site Design to explore other fountain enhancing options that would be less costly.

Howard-Fairbairn consulted with Delta Fountains and CGC, L.L.C., on other options which were presented at a study session on April 16, 2013. During that discussion, the NTIFA expressed interest in options that would provide additional vertical water flow and additional water cannon blasts. Water spray heights would be adjustable with a computer animation program. Red, blue and green LED lighting would also be added to the center fountains and to the perimeter scupper fountains on the west side of the pond. These enhancements will provide additional aeration and water movement which will improve water quality in the pond. Following the study session, a detailed description of the potential fountain enhancements was provided to the NTIFA in a memorandum dated April 23, 2013. The total installed cost of these options is $521,400.

DISCUSSION: Since Alternate 11 was competitively bid with the rest of the project, Staff is recommending that the NTIFA award that alternate at this time. This will increase the initial contract amount with CGC, LLC by $865,000, to a total of $6,762,900. Subsequently, pursuant to the NTIFA's request on April 16, 2013, Staff is recommending a deduct change order in the amount of $362,100. This deduct reflects the changes in the fountain options that were presented at the April 16th study session.

The fountain enhancements that will be provided as a result of this action will include:
1. Remove center floating fountain provided in base bid
2. Seven additional water cannons, 21 red, blue, green LED lights in center fountains
3. Additional mechanical equipment and animation programming
4. 21 smooth bore spray nozzles
5. LED lighting on scupper fountains

RECOMMENDATION: In accordance with Council's input on April 16, 2013 and additional follow up, Staff recommends moving forward with the fountain lighting feature of Legacy Park, scaling back the cost of the original bid by $362,100 through a change order that modifies the fountains and lighting as outlined above.

It is recommended the savings on the lighting component of Legacy Park be accomplished as follows: that the NTIFA award alternate number 11 from Bid 1213-39 for the Legacy Park Construction Project increasing the bid amount by $865,000 for additional fountains; and also approve Change Order One to Contract K-1213-67 with CGC, LLC decreasing the contract amount by $362,100 to provide for changes to the fountain and lighting package included in the base bid. This action saves $362,100 from the original alternate 11 bid, and will result in a net increase to the contract of $521,400.

It is further recommended that $521,400 be appropriated from University North Park Tax Increment Finance Fund Balance (account 057-0000-253.20-00) to UNP Legacy Park, Construction (account 057-9518-431.61-01) to provide funding for this change order.

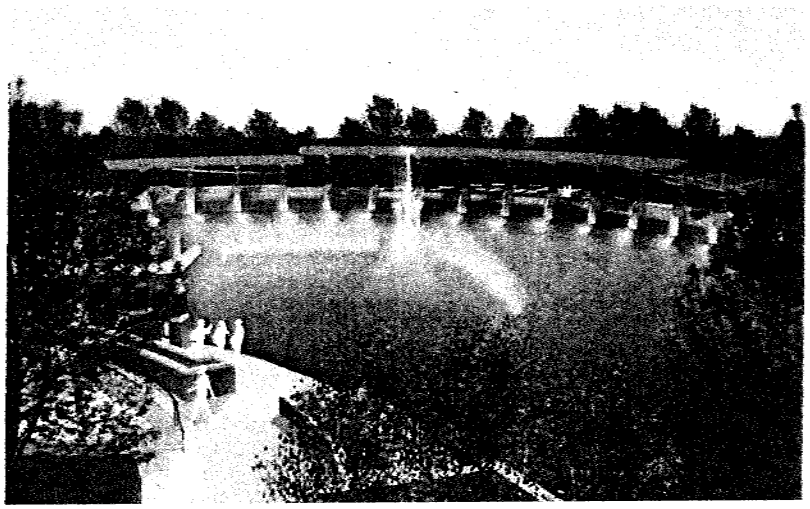
office memorandum

DATE: April 23, 2013
TO: Steve Lewis, City Manager
FROM: Jud Foster, Director of Parks and Recreation
SUBJECT: Fountain Proposals for Legacy Park

At the direction of City Council, Staff has been exploring various fountain options for the pond at Legacy Park. These options were presented to Council at its Study Session on April 16, 2013. Four options were presented. Details on those options are provided below. During the discussion, Council expressed the most interest in the options that provided constant vertical water flow from the arc of nozzles with additional intermittent water cannon blasts. The direction was given to proceed with Options 1, 2, 2-A and 4 at an estimated cost of $354,000. After further study and consultation with the Delta representative, it appears that Option 2B, although not required, would be needed to achieve the visual effect Council seemed to desire. With Options 1, 2, 2-A, 2-B and 4, the water heights would be programmable; and all nozzles, cannons and scuppers would have red blue green (RBG) LED lighting. The original estimate for these options was $476,200 with Option 2-B (estimated to cost $122,200) adding the row of nozzles that provide the constant vertical flow. Including Option 2-B will provide a better visual appearance with more constant vertical flow, as well as additional aeration and water movement to improve water quality in the pond.
Since the April 16th meeting we have received a final quote for these options from the contractor. Option #2 was increased $26,000 to provide additional conduit for future audio components and additional fill and concrete mounting base for the water cannons and nozzles. Option #4 was increased $19,200 to provide under-water base and mounting brackets required to correctly position the LED lights below the scuppers. The final quote for Options 1, 2, 2-A and 4 is $399,200. The final quote for options 1, 2, 2-A, 2-B and 4 is $521,400. Our project consultants are currently reviewing the details of this quote with the contractor prior to filling out a change order request.

Following is a visual clarification for each of the options mentioned above, along with the costs for each.

Base bid – No additional cost
Includes 16 scuppers on perimeter wall with white incandescent lighting; floating central fountain ring with constant vertical flow and white incandescent lighting; 14 water cannons (intermittent vertical bursts – not lighted)
Typical appearance:



Intermittent appearance of base bid with water cannon bursts:

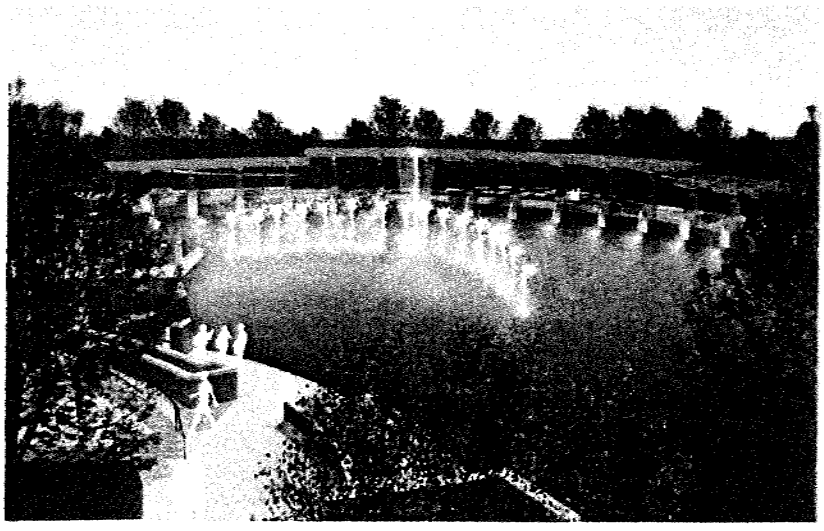
Option 1 - Deduct $18,500 for removing the floating center fountain.

Option 2 - $320,400
Adds 7 cannons (for total of 21); adds 21 RBG LED lights; adds programming time to animate lights and cannons; adds additional required mechanical equipment.

Similar visual appearance to base bid with addition of more cannons and RBG LED lighting.

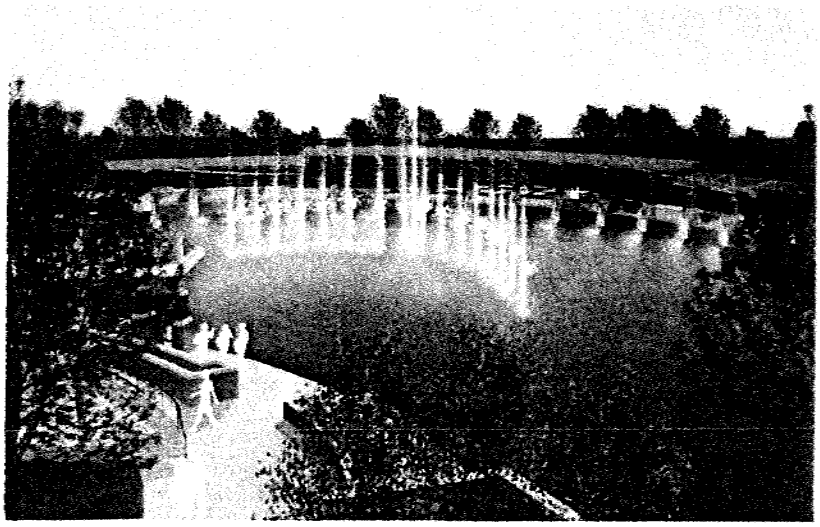
Option 2-A - $33,600
Adds varying height capabilities to 21 cannons; adds additional animation programming time; adds additional required mechanical equipment.

Typical appearance of option 2-A with intermittent cannon bursts. Note: there would be no constant vertical water flow with this option:



Option 2-B - $122,200
Adds 21 constant vertical spray nozzles (independent of cannons) (LED lighting included from above)

Typical appearance of option 2-B with constant vertical flow and intermittent cannon bursts:



Option 4 - $63,700
Replaces white incandescent lights with RBG LED lights on 16 scuppers on perimeter wall.

Appearance would be same as option 2-B with addition of RBG LED lights on 16 scuppers.

Please let me know if any additional information is needed on this matter.

CHANGE ORDER SUMMARY
CITY OF NORMAN
CLEVELAND COUNTY, OKLAHOMA

CHANGE ORDER NO. ONE DATE: 5/31/2013

CONTRACT NO.: K- 1213-67 SUBMITTED BY: CGC LLC

PROJECT: LEGACY PARK PROJECT

CONTRACTOR:
CGC LLC

Original Completion Date Friday, July 25, 2014

Previous Completion Date Friday, July 2014 ORIGINAL CONTRACT AMOUNT $ 6,762,900.00

(Increase) this change order 33 Calendar days

New Completion Date Wednesday, August 27, 2014 PRESENT CONTRACT AMOUNT $6,762,900.00

DESCRIPTION	DECREASE	INCREASE
See change order detail.	$362,100.00	-0-

Note: This change order is based completely on the unit prices from the original contract. There are no new items.

NET CHANGE $362,100.00

REVISED CONTRACT AMOUNT $6,400,800.00

CONTRACTOR: _____ DATE: 6/3/13
CGC LLC

ARCH./ENGINEER: _____ DATE: 6/3/13
Howard-Fairbairn Site Design

CITY ATTORNEY: _____ DATE: _____

ACCEPTED BY: _____ DATE: _____
(Mayor)

DETAILED COST ITEMIZATION

CHANGE ORDER NO. ONE (Continued)

PROJECT NAME LEGACY PARK

Item	Description	Decrease	Increase
1	ALT. 11	865,000.00	
2	Deduct for floating fountain	18,500.00	
3	Fountain Equipment (Cannons)		320,400.00
4	Equipment and Programming		33,600.00
5	Fountain Equipment (smooth bore)		122,200.00
6	RGB LED Lighting for Scuppers		63,700.00

CITY COUNCIL STUDY SESSION MINUTES

April 16, 2013

The City Council of the City of Norman, Cleveland County, State of Oklahoma, met in a study session at 5:30 p.m. in the Municipal Building Conference Room on the 16th day of April, 2013, 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 Castleberry, Gallagher, Griffith, Jungman, Kovach, Lockett, Williams, and Mayor Rosenthal
ABSENT:	Councilmember Spaulding

Item 1, being:

DISCUSSION REGARDING A RECOMMENDATION FROM THE TAX INCREMENT FINANCE (TIF) OVERSIGHT COMMITTEE REGARDING THE LOCATION OF THE RESTROOMS AT LEGACY PARK AND POSSIBLE MODIFICATIONS TO THE FOUNTAIN FEATURES IN LEGACY PARK AS PREVIOUSLY DISCUSSED BY CITY COUNCIL.

Location of the Restroom Facilities and Dressing Rooms.
Mr. Jud Foster, Director of Parks and Recreation, said during the February 19, 2013, meeting of the Tax Increment Finance (TIF) Oversight Committee #2, Staff provided an update on the construction of Legacy Park. During the discussion, the Oversight Committee expressed a desire to provide some accommodations closer to the amphitheater area and expressed concern that performers would not have dressing rooms in close proximity to the stage, stating the proposed bathroom facilities would be too far for performers to use.

The TIF Committee recommended the City Council/Norman Tax Increment Finance Authority (NTIFA) reconsider the design of Legacy Park to accommodate some form of facilities serving the stage area. The recommended facility is in addition to the bathroom facilities located in the park area and the Committee firmly believed a complete lack of facilities serving the stage area will be a severe impediment to the usefulness of the stage area and amphitheater.

Mr. Scott Howard, Howard Fairbairn Site Design, provided schematics reflecting the overhead view of Legacy Park stage area and amphitheater to include the new storage/dressing rooms and relocated restrooms. He said the location of the existing sanitary sewer main serving Legacy Park dictates that any toilet facilities be located along the north side of the amphitheater to allow for gravity flow. Any other location to the south or near the lowered back stage would necessitate a costly lift station. Mr. Rick McKinney, The McKinney Partnership, said the Legacy Park restroom estimate will reduce the size of the base bid restroom, install two new buildings, and provide water, sewer, and electrical services. The additions/deletions to the Legacy Park Project include:

- Relocation of the Restroom Facilities from the original building located on the north central portion of the park to a new 700 square foot building shown in the upper north planter area above the amphitheater seating – increasing the project $289,559;
- Addition of a symmetrical 700 square foot Dressing Room and Storage Building to the upper south planter area – increasing the project $234,092; and
- Deletion of the Restroom Facilities from the original building northwest of the pond; however, the maintenance component of this building will remain as originally planned – deducting $75,300 from the original plan.

The preliminary estimate for the construction of the additional facilities is $400,000 to $450,000 and the estimated cost for the additions to the project including design, engineering, and construction is $450,000 to $550,000.

Mr. Foster said if Council desires to move forward with this addition to the project, Staff will bring forward change orders to cover the additional costs of design and construction and account for any delays in the anticipated completion date of the park.

Item 1, continued:

Councilmember Kovach felt the estimates are inflated and the additions for relocating a bathroom and adding a dressing room can be done for less money and Councilmember Castleberry, Jungman, and Williams agreed. Mr. McKinney said the estimates were provided by CGC Construction, contractor for the park, and he felt there may be ways to do it cheaper but additional review would be needed. Councilmember Jungman asked whether or not the City can negotiate with potential restaurant site owners regarding placement of a public restroom facility and Mr. Jeff Bryant, City Attorney, said if Council desires, Staff can certainly present the option to the developers. Mr. Bryant felt Council still needed to weigh the cost of relocating the bathroom facility versus the benefit of having a closer walking distance to a public bathroom.

Mayor Rosenthal said she does not like the location of the re-located bathroom facility and new dressing rooms because they are in the portals that go into the park and will not be aesthetically pleasing. She said she appreciates the thoughts and input of the TIF Oversight Committee, but she is not persuaded the $500,000 cost will be worth the benefit. Mayor Rosenthal said other festivals such as the Norman Music Festival, outdoor concerts, etc., are not inconvenienced because there are not dressing room(s) and/or bathrooms in the immediate area. She said she is not sure how many theatrical events requiring dressing rooms will be scheduled at the amphitheater. Councilmember Williams agreed with the TIF Oversight Committee and loved the idea of bringing the restrooms closer, but felt less expensive options would need to be explored. Councilmember Castleberry agreed stating the costs outweighed the benefit and felt if the TIF Oversight Committee were aware of the estimated cost(s) they might agree as well. He suggested some type of temporary tents and/or buildings to serve as a dressing area for the amphitheater and staging areas and Mr. McKinney said portable dressing rooms could certainly be an option. Councilmember Griffith agreed with the option of offering temporary dressing buildings/rooms rather than a permanent one and said he does not like the aesthetics of the proposed dressing and restroom facilities within the gateway, stating the cost outweighs the benefit. Mr. McKinney said with more clarity and direction from Council the contractor can bring back more accurate cost estimate figures. Councilmember Griffith felt the costs could be cut if Council desires to forego the dressing room on the south end of the park, as well as consider the possibility of moving the bathroom facility east of the gateway, adjacent to the future/potential restaurant site(s). Mr. Howard said those options may also help with the symmetry of the gateway and the placement of the bathroom facility east of the gateway would blend with the park without being part of the park design.

Mayor Rosenthal said there are too many questions/issues to move forward with the proposal for the new dressing room and relocation of the bathroom facility such as: cost, location, actual need for a dressing area due to staging companies providing dressing rooms and/or alternatives for dressing, etc. She understood the dilemma for making a swift decision regarding the proposal in order to keep the construction timeline; however, she felt a decision cannot be made tonight because of the issues. She asked for Council input whether or not they are comfortable with a particular cost figure/number to spend on the proposal so Staff can proceed.

Ms. Joy Hampton, The Norman Transcript, asked if the restrooms at Andrews Park are an issue, specifically the number of children using the facility versus walking distance to the restrooms and Mr. Foster said Andrews Park restroom facility is approximately 200 feet from the stage and to his knowledge there have not been any issues.

Mayor Rosenthal asked Ms. Erinn Ganavan, Norman Arts Council, whether she felt the restroom/dressing room facilities would be a problem and Ms. Ganavan asked whether the City talked to any theatrical performance groups that may use the park. She felt they would assist with providing a solution. Mr. Howard said he spoke with Jennifer Baker at the Sooner Theatre but the focus of the discussion was about the function and operation of the stage facility to include the size, lighting, and utilizing the "pipe and rail" around the backside of the stage to create "draped" areas for changing. He said their conversation did not include location of the bathroom facilities.

Mr. Harold Haralson, TIF Oversight Committee Chair, said the primary concern was that a restroom facility needed to be placed closer to the Legacy Park stage/amphitheater to accommodate younger patrons because the initial placement of the restroom facility did not.

Councilmember Castleberry felt money could be raised privately and is not comfortable with spending additional money for dressing rooms. He said special events will have temporary facilities and the day-to-day passive activity is adequate as proposed and Councilmember Jungman agreed.

City of Norman, OK

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

Master

File Number: K-1213-89 CO Final

File ID:	K-1213-89 CO Final	**Type:**	Contract	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 16	**In Control:**	City Council
Department:	City Clerk Department	**Cost:**	$215.40	**File Created:**	06/03/2013
File Name:	K-1213-89 Change Order & Final Accpt Library Lighting			**Final Action:**	

Title: CHANGE ORDER ONE TO CONTRACT NO. K-1213-86: BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND TERRELL ELECTRIC, INC., INCREASING THE CONTRACT AMOUNT BY $215.40 FOR THE NORMAN PUBLIC LIBRARY LIGHTING REPLACEMENT PROJECT AND FINAL ACCEPTANCE OF THE PROJECT.

Notes: ACTION NEEDED: Motion to approve or reject Change Order No. One to Contract No. K-1213-86 with Terrell Electric, Inc., increasing the contract amount by $215.40, authorize the execution thereof, accept the project, and direct final payment in the amount of $36,355.90 to Terrell Electric, Inc.

ACTION TAKEN: _____

Agenda Date: 06/11/2013

Agenda Number: 16

Attachments: Text File Library Lighting, Change Order #1 to K-1213-89, Invoice from Terrell

Project Manager: Matthew Smith, Facility Maintenance Superintendent

Entered by: brenda.hall@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-1213-89 CO Final

Body

BACKGROUND: City Council, in its meeting of November 13, 2012, approved Contract No. K-1213-89 with Terrell Electric, Inc., in the amount of $485,500 for the Library Lighting Replacement Project. The original contract replaced T12 light fixtures with T8 fixtures as T12 fixtures are no longer manufactured. Additionally, the T8 fixtures use one third less energy resulting in lower electric cost.

DISCUSSION: The base contract did not include emergency lighting for the restrooms or battery backup exit lights. The battery backup exit lights will enhance the current emergency lighting system for the library to assist people in exiting the building should a power outage occur. Additionally, the restrooms do not have emergency lighting and in the event of a power outage, become extremely dark making it difficult to navigate to the hallway.

Many of the current ceiling tiles throughout the Library were stained from prior roof leakage and/or discolored

due to age and replacement of the tiles was included as an alternate line item in the bid to be included if adequate funds were available. Council approved this alternate when the contract was awarded in November, 2012. The main lighting in the north corridor of the building was not included as part of this contract as it was replaced in 2009 with the T8 fixtures included in this project and as a result, the ceiling tiles were not included for replacement in the alternate.

The total amount of new items is $5,215.40; however, the original contract included a $5,000 contingency to address issues that may arise during the project resulting in a net increase of $215.40 for a revised contract amount of $485,715.40. Staff felt strongly the items be included as a part of the contract and the items were completed while the project was underway to avoid delay with the overall project.

The project is now complete and final inspection was done on May 24, 2013, and all works meets or exceeds the contract requirements. Staff recommends the change order and final acceptance and payment of the contract be approved. Funds are available in the Capital Budget, Building Lighting, Construction (050-9540-419.61-01; project EF1004), which will cover the cost of the change order.

STAFF RECOMMENDATION: Staff recommends Change Order One to Contract No. K-1213-89 with Terrell Electric, Inc., increasing the contract amount by $215.40 be approved, the Library Lighting Replacement Project be accepted, and final payment in the total amount of $36,355.90 be authorized.

CHANGE ORDER SUMMARY
CITY OF NORMAN
CLEVELAND COUNTY, OKLAHOMA

CHANGE ORDER NO. One (1) DATE: 5/23/13

CONTRACT NO.: K-1213-89 SUBMITTED BY: _____

PROJECT: City of Norman –Norman Public Library – Lighting and Electrical Upgrade

CONTRACTOR: Terrell Electric, Inc.
(Name)
523 Highland Parkway

Norman, Oklahoma 73069

Original Completion Date 5/14/13

Previous Completion Date 5/14/13 ORIGINAL CONTRACT AMOUNT $485.500.00

(Increase) this change order 0 Calendar days

New Completion Date 5/14/13 PRESENT CONTRACT AMOUNT $485,500.00

	DECREASE	INCREASE
See change order detail.		$215.40

Note: This change order is based completely on the unit prices from the original contract. There are no new items.

NET CHANGE $215.40

REVISED CONTRACT AMOUNT $485,715.40

CONTRACTOR: William H. Terrell DATE: 5/23/13

ARCH./ENGINEER: _____ DATE: 5/23/13

CITY ATTORNEY: _____ DATE: _____

ACCEPTED BY: _____ DATE: _____
(Mayor)

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

Project Name Norman Library Lighting Upgrade

Project Account Number
Project Number K-1213-89
Contract No. K-1213-89

Design Engineer AIP
Address/Phone: 3220 Marshall Avenue
Norman, OK 73069
(405) 360-1300

A. Change Orders or addenda to public construction contracts of One Million Dollars ($1,000,000.00) or less shall not exceed a fifteen percent (15%) cumulative increase in the original contract amount.

B. Change orders or addenda to public construction contracts of over One Million Dollars ($1,000,000.00) shall not exceed the greater of One Hundred Fifty Thousand Dollars ($150,000.00) or a ten percent (10%) cumulative increase in the original contract amount.

C. Change orders or cumulative change orders which exceed the limits of subsection A or B of this section shall require a readvertising for bids on the incomplete portions of the contract.

D.

1. All materials with cost per item;
2. Itemization of all labor with number of hours per operation and cost per hour;
3. Itemization of all equipment with the type of equipment, number of each type, cost per hour for each type, and number of hours of actual operation for each type;
4. Itemization of insurance cost, bond cost, social security, taxes, workers' compensation, employee fringe benefits and overhead cost; and
5. Profit for the contractor.

E. 1. If a construction contract contains unit pricing, and the change order pertains to the unit price, the change order will not be subject to subsection A or B of this section.

2. When the unit price change does not exceed Ten Thousand Dollars ($10,000.00), the unit price change order computation may be based on an acceptable unit price basis in lieu of cost itemization as required in paragraphs 1,2,3,4 and 5 of subsection G of this section.

F. Alternates or add items bid with the original bid and contained in the awarded contract as options of the awarding public agency shall not be construed as change orders under the provisions of the Public Competitive Bidding Act of 1974.

DETAILED COST ITEMIZATION

CHANGE ORDER NO. 1 (Continued)

PROJECT NAME Norman Library Lighting

Item	Description	Decrease	Increase
1. *	North Corridor Ceiling Tile Replacement		2877.40
2.	Battery Backup Exit Light – 8 @ $182.00 each		1456.00
3.	Emergency Lights in Restrooms – 6 @ $147.00 each		882.00
4.	Added EM Lighting		215.40
5.	Owner's Contingency	5,000.00	
	TOTAL	**5,000**	**5,215.40**
	NET INCREASE		**215.40**

* Matt, the square footage of tile in the north corridor that was added to the contract was 1284 square feet. The unit price for additional tile was bid at $20.80 per 2x4 tile or $2.60 per sq ft. 1284 x $2.60 = $3338.40. We had a credit from the original contract of 200 sq ft. The deduct unit price bid was #18.44 per 2x4 tile or $2305 per sq ft or 200 x $2.305 = $461 credit. $3338.40 - $461 = $2877.40 which is the amount shown on the change order.

TERRELL ELECTRIC, INC.

523 HIGHLAND PARKWAY
NORMAN, OK 73069

Phone: 405-364-6923

INVOICE

Invoice Number: 14987
Invoice Date: May 23, 2013
Page: 1

Bill To:	Ship to:
CITY OF NORMAN P.O. BOX 370 NORMAN, OK 73070	

Customer ID	Customer PO	Payment Terms	
NORMAN	K1213-89	Net 10 Days	
Sales Rep ID	**Shipping Method**	**Ship Date**	**Due Date**
			6/2/13

Quantity	Item	Description	Unit Price	Amount
1.00		CURRENT EARNED	36,355.90	36,355.90

Subtotal	36,355.90
Sales Tax	
Total Invoice Amount	36,355.90
TOTAL	**36,355.90**

There will be a Finance Charge of 1.5% Per Month on Accts Not Paid in 30 Days

City of Norman, OK

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

Master

File Number: K-1213-197

File ID:	K-1213-197	**Type:**	Contract	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 17	**In Control:**	City Council
Department:	Parks and Recreation Department	**Cost:**	$34,533.00	**File Created:**	05/29/2013
File Name:	Woodslawn Park			**Final Action:**	

Title: CONTRACT NO. K-1213-197: A CONTRACT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA AND ACS PLAYGROUND ADVENTURES, INC., IN THE AMOUNT OF $34,533, PERFORMANCE BOND NO. B-1213-94, STATUTORY BOND NO. B-1213-95, MAINTENANCE BOND NO. MB-1213-88, AND RESOLUTION NO. R-1213-138 FOR THE WOODSLAWN PARK PLAYGROUND EQUIPMENT PROJECT AND BUDGET APPROPRIATION.

Notes: ACTION NEEDED: Motion to approve Contract No. K-1213-197 with Z-Floor Company, Inc., in the amount of $34,533 and the performance, statutory, and maintenance bonds; and, if approved, authorize execution of the contract and bonds, direct the filing of the bonds, adopt Resolution No. R-1213-145. and appropriate $34,533 from the Capital Fund Balance (050-0000-253.20-00) to Project No. PR0143, Woodslawn Park Improvements, Construction (050-9673-452.61-01).

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ACTION TAKEN: _____

Agenda Date: 06/11/2013

Agenda Number: 17

Attachments: Text File Woodslawn Park, Price Quotation for Woodslawn Park, K-1213-197, Perf B-1213-94, Stat B-1213-95, MB-1213-88, R-1213-138 Woodslawn, ACS PR

Project Manager: Mitch Miles, Park Planner

Entered by: Ellen.Usry@mccinnovations.com

Effective Date:

History of Legislative File

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

Text of Legislative File K-1213-197

Body

BACKGROUND: In Spring of 2013, the playground unit at Woodslawn Park was destroyed by vandals and has since been removed from the park. A police report was filed; however no suspects have been identified to this date.

Woodslawn Park is a neighborhood park located near Adams Elementary School. The park is unique by the fact that it is split into two sections. The park is divided by Highland Parkway creating an east and west side of Woodslawn Park. The west side of the park is located adjacent to Adams Elementary School which has playground equipment suited for children ages 5-12 years old. The west side of the park also has a backstop and soccer goals.

The east side of the park is where the playground equipment was vandalized. The playground equipment being replaced was designed for children ages 2-5 years old. Staff received quotations for equipment specifically for this age group. All quotations were for an installed price with synthetic turf safety surfacing.

Woodslawn Park is an older park which over the years has utilized its park development funding for other improvement projects within the park. The neighborhood around the park is built out-thus, the park has not generated any development fees in years and most likely will not in the foreseeable future.

DISCUSSION: During the first week of May, 2013, staff received price quotations for the Woodslawn Park Playground Equipment Project. Quotations were obtained from three playground equipment vendors. The quotations were for specific aged playground equipment, 2-5 year olds, which also included tot swings and synthetic turf safety surfacing.

The lowest and best quote came from ACS Playground Adventures, Inc. The design includes one modular unit which offers one double slide, one play panel, one climbing ladder, one over-head climbing component, a one bay tot swing (two tot bucket swings) and one spring pod bouncer as well as synthetic turf and pad impact material. This design provides the most play value compared to the other designs submitted.

Staff recommends awarding Contract No. K-1213-197 to ACS Playground Adventures, Inc, in the total amount of $34,533 for the Woodslawn Park Playground Equipment Project.

RECOMMENDATION NO 1: It is recommended that the City Council approve the appropriation of $34,533 from the Capital Fund Balance (050-0000-253.20-00) to Project No. PR0143, Woodslawn Park Improvements. Construction (050-9673-452.61-01)

RECOMMENDATION NO. 2: It is recommended that the contract for playground equipment be awarded to ACS Playground Adventures, Inc., in the amount of $34,533. Funding is available from Woodslawn Park Improvements, Construction (account #050-9673-452.61-01; project PR0143).

RECOMMENDATION NO. 3: It is further recommended that Contract No. K-1213-197, Performance Bond No. B-1213-94, Statutory Bond No. B-1213-95, and Maintenance Bond No. MB-1213-88

RECOMMENDATION NO.4: It is further recommended ACS Playground Adventures, Inc., be authorized and appointed as project agent for the Woodslawn Park Playground Equipment Project by Resolution Number No. R-1213-138.

SUMMARY OF PRICE QUOTATION

WOODSLAWN PARK
PARK PLAYGROUND EQUIPMENT PROJECT

VENDOR	QUOTATION AMOUNT
ACS Playground Adventures, Inc Clint Pitzer 8501 Mantle Ave. OKC, OK 73132	**$34,533**
Rex Playground Equipment John Walters PO Box 75141 Oklahoma City OK 73147	$40,960.75
Power Play LT Farmington, Inc Guy Woodland 808 Stonehenge Drive Edmond, OK 73035	$34,565

***RFP proposal which met the specified budget, followed the specifications of the RFP, and gave maximum play value**

Contract # K-1213-197

CONTRACT

THIS CONTRACT made and entered into this _____ day of _____, 20___, by and between ACS Playground Adventures, 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 said bidding documents, and has caused Solicitation for Bids to be given and advertised as required by law, and has received sealed proposals for the furnishing of all labor and materials for the following project:

WOODSLAWN PARK PLAYGROUND EQUIPMENT 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 Solicitation for Bids, has submitted to the City of Norman on the manner and at the time specified, a sealed proposal in accordance with the terms of this Contract; and

WHEREAS, the City, in the manner provided by law, has publicly opened, examined, and canvassed the proposals submitted and has determined and declared the above-named Contractor to be the lowest and best bidder on the above-prepared project, and has duly awarded this contract to said Contractor, for the sum named in the proposal, to wit: Thirty-Four Thousand Five Hundred Thirty-Three Dollars ($ 34,533.00);

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, workmanlike manner at his own cost and expense, furnish all labor, materials, tools, and equipment required to perform and complete said work in strict accordance with this Contract and the following Contract Documents:

Specifications, Provisions and Bonds thereto, all of which documents are on file in the office of the City Clerk of the City of Norman, and are made a part of this Contract as fully as if the same were set out at length, with the following additions and or exceptions: (If none, so state.)

2. The City shall make payments to the Contractor in the following manner: 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 the 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 as required by Senate Bills 469 of the 1974 Legislature.

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 estimates 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 10 days following receipt of a NOTICE-TO-PROCEED, and prosecute the same vigorously and continuously, and complete the same in 45 calendar days.

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

4. The sworn, statement below must be signed and notarized before this Contract will become effective.

Contract # K-1213-197

IN WITNESS WHEREOF, the said parties of the First and Second Part have hereunto set their hands and seals respectively the 20 day of May, 2013.

CORPORATE SEAL

ACS Playground Adventures, Inc.
Company Name

ATTEST: _____
Corporate Secretary

BY _____
President

STATE OF Oklahoma)
COUNTY OF Oklahoma)

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

_____
President

Subscribed and sworn to before me this 21 day of May, 2013.

_____
Notary Public

JAMIE SHULTS
Notary Public in and for
State of Oklahoma
13003077
My Commission Expires April 11, 20

My Commission Expires: 4/11/17
Commission Number: 13003077

CITY OF NORMAN

Approved as to form and legality this 31st day of May, 2013.

_____
City Attorney

Approved by the City Council this _____ day of _____, 20___.

ATTEST:

_____
Mayor

_____
City Clerk

PERFORMANCE BOND

Bond# B-1213-94

KNOW ALL MEN BY THESE PRESENTS:

That we, ACS Playground Adventures Inc. , as Principal, and Granite Re, Inc. , 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 and city of the first class, of the State of Oklahoma, in the full and just sum of

Thirty Four Thousand Five Hundred Thirty Three & no/100------ DOLLARS, ($ 34,533.00), for the payment of which, well and truly to be made, we, and each of us, bind ourselves, our heirs, executors and assigns, themselves, and its successors and assigns jointly and severally, firmly by these presents. Dated this _____ day of _____, 20 13 .

The conditions of this obligation are such, that whereas, said Principal is the lowest and best bidder for the making of the following city work and improvements, viz.:

WOODSLAWN PARK PLAYGROUND EQUIPMENT PROJECT

and has entered into a certain written contract with THE CITY OF NORMAN dated _____ 20 13 , for the erection and construction of said work and improvement, which said contract is hereby made a part and parcel of this bond as if literally written herein.

NOW, THEREFORE, if said Principal shall, in all particulars, well, truly and faithfully perform and abide by said Contract and each and every covenant, condition and part thereof and shall fulfill all obligations resting upon said Principal by the terms of said contract and said specifications; and if said Principal shall promptly pay, or cause to be paid, all labor, materials and/or repairs and all bills for labor performed on said work, whether by subcontract or otherwise; and if said Principal shall protect and save harmless said City of Norman from all loss, damage and expense to life or property suffered or sustained by any person, firm, or corporation caused by said Principal or his or its agents, servants, or employees in the construction of said work, or by or in consequence of any negligence, carelessness or misconduct in guarding and protecting the same, or from any act or omission of said Principal or his or its agents servants, or employees, and if said Principal shall protect and save the City of Norman 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 to be and remain in full force and effect.

It is further expressly agreed and understood by the parties thereto 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 to be hereunto affixed by its duly authorized officers, and the said surety has caused these presents to be executed in its name and its corporate seal to be hereunto affixed by its attorney-in-fact, duly authorized to do so, the day and year first above written.

Bond# B-1213-94

ATTEST:

Corporate Secretary

ACS Playground Adventures Inc.
Company Name

BY
Principal Clint Pitzer, President

ATTEST:

Corporate Secretary (Surety)
Carrie True, Witness

Granite Re, Inc.
Surety Name

BY
Surety Dillon Rosenhamer, Attorney-In-Fact

STATE OF OKLAHOMA, COUNTY OF CLEVELAND, SS:

Before me, the undersigned, a Notary Public in and for said County and State, on this 23 day of May, 20 13 personally appeared Clint Pitzer to me know to be the identical person who executes the foregoing, and acknowledge 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

JENNIFER MOONEY NOTARY # 11004851 EXP. 05/26/15 PUBLIC STATE OF OKLAHOMA

My Commission Expires: 5/26/15
Commission Number: 11004851

Approved as to form and legality this 28th day of May, 2013.

City Attorney

Approved by the Council of the City of Norman, this ____ day of _____, 20___.

Mayor

ATTEST:

City Clerk

Bond# B-1213-95

STATUTORY BOND

KNOW ALL MEN BY THESE PRESENTS:

That we, ACS Playground Adventures Inc., as Principal, and Granite Re, Inc., 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 State of Oklahoma in the penal sum of Thirty Four Thousand Five Hundred Thirty Three & no/100------- DOLLARS ($ 34,533.00), for the payment of which well and truly to be made, we, and each of us, bind ourselves, our heirs, executors and assigns, themselves, and its successors and assigns, jointly and severally, firmly by these presents.

Dated this _____ day of _____, 20 13 .

The conditions of this obligation are such, that whereas, the above Bonded Principal ACS Playground Adventures Inc. is the lowest and best bidder for the making of the following City work and improvement, viz.:

WOODSLAWN PARK PLAYGROUND EQUIPMENT PROJECT

and has entered into a certain written contract with THE CITY OF NORMAN, dated , 20 13, for the erection and construction of said work and improvement, in exact accordance with the bid of said Principal, and according to certain specifications heretofore made, adopted and placed on file in the office of the City Clerk of the City of Norman.

NOW, THEREFORE, if the said ACS Playground Adventures Inc. Principal, shall well and truly pay all indebtedness incurred for labor and material and repairs to and parts for equipment furnished in the making of said public improvement incurred by said Principal or subcontractors, 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 same becomes due and payable, the person, firm, or corporation entitled thereto may sue and recover on this bond, 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 obligations of this Bond.

IN WITNESS WHEREOF, the said Principal has caused these presents to be executed in its name and its corporate seal to be hereunto affixed by its duly authorized officers, and the said Surety has caused these presents to be executed in its name and its corporate seal to be hereunto affixed by its attorney-in-fact, duly authorized to do so, the day and year first above written.

Bond# B-1213-95

ATTEST:

Corporate Secretary

ACS Playground Adventures Inc.
Company Name

BY
Principal Clint Pitzer, President

ATTEST:

Corporate Secretary (Surety)
Carrie True, Witness

Granite Re, Inc.
Surety Name

BY
Surety Dillon Rosenhamer, Attorney-in-Fact

STATE OF OKLAHOMA, COUNTY OF CLEVELAND, SS:

Before me, the undersigned, a Notary Public in and for said County and State on this 23 day of May, 20 13 personally appeared Clint Pitzer to me known to be the identical person who executed the foregoing, and acknowledged to me that he executed the same as free and voluntary act and deed for the uses and purposes therein set forth.

WITNESS my hand and seal the day and year last above written.

Notary Public

JENNIFER MOONEY NOTARY # 11004851 EXP. 05/26/15 PUBLIC STATE OF OKLAHOMA

My Commission Expires: 5/26/15
Commission Number: 11004851

Approved as to form and legality this 31st day of May, 2013.

City Attorney

Approved by the Council of the City of Norman, this _____, day of _____ 20___.

ATTEST:

Mayor

City Clerk

Bond #MB-1213-88

MAINTENANCE BOND

WHEREAS, THE UNDERSIGNED ACS Playground Adventures Inc. , hereinafter referred to as the Principal, has entered into a certain contract dated _____,20 13 , for the construction of:

WOODSLAWN PARK PLAYGROUND EQUIPMENT PROJECT

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

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

That the said Principal and Granite Re, Inc. , as a corporation organized under the laws of the State of Oklahoma , and authorized to transact business in the State of Oklahoma, as surety, are jointly and severally, firmly held and bound unto said City in the penal sum of Thirty Four Thousand Five Hundred Thirty Three & no/100------ Dollars ($ 34,533.00), in lawful money of the United States of America, same being 100% of the cost of the construction herein referred to for the payment of which, well and truly to be made, we hereby bind ourselves, our heirs, executors, administrators, successors and assigns, firmly by these presents.

The condition of this bond is such that if the said Principal shall keep and maintain, subject to normal wear and tear, the said construction, except for defects not occasioned by improper workmanship, materials, or failure to protect new work until it is accepted, for a period of one year from the date of the written final acceptance thereof by the City, and shall promptly repair, without notice from the City, any and all defects or failures occurring or arising from improper workmanship, materials, or failure to protect new work until it is accepted within a period of one year without notice from said City, and without expense to said City, thence this obligation shall be null and void and of no force and effect; otherwise to be and remain in full force and effect at all times.

Provided further, however, that upon neglect, failure or refusal of the Principal to make any needed repairs upon said construction, or to maintain any part of the same, 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 repairs, 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 to be hereunto affixed by its duly authorized officers, and the said Surety has caused these presents to be executed in its name its corporate seal to be hereunto affixed by its attorney-in-fact, duly authorized to do so, the day and year first above written.

Executed and delivered this _____ day of _____,20_____.

ATTEST:_____
Corporate Secretary

ACS Playground Adventures Inc.
Company Name

Mailing Address of Principal:

BY_____
Principal Clint Pitzer, President

8501 Mantle Ave

Oklahoma City, OK 73132

Granite Re, Inc.
Surety Name

BY:_____
Dillon Rosenhamer, Attorney-in-Fact

STATE OF OKLAHOMA, COUNTY OF CLEVELAND,SS:

Before me, the undersigned, a Notary Public in and for said County and State, this 23 day of May, 2013 personally appeared Clint Pitzer to me known to be the identical person who executed the foregoing, and acknowledge 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

JENNIFER MOONEY NOTARY # 11004851 EXP. 05/26/15 PUBLIC STATE OF OKLAHOMA

My Commission Expires: 5/26/15
Commission Number: 11004851

Approved as to form and legality this 31st day of May, 2013.

_____
City Attorney

Approved by the Council of the City of Norman, this ___ day of _____, 20____.

_____
Mayor

ATTEST:_____
City Clerk

Resolution

R-1213-138

A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AUTHORIZING AND APPOINTING ACS PLAYGROUND ADVENTURES, INC., AS PROJECT AGENT FOR THE WOODSLAWN PARK PLAYGROUND EQUIPMENT 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 ACS Playground Equipment, Inc., for the Woodslawn Park Playground Equipment Project; and

§ 2. WHEREAS, the City of Norman, Oklahoma, in compliance with State law, desires to confer on ACS Playground Equipment, 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, ACS Playground Equipment, Inc., to purchase materials which are in fact used for the Woodslawn Park Playground Equipment Project; and

§ 3. WHEREAS, this limited agent status is conferred with the express understanding that ACS Playground Equipment, 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 11th day of June, 2013, did appoint ACS Playground Equipment, Inc., who is involved with the Woodslawn Park Playground Equipment 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 Woodslawn Park Playground Equipment Project

PASSED AND ADOPTED THIS 11th day of June, 2013.

_____
Mayor

ATTEST:

_____
City Clerk

PURCHASE REQUISITION NBR: 0000217787

STATUS: DIVISION APPROVAL

REQUISITION BY: TERRY-FOSTER
REASON: WOODSLAWNS PARK PLAYGROUND PROJECT
DATE: 5/29/13

SHIP TO LOCATION: PARKS AND RECREATION
SUGGESTED VENDOR: 10277 ACS PLAYGROUND ADVENTURE INC
DELIVER BY DATE: 5/29/13

LINE NBR	DESCRIPTION	QUANTITY	UOM	UNIT COST	EXTEND COST	VENDOR PART NUMBER
1	WOODSLAWN PARK PLAYGROUND EQUIPMENT,COUNCIL6-11-13 CONFIRMING QUOTES, COUNCIL AGENDA 6-11-13 ACCT#050-9673-452.6101-PR0143 COMMODITY: PARK, PLAYGROUND, RECREAT SUBCOMMOD: PLAYGROUND EQUIPMENT (NOT	34533.00	EA	1.0000	34533.00	CONTRACT#K-1213-197

REQUISITION TOTAL: 34533.00

REQUISITION QUOTES

	VENDOR NAME
34533.0000	ACS PLAYGROUND ADVENTURES
34565.0000	KIDSPLACE DESIGNS
40960.7500	REX PLAYGROUND EQUIPMENT

ACCOUNT INFORMATION

LINE #	ACCOUNT		PROJECT	%	AMOUNT
1	05096734526101	Capital Projects Construction	PR0143 Woodslawn Park Imp	100.00	34533.00
					34533.00

REQUISITION IS IN THE CURRENT FISCAL YEAR.

REQUISITION COMMENTS:

FUNDING IS BEING APPROPRIATED AT COUNCIL ON
6-11-13

City of Norman, OK

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

Master

File Number: R-1213-149

File ID:	R-1213-149	**Type:**	Resolution	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 18	**In Control:**	City Council
Department:	Public Works Department	**Cost:**	$6,000.00	**File Created:**	05/28/2013
File Name:	Budget appropriation for irrigation on Main			**Final Action:**	

Title: RESOLUTION NO. R-1213-149: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, APPROPRIATING $6,000 FROM THE CAPITAL FUND BALANCE FOR IRRIGATION SYSTEM REPLACEMENT IN THE LANDSCAPED MEDIAN ON WEST MAIN STREET BETWEEN MERKLE DRIVE AND COLLIER DRIVE.

Notes: ACTION NEEDED: Motion to adopt or reject Resolution No. R-1213-149.

ACTION TAKEN: _____

Agenda Date: 06/11/2013

Agenda Number: 18

Attachments: Text File R-1213-149, R-1213-149, Main Street Irrigation System Replacement Area Map

Project Manager: Angelo Lombardo, Transportation Traffic Engineer

Entered by: julie.shelton@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 R-1213-149

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.

Roadway lighting improvements along federal functionally classified roads are eligible for 100% federal funding. On February 23, 2010, City Council approved Resolution R-0910-89, which was forwarded to both the Association of Central Oklahoma Governments (ACOG) and the Oklahoma Department of Transportation (ODOT), requesting federal funds to pay for 100% of the construction cost of a project that upgrades the roadway lighting system on West Main Street. In the resolution 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, which normally is 20% but for this safety project will be 0%. The project was submitted for consideration and was included in the Association of Central Oklahoma Governments' (ACOG) 2011 Regional Transportation Improvement Plan (TIP).

On October 26, 2010, City Council approved Contract K-1011-84 with Bucher, Willis & Ratliff Corporation (a.k.a. H. W. Lochner) for design and preparation of construction plans.

ODOT opened bids on March 22, 2012 and the Oklahoma Transportation Commission awarded the low bid, in the amount of $1,083,917, to Midstate Traffic Control Company of Oklahoma City on April 2, 2012. Construction began on July 19, 2012 and was substantially completed on January 11, 2013.

The project replaced antiquated street lights and poles originally installed in the 1950's. The new system features "green" technology that uses light-emitting diode (LED) lamps, new concrete poles, full cut-off fixtures and underground wiring. The system complies with the City's recently adopted Lighting Ordinance even though the Ordinance does not directly apply to streetlights. The upgrade is anticipated to save the City approximately $25,000 per year in operating cost due to lower electrical demand of the LED technology compared to the previous mercury vapor lamps. Design standards were developed in cooperation with Oklahoma Gas and Electric (OG&E) staff, who agreed to provide future maintenance of the system as part of the City's current street lighting contract. Federal funds were used to pay for 100% of the construction cost.

DISCUSSION: The installation of the new street light footings and underground conduit in the landscaped median on West Main Street between Merkle Drive and Collier Drive required the contractor to displace part of the City-owned irrigation system used to water the landscaped areas. In order to re-establish the system, new drip lines and segments of PVC pipe will need to be installed. The estimated cost of the work is $6,000. The City Parks Department maintains these landscaped areas including the irrigation system, but, their current budget is not adequate to fund the replacement cost.

STAFF RECOMMENDATION: Staff recommends that an appropriation in the amount of $6,000 be made from the City's Capital Fund Balance (account 050-0000-253.20-00) to Main Street Roadway Lighting, Construction (account 050-9081-431.61-01; project TR-0075) for the replacement of the irrigation system in the landscaped median of Main Street from west of Merkle Drive to Collier Drive.

These costs are not reimbursable through the federal grant because the project's Right-of-Way, Public Utility, and Encroachment agreement approved by Council on October 11, 2011 (Contract K-1112-58 with ODOT) requires the City to fund the relocation of all utilities in conflict with the construction, which includes irrigation systems in the public right-of-way.

Resolution

R-1213-149

A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, APPROPRIATING $6,000 FOR IRRIGATION SYSTEM REPLACEMENT IN THE LANDSCAPED MEDIAN ON WEST MAIN STREET BETWEEN MERKLE DRIVE AND COLLIER DRIVE.

§ 1. WHEREAS, City Council approved Contract No. K-1112-58 with the Oklahoma Department of Transportation on October 11, 2011, requesting federal funds to pay for 100% of the West Main Street Roadway Lighting System Upgrade Project; and

§ 2. WHEREAS, The project was awarded to Midstate Traffic Control Company of Oklahoma City and was completed on January 11, 2013; and

§ 3. WHEREAS, The installation of the new street light footings and underground conduit in the landscaped median on West Main Street between Merkle Drive and Collier Drive required the contractor to displace part of the City-owned irrigation system used to water the landscaped areas; and

§ 4. WHEREAS, In order to re-establish the system, new drip lines and segments of PVC pipe will need to be installed and these costs are not reimbursable through the federal grant because the contract requires the City to fund the relocation of all utilities in conflict with the construction, which includes irrigation systems in the public right-of-way; and

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

§ 5. Staff is requesting an appropriation in the amount of $6,000 to pay for the costs to re-establish the system.

Gaining Account Name	Losing Account	Gaining Account	Amount
Project No. TR0075, Main Street Roadway Lighting, Construction	050-0000-253.20-00	050-9081-431.61-01	$6,000

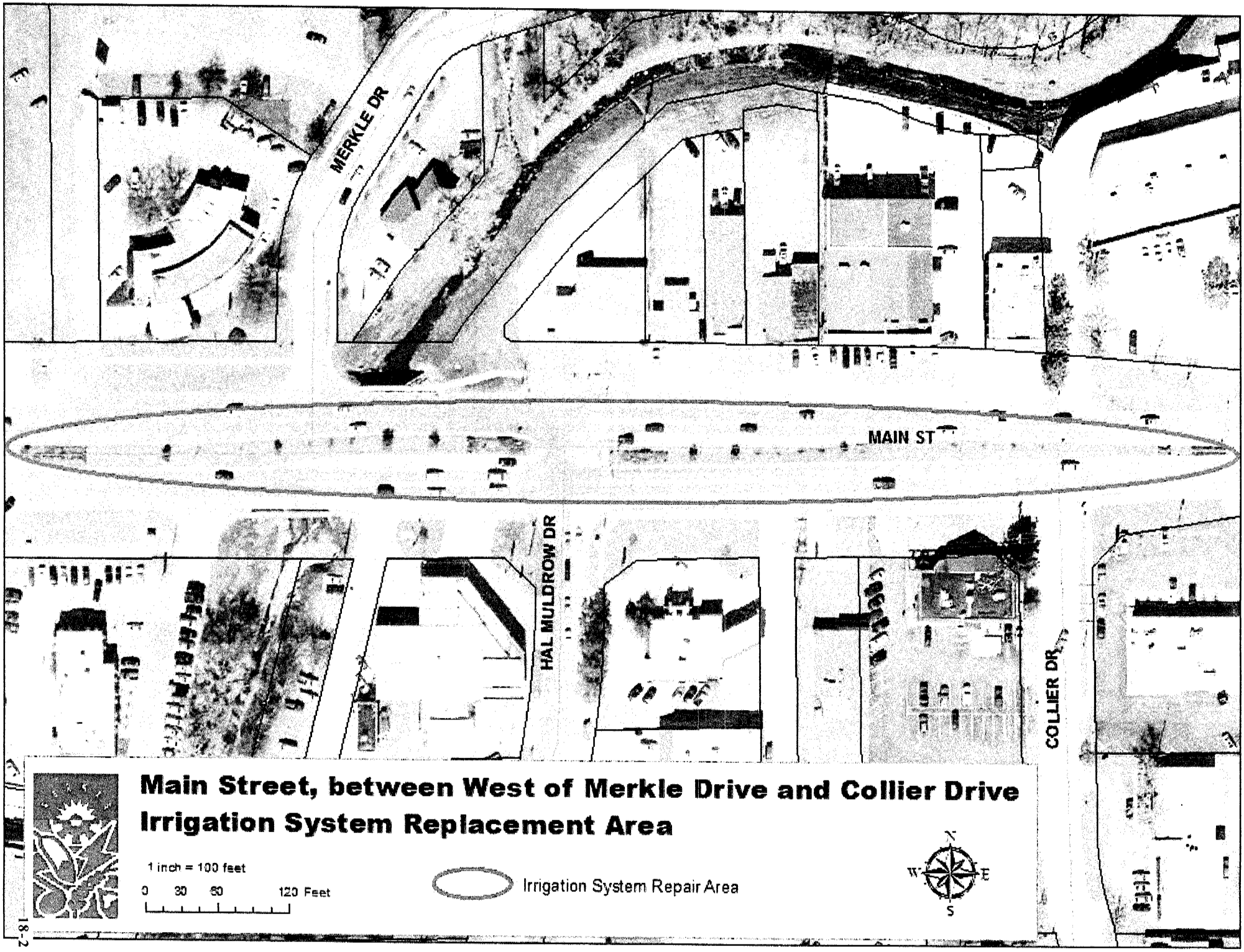
PASSED AND ADOPTED this 11th day of June, 2013.

_____
Mayor

ATTEST:

_____
City Clerk

THE CITY OF NORMAN OKLAHOMA


MERKLE DR
MAIN ST
HAL MULDROW DR
COLLIER DR
Main Street, between West of Merkle Drive and Collier Drive
Irrigation System Replacement Area
1 inch = 100 feet
0 30 60 120 Feet
Irrigation System Repair Area
N
W
E
S

City of Norman, OK

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

Master

File Number: R-1213-150

File ID:	R-1213-150	**Type:**	Resolution	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 19	**In Control:**	City Council
Department:	Utilities Department	**Cost:**	$80,000.00	**File Created:**	06/03/2013
File Name:	Appropriation to replace water line on Asp			**Final Action:**	

Title: RESOLUTION NO. R-1213-150: A RESOLUTION OF THE NORMAN UTILITIES AUTHORITY APPROPRIATING $80,000 FROM THE WATER FUND BALANCE TO REPLACE THE MAIN WATER LINE UNDER ASP AVENUE BETWEEN WHITE STREET AND BOYD STREET TO AVOID FUTURE LINE FAILURE AND DISRUPTION TO TRAFFIC AND BUSINESSES.

Notes: ACTION NEEDED: Acting as the Norman Utilities Authority, motion to adopt or reject Resolution No. R-1213-150.

ACTION TAKEN: _____

Agenda Date: 06/11/2013

Agenda Number: 19

Attachments: R-1213-150, Text File R-1213-150

Project Manager: Ken Komiske, Director of Utilities

Entered by: Ellen.Usry@mccinnovations.com

Effective Date:

History of Legislative File

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

Text of Legislative File R-1213-150

Body

BACKGROUND: As ductile water lines age, the City often sees an increase in the number of main water line breaks. When a section of an aged main water line breaks, it is often indicative of line failure. The City's Line Maintenance Division is usually able to handle these types of repairs with its own staff. On May 21, 2013 the City received notice of a broken ductile iron main water line on Asp between White and Boyd Streets in the Campus Corner area.

DISCUSSION: City records indicate that this section of main water line was installed in 1988. Water Line Maintenance repaired the broken portion of this particular line and a considerable amount of the street was damaged from the water line break. Water service was restored to the businesses and area, but a large section of the street will need to be repaired/replaced with a considerable amount of disruption to parking and traffic. Given the location is in a high traffic and high commercial area, Staff believes it is in the City's best interest to replace the entire main water line between White and Boyd Streets to avoid future line failure, disruption to traffic and businesses. This will involve using Line Maintenance Division employees to replace about 650 feet of 8-inch diameter water line along with 42 service connections and two six-inch fire service connections. Staff has been working closely with the Campus Corner Merchant's Association to coordinate

repair so as to minimize disruption to the Campus Corner businesses. In order to replace the entire line between White and Boyd Streets, $80,000 needs to be appropriated from the Water Fund Balance to the Water Line Maintenance construction account listed below.

RECOMMENDATION: Staff recommends appropriation of $80,000 from Water Fund Balance (account 031-0000-253.00) to Asp Avenue Water Line, White-Boyd, Materials (account 031-9344-462.63-01; project WA0088) for purchase of water line and aggregate materials for replacement.

Resolution

R-1213-150

A RESOLUTION OF THE NORMAN UTILITIES AUTHORITY APPROPRIATING $80,000 FROM THE WATER FUND BALANCE TO REPLACE THE MAIN WATER LINE UNDER ASP AVENUE BETWEEN WHITE STREET AND BOYD STREET TO AVOID FUTURE LINE FAILURE AND DISRUPTION TO TRAFFIC AND BUSINESSES.

§ 1. WHEREAS, on May 21, 2013, Staff received notice of a broken ductile main water line on Asp Avenue between White Street and Boyd Street; and

§ 2. WHEREAS, Water Line Maintenance employees repaired the broken portion of this particular line and a considerable amount of the street was damaged from the water main break which will need to be repaired/replaced; and

§ 3. WHEREAS, the water main is in a high traffic and high commercial area and it is in the City's best interest to replace the entire main water line to avoid future line failure and further disruption to traffic and businesses; and

NOW, THEREFORE, BE IT RESOLVED BY THE NORMAN UTILITIES AUTHORITY:

§ 4. That the following appropriation be made for the reason as stated above:

Account Names	Losing Account Project	Gaining Account	Amount
Project No. WA0088, Asp Avenue White-Boyd, Materials	031-0000-253.00-00	031-9344-462.63-01	$ 80,000

PASSED AND ADOPTED this 11th day of June, 2013.

ATTEST:

_____
Chairman

_____
Secretary

City of Norman, OK

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

Master

File Number: RPT-1213-62

File ID:	RPT-1213-62	**Type:**	Communication or Report	**Status:**	Non-Consent Items
Version:	1	**Reference:**	Item No. 20	**In Control:**	City Council
Department:	Finance Department	**Cost:**		**File Created:**	05/28/2013
File Name:	Adopt of the FY 2014 Budget			**Final Action:**	

Title: CONSIDERATION OF ADOPTION OF THE FYE 2014 CITY OF NORMAN PROPOSED OPERATING AND CAPITAL BUDGETS AND THE NORMAN CONVENTION AND VISITORS BUREAU, INC., BUDGET WITH DETAILED ANNUAL PLAN OF WORK.

Notes: ACTION NEEDED: Motion to adopt or reject the FYE 2014 City of Norman Operating and Capital Budgets.

ACTION TAKEN: _____

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

ACTION TAKEN: _____

Agenda Date: 06/11/2013

Agenda Number: 20

Attachments: Text File Budget, Summary of Fund Balances, Revised NCVB Budget, 2014 Destination Marketing Plan

Project Manager: Anthony Francisco, Director of Finance

Entered by: Ellen.Usry@mccinnovations.com

Effective Date:

History of Legislative File

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

Text of Legislative File RPT-1213-62

Body

BACKGROUND: The above-described item appears on City Council's agenda in order that the FYE 2014 Budget be considered for adoption. City Council held one retreat, seven study sessions, and one public hearing on the FYE 2014 budget documents.

STAFF RECOMMENDATION: Motion to adopt or reject the FYE 2014 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 2014 ANNUAL BUDGET
SUMMARY OF FUND BALANCES

CITY FUND CLASSIFICATION	BEGINNING FUND BALANCE	REVENUES			EXPENDITURES					REVENUES OVER (UNDER) EXPENSES	ENDING FUND BALANCE
		OPERATING REVENUES	INTERFUND TRANSFERS	TOTAL REVENUES	OPERATING EXPENSES	INTERFUND TRANSFERS	SUBTOTAL EXPENSES	EMP TURNOVER SAVINGS	TOTAL EXPENSES		
GOVERNMENTAL FUNDS											
General	$3,759,143	$64,203,602	$4,506,600	$68,710,202	$72,340,170	$79,978	$72,420,148	($800,000)	$71,620,148	(2,909,946)	849,197
SPECIAL REVENUE FUNDS											
Public Safety Sales Tax	7,804,548	9,340,298	0	9,340,298	10,179,073	45,000	10,224,073		10,224,073	(883,775)	6,920,773
Room Tax	331,002	1,551,500		1,551,500	1,345,262	202,884	1,548,146		1,548,146	3,354	334,356
Seizures and Restitutions	614,928	92,500		92,500	151,731		151,731		151,731	(59,231)	555,697
Cleet	30,568	32,000		32,000	30,705		30,705		30,705	1,295	31,863
Tax Increment District	0	0		0	0		0		0	0	0
Art in Public Places	2,206	12,000		12,000	12,000		12,000		12,000	0	2,206
Park Land and Development	846,016	100,000		100,000	35,000		35,000		35,000	65,000	911,016
Westwood Park	0	1,150,929	357,862	1,508,791	1,508,791		1,508,791		1,508,791	0	0
Net Revenue Stabilization	1,503,429	0		0			0		0	0	1,503,429
GRANT FUNDS											
Community Development	147,221	1,118,388		1,118,388	1,118,388		1,118,388		1,118,388	0	147,221
Special Grants	634,635	64,982		64,982	64,982		64,982		64,982	0	634,635
ENTERPRISE FUNDS											
Water	6,440,397	16,982,900		16,982,900	20,165,967	750,228	20,916,195	(58,917)	20,857,278	(3,874,378)	2,566,019
Water Reclamation	1,205,623	39,366,051		39,366,051	21,439,624	7,693,473	29,133,097	(26,091)	29,107,006	10,259,045	11,464,668
Sewer Maintenance	0	3,502,843	7,312,247	10,815,090	10,837,038		10,837,038	(21,948)	10,815,090	0	0
New Development Excise	11,191,092	13,050,000		13,050,000	9,127,019		9,127,019		9,127,019	3,922,981	15,114,073
Sewer Sales Tax Capital	5,782,853	0		0	13,009		13,009		13,009	(13,009)	5,769,844
Sanitation	2,285,057	12,452,437		12,452,437	12,627,007		12,627,007		12,627,007	(174,569)	2,110,487
INTERNAL SERVICE FUNDS											
Risk Management / Insurance	1,555,342	13,289,098	824,062	14,113,160	14,786,662		14,786,662		14,786,662	(673,502)	881,840
CAPITAL PROJECTS FUND											
Capital Improvements	21,607,438	12,761,467	45,000	12,806,467	26,002,890	3,450,146	29,453,036		29,453,036	(16,646,569)	4,960,869
University North Park TIF	5,582,518	4,260,006		4,260,006	1,043,809	0	1,043,809		1,043,809	3,216,197	8,798,715
Arterial Roads Recoupment	181,708			0			0		0	0	181,708
DEBT SERVICE FUNDS											
General Debt Service	7,986,636	10,089,379		10,089,379	10,205,837	824,062	11,029,899		11,029,899	(940,520)	7,046,116
G. O. Bonds	0			0			0		0	0	0
GRAND TOTAL ALL FUNDS	$79,492,360	$203,420,380	$13,045,771	216,466,151	$213,034,964	$13,045,771	$226,080,735	($906,956)	$225,173,779	($8,707,627)	$70,784,732
Less: Interfund Transfers	0	0	(13,045,771)	(13,045,771)	0	(13,045,771)	(13,045,771)	0	(13,045,771)	0	0
Internal Service Charges	0	(7,317,884)		(7,317,884)	(7,317,884)	0	(7,317,884)	0	(7,317,884)	0	0
Cost Allocation Charges	0	(4,562,700)	0	(4,562,700)	(4,562,700)	0	(4,562,700)	0	(4,562,700)	0	0
Total Deductions	$0	($11,880,584)	($13,045,771)	(24,926,355)	($11,880,584)	($13,045,771)	($24,926,355)	$0	($24,926,355)	$0	$0
NET TOTAL ALL FUNDS	$79,492,360	$191,539,796	$0	191,539,796	$201,154,380	$0	$201,154,380	($906,956)	$200,247,424	($8,707,627)	$70,784,732

A public hearing will be held on Tuesday, May 28th 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 201 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 on the City's website (cityofnorman.com) for review. All interested citizens have the opportunity to give written and oral comments.

NORMAN
VisitNorman.com

NORMAN CONVENTION & VISITORS BUREAU
Fiscal Year 2013-14 Budget

REVENUES:

	2013-14	(2012-13)
Transient Guest Tax	752,478	(550,000)
Advertising	71,000	(12,100)
Special Events	10,000	(10,000)
Interest	1,500	(1,500)
Other/Reserves	0	(00)
TOTAL REVENUES	$834,978	(573,600)

EXPENSES:

Marketing/Advertising	413,449	(196,270)
Research	9,250	(3,250)
Special Events	8,000	(10,000)
Operations	73,955	(81,461)
Personnel	330,324	(282,619)
TOTAL EXPENSES	$834,978	(573,600)

THE NORMAN CONVENTION AND VISITORS BUREAU

NORMAN

Visit Norman.com

Destination Marketing Plan
Fiscal Year 2014
(July 2013-June 2014)

Norman Convention & Visitors Bureau

Destination Marketing Plan
Fiscal Year 2014
(July 2013-June 2014)

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Executive Summary

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 about 1,330 careers and has an estimated annual economic impact of more than $146 million dollars.

All forecasts predict increased travel and tourism in 2013 and 2014. Smith Travel Research, Inc. shared at a recent Oklahoma Hotel & Lodging Summit that the U.S. hotel industry is projected to increase in 2013 in all three key performance measurements – average daily rate, occupancy and revenue over per available room. The State of The American Traveler says 34.2% of Americans plan to travel more this year and 33% of Americans plan to increase their leisure travel spending in the next 12 months. Data from ConventionSouth, Meeting Professionals International, Global Business Travel Association & others show that corporations & businesses are expected to increase their spending on face-to-face business meetings in 2013, and American Express Meetings & Events forecasts no change in the number of meetings in North America in 2013.

Norman has continued to see growth in four key indicators. As of December 2012, hotel room occupancy was up 4.4%, ADR is up nearly a dollar, guest tax collections are up 11% and sales tax collections are up 4.6%.

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. This Destination Management Plan outlines how the NCVB looks to continue to reach key goals and fulfill our mission.

Through strategic, research-based sales, promotions and public relations initiatives, the NCVB marketing goal is to show growth in the following key indicators:

- Occupancy rates of Norman hotels
- Average daily rates of Norman hotels
- Transient guest tax collections
- Sales tax collections

Through proper execution of the following objectives, Norman will see growth in the four key indicators above. Marketing objectives:

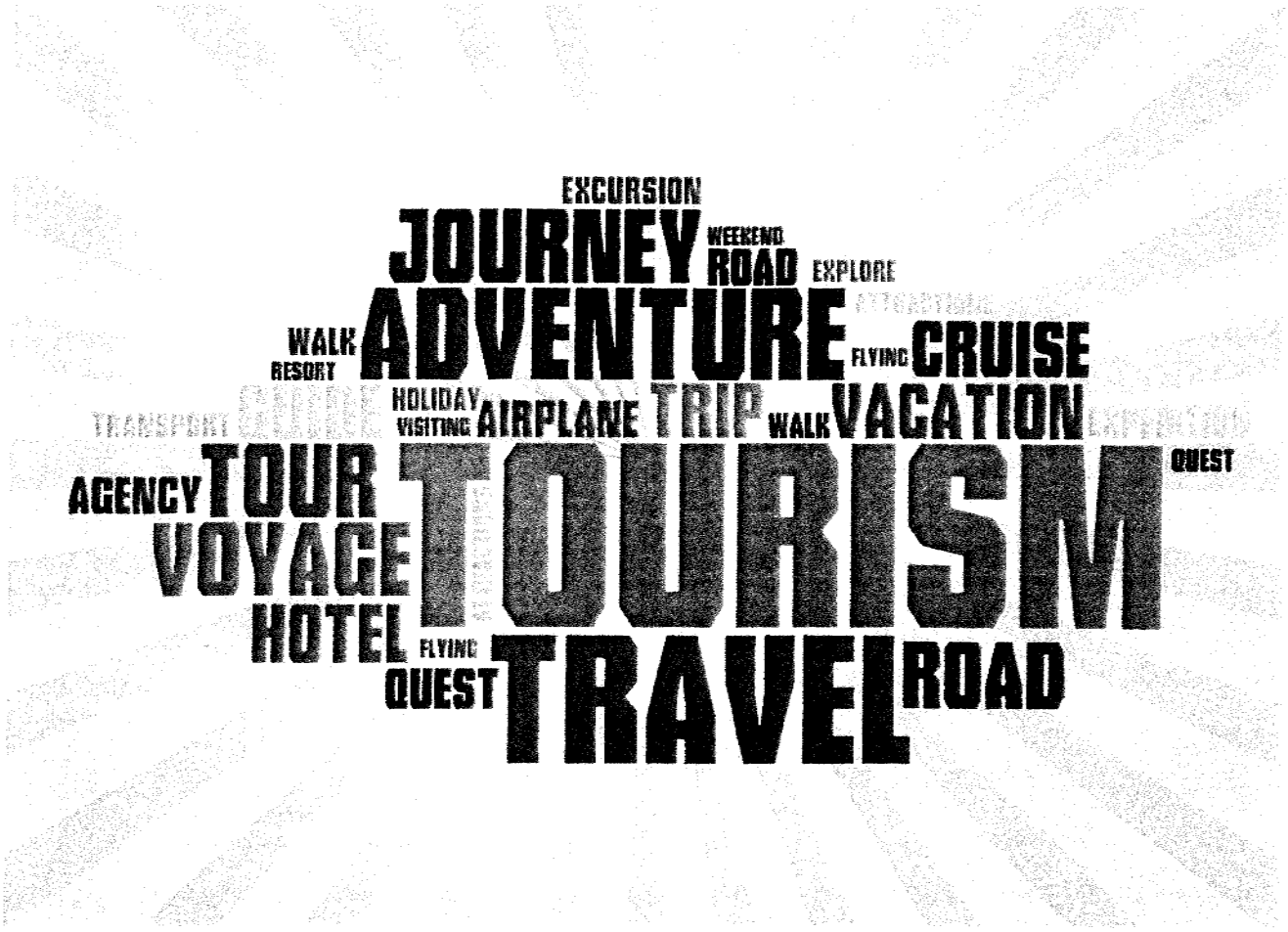
1. Aid in the continued development of Norman as a destination
2. Continue to collect secondary research and pursue primary research to aid in our marketing and branding effectiveness
3. Create a genuine brand encompassing the entire destination experience
4. Execute promotions to meetings/conventions, sports and leisure target markets

This Destination Marketing Plan for Fiscal Year 2014 outlines the key strategies to be executed related to each marketing objective.

Situation Analysis

The temporary movement of people to destinations outside their normal place of work and residence, and the activities undertaken en route to and during their stay at these destinations and the facilities / services created to cater to their needs leads to economic impacts generated by these activities.

That's Tourism! Tourists going to destinations, doing tourism activities and creating economic impact in those destinations.



Tourism Industry Overview

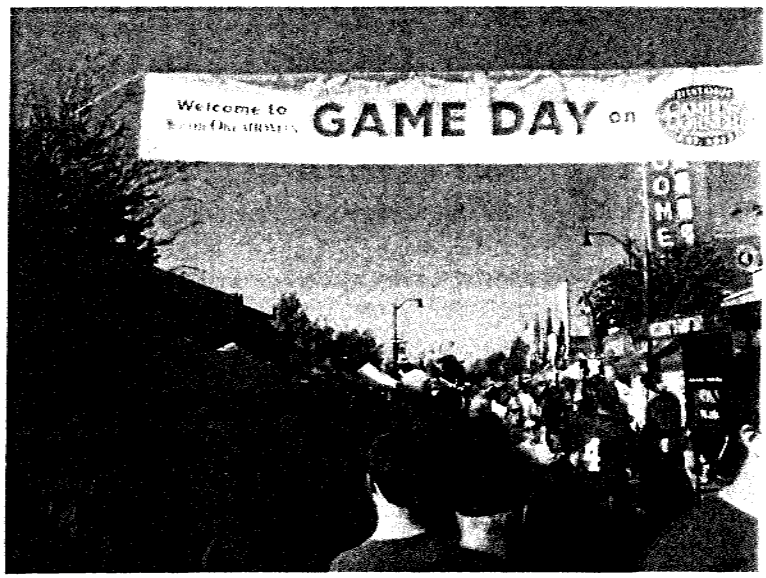
Travel and tourism is a $6.3-billion industry in Oklahoma. Travel and tourism generates $971 million in tax revenue for local, state and federal governments. Each U.S. household would pay $950 more in taxes without the tax revenue generated by the travel and tourism industry.

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. This represents 4.9% of the state's total non-farm employment. Additionally, 1 out of every 8 U.S. non-farm jobs is created directly, indirectly, or is induced by travel and tourism.

A recent study unveiled the quality of a job in tourism. Workers who begin their careers in travel achieve higher wages, have greater access to educational opportunities and enjoy better career progression, according to a first-of-its-kind study of more than 30 years of longitudinal data collected by the U.S. Bureau of Labor Statistics (BLS) and analyzed by Oxford Economics and the U.S. Travel Association.

Key findings from *Fast Forward: Travel Creates Opportunities and Launches Careers* include:

- Earning Higher Wages: The average maximum salary for employees who start their career in the travel industry reaches $81,900 - significantly more than other industries.
- Promoting Educational Opportunities: One-third of the 5.6 million Americans who are employed part time to support themselves while they further their education work in the travel industry. Among workers who began their careers in the travel industry, 33 percent earned at least a bachelor's degree.
- Building the Middle Class: The travel industry is one of the top 10 largest employers of middle-class wage earners in the U.S. More than half of all travel industry employees (53 percent) earn a middle-class salary or higher.
- Leading to Rewarding Careers: Employees who work in travel jobs build valuable skills that can translate into rewarding careers, both in travel and other industries. Two out of five workers who start their careers in the travel industry go on to earn more than $100,000 per year.



Industry indicators shared at a recent Oklahoma Hotel & Lodging Summit by Smith Travel Research, Inc. point to a healthy industry statewide:

- Occupancy in Oklahoma hotels is at 61% - **UP** 6% year over year
- The Average Daily Rate (ADR) of those hotel rooms has reached the 2009 peak and is at $73.80 - **UP** 4.1%
- Revenue Per Available Room (RevPar) is at $44.99 - **UP** 10.4%
- Room demand is **UP** 6.7% in Oklahoma
- Transient Rooms sold-to-date is outpacing prior years

- Spend $900 or more per trip
- Most likely visit in the fall. The clusters with kids in the household will visit in the summer.
- On the trips they will golf, gamble, visit historic places, museums and beaches, participate in water activities
- The clusters with kids in the household attended a theme park in the last year and attend sporting and other events. They also hike/bike, boat/sail, and hunt/fish.

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.

Marketing Goals and Objectives

Marketing Goals

Through strategic, research based sales, promotions and public relations initiatives, the NCVB marketing goal is to show growth in the following key indicators:

1. Occupancy rates of Norman hotels
2. Average daily rates of Norman hotels
3. Transient guest tax collections
4. Sales tax collections

Performance and Activity Measures that lead to the growth of the above key indicators include:

1. Number of leisure promotions programs
2. Number of gross impressions of those programs
3. Number of conversions through those programs
4. Number of leisure media placements
5. Number of gross impressions of those media placements
6. Number of leads sent to hotels for meeting/sport groups
7. Number of room nights booked for meeting/sport groups
8. Number of room nights serviced for meeting/sport groups
9. Room nights booked for group tours

Marketing Objectives

The following marketing objectives will be the concentration of the CVB in FY 2014:

1. Aid in the continued development of Norman as a destination
2. Continue to collect secondary research and pursue primary research to aid in our marketing and branding effectiveness
3. Create a genuine brand encompassing the entire destination experience
4. Execute promotions to meetings/conventions, sports and leisure target markets

Proper execution of the above objectives will assure growth in the four key indicators above.

Marketing Objectives

Destination Development

Marketing 101 teaches the Four Ps of Marketing – Product, Price, Place and Promotion. Clearly Product drives the other three P's of the Marketing Mix. Without a quality Product, no matter the Price, Place or Promotion, the Product will not satisfy the consumer. Just as Apple, Chevy and Proctor & Gamble concentrate on the quality, design, features, sizes and services of their products, a destination must concentrate on the quality of the destination and the features it offers to the tourist. The NCVB Board of Directors and staff recognize development of the Product – Norman as a destination – is our first and foremost concentration.

Refer back to the Market Overview and specifically the list of attractions being developed – museums, sport facilities, destination restaurants, retail, entertainment outlets, etc. As previously stated, while Norman celebrates that the attraction base around us continues to be developed, the contrast is recognizing the increased competition for visitor spending from surrounding Oklahoma communities and from the increase in these leisure and group opportunities in general.

Key Objectives

Aid in the continued development of Norman as a destination. Focus areas to include:

A. Development of new attractions (i.e., National Weather Museum)
B. Development of an events center in University North Park
C. Development of upgraded competitive or new sport facilities
D. Development of a Travel Information Center along Interstate 35
E. Continued development of districts within Norman as destinations (i.e., Downtown, Campus Corner, University North Park etc.)
F. Redevelopment of distressed districts (i.e., Main Street, Ed Noble Parkway, Porter corridor etc.)
G. Continued beautification of Norman
H. Enhancement of current attractions
I. Development and promotion of existing festivals and events
J. Development of new festivals and events
K. Engagement in transportation enhancements
L. Expansion of the Certified Tourism Ambassador program

Development of new attractions (i.e., National Weather Museum)

Key Strategy - The NCVB will continue to look for ways we can assist with the development of new attractions. NCVB staff presently sits on the board of directors for the long envisioned National Weather Museum. We constantly monitor activities and discussions related to other possible attractions in Norman. More attractions than the National Weather Museum are being discussed.

Development of an events center in University North Park

Key Strategy - The NCVB will continue to advocate for an events center in University North Park. There have been discussions of a feasibility study to be done for such a project. The NCVB will push for such a study to be conducted towards the development of an events center to compliment the Embassy Suites Hotel and Conference Center and neighboring hotels.

Development of upgraded competitive or new sport facilities

Key Strategy - The NCVB will continue to look for ways we can assist with the upgrading or development of new competitive sport facilities, specifically facilities able to host lucrative weekend tournaments. The Parks and Recreation Master Plan outlined initiatives. A group has long advocated for a competitive swim facility. We constantly monitor activities and discussions related to each and will advocate for their development.

Development of a Travel Information Center along Interstate 35

The need for Travel Information Centers (visitor or welcome centers) is growing, at least according to a recent survey of DMO professionals conducted by Destination Marketing Association International. 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 TICs are producing new ways to engage tourists. While the storm damage to the NCVB Downtown office provided the opportunity to locate closer to Interstate 35, we must continue to explore opportunities to establish a very visible presence on I-35 through a Travel Information Center.

The NCVB Executive Director attended a seminar on Travel Information Centers. With this information from DMAI's Certified Destination Marketing Executive program, Norman now has a blueprint for developing the long envisioned Travel Information Center along Interstate 35.

Key Strategy – continue to explore opportunities to establish a very visible presence on Interstate 35 through a Travel Information Center.

Continued development of districts within Norman as destinations (i.e., Downtown, Campus Corner, University North Park etc.)

Key Strategy - The NCVB will continue to look for ways we can assist with the development of districts within Norman as destinations. NCVB staff presently sits on the board of directors for the Downtowners Association. We remain in communications with key Campus Corner tenants and owners. We constantly monitor activities and discussions related to other all districts and remain prepared to work with those entities to advocate for the further enhancement of those districts.

Redevelopment of distressed districts (i.e., Main Street, Ed Noble Parkway, Porter Corridor etc.)

Key Strategy – Recognizing there are districts or corridors that perhaps are not the most attractive, the NCVB maintains public enhancements should be explored that will drive private investments. Whether those be beautification efforts such as streetscape or landscaping, or putting in place incentives such as tax increment financing or tax abatements, with public investment, private investment will follow.

Continued beautification of Norman

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?

- Explore design and beautification initiatives
- Explore signage and way-finding programs
- And in general, work on the Norman mojo and ambiance

Key Strategy - The NCVB will continue to look for ways we can assist with the beautification of corridors and gateways to Norman. NCVB staff presently sits on boards and committee for numerous entities and through those will advocate for beautification efforts. The NCVB co-funded a wayfinding study that lead to a plan being prepared. We will work with City staff on the implementation of that plan.

Enhancement of current attractions

Key Strategy - The NCVB will continue to look for ways we can assist with the further enhancement of current attractions. Naturally, the key way to do that is with research-based, targeted promotions. Through constant communication with personnel at Norman's attractions, we can continue to understand other ways we can assist.

Development and promotion of existing festivals and events

Key Strategy - The NCVB will continue to look for ways we can assist with the further development of existing festivals or events. Naturally, the key way to do that is with research-based, targeted promotions of the festivals and events. Another is that 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 more than 15 community events. But whether that be a new feature of a parade, new offering at a festival, or the expansion of an event to include an additional day, the NCVB is ever ready to assist with opportunities to enhance one of our iconic events.

Development of new festivals and events

Key Strategy - The NCVB will continue to look for ways we can assist with the development of new festivals or events. We constantly monitor activities and discussions related to such and remain ever ready to assist with opportunities to add a new festival or event to our ever popular line-up.

Engagement in transportation enhancements

Key Strategy – While research indicates the overwhelming majority of tourists drive a vehicle into Norman when visiting, providing them with transportation, the NCVB recognizes there are visitors who do not have transportation and could use public transit. We will continue our engagement in public transit initiatives such as the current bus system and discussions of future expanded rail service and remain ready to advocate for expansion or development of systems to move visitors conveniently from one attraction to another.

Expansion of the Certified Tourism Ambassador program

Recognizing one can always improve customer service, the NCVB partnered with the Oklahoma City and Edmond CVBs to bring the Certified Tourism Ambassador program to the OKC metro. This national program trains and certifies people who work in front-line industries with the skills to enhance a visitor experience to increase tourism, from hotel employees to convenience-store clerks to taxi drivers and museum guides. The CTA program goes well beyond basic customer service training; it gives participants the opportunity to build upon their knowledge of the local region, enhance their skills in serving customers, increase their awareness of information resources and discover the power of tourism. A summary of the program is included as Appendix B.

CTA
CERTIFIED TOURISM AMBASSADOR

Key Strategy – The NCVB will continue the promotion of the program in hopes more front-line staff will become certified.

Research

Research is imperative to the overall success of destination marketing initiatives. Without research you do not know what share of travelers' minds you own, could own or potentially never could own. Through destination brand research, you can uncover how to increase mind share in order to grow and maintain visitation. You will also have accountability measures to address stakeholders' questions and concerns.

Due to budget restraints, the NCVB has been limited to secondary research in which to expand our knowledge of visitor needs and desires which would maximize our marketing effectiveness. Through Oklahoma Tourism and Recreation Department, U.S. Travel Association, Destination Marketing Association International 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.

As of the writing of this marketing plan, a proposed increase in the transient guest tax ("hotel/motel tax") would significantly increase the CVB budget. With the increase, more research can be funded. If the increase in the guest tax is approved by Norman voters, the CVB will prepare for multiple research studies to be conducted. Possible studies as outlined in the BrandScience Guide for Destination.

Research could include:

1. Determining how all types of visitors perceive and feel about Norman as a destination.
Asking visitors questions such as how they perceive the destination in terms of getting better, staying the same or becoming worse, or do they feel the destination is equal to or better than other destinations, can uncover attitudes and perceptions.

2. Gathering perceptions from all visitor segments related to Norman's brand promise.
Once a brand promise is drafted, it can be tested with visitors and prospective visitors (as well as stakeholder segments) in focus groups, in on-site interviews or via an on-line research methodology.

3. Surveying to engage consumers' feelings.
Conducting a survey to elicit and measure/gauge visitor feelings and attitudes are just as or more important than behavioral questions designed to measure frequency of visit, expenditure patterns, etc. How visitors "feel" is of paramount importance to know and understand.

4. Monitoring brand effectiveness.
This will measure and benchmark satisfaction and loyalty levels. Research will identify critical elements of the destination experience as well as competitors' relative performance. Routine, periodic research is required to gauge the destination brand's ability to deliver on its promise over time and track changes toward any of its inherent brand attributes.

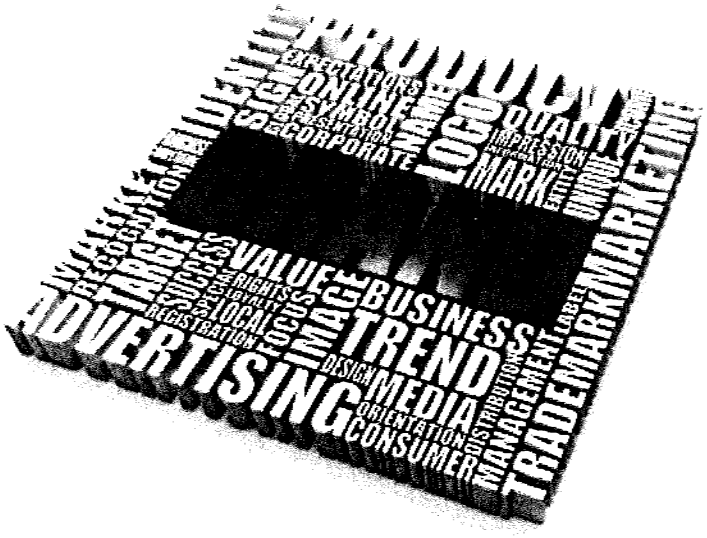
5. Evaluating VisitNorman.com's effectiveness.
The evaluation is designed to provide an objective measurement to gauge the "brand" effectiveness of VisitNorman.com by taking into consideration some important applications of basic brand-building principles. The evaluation will also examine VisitNorman.com from the perspective of its intended target audience. The criterion used in the evaluation process is designed to assess the visitor's experience and potential to meet brand expectations.

Additionally, a future studies will look to determine the conversion of potential visitors into actual visitors to Norman.

In the interim, memberships in Destination Marketing Association International, National Association of Sports Commissions, and Oklahoma Travel Industry Association allow the NCVB access to secondary research.

Brand Image

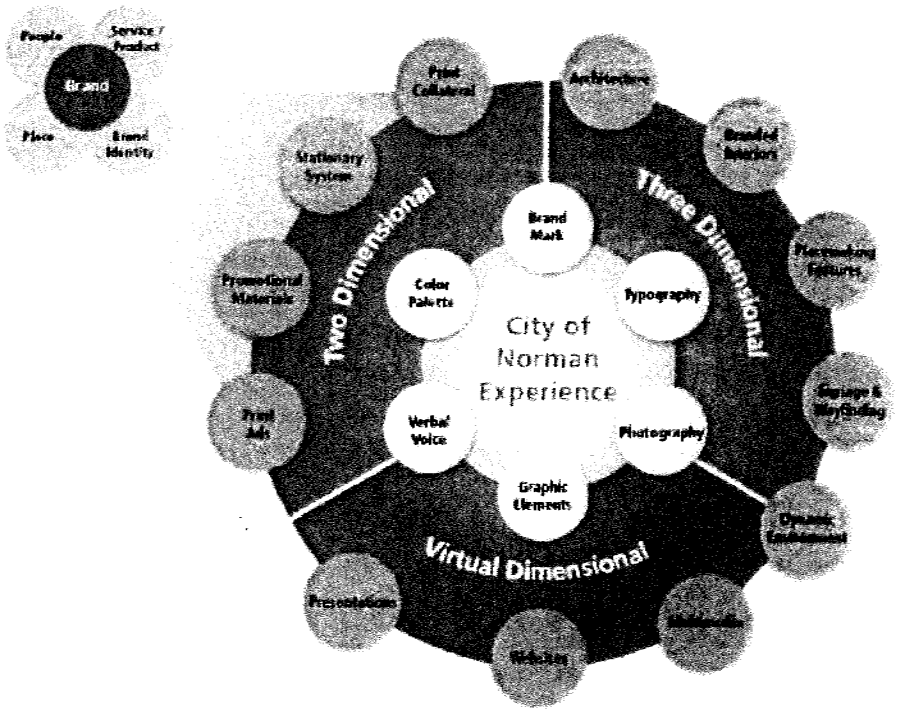
Any business professional knows one of the most important assets one can develop for a business is a powerful brand. It is the same for destinations.



Brands are not just logos or tag lines. Brands are the culmination of who you are, how you are different from your competition, and why a tourist should visit your destination.

A brand instills confidence, creates loyalty, and many times can command a premium price. Most of all, a great brand reduces a buyer's perception of risk and makes the purchase choice easy.

Developing a brand is much more than just deciding on a name or picking some colors. A brand is the sum of all Norman does. It's derived from all of our touch points with our customers and prospects. Developing a brand requires having a plan that consistently communicates what Norman is and does, along with our distinct attributes, image, and personality. For example, see the image below from the Norman Wayfinding Plan.



The Norman CVB took a step towards developing a genuine brand for Norman with the "brand realignment" completed in 2010. But as the Norman Wayfinding Plan was being prepared, it became apparent that Norman is not consistently communicating what Norman is and does. We need to continue developing brand Norman.

If we think that developing a strategic direction for brand Norman is basically "image building," "positioning" and advertising, then we will miss out on many other opportunities and benefits. Too often, destination brand initiatives are focused on naming, logo makeover, advertising slogans and media spend. Without the umbrella of an overarching strategy for the destination brand experience, tactics such as the aforementioned may garner short-term gains in building awareness, but may lack the staying power vital to the long-term good health and wellbeing of a brand.

Key Objective

To create a genuine brand – brand Norman. Genuine brands are not designed. Genuine brands are the result of a comprehensive, well thought-out and carefully crafted strategy that encompasses the entire destination *experience* reflecting visitors' needs and expectations. It is for this reason that the destination brand-building process must focus on strategic development of a brand versus individual tactics focused on identity, image, awareness and promotion.

Strategy Towards Key Objective

To create a distinctive, long-lasting, one-of-a-kind brand is a process that comes from within. The Norman CVB will lead a team of stakeholders representing a cross section of key constituents. This "brand commission" will own and direct the destination brand development and implementation process.

The first task of the "brand commission" will be to conduct a brand assessment that will objectively evaluate perceptions of the destination brand's current brand position, building toward consensus among the organization's primary stakeholders with the brand's reality: where and how the destination is perceived today.

However, an objective assessment of the organization's destination brand cannot be accomplished without quality research. Effective destination brand research gets inside consumers' minds to discover the primary motivating or influential factors driving tourism and visitor decision-making. The "brand commission" will be reviewing options for conducting the research needed for a brand assessment.

Consumer and customer satisfaction must be understood from an absolute standpoint: "How satisfied are customers with our destination's products, accommodations and service?" It is also important to gain a high level of understanding of satisfaction relative to other competitors and from a macro point of view. In other words, determine what is reasonable, acceptable or the norm in a particular market or market segment. Studying best-demonstrated practices helps identify the industry's "gold standard" or top performance (inside or outside the industry) to help establish benchmarking targets.

Any research will coincide with the research mentioned above. (See pages 21-22.)

Promotions

Meetings/Convention and Sports

The NCVB will continue to work with conference centers, hotels and the University of Oklahoma's Center for Continuing Education to increase the number of meetings, conferences, and events-related spending in Norman – particularly during off-peak time periods.

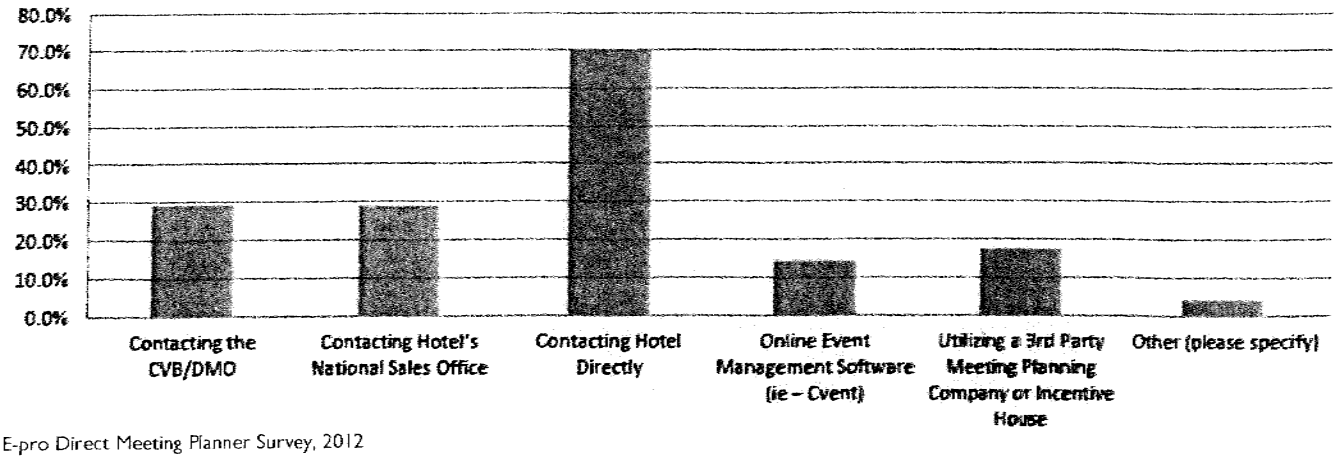
Key Objectives towards Meetings, Conventions and Sports

1. Brand Norman, enhance awareness and expand promotion of Norman as a convention, meetings and sports destination
2. Continue to develop Norman as a destination for meetings/conventions and sports
3. Expand our digital activities
4. Enhance the servicing of groups meeting or hosting a sports event in Norman

Branding the Destination for Meetings

Recent research has revealed that we, as a DMO, must continue to re-find our niche in the ever-growing meetings, conventions and sports industries. Whereas in the past a meeting planner had two resources available to them – the hotel/conference center or the DMO – today the online world has made available countless websites (Cvent.com, ASAEBuyersGuide.com) providing hotel, conference space and destination information. Third-party meeting planning / site-selection companies like HelmsBriscoe, Conference Direct and Experient have also "crowded our space."

A most telling statistic from a recent study revealed that the preferred method of meeting planners when submitting a request for proposal is contacting hotels directly (70.1%). 29.1% contact the hotel's national sales office. 14.4% use online event management software (i.e. Cvent.com) and 17.5% use a third-party meeting planning company. Only 29.3% of meeting planners contact a DMO. (Respondents could respond to multiple options.)



E-pro Direct Meeting Planner Survey, 2012

Key Strategy

Thus, a key strategy in the meetings/conventions and sports markets is that we must take a more "promotions-oriented" strategy towards group business through branding Norman and enhancing the awareness of Norman as a convention and meetings destination, while also establishing a strong regional and state presence in the meetings and sport industries.

In an article in Successful Meetings, the late Gary Sain, then the Visit Orlando President and CEO, stated he was *less concerned about his (DMO) generating leads and more concerned about booked business, however that is accomplished.*

"We believe our first job is to brand the destination. We don't care if a lead goes through us or directly to the hotel. As long as they're coming to Orlando, we don't care."

Another industry colleague emphasized the need for additional promotions centered around sales by stating, *"No sales person can close the deal if there isn't ad awareness or desire for our destination." (Don't recall source.)*

As the CVB further enhances our promotions to the meeting planners, we in return, expect to see a direct economic impact through increased room-night production for our area hotel partners.

In addition to promotions to meeting planners, we must promote Norman to third-party meeting planning companies and build relationships with their associates. John Cychol of the Fort Worth CVB stated, *"It's important for (Fort Worth) to partner with (third-party companies) to make sure the planner gets the best impression of our destination when going through a third party."*

"We don't care if a lead goes through us or directly to the hotel. As long as they're coming to Orlando."

Gary Sain, President and CEO, Visit Orlando

Our message to the third-party meeting planners: *CVBs offer a depth of knowledge that helps planners sell the destination to their attendees, and CVB staff has the relationships within the community that can resolve problems when they arrive and the best relationships with the hotel community third-party companies are representing.*

When the opportunity arises to actually sell Norman with an individual meeting planner, the CVB will target "city-wides." We must capitalize on the fact that *(DMOs) are the undisputed kings in marketing destinations to groups holding city-wide conventions. The knowledge about the destination that the (DMOs) have is also crucial to creating a complete package for a large meeting.*

(DMOs) can enjoy a competitive edge for city-wides by coordinating all the hospitality and travel components in the destination, negotiating vendor discounts or subsidies on behalf of groups, and providing groups a housing bureau at a discounted price.

Destination Development

Meetings are not just about the conference center or hotel. Open evenings or off-site functions can provide the attendees with an experience which may entice them to visit the destination with family or friends again. By working with local partners, the CVB can help deliver an experience to our visitors that is distinctly Norman. Our goal is to add value and maximize the group visitor's experience. If we build strong relationships and provide wonderful experiences this will affect repeat and referral business.

"Planners have to create an experience as well as a meeting, and that's created by what goes on outside of the education, reception, and convention hall," Heidi Longton, Meeting Industry Experts Inc.

Key Strategy

The CVB will engage in the initiatives outlined above. (See pages 19-22.)

Expand Digital Activities

Our industry has been charged that *today's (DMOs) have to strive to distinguish themselves from a host of digitally empowered competitors.* That means continuing to add meaningful content to the Meeting Professionals' section on VisitNorman.com

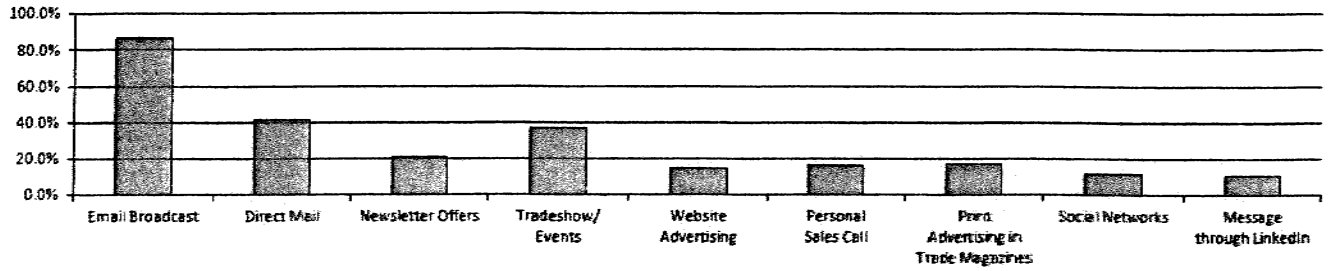
Brian John Riggs, Association Headquarters, recommends that (DMOs) act as curators for their destinations, a reference to the gaining concept that people researching a subject online want a single trusted source. "As the official voice for their destinations, (DMOs) are well-positioned to fulfill that role."

(DMOs) must aggressively embrace the new communications technology. "It is fast becoming a component of our everyday life. The impressions made through electronic platforms are almost decision points. There has to be a 'capture experience' at the point of contact. If (DMOs) can leverage the culture of their destination and let it shine in that 'capture moment,' then I think they take a leap ahead." (Riggs)

It's not just VisitNorman.com. We must develop strategies to use Social Media in the branding and promotion of Norman as a meetings and sport destination. Recent best practices include *people posting favorable expressions about Vancouver (Canada) on various social-networking websites (after a disturbance) and the (DMOs) advertising agency deployed software to automatically aggregate those postings into a single site, ThisIsOurVancouver.com. The effort helped restore some of the city's battered pride and presented a more positive image to the public.*

Another example includes the Long Beach (DMO) *using its Facebook page to run contests that promote attendance for groups meeting in the city. "It has been very effective in driving attendance for the events we've done it for." Steve Goodling*

A survey of meeting planners unveiled how planners prefer to receive meeting supplier information. *Email broadcast was by far, the most preferred (86.2%). Direct mail and Tradeshow/Events followed at 41.6 and 36.4%.*



E-pro Direct Meeting Planner Survey, 2012

It is no surprise, then, that a different survey showed the top three most common online and digital marketing activities used by DMOs to reach event producers and group clients are, in order, social media, email blasts, and e-newsletters.

	DMOs	Convention Centers
Social media (Facebook, Twitter, blogs)	85%	61%
Email blasts	75%	61%
E-newsletters	71%	67%
Dedicated website	69%	83%
Search marketing, key words	67%	39%
Online video promoting destination and/or hotels, venues, activities/ YouTube, etc.	56%	39%
Banner ads on other websites	54%	44%

Key Strategy

The Norman CVB will concentrate on these proven promotion strategies to promote Norman to meeting planners.

As the database of meeting planners expands, regular communication through email will promote new enhancements to meeting facilities, hotels, and attractions – exactly what a meeting planner suggested they wanted in these communications – *quarterly e-newsletters that give a quick update on (a destination's) facilities and promotions.* Another desires *constant updates on services/properties so I know that the information I am seeing is up to date and current.*

The emails will also promote our office's services and the value proposition of a destination marketing organization to a meeting planner. We will additionally look to publications with greater databases in which to "e-blast" Norman's message. Direct mail pieces will complement the emails. And social media will further promote VisitNorman.com.

Servicing

It's not just sales either. It's service, too! Convention services enhance the visitor experience through customer service excellence and differentiated product development and delivery.

Many recognize that *"(DMOs) offer a depth of knowledge that helps planners sell the destination to their attendees, and we have the relationships within the community that can resolve problems when they arise." Steve Goodling, Long Beach CVB*

What type of services? A recent survey unveiled *that a considerable 85% of DMOs provide event organizers with attendance marketing support or assistance.* See the chart below for the most common types of attendance marketing support provided:

	DMOs	Convention Centers
Public relations support	91%	71%
Liaison with city, state or regional affiliated groups or government agencies	88%	64%
Adding event information to the DMO and/or venue website(s)	74%	64%
Emails to potential local attendees	67%	29%
Airport signage and around the destination before the event	64%	29%
Hotel discounts/rebates	55%	14%
Assistance securing event speakers, keynoters	55%	7%
Entertainment, sports, cultural event or facility discounts	50%	50%
Cash payments/rebates/marketing support fees	48%	21%

Key Strategy

Staff will also look to expand a new Attendance Generation Program. The program offer tools to help groups generate attendance. Studies show *85% of DMOs provide event organizers with attendance marketing support or assistance. Norman needs to expand our attendance marketing support.*

Tradeshows

"People-based" marketing, including the sales force and participating at industry trade shows and conferences, account for a total of 44% of the average DMO's total marketing expenditure. Strong investments as the industry reports *the marketing mediums and activities that drive the highest quality leads are attending industry trade shows and events and the sales force.* And competitors are investing more in those mediums: *The marketing mediums that received the most increased investment recently have been industry trade shows, conventions and conferences, according to half of the DMOs responding to the survey.*

The Norman CVB will continue to invest significant resources in the sales force and our presence at trade shows and conferences. Collaborate, Connect, NASC, OSAE, PCMA, RCMA, Red Carpet Travel

Show, Rejuvenate, Small Market Meetings, SGMP and TEAMS are all shows that we are budgeting to attend.

Other shows under consideration include: Christian Meetings and Conferences Association Trade Show (CMCA), Chuck Cooke & Associates Trade Show, Destination Showcase, Fraternity Executives Association, HelmsBriscoe Annual Business Conference Trade Show, NIRSA (intramurals), National Panhellenic Conference, Reunion Friendly Network, Smart Meetings, and Student Youth Travel Association.

Digital Activities

DMOs are finding value in digital activities. *The online and digital marketing activities considered the most effective by DMOs are their dedicated website, banner ads on other websites, email blasts and social media.* And with success, are investing more in digital.

More than 30% of DMOs increased their spending on their internal sales force, websites and digital activities by more than 5%. Sixty-two percent of convention centers say they increased their budget for their website and digital activities by more than 5% in this fiscal year.

As shared above, we must look to expand our digital activities. In addition to electronic communications, the NCVB will continue to expand and enhance VisitNorman.com. Photos, videos, a digital marketing tool kit, will look to be added among the expansion of information already provided. Meeting professionals have offered feedback on what additional tools and resources they would welcome in a destination's website:

- *The total number of rooms, suites, etc. clearly stated*
- *A dedicated conference website*
- *Make websites user-friendly – make sure floorplans are downloadable and printable*
- *More online 360 tours*
- *Easy to access hotel listing with group sales contacts*
- *Online meeting kits – photos of meeting rooms, hotel/resort layouts, etc.*

Additional digital activities will include the monitoring of Norman's web presence on other online listings and the expansion of Social Media as a promotions tool for meetings and sports. Careful consideration will be made for targeted advertising on websites for meeting planners.

Sales

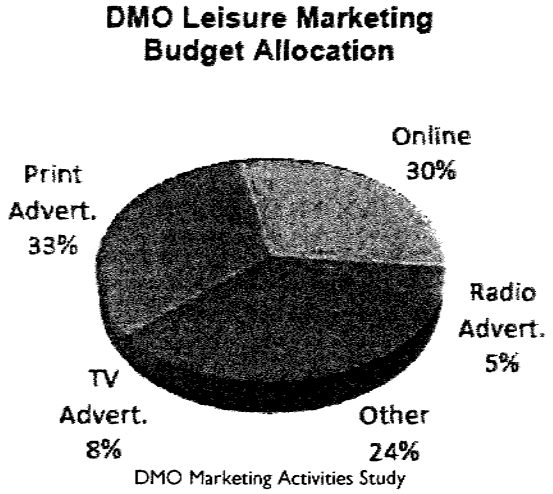
Not to be lost in all of the above is the importance of "people-based" marketing including direct sales. The Norman CVB will continue to start and build relationships through all the outlets presently being employed. A planner shared *one of the most effective services offered by (DMOs) is one of the oldest – a hosted site inspection of the destination,* the CVB will budget resources to be able to provide site inspections to meeting planners as identified.

One other consideration is the discovery that *37% of DMOs maintain a separate fund to cover discounts and incentives for qualified events and groups that book local hotels. The average incentive fund size is $156,000 at DMOs. These incentives and discounts are mainly used to cover convention center rent and provide transportation for attendees.* The NCVB Executive Director was told by a colleague that another shared "he had to provide some incentive to every piece of business booked (in 2012.)" Incentives are becoming more and more prevalent in the meetings and sports industries. We must look to develop a fund and identify resources to continue to feed the fund.

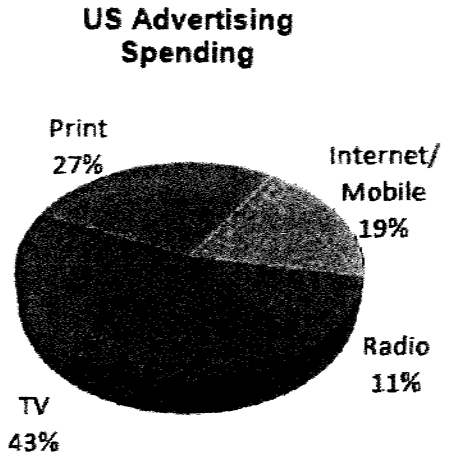
Tourism (Leisure) Advertising

Leisure travel makes up 76% of all travel and tourism. It's no wonder DMOs commit two-thirds of their marketing budget to the lucrative leisure market segment.

A recent study by DMAI revealed how DMOs are allocating their leisure marketing budget:



Interesting when compared to U.S. adult weekly media consumption:



This is especially interesting when one considers the average leisure traveler to Norman has a weak propensity to pay attention to advertisements on television and radio, in magazines and newspapers, or those found outside the home.

Past data has revealed :

- 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.
- 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.
- 31% of families took a "last-minute" trip last year, departing an average of just six days after deciding to take the trip.
- 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.
- Online search remains the No. 1 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.
- 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.
- Substantiated with the report that YouTube is the second largest search engine in the U.S. (after Google), YouTube is processing more than 3.5 billion searches on the site each month.
- Personal travelers more than doubled their usage of mobile devices 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.
- 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.
- 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.)

The aforementioned DMAI marketing activity study shared *DMOs have fully embraced a wide variety of online activities into their overall destination marketing efforts. Banner ads and search engine marketing/adwords dominate, comprising more than half of DMO online budgets. (See chart below)*

(% of Online Marketing Budget)	Total	Less than $500,000	$500,000-$999,999	$1,000,000-$1,999,999	$2,000,000-$3,999,999
Banner ads	30	18	32	22	32
Adwords/Search Engine Mktg	28	8	25	31	41
% spent on Google	*72*	*55*	*70*	*68*	*72*
Social Media Campaigns/Sites	18	32	23	18	12
OTA Campaigns	6	3	4	5	4
Mobile Campaigns	5	6	5	8	3
Email List Acquisition	3	5	3	6	2
App Development	2	1	4	2	1
Other*	6	10	5	8	4

*online video, consumer sites, microsites, webinar sponsorships, development, lead generation, retargeting (one mention each)

DMO Marketing Activities Study

All of the above suggests the need for year-round advertising – with more online – instead of the conventional 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 'Owned Media' – channels that one develops and manages themselves, i.e., website, blog, Facebook page, Twitter feed, YouTube channel, and even the destination itself (as already mentioned on page 11.)

Key Objectives towards Leisure Travel

1. Continue to expand and enhance our Owned Media
2. Continue to assess and select Paid Media for maximum return on investment
3. Continue to take advantage of and maximize the effort from Earned Media coverage

Strategies Towards Key Objectives

Owned Media

We must continue to build-out VisitNorman.com by adding tools and resources utilized by the visitor.

DMO websites continue to command a high level of investment as market expectations for more sophisticated content and functionality increase. Content or functions present on DMO websites:

Present on Website:	
Calendar of Events	99
Deals and Discounts	78
Mapping Technology	75
Online Booking Engine for Lodging	59
Trip or Itinerary Builder	47
User-generated Content	42

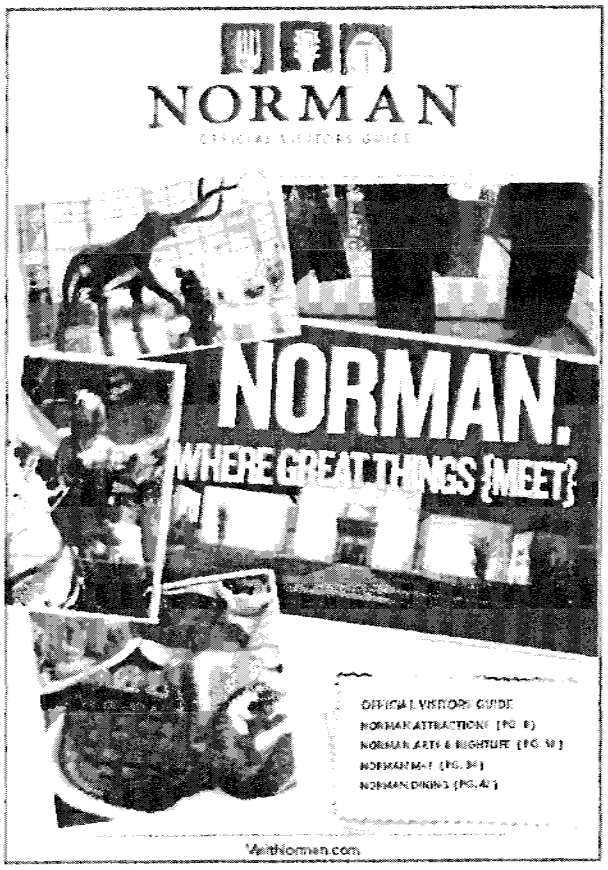
VisitNorman.com features a calendar of events and an online booking engine for lodging. The 2013-14 year will bring a "deals and discounts" function, more robust mapping technology – specifically on the mobile site – and itinerary builder. VisitNorman.com will also spotlight partner brochures and will also allow the visitor to request those partners' brochures in addition to the *Official Visitors Guide for Norman.*

We will continue to look to leverage search-engine optimization and keyword rankings to attract the right audience to the site as well as develop a content strategy that continuously provides key information and optimize the site to the fullest by way of pictures, video, blogs, and functionality. These photos, videos and itineraries will work to fuel the imagination, and in turn, create a desire for Norman that will ultimately convert prospects to customers.

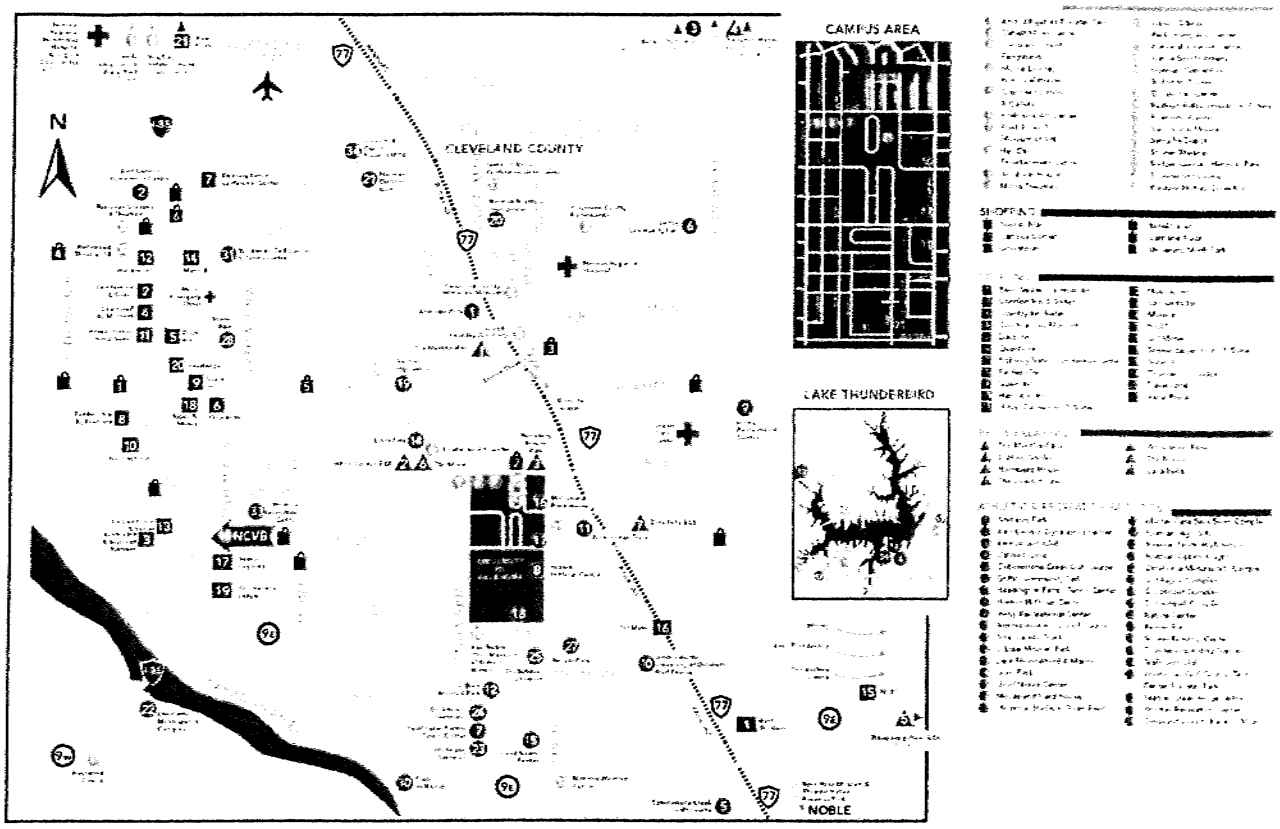
Beyond VisitNorman.com, the NCVB will continue to focus on Norman's online presence. As the 'brand police' for Norman, we will monitor other sites to see how they 'sell' Norman and suggest edits as needed to guard our brand.

As a result, this may include assisting community partners with their websites. Presently, the NCVB maintains the Downtown Association website (DowntownNorman.org), and the Main Street Christmas Parade site (NormanChristmasParade.com). As needed, we will maintain other partners' sites to assure the visitor is accessing the best image of Norman and the most recent information.

As for non-digital outlets, the NCVB will continue to publish the *Official Visitors Guide for Norman* and the popular "pad-map." See images of each below.



Cover of Official Visitors Guide for Norman



Norman "Pad Map"

Moreover, we will continue to work with community partners on the development of their collateral. We have recently assisted in the editing and publishing of the guide for Downtown as well as a brochure spotlighting the public art on display.

While maintaining the Welcome Center near 24th Ave. NW and Lindsey Ave., in addition to the service desk at the Sooner Mall, we must continue to discuss the future of state-approved Oklahoma Travel Information Center in Norman. Discussions with community leaders have indicated support for a TIC in Norman. Staff and the Board will continue their efforts to establish one. There have also been discussions of a Mobile Welcome Center that would travel to both local and regional events to promote Norman.

"Norman as a destination" is another part of the NCVB owned media strategy. In addition to those destination enhancements outlined in pages 18-21, we must provide greater customer service. The NCVB will continue the promotion of the Certified Tourism Ambassador program. See page 21 and Appendix B for more on the program. Out hope is that more entity staffs go through the training.

CTA
CERTIFIED TOURISM AMBASSADOR™

In addition, the NCVB will continue to monitor municipal and state issues that affect community and economic development – i.e. the Storm Water and Greenway Master Plan, Greenbelt Commission, waste water treatment, and water supply.

Paid Media

In early 2013, the Norman CVB launched the "Be The First" campaign. This campaign seeks to provide a "call-to-action" for the visitor that drives traffic to VisitNorman.com and helps the CVB grow its database for ongoing marketing efforts. A summary of the campaign can be found in Appendix C.

Upon completion of the campaign and review of its analytics, staff will then outline the 2014 spring campaign.

The above are the initiatives budgeted at this time. With our limited budget as cited previously (see page 12), many initiatives have been left out of the budget. To date, more than $350,000 worth of marketing initiatives remain unfunded. As budget allows, staff will explore more non-traditional paid tactics including advertising on social networks, 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.

Earned Media

A recent article affirmed *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.*

In addition to assisting with owned media initiatives the NCVB will also:

A. Participate in media blitzes offered through the Frontier Country Marketing Association.
B. Plan four additional media blitzes
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, thank fans and encourage/inspire dialogue
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 more than 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 VisitNorman.com for use by media as an online press kit

V. Fiscal Year 2014 Budget

NORMAN CONVENTION & VISITORS BUREAU
Fiscal Year 2013-14 Budget

REVENUES:

	2013-14	(2012-13)
Transient Guest Tax	606,900	(550,000)
Advertising	13,000	(1,500)
Special Events	10,000	(10,000)
Interest	1,500	(1,500)
Other/Reserves	0	(00)
TOTAL REVENUES	$631,400	(563,000)

EXPENSES:

Marketing/Advertising	265,150	(223,322)
Research	2,250	(2,250)
Special Events	8,000	(10,000)
Operations	80,000	(75,841)
Personnel	276,000	(251,587)
TOTAL EXPENSES	$631,400	(563,000)

Appendix A

Big XII Conference and other Comparable 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

Greater Oklahoma City Area TOURISM AMBASSADORS

CTA Network
CERTIFIED TOURISM AMBASSADOR™

THOUSANDS OF CTAs...
TURNING EVERY VISITOR ENCOUNTER
INTO A POSITIVE EXPERIENCE

Turning Front-Line Employees & Volunteers into Certified Tourism Ambassadors

Greater Oklahoma City area tourism leaders have partnered to unite our front-line tourism representatives not only to serve our current visitors, but also to prepare for the future. This program demonstrates our dedication to promoting our destination as one of the best, with a high level of commitment to our visitors.

Why Choose the Greater Oklahoma City Area Tourism Ambassadors?

For Employers Tourism is big business not only to large cities, but also to small communities in the United States and around the world. Visitors spend money attending to business, touring attractions, or learning about the history of the area. This infusion of "new money" into the local economy often holds local tax increases at bay and gives the Greater Oklahoma City Area extra money to enhance its infrastructure—making the destination more appealing over time. As a result, destinations spend lots of money courting convention and leisure travelers.

But in reality, no amount of money will make up for the visitor having a bad experience, which negatively impacts our region's brand and overall image as a destination.

This program teaches front-line employees and volunteers best practices and ensures that they understand their role in increasing tourism. GOKCA CTA helps your front-line increase their knowledge of the region; provides answers to the variety of questions received from visitors; and gives your front-line a chance to meet one another, learn from each other's experiences and celebrate together!

For Employees & Volunteers What separates the Greater Oklahoma City Area Certified Tourism Ambassadors program from other training programs is that it's certification, not just training. Employees and volunteers who complete the program receive a credential and accompanying initials that can be used behind the person's name to denote their commitment to their profession as a *Certified Tourism Ambassador™* (e.g., Jim Smith, CTA). The CTA logo may also be used on your website and business cards/communications with approval.

As an Accredited Provider, the Oklahoma City Convention and Visitors Bureau presents the official CTA designation on behalf of the *Tourism Ambassador Institute™*, the national oversight body for the certification program.

CTA™
CERTIFIED TOURISM AMBASSADOR™
Enhancing the Visitor Experience™

What's in it for you?

☐ Provides a meaningful credential

☐ Increased business, higher tips

☐ Builds valuable skills

☐ Career advancement

☐ Networking opportunities

☐ Receive regular advice & updates

☐ Rewards and incentives

By becoming a *Certified Tourism Ambassador™* you'll have the tools and knowledge necessary to create a more memorable visitor experience and you'll reap the benefits. Being a CTA is a great achievement. It is a national designation to add to your resume.

Program Curriculum

Module 1: The Power of Tourism
Module 2: Discovering the Greater Oklahoma City Area
Module 3: Knowing, Finding, Using Resources
Module 4: Exceeding Customer Expectations
The curriculum is delivered through reading assignments and in-class participation.

Program Requirements

Every certification program requires successful completion of a core curriculum. The following recaps the requirements to earn the CTA designation:

☐ Complete required reading

☐ Attend half-day classroom session

☐ Complete learning assignments

☐ Complete open-book examination

Upon successful completion, participants will earn the *Certified Tourism Ambassador™* designation and receive a CTA certificate and lapel pin. An annual renewal process of certification is also necessary to maintain your certification.

Cost

There is a one-time non-refundable, non-transferable application fee of $49 per person and an annual renewal fee of $25 (if you renew by October 31; $35 between November 1 and December 31.)

How to Enroll

To access the class schedule and enroll in the program, visit **www.CTANetwork.com**, or call the Norman CVB at 405-637-6225.

Appendix C

NORMAN
VisitNorman.com

Spring, 2013 Call-to-Action Campaign

Cubic Creative was retained to assist in the development of a 'call-to-action' campaign for Norman. The goal of the campaign is to provide a 'call-to-action' for the visitor driving traffic to VisitNorman.com and building a database for ongoing marketing efforts.

Cubic suggested further brand review – further understanding of what differentiates Norman from similar destinations and thus, help determine what would help Norman stand out. Through review is existing data, online research, in-person interviews, onsite ethnography and personal stories, the following was developed.

Brand DNA

The Norman DNA crystallized when "Sooners" were clever enough to find a way to be first in the First Land Run of 1889. While other Oklahoma towns were battling to be the capitol, Norman's Mayor, T.R. Waggoner, directed a bill through the Territorial Legislature to become home of the state's first institution of higher learning.

It's Good To Be First

This concept acknowledges the thirst to be first that lies at the heart of Norman. This is what drives the city and those who love it to excel at everything. Norman is bold, clever and charming. This is what our marketing messages are evolving to express in an even more striking way.

The *Be The First* campaign makes a connection with the audience that likes to be first, a little competitive and ultimately engaged. Norman's Sooner spirit, to be first, is with which something a lot of people can identify with. The integrated marketing approach will entice people to register to win *Be The First* packages that bring people to Norman and can be tracked in many ways.

Campaign Execution

- Continue print advertising in budgeted outlets
- Direct mail to 45,000 in database
- Social media – teaser messages on Facebook
- Online – build search ads and replace ads on TravelOK.com
- Travel shows / expos

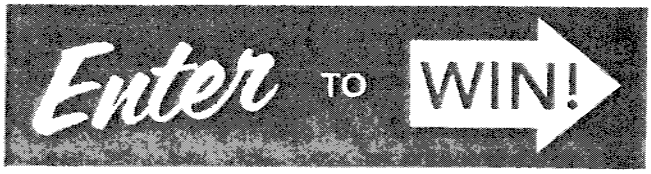
VisitNorman.com Landing Page:

BE THE FIRST IN NORMAN

ShareThis Print Friendly

Norman is a special place where it pays to be first. Enter to win a special Norman experience, from private, behind-the-scenes tours to special activities that are not open to the public. You never know what we might be offering. But you can't win if you don't enter. And, of course, sooner is better than later.

In Norman, it's good to be first.



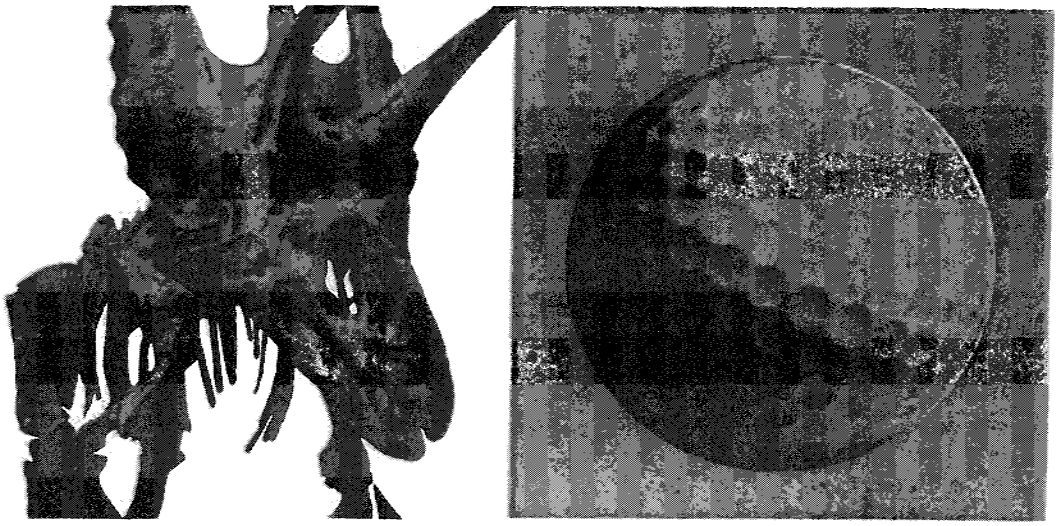
THE EXPERIENCES

Be The First... at Andy Alligator's Water Park's 2013 Season!

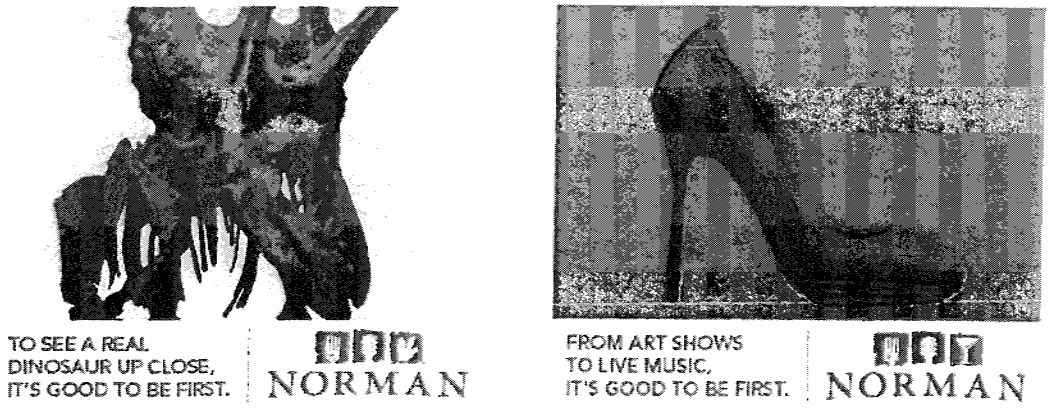
A family of four will be the first four to go down the water slides to open the 2013 season at Andy Alligator's Waterpark. In addition, you'll receive VIP treatment in one of Andy's Cabanas. (Includes private area with upgraded furnishings, flat screen TV, lunch for four, 4 Bottled Waters, locker & cabana wait staff.) After the Waterpark closes, ship will sparse

Online Registration Form:

Print Ad:



Online Ad:



Why the look?

It's BOLD (more into Norman's brand.)
It's artistic.
It's easily identifiable.
It conveys art / artistic.
It's sophisticated.
It appeals to the sophisticated, artistic person.
It's different!

City of Norman, OK

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

Master

File Number: R-1112-129

File ID:	R-1112-129	**Type:**	Resolution	**Status:**	Non-Consent Items
Version:	1	**Reference:**	Item No. 21	**In Control:**	City Council
Department:	Planning and Community Development Department	**Cost:**		**File Created:**	04/17/2012
File Name:	R-1112-129 Risser 2025			**Final Action:**	

Title: RESOLUTION NO. R-1112-129: 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-1112-6**, SO AS TO PLACE PART OF THE NORTHWEST QUARTER OF SECTION 31, TOWNSHIP 9 NORTH, RANGE 2 WEST OF THE INDIAN MERIDIAN, NORMAN, CLEVELAND COUNTY, OKLAHOMA, IN THE COMMERCIAL DESIGNATION AND REMOVE THE SAME FROM THE HIGH DENSITY RESIDENTIAL DESIGNATION AND OFFICE DESIGNATION. (LOCATED AT 612 ASP AVENUE, 421-427 BUCHANAN AVENUE, 710 ASP AVENUE, AND THE ADJACENT LOT TO THE SOUTH) **APPLICANT REQUESTING POSTPONEMENT UNTIL 6/26/13**

Notes: ACTION NEEDED: Motion to adopt or reject Resolution No. R-1112-129, Land Use Plan Amendment No. LUP-1112-6; and, if adopted, amend the NORMAN 2025 Land Use and Transportation Plan according thereto

ACTION TAKEN: _____

APPLICANT REQUESTING POSTPONEMENT UNTIL JUNE 25, 2013

Agenda Date: 06/11/2013

Agenda Number:

Attachments: Text File R-1112-129 LUP, Letter to postpone 710 Asp Avenue project to June 25, R-1112-129 NE Developmentt - Rev 5-13, Developer of Record, Location map, 2025 Staff Report, PD 12-27 C-3 July 26, PD 12-17April 26, PD 12-09 March 22, 7-12-12 PC Minutes - B3 Postpone, 8-9-12 PC Minutes - B3, 9-13-12 PC Minutes - B3 Devel, NEDC letter on NE Development as agent

Project Manager: Jane Hudson, Principal Planner

Entered by: rone.tromble@normanok.gov

Effective Date:

History of Legislative File

Ver-sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Planning Commission	05/10/2012					
1	Planning Commission	07/12/2012	Postponed		01/08/2013	01/08/2013	
	Action Text: Postponed						
1	Planning Commission	07/12/2012					
1	Planning Commission	08/09/2012	Postponed				
	Action Text: Postponed						
1	Planning Commission	08/09/2012					
1	Planning Commission	09/13/2012	Recommended for Adoption at a subsequent City Council Meeting	City Council	11/27/2012	11/27/2012	Fail
	Action Text: Recommended for Adoption at a subsequent City Council Meeting to the City Council						
	Notes: *Motion for adoption failed on 3-4 vote.*						
1	Planning Commission	09/13/2012					
1	City Council	11/13/2012	Postponed		01/08/2013		Pass
	Action Text: Postponed						
1	City Council	01/08/2013	Postponed		02/12/2013		Pass
	Action Text: A motion was made by Council Member Kovach, seconded by Council Member Griffith, that this Resolution be Postponed . The motion carried by the following vote:						
1	City Council	02/12/2013	Postponed		04/09/2013	04/09/2013	Pass
	Action Text: A motion was made by Council Member Kovach, seconded by Council Member Griffith, that this Resolution be Postponed . The motion carried by the following vote:						
	Notes: *Postponed until April 9, 2013*						
1	City Council	04/09/2013	Postponed		05/14/2013		Pass
	Action Text: A motion was made by Council Member Kovach, seconded by Council Member Lockett, that this Resolution be Postponed until May 14, 2013 . The motion carried by the following vote:						
	Notes: *Postponed until May 14, 2014*						
1	City Council	05/14/2013	Postponed				Pass
	Action Text: That this item be postponed until June 11, 2013.						

Text of Legislative File R-1112-129

Body

BACKGROUND: This applicant is requesting a change in the 2025 Land Use and Transportation Plan from Office and High Density Residential Designations to Commercial Designation. The current zoning for this area of development is C-1, Local Commercial District, CO, Suburban Office Commercial District, and R-3, Multi-family Dwelling District. Currently there are three land uses on the sites included in this proposal: multi-family, office and commercial/retail. The uses proposed for the new development are the same: multi-family, office and commercial/retail. The applicant intends to develop the area into a mixed building consisting of a parking garage, commercial/retail space and apartments. This proposed Mixed Building use is permitted as a Special Use under the C-3 zoning district. The project will be one building. This single building will wrap around creating a six story "U Shape" structure. The parking garage will house approximately 250 parking spaces and occupy the first and second floors. The first floor parking will share approximately 7,500 square feet with the commercial/retail proposal. The remaining four floors will house apartments. The development will consist of commercial/retail, office, residential and a parking garage to accommodate the uses, as well as additional parking area for guests. The current proposal is scheduled at 200 units; there will be 160 single-bed units and 40 two-bed units.

DISCUSSION: The 2025 Plan identifies two criteria that must be examined before a land use change is approved.

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. Over the last year there have been several developments in this general vicinity that have proposed higher residential densities and another that proposed a mixed use development. Currently there is an apartment development to the northeast of this proposal, located south of Duffy Street on the east side of Monnett Avenue. There is a five-story condominium development just east of the railroad tracks on the north side of Boyd Street, as well as a future three-story mixed use development at the northwest corner of Boyd and Monnett Avenue. There is continued growth in the vicinity of the University and Campus Corner area. This request, as well as other applications, indicates that this type of development will continue in this area.

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. The University of Oklahoma is roughly one block to the south of this proposal. The Campus Corner retail area is about one-half block to the south of this proposal, as well as Main Street attractions about one-half mile to the northeast. There is an abundance of businesses in this general area to frequent via bike, pedestrian trails, or sidewalks. With the limited parking around the University, Campus Corner and Main Street the location of this development gives the residents walking and biking options for accessing these areas. The parking incorporated into the design of the building helps eliminate the larger, sprawling parking lots, typically unpopular in any environment. The area to be developed currently has four curb cuts along Asp Avenue. Of those four curb cuts one requires the driver to back into Asp Avenue, creating a traffic issue as it is located along a curve. This proposal eliminates two of the curb cuts which includes the unsafe curb cut previously stated. Asp Avenue is a two-way street, which creates access to both north and south destination points for the residents. The west side of the development is Buchanan Avenue. There are five curb cuts along Buchanan Avenue. Of those five curb cuts, three back into the street also creating unsafe traffic issues. This proposed development has eliminated all curb cuts along Buchanan Avenue.

RECOMMENDATION: The Campus Corner area is typically zoned C-2, General Commercial District and C-3, Intensive Commercial District. The Land Use and Transportation Plan designates the Campus Corner area along the west side of Asp Avenue up to one lot south of this development as Commercial Designation. This request for a change in Land Use Designation is a formality as the current Land Use Designation would allow high density residential and office at present. The Land Use and Zoning request for this development is a continuation of what is already established in the Campus Corner area. Due to the close proximity to the University, Campus Corner and Main Street the residents will be able to walk or bike to many destinations. As noted above, destination points continue to develop and the demand for places such as this proposal increase. Staff recommends approval of this 2025 Land Use & Transportation Plan Amendment from High Density Residential and Office Designations to Commercial Designation.

At their September 13, 2012 meeting, the Planning Commission failed to recommend adoption of this resolution by a vote of 3-4.

SEAN PAUL RIEGER
ATTORNEY AT LAW • ARCHITECT
S.P. RIEGER PLLC
136 THOMPSON DRIVE
NORMAN, OKLAHOMA 73069-5245
E-MAIL: SP@RIEGERLLC.COM

TELEPHONE: 405.329.6070 FACSIMILE: 405.329.7103

4 June 2013

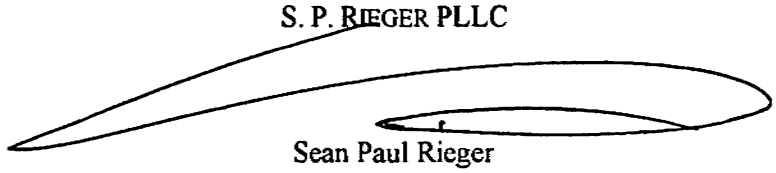
City of Norman
City Council
201 West Gray
Norman, OK 73069

RE: 710 Asp Avenue Project

Dear Norman City Council,

I represent the Applicant in the above referenced project. This project was postponed previously and is scheduled to be on second and final reading at the June 11, 2013 City Council meeting. Please accept this letter as our request to please postpone the second and final reading hearing on this item. We request that the item be postponed and placed for second reading, final hearing, at the City Council meeting on June 25, 2013. We thank you for your assistance and consideration.

Very Truly Yours,
S. P. RIEGER PLLC



Sean Paul Rieger
Attorney at Law • Architect • Broker

R-1112-129
LUP-1112-6

A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING THE NORMAN 2025 LAND USE AND TRANSPORTATION PLAN SO AS TO PLACE PART OF THE NORTHWEST QUARTER OF SECTION THIRTY-ONE (31), TOWNSHIP NINE (9) NORTH, RANGE TWO (2) WEST OF THE INDIAN MERIDIAN, NORMAN, CLEVELAND COUNTY, OKLAHOMA, IN COMMERCIAL DESIGNATION AND REMOVE THE SAME FROM THE HIGH DENSITY RESIDENTIAL DESIGNATION AND OFFICE DESIGNATION. (Located at 612 Asp Avenue, 421-427 Buchanan Avenue, 710 Asp Avenue and the adjacent lot to the south)

§ 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, N.E. Development has requested that the following described property be moved from the High Density Residential Designation and Office Designation and placed in the Commercial Designation for the hereinafter described property, to wit:

A tract of land being a part of the Northeast Quarter (NE/4) of Section Thirty-One (31), Township Nine (9) North, Range Two (2) West, of the Indian Meridian, Norman, Cleveland County, Oklahoma, being more particularly described as follows:

BEGINNING at the Northeast corner of Lot 6, Block 1 of Larsh's University Addition, said point being a point on the West right-of-way line of Asp Avenue; THENCE South 0°00'00" East along said right-of-way line a distance of 150.00 feet to the Southeast corner of Lot 8, Block 1 of said final plat; THENCE North 90°00'00" West along the South property line of said Lot 8 a distance of 230.00 feet (of the 240.00 feet as shown on said final plat); THENCE North 0°00'00" East a distance of 325.00 feet to a point within Lot 2, Block 1 of said final plat; THENCE South 90°00'00" East within said Lot 2, Block 1 a distance of 230.00 feet to a point on the West right-of-way line of Asp Avenue of said Lot 2, Block 1 of said final plat; THENCE South 0°00'00" East along said West right-of-way line a distance of 75.00 feet to the Southeast corner of Lot 3, Block 1 of said final plat; THENCE North 90°00'00" West along the South property line of said Lot 3 a distance of 130.00 feet; South 0°00'00" West a distance of 100.00 feet to a point on the North property line of Lot 6, Block 1 of said final plat; THENCE South 90°00'00" East along said North property line a distance of 130.00 feet to the POINT OF BEGINNING.

Said tract contains 61,754 square feet, or 1.42 acres, more or less.

RECREATION EDUCATION THE CITY OF NORMAN OKLAHOMA RESEARCH HEALTH INDUSTRY

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

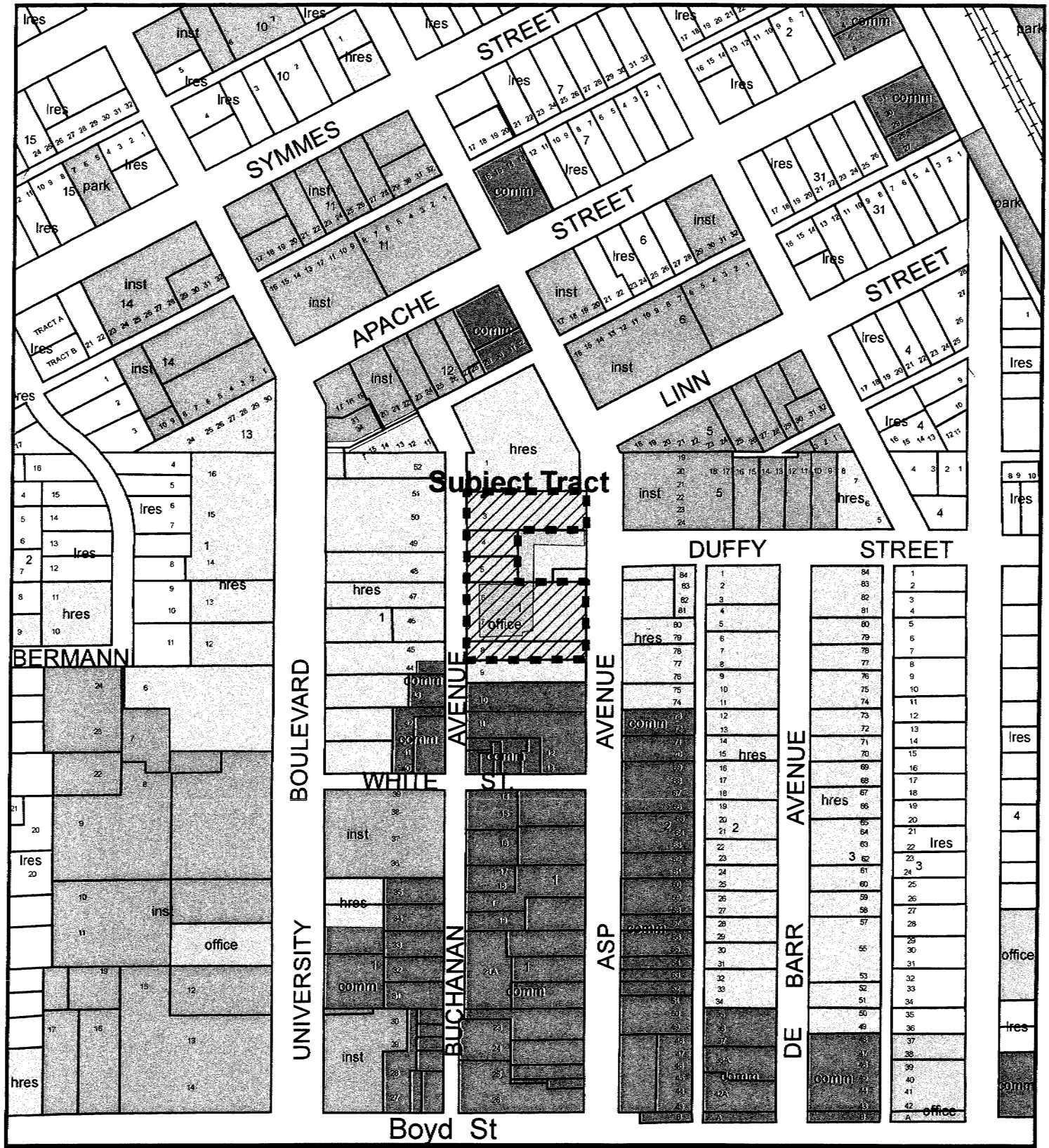
§ 4. That the Council of the City of Norman recognizes the need to control the future growth of the City of Norman; and, that after due consideration has determined that the requested amendment to the NORMAN 2025 Land Use and Transportation Plan should be adopted, and does hereby approve the requested designation.

PASSED AND ADOPTED this _____day of_____, 2013.

_____
(Mayor)

ATTEST:

_____
(City Clerk)



Norman 2025 Land Use Plan

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

September 4, 2012

0 125 250 Ft.

Subject Tract

Zoning

Presented to: Planning Department
City of Norman
Norman, OK.

Date: May 7, 2013

Project: Campus Corner Project – Asp Avenue
612 / 700 / 710 Asp Ave.
421 – 427 Buchanan Ave.
Norman, OK.

Purpose: Notification of Developer of Record

DEAR CITY STAFF:

Please accept this notification regarding the above referenced project. Formerly referred to as Risser/B3 Development Group, the Developer of Record for the proposed project will be:

N.E. Development
420 Southfork Drive
Lewisville, TX. 75057
972.221.0095
www.neconstruction.net
Contact #1: Charlie Moussa (972)221.0095
Contact #2: Ben Sellers (405)802.6993
bsellers@nedevelopment.net

We will serve in a co-development role, and should continue to be included in communications.

Please let me know if you have any questions.

Respectfully,

Mark Risser

RESOLUTION NO. R-1112-129 ITEM NO. 6a

STAFF REPORT

ITEM: Mark Risser/B3 Development Group request amendment of the NORMAN 2025 Land Use and Transportation Plan (LUP-1112-6) from High Density Residential Designation and Office Designation to Commercial Designation for property located at 612 Asp Avenue, 421-427 Buchanan Avenue, 710 Asp Avenue and the adjacent lot to the south.

SUMMARY OF REQUEST: This applicant is requesting a change in the 2025 Land Use and Transportation Plan from Office and High Density Residential Designations to Commercial Designation. The current zoning for this area of development is C-1, Local Commercial District, CO, Suburban Office Commercial District and R-3, Multi-family Dwelling District. There are three land uses on the sites included in this proposal; multi-family, office and commercial/retail. The uses proposed for the new development are the same; multi-family, office and commercial/retail. The applicant intends to develop the area into a Mixed Building consisting of a parking garage, commercial/retail space and apartments. This proposed Mixed Building use is permitted as a Special Use under the C-3 zoning district. The project will be one building. This single building will wrap around creating a six story "U Shape" structure. The parking garage will house approximately 250 parking spaces and occupy the first and second floors. The first floor parking will share approximately 7,500 square feet with the commercial/retail proposal. The remaining four floors will house apartments. At this time the unit count for the apartments is 200 dwelling units with 230 bedrooms. However, this number is still preliminary.

The 2025 Plan identifies two criteria that must be examined before a land use change is approved.

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.*** Over the last year there have been several developments in this general vicinity that have proposed higher residential densities and another that proposed a mixed use development. Currently there is an apartment development to the north east of this proposal, located south of Duffy Street on the east side of Monnett Avenue. There is a five-story condominium development just east of the railroad tracks on the north side of Boyd Street, as well as a future three-story mixed use development at the northwest corner of Boyd and Monnett Avenue. This area near the University of Oklahoma and Campus Corner as well as other commercial/retail and office developments are creating growth in this area.

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.*** The University of Oklahoma is located to the south about one block. The Campus Corner retail area is about one-half block to the south of this proposal, as well as Main Street attractions about one-half mile to the northeast. There is an abundance of places/businesses in

this general area to frequent via bike, pedestrian trails, or sidewalks. With the limited parking around the University, Campus Corner and Main Street the location of this development gives the residents walking and biking options for accessing these areas. The parking incorporated into the design of the building helps eliminate larger sprawling parking lots. The area to be developed currently has four curb cuts along Asp Avenue. Of those four curb cuts one requires the driver to back into Asp Avenue, creating a traffic issue as it is located along a curve. This proposal eliminates two of the curb cuts which includes the unsafe curb cut. Asp Avenue is a two-way street, which creates access to both north and south destination points for the residents. The west side of the development is Buchanan Avenue. There are five curb cuts along Buchanan Avenue. Of those five curb cuts, three back into the street also creating unsafe traffic issues. This proposed development has eliminated all curb cuts along Buchanan Avenue.

STAFF RECOMMENDATION: The Campus Corner area is typically zoned C-2, General Commercial District and C-3, Intensive Commercial District. The Land Use and Transportation Plan designates the Campus Corner area along the west side of Asp Avenue up to one lot south of this development as Commercial Designation. This request for a change in Land Use Designation is a formality as the current Land Use Designation would allow high density residential and office at present. The Land Use and Zoning request for this development is a continuation of what is already established in the Campus Corner area. Due to the close proximity to the University, Campus Corner and Main Street the residents will be able to walk or bike to many destinations. As noted above, destination points continue to develop and the demand for places such as this proposal increase. Staff recommends approval of this 2025 Land Use & Transportation Plan Amendment from High Density Residential and Office Designations to Commercial Designation.

City of Norman Predevelopment **July 26, 2012**

Applicant	Mark Risser/B3 Development Group
Location	Generally located at 612 and 710 Asp Avenue and 421-427 Buchanan Avenue
Case Number	PD 12-27
Time	5:30-6:00 PM

Attendee	Stakeholder	Address	Phone
Mark Risser	Applicant	10999 Petal St. Dallas, TX 75238	329-6070
Janice Oak	Neighbor/Interested Party	111 W. Linn St.	292-8224
Steve Davis	Neighbor/Interested Party	539 Shawnee St.	550-7758
Jayne Crumpley	Neighbor/Interested Party	423 Elm Ave.	321-2563
Linda Lancaster	Neighbor/Interested Party	700 Asp Ave.	517-1381
Rocky & Jane Martin	Neighbor/Interested Party	523 S. University Blvd.	573-7773
Rev. Dwight Helt	Neighbor/Interested Party	235 Asp Ave.	321-3020
Council Member Greg Jungman	Neighbor/Interested Party	642 S. Lahoma	250-6145
Tracy Gordon	Neighbor/Interested Party	700 Asp Ave.	650-9676
Ann Groff	Neighbor/Interested Party	806 Mockingbird	329-3900
Council Member R. Gallagher	Neighbor/Interested Party	1522 E. Boyd St.	329-4395
Cindy Rogers	Neighbor/Interested Party	633 Reed Ave.	397-3067
Dennis & Barbara Fite	Neighbor/Interested Party	535 Shawnee	808-8553

Jeanette Coker	Neighbor/Interested Party	620 E. Main	321-5944
Bill Waterhouse	Neighbor/Interested Party	428 Buchanan	360-1727
Nancy Yoch	Neighbor/Interested Party	617 Okmulgee	329-7042
John BuFran			
Ken Danner	City Staff – Public Works Department		366-5458
Jane Hudson	City Staff – Planning Department		366-5344
Leah Messner	City Staff –Legal Department		271-7700
Terry Floyd	City Staff – Development Coordinator		366-5446

Application Summary The applicant, Mark Risser/B3 Development Group request rezoning from C-1, Local Commercial District, CO, Suburban Office Commercial District and R-3, Multi-Family Dwelling District to C-3, Intensive Commercial District with Special Use for a Mixed Building for property generally located at 612 Asp Avenue, 421-427 Buchanan Avenue, 710 Asp Avenue and the adjacent lot to the south.

Applicant's Opportunity This is our third Pre-Development meeting due to some changes we have made to the proposal. We started with one parcel and have now added 2 more parcels. We had previously proposed to only use the lot where NEDC is currently located. Now we have included an additional area along Buchannan and an area north along Asp Avenue. We plan to relocate NEDC temporarily while we construct a mixed use, multi-family building. The first two floors of the building will have commercial/retail and parking which accesses off Asp Avenue on both the north and south ends of the development. The balance of the building height will be residential, not limited to student housing. Currently we are estimating 230 units. There will be a mixture of bedroom counts within those units but the bedroom count is not set at this time. Our goal for this development is to bring added activity and life in and updated feature to the Campus Corner area and near the OU Campus itself. The surface parking currently at this location is dilapidated. Foot traffic from developments such as this can bring more business to merchants in Campus Corner Area. Concern is to create a lot of open space even though the building

is on a tight lot. We have created an elevated second floor court yard as well as stepping back the building so that we have green space that are elevated. I am from Norman, I grew up in Norman. With these types of development it is my intent to keep Norman's best interest in mind.

Neighbor's Question/Comment
How far back is building from Buchanan?

Applicant's Response
15' off street (There is 15' between the sidewalk and the building)

Neighbor's Question/Comment
How close is the building to Buchanan

Applicant's Response
10' off Buchanan

Neighbor's Question/Comment
What is the height in feet and how does it compare to the buildings in the vicinity?

Applicant's Response
It is about 70 feet; the 2 buildings which are about the same are on Main Street, Republic Bank and Vista.

Neighbor's Question/Comment
How tall is McFarland Tower?

Applicant's Response
Don't know but it is taller than our building.

Neighbor's Question/Comment
How far away are buildings you referred to on Main?

Applicant's Response
About 3 blocks

Neighbor's Question/Comment
What is your parking ratio?

Applicant's Response
We are proposing one parking space per bedroom, and will accommodate commercial spaces as well. Parking count will boil down to what the unit count is but at this time we don't have a definite unit count.

Neighbor's Question/Comment
How much guest parking will be provided?

Applicant's Response

Again the parking will depend on the unit count but at this time a rough estimate might be 5-20 spaces for guests.

Neighbor's Question/Comment
Depending on how many students, with 15-20 spaces that is just not a realistic number of guest parking for core area developments

Neighbor's Question/Comment
Will you comply with the ADA requirements?

Applicant's Response
Yes, we will comply.

City of Norman Predevelopment **April 26, 2012**

Applicant	B3 Development Group
Location	Generally located on the west side of Asp Avenue just south of the Duffy Street and Asp Avenue intersection
Case Number	PD 12-17
Time	7:00-7:30 PM

Attendee	Stakeholder	Address	Phone
Mark Risser	Applicant Architect	-	214-460-1636
Yola Risser	Applicant	-	-
Ty Hardiman	Neighbor	630 Miller Avenue	-
Andrea Loughridge	Neighbor	226 E. Duffy Street	321-1777
Teresa Rhymes	Neighbor	1917 Vanessa Dr.	249-2138
Linda Lankister	Neighbor	700 Asp Avenue	517-1381
Kirk Milby	Neighbor	310 S. University	834-4168
John Martin	Neighbor	-	625-4346
Rocky & Jane Martin	Neighbor	523 S. University Blvd.	571-7773
John DuFran	Neighbor	409 S. University Blvd	306-0003
Ron Robinson	Neighbor/NEDC	2601 Wood Hollow	701-1907
Don Wood	Neighbor/NEDC	2715 72nd Avenue SE	573-1900
Leah Messner	City Staff – Legal		217-7748
Ken Danner	City Staff – Public Works Department		366-5458
Jane Hudson	City Staff – Planning Department		366-5344

Application Summary. The applicant is proposing a "mixed use" development consisting of a parking garage with approximately 230 spaces, commercial/retail consisting of

approximately 7,500 square feet and apartment housing with approximately 116 units. The vision of this project is to being a higher level of housing to the Campus Corner District. We would like to create a high density mixed use project which will enhance the pedestrian friendly area of Campus Corner, allowing residents to frequent the retailers and conveniently walk or bike to all that the University of Oklahoma campus and main Street of Norman have to offer.

Applicant's Opportunity

City of Norman Predevelopment **March 22, 2012**

Applicant	Mark Risser
Location	710 Asp Avenue
Case Number	PD 12-09
Time	6:30-7:00 PM

Attendee	**Stakeholder**	**Address**	**phone**
Mark Risser	Applicant	B3 Development 10999 Petal St Dallas, TX 75238	214-460-1636
Yola Risser	Applicant's wife	10999 Petal St Dallas, TX 75238	214-460-1636
Julie Schubert	Applicant's employee	401 Lofts 401 E Boyd St	
Mell Trissel	Applicant's banker	Coppermark Bank OKC	
John & Sheri Lungren	Neighboring owners		
Don Wood	Subject Property owner	NEDC 710 Asp Avenue	
Ben Odom	Representative, neighboring church	2350 McKown Drive Norman	701-1863
Judy Hatfield	Neighboring owner	Equity Realty PO Box 1763 Norman 73070	640-6167
Dak Hatfield	Interested party		
Kirk Milby	Neighboring owner	310 S University	834-4168
Linda Lankister	Neighboring owner	700 Asp	517-1391
Marty Coltrane	Neighboring owner	305 S Peters	202-2022

Dean Harrington	Interested party	1228 Broad Acres Dr	760-0306
Keith McCabe	Neighboring owner	753 Asp	818-1097
Susan Atkinson	City staff		366-5392
Doug Koscinski	City staff		
Leah Messner	City staff		

Application Summary. The applicant and his partners are seeking to rezone a .8-acre parcel in Campus Corner from C-1, Local Commercial to C-3 Intensive Commercial with a Special Use Permit for a Mixed Use Building. *The Norman 2025 Land Use Plan* designation is Commercial.

Applicant's Opportunity. The applicant has a option to purchase this parcel which currently houses the Norman Economic Development Council offices and parking lot. The applicant proposes to redevelop the parcel to become a single building, mixed-use development that would include office/retail on the ground floor, a two-floor parking garage with 150 spaces, and 80+/- of 1 and 2-BR apartment units for a total of six stories.

The applicant and his partners believe this is a product that doesn't exist in Norman at present and he believes there is market demand for this type of housing product which he has witnessed in other urban markets such as Dallas, Austin and Tuscaloosa. The building would include a rooftop courtyard and would have a 2nd floor pool. While the building would front on Asp, four-sided design would be used so the building would not turn its back on Buchanan.

Neighbors' Questions and Comments.

Q. Will this development compete for tenants with existing landlords?

Applicant's Answer. Applicant stated that this development would not target students so he did not envision it as creating competition for existing area landlords.

Q. How will drainage be handled?

Applicant's Answer. On-site and internally so there would be no need for on-site retention.

Q. Will a traffic study be required?

Staff Answer. 100 trips per hour triggers traffic study requirement. This development not anticipated to generate that level of traffic.

Q. What is the anticipated timing of construction?

Applicant's Answer. Anticipate a delivery date of July 2013 so would begin construction as soon as they can get the required permit review, in other words ASAP.

Q. What would site lighting be?

Applicant's Answer. Majority of site lighting would be in the courtyard and would be uplit.

NORMAN PLANNING COMMISSION
REGULAR SESSION MINUTES

JULY 12, 2012

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 July 2012. Notice and agenda of the meeting were posted at the Norman Municipal Building and online at http://www.normanok.gov/content/boards-commissions twenty-four hours prior to the beginning of the meeting.

Chairman Andy Sherrer called the meeting to order at 6:30 p.m.

* * *

Item No. 1, being:
ROLL CALL

MEMBERS PRESENT	Dave Boeck Jim Gasaway Cynthia Gordon Tom Knotts Andy Sherrer
MEMBERS ABSENT	Diana Hartley Curtis McCarty Roberta Pailes Chris Lewis

A quorum was present.

STAFF MEMBERS PRESENT	Susan Connors, Director, Planning & Community Development Jane Hudson, Principal Planner Ken Danner, Subdivision Development Manager Roné Tromble, Recording Secretary Kathryn Walker, Asst. City Attorney Larry Knapp, GIS Analyst Terry Floyd, Development Coordinator Scott Sturtz, City Engineer

* * *

Item No. 8, being:
CONSIDERATION OF A REQUEST SUBMITTED BY MARK RISSER/B³ DEVELOPMENT GROUP FOR PROPERTY LOCATED AT 710 AND 730 ASP AVENUE AND 421-427 BUCHANAN AVENUE.

8A. RESOLUTION NO. R-1112-129 – MARK RISSER/B³ DEVELOPMENT GROUP REQUEST AMENDMENT OF THE NORMAN 2025 LAND USE AND TRANSPORTATION PLAN (LULP-1112-6) FROM HIGH DENSITY RESIDENTIAL DESIGNATION AND OFFICE DESIGNATION TO COMMERCIAL DESIGNATION FOR PROPERTY LOCATED AT 710 AND 730 ASP AVENUE AND 421-427 BUCHANAN AVENUE.

8B. ORDINANCE NO. O-1112-38 – MARK RISSER/B³ DEVELOPMENT GROUP REQUEST REZONING FROM C-1, LOCAL COMMERCIAL DISTRICT, AND RO, RESIDENCE-OFFICE DISTRICT, TO C-3, INTENSIVE COMMERCIAL DISTRICT, WITH SPECIAL USE FOR A MIXED BUILDING FOR PROPERTY LOCATED AT 710 AND 730 ASP AVENUE AND 421-427 BUCHANAN AVENUE.

ITEMS SUBMITTED FOR THE RECORD:
1. Location Map
2. Applicant's Request for Continuance

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:
1. Chairman Sherrer noted that the applicant has requested a 30-day postponement on these items.

Dave Boeck moved to postpone Resolution No. R-1112-129 and Ordinance No. O-1112-38 for 30 days. Tom Knotts seconded the motion.

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

YEAS	Dave Boeck, Jim Gasaway, Cynthia Gordon, Tom Knotts, Andy Sherrer
NAYES	None
ABSENT	Diana Hartley, Curtis McCarty, Roberta Pailes, Chris Lewis

Ms. Tromble announced that the motion to postpone Resolution No. R-1112-129 and Ordinance No. O-1112-38 for 30 days passed by a vote of 5-0.

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NORMAN PLANNING COMMISSION
REGULAR SESSION MINUTES

AUGUST 9, 2012

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 9th day of August 2012. Notice and agenda of the meeting were posted at the Norman Municipal Building and online at http://www.normanok.gov/content/boards-commissions at least twenty-four hours prior to the beginning of the meeting.

Chairman Andy Sherrer called the meeting to order at 6:30 p.m.

* * *

Item No. 1, being:
ROLL CALL

MEMBERS PRESENT	Dave Boeck Jim Gasaway Diana Hartley Curtis McCarty Roberta Pailes Chris Lewis Andy Sherrer
MEMBERS ABSENT	Cindy Gordon Tom Knotts

A quorum was present.

STAFF MEMBERS PRESENT	Susan Connors, Director, Planning & Community Development Jane Hudson, Principal Planner Ken Danner, Subdivision Development Manager Roné Tromble, Recording Secretary Leah Messner, Asst. City Attorney Larry Knapp, GIS Analyst Terry Floyd, Development Coordinator

* * *

Item No. 7, being:
CONSIDERATION OF A REQUEST SUBMITTED BY MARK RISSER/B3 DEVELOPMENT GROUP

7A. RESOLUTION NO. R-1112-129 – MARK RISSER/B3 DEVELOPMENT GROUP REQUEST AMENDMENT OF THE NORMAN 2025 LAND USE AND TRANSPORTATION PLAN (LUP-1112-6) FROM HIGH DENSITY RESIDENTIAL DESIGNATION AND OFFICE DESIGNATION TO COMMERCIAL DESIGNATION FOR PROPERTY LOCATED AT 612 AND 710 ASP AVENUE AND 421-427 BUCHANAN AVENUE.

7B. ORDINANCE NO. O-1112-38 – MARK RISSER/B3 DEVELOPMENT GROUP REQUEST REZONING FROM C-1, LOCAL COMMERCIAL DISTRICT, CO, SUBURBAN OFFICE COMMERCIAL DISTRICT, AND R-3, MULTI-FAMILY DWELLING DISTRICT, TO C-3, INTENSIVE COMMERCIAL DISTRICT WITH SPECIAL USE FOR A MIXED BUILDING, FOR PROPERTY LOCATED AT 612 AND 710 ASP AVENUE AND 421-427 BUCHANAN AVENUE.

ITEMS SUBMITTED FOR THE RECORD:
1. Location Map
2. Staff Memo requesting Postponement

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:
Chris Lewis moved to postpone Resolution No. R-1112-129 and Ordinance No. O-1112-38 for one month. Diana Hartley seconded the motion.

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

YEAS	Dave Boeck, Jim Gasaway, Diana Hartley, Curtis McCarty, Roberta Pailes, Chris Lewis, Andy Sherrer
NAYES	None
ABSENT	Cindy Gordon, Tom Knotts

Ms. Tromble announced that the motion to postpone Resolution No. R-1112-129 and Ordinance No. O-1112-38 for one month passed by a vote of 7-0.

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NORMAN PLANNING COMMISSION
REGULAR SESSION MINUTES

SEPTEMBER 13, 2012

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 13th day of September 2012. Notice and agenda of the meeting were posted at the Norman Municipal Building and online at http://www.normanok.gov/content/boards-commissions at least twenty-four hours prior to the beginning of the meeting.

Vice Chairman Chris Lewis called the meeting to order at 6:30 p.m.

* * *

Item No. 1, being:
ROLL CALL

MEMBERS PRESENT	Dave Boeck Jim Gasaway Cindy Gordon Tom Knotts Curtis McCarty Roberta Pailes Chris Lewis
MEMBERS ABSENT	Diana Hartley Andy Sherrer

A quorum was present.

STAFF MEMBERS PRESENT	Susan Connors, Director, Planning & Community Development Jane Hudson, Principal Planner Ken Danner, Subdivision Development Manager Roné Tromble, Recording Secretary Leah Messner, Asst. City Attorney Jeff Bryant, City Attorney Rick Hoffstatter, GIS Analyst Terry Floyd, Development Coordinator Scott Sturtz, City Engineer

* * *

Vice Chairman Lewis noted the request for postponement submitted by the applicant for Item 11, OSOI Tecumseh Development, L.L.C. and NE Development, L.L.C. (R-1213-36, O-1213-11, and PP-1213-4).

Curtis McCarty moved to postpone Item Nos. 11a, 11b and 11c until the October 11, 2012 Planning Commission meeting. Tom Knotts seconded the motion.

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

Item No. 6, being:
CONSIDERATION OF A REQUEST SUBMITTED BY MARK RISSER/B3 DEVELOPMENT GROUP

6A. RESOLUTION NO. R-1112-129 – MARK RISSER/B³ DEVELOPMENT GROUP REQUEST AMENDMENT OF THE NORMAN 2025 LAND USE AND TRANSPORTATION PLAN (LUP-1112-6) FROM HIGH DENSITY RESIDENTIAL DESIGNATION AND OFFICE DESIGNATION TO COMMERCIAL DESIGNATION FOR PROPERTY LOCATED AT 612 ASP AVENUE, 421-427 BUCHANAN AVENUE, 710 ASP AVENUE AND THE ADJACENT LOT TO THE SOUTH.

ITEMS SUBMITTED FOR THE RECORD:
1. 2025 Map
2. Staff Report
3. Pre-Development Summary 7/26/12
4. Pre-Development Summary 4/26/12
5. Pre-Development Summary 3/22/12
6. Excerpt - August 9, 2012 Planning Commission Minutes

6B. ORDINANCE NO. O-1112-38 – MARK RISSER/B³ DEVELOPMENT GROUP REQUEST REZONING FROM C-1, LOCAL COMMERCIAL DISTRICT, CO, SUBURBAN OFFICE COMMERCIAL DISTRICT, AND R-3, MULTI-FAMILY DWELLING DISTRICT, TO C-3, INTENSIVE COMMERCIAL DISTRICT WITH SPECIAL USE FOR A MIXED BUILDING, FOR PROPERTY LOCATED AT 612 ASP AVENUE, 421-427 BUCHANAN AVENUE, 710 ASP AVENUE AND THE ADJACENT LOT TO THE SOUTH.

ITEMS SUBMITTED FOR THE RECORD:
1. Location Map
2. Staff Report
3. Project Written Description
4. Rendering – Asp Avenue Elevation
5. Second Floor Plan
6. Site Plan
7. Sidewalk Plan

PRESENTATION BY STAFF:
1. Ms. Hudson – The first application is an update to the NORMAN 2025 Plan. If granted, the area will be commercial designation. The second application is for the rezoning. The existing zoning is C-1, R-3, and CO. The existing land use shows residential, office, and commercial. There were protests submitted for this application, totaling 16.5%. Staff has no recommendation. This comes at the heels of the high density discussion that has been going on all summer, and a report has not been submitted to Council at this time for further direction. The applicant is here with a presentation and to answer any questions you may have.

PRESENTATION BY THE APPLICANT:
1. Mark Risser, 333 Rocky Point Court, Sunnyvale, TX – Sean Rieger is a representative of the project as well. Darren Davis is my development partner on the project. I'm going to allow him to introduce himself as well.

2. Darren Davis, Austin, TX – I want it to be known first and foremost that I am a Sooner through and through. I'm glad to be here. This feels good. Living in Austin is a strange thing when you're a Sooner. When Mark called me about this project – Mark had known that I have some development experience and we had really done some multi-family and living in Austin, Texas we've had a high-density urban lifestyle revitalization in Austin. I was pretty excited to come up here and learn a little bit more about it. As I came up and looked at it, I kind of thought I know where Campus Corner is; I know where downtown is; I know where campus is. But I couldn't quite figure out the location. As we came up here and looked, I said I don't think you have a better site for a high-density project. I said you've got the University on the south end, which is a few hundred yards away, and you've got low-rise, mid-rise, high-rise. Then on the

north side you have the revitalization effort of the downtown which is only, again, a few hundred yards away. You've got these two bookmarks which really are marquee for Norman. I said what a better place to put in the aesthetics of a building like this, along with the density, to provide everything to connect those two bookends. So I was very excited to be a part of this opportunity, and I think as Planning & Zoning looks at this project, I don't know if it's a better project that you could put anywhere else in Norman than a high-density project such as this one.

3. Mr. Risser – Thank you, Darren. Again, we appreciate the opportunity to present the proposed project and I want to reiterate why we're here today. That is a rezoning effort. The properties are currently zoned C-1, CO, and R-3. What we're asking for today is to rezone that property to C-3. A lot of folks might ask why is this project important for Norman and why do we want this project in Norman? Well, one of the beauties of Norman and our community is that we offer a lot of variety on different living environments. We have the older downtown district, we have the tree-lined residential areas near campus, we have the west side which is a little bit more of a suburban type lifestyle, and then we have acreage lots similar to what you'd see on the east side of Norman. But what Norman does not have today is the opportunity to provide our community with a high-density project such as this that is in the heart of the urban community and the Campus Corner and downtown districts. That being said, our primary focus for this project again is to offer more choices for the community of Norman. In today's world, you have a lot more empty-nesters, you have a lot more young professionals, you have a lot more young families without children who actually would choose to live in a higher density project such as this rather than a rural area or a suburban area. Right now, if you were to take a survey across America, six out of ten prospective residents actually prefer a mixed-use or a high-density project when they're talking about living in an urban environment. Throughout the summer, there has been a series of discussions and there's been some talk about the perception of high-density. Being familiar with the Austin and Dallas markets, we understand that there is a perception that high-density may or may not fit within our community. But rest assured that these projects are extremely successful in college-based communities, such as ours, all over the country. There's not necessarily a magical answer as far as what density means, as far as how many units per acre, what a building height should look like. That's purely driven by the market and what the community will accept. We also know that renting is on the rise in America. There are more and more people that are opting to rent as opposed to buy. This would be an apartment project for rent in a walkable, obviously a very pedestrian-friendly community. It's just simply another lifestyle way of living that we're not offering today that we feel that the community deserves.

4. Mr. Davis – One thing that we've experienced in Austin -- when I first moved there in 2000 there wasn't high-rises downtown and Austin was looking for a way to revitalize the downtown. I kind of wanted to go to that small, sleepy college town. What we saw happening there was that just the green effect that it brought to the city for the merchants, the economy, the traffic – everything that it did. As I mentioned earlier, if you look at the location of this project, you're virtually connecting those two bookends on that. So I don't know if the Commission has had a lot of experience. I had virtually none ten years ago, but living in that environment today it's absolutely been one of the more powerful things that have happened to the community with all of the friendly environment, the convenience, everything from putting the community in a close-knit space.

5. Mr. Risser – Again, we recognize that there have been some questions with regard to building design, the scale of the building. We have recognized those questions and those concerns and we've gone through a pretty extensive design effort in order to address some of those. As you will see in the presentation, we have developed and created a new updated building image of what we perceive this project looking like. The lower left would be a view toward the building looking up Asp and the upper aerial view is a similar view looking toward the

north. One of the things that we're trying to do is create a façade on the building utilizing rich materials, utilizing different architectural elements to create visual interest so that, as we've heard about and studied in some of the sessions that we've gone to about stepping back the building and creating a less massive appeal, and we feel like we've accomplished that with the materials and the design of the façade. The building structure itself is composed of a two-story parking garage with four levels of apartments above that. There would be commercial office space that fronts Asp. The parking garage will basically be the same footprint on the first and second floor. We'd be limiting the ingress and egress of the vehicles to two locations onto Asp Avenue. Those would be very well indicated with regard to both the vehicular ingress and egress, as well as the pedestrian area. We understand that that's a highly trafficked area and will do what is necessary to ensure that vehicles coming in and out of that project are doing so appropriately. Again, going back to scale, we feel that the building and the project that we have proposed here today fits very well in the scale of the context in which it is. We've got buildings to the north and buildings to the south that are of similar type scale of the building that we're proposing. Another concern that we recognize is the traffic and the parking. We understand the importance of addressing both of those issues. The parking that we are proposing – this is obviously not a parking garage that is designed to facilitate Campus Corner, but we have adequate parking to accommodate all of our residents and commercial tenants as well. Again, with responding to context and what's out there today, there are larger buildings both to the south 600 yards away as well to the north, so we feel like the scale of the project is appropriate for the area in which we're proposing. One of the things that this project will do is it will attract students and will attract a higher level of folks that are wanting to live in an urban environment that we aren't offering today.

Next on the list here is the economic impact. We won't get into exactly what happens, but we all can recognize that a project of this magnitude is going to provide jobs and going to provide income and tax dollars to the community. The National Association of Home Builders has done studies on projects of this size and if you guys would like to learn more about what that might represent, we can certainly provide that for you. A project of this size, of up to 178 units, could yield upwards of 174 jobs in its first year of construction, and could bring in upwards of $11 million to the economy during that first year. It will obviously have a ripple effect after that; once the project is stabilized the community could recognize up to 45-50 jobs in the area and, again, an annual income base of over $3 million.

6. Mr. Rieger – I don't want it to be lost that also the economic impact is to the merchants in the area. One of the things that just happened recently – and I want to make sure you think about it – is Native Roots just recently announced that they're moving to Deep Deuce. They're moving to a project a lot like this – a project that has high density that can support commerce like that right around them. It's a shame that we're losing them, but this kind of project not just has an effect across the whole community, but it has a tremendous effect to the immediate area around it – the Campus Corner merchants and downtown merchants. Perhaps when this project goes in we don't lose a Native Roots again. So I don't want you to lose that thought.

7. Mr. Risser – So with that, and with this presentation, we just want everyone to consider what a little bit of forward thinking and approval of a project like this might bring to the community. With that, we will take questions or address anything that you guys have.

8. Mr. Boeck – One of my questions is the plans. You talk about up to 178 units. What's the design of these plans? In a college community, there's a lot of units that are designed with four bedrooms and individual bathrooms for students specifically. How are you gearing this design process? What kind of people are you designing this for?

9. Mr. Risser – You can see by the design of the project it's an upper scale product – at least that's what we envision. This is not a student housing project. It is market rate apartments open to whomever would choose to live in it. We actually are not specifically targeting the students

the same way some projects do with the 4-bedroom type floorplans. With that said, our mix is about 70/30 1 bedrooms to 2 bedrooms, so we're actually a lot more ones than anything. We do not have threes and fours at this time, nor do we plan on going that route. There will be a typical dual type master, if you will, in the 2 bedrooms, and the one bedrooms will be standard apartment floorplans and then we'll have some studio apartments. Did that answer your question?

10. Mr. Davis – One thing I'd like to add, Mr. Boeck, is we did some preliminary underwriting with HUD and the feedback we got from them that this is a market rate product, not considered student housing. The demand is for this product. So that was our initial conversations in looking at our lending process.

11. Mr. Boeck – Speaking of HUD, are you designing this – I guess it's all rental units. Is there a certain percentage of – you know, one of my concerns is rates that exceed some people's income that want to still live in an area like this. Is there – have you mixed your rents to possibly allow for lower – medium/low income people to live in an apartment complex like this?

12. Mr. Davis – That's a very good question. Just so you know, I work on affordable housing in Austin, so it's near and dear to my heart. The group that we were talking to and the lending was not an affordable component to it.

13. Mr. Risser – However, that said, like I said, we do have studio apartments designed in the project which would allow for a lower rent rate.

14. Mr. Gasaway – Looking at some of the paperwork we've seen, you had mentioned some live/work spaces. Would you explain what that means and how that works?

15. Mr. Risser – Yes. The leg on the north side of the building would have two floors of studios which could be utilized either for an art studio – that could also be an apartment. They will be designed more as an open space that can kind of be utilized as someone chooses. There will be an entrance specifically to the north side of the building, which would facilitate those units as well. As you can see with the building, what we've done is we've created a lot of ins and outs and a lot of variations with the façade. There is a second story large green space. In this area between the two buildings would be a pool deck with green space, cabanas, and an amenity center. Then this would be the commercial space fronting Asp. The leasing office would be on the corner. The sidewalk area would be a plaza type environment, creating again a very pedestrian-friendly feel as you're traveling across the building. We've utilized some different building materials and setbacks with our window and our fenestration to allow for a better human scale as you're walking down the sidewalk. There's another pocket right here and then the north leg of the building which I was referring to that would house the live/work units would be back here on this side. It would be a vertical circulation corridor in this side of the building as well as this side of the building, so there would be two elevator banks. Guest parking would be non-gated so the general public could come in, pull into the parking garage and park without going through the gates. The gates would be internal and would be for residents only. So once you pass through the gate you would need to be a resident in order to go up there and park in those areas. The second floor, alongside the commercial space, would house a state-of-the-art fitness center. That fitness center would be available to both the residents and the commercial tenants as well. We have a fourth floor club room which would be a wonderful gathering area for community folk to come and utilize as they wish, as well, which would overlook Campus Corner and views back down to the south and the campus area. Again, trying to create a lot of balconies, a lot of outcroppings within the building, to help minimize the scale of the project.

16. Mr. Rieger – I want to add a little bit to that. So often, Commissioners, you know when we're here with projects around OU we're talking about college housing. That's really all we've

ever talked about in Norman around OU in this area. But that's, as you're seeing, not what these projects are about. It's a whole new era for Norman that we're looking at the young professionals and that bookend approach that was discussed earlier between Campus Corner and Norman. I recall one time years ago where somebody told me that, gosh, we've got to look between downtown and Campus Corner and make something happen so we have some vibrancy and pedestrian walk and feel and connection. This is the beginning to that. This is where we start. This is how we launch that and make it happen. It's not student housing. It's a different approach to downtown and Campus Corner that will be incredibly dynamic.

17. Mr. McCarty – Mr. Risser, can you discuss a little bit about your setbacks, how you came up with your architectural design, as far as six stories – just what your thought process was through that versus maybe a smaller scale at the street level and stepping up to six floors possibly – just give us some basic understanding of the site plan and what your thoughts were.

18. Mr. Risser – Well, one of the things that we have to do – in order to create a product in this environment with the values that the land has, we have to achieve a certain amount of density on that, otherwise the project just simply isn't feasible from a land cost standpoint. When you get into downtown and urban areas, that's why you see the buildings are higher because the land is more valuable and, obviously, your unit count needs to reflect that. With regard to setbacks and the building size and site plan, we've basically utilized the site as we needed to or had to with regard to parking. Parking is what really drove this project and drove the height of it. We needed to facilitate a certain amount of vehicles within the garage and doing that yielded the building height. Now you could take the building and maybe take a portion of the top floor off, but then you don't create all of the ins and outs that create an interesting building such as this. The setback off of Asp is 20' from the building to the curb. So the building would be essentially on the property line on Asp, but having the 20' of what we're referring to as plaza space – which we would redevelop this area with a tree-lined walk, benches, landscaped lighting, and so forth – would be the front setback. The side setbacks – again, those were determined by the size of the parking garage. What we are trying to do is make sure that we can maintain some green space around this building as well as the sidewalk and bike path that runs down both the south side and on the north side. We have – actually, this is a parking lot on the south and then there is another commercial office right here. In order not to encroach on that commercial space any more than we need to, the building is pushed to the south so that we're going to hold 10-12' off of that property line and do a green space in between the building and the property to the north. The building on the far north, if you will – that leg – again the width of it is determined by the parking garage, which is essentially 64'. The lot is 75' wide, so we're going to have 11' to play with on our side yard setbacks on that side.

19. Ms. Pailes – We've just been through a lot of the high density discussions, as you are aware. Two virtues that are frequently mentioned is that it will reduce car space – traffic – by making people within walkable distance of their destination, such as work. So if this isn't aimed at students, that doesn't really apply. I mean, people can't walk to work, probably, from this location – or would not be expected to. We all recognize that if you're going to buy a pair of pants or a pound of hamburger, you're going to have to drive from Campus Corner to where those things are sold. So you're not going to be able to supply your basic daily needs from here by walking, and you can't go to work by walking. So that virtue doesn't really apply here. You'll be able to walk recreationally, which is a deal for older people. And you'll be able to walk to restaurants, but that's roughly it. You would not see traffic reduction because of high density in this location with this market. Is that fair?

20. Mr. Rieger – Well, I would disagree with you. Realize we said the target is not students, but the biggest employer in Norman, and in Cleveland County, in a big area is the University of Oklahoma. Significant number of professionals and professors and, obviously, a huge market in the University of Oklahoma. That, very much, could be people walking to work. Again, also, we

can't dispute that people are going to drive to a grocery store. Sure. Of course they are. But I think there are many, many trips that, when you put high density in places like this, that are taken away. The research shows that. The research shows, as you've seen in high density, that traffic count goes down from high density projects, because I would venture to guess absolutely that a lot of these folks will go down and eat at Campus Corner – will go down and shop at Campus Corner. So those trips are taken away.

21. Ms. Pailes – Actually, the research I found, which is admittedly online, says that high density adds to local traffic, because there's more people there. It reduces car trips overall in a general sense. But it inevitably, is the quote, adds to local traffic.

22. Mr. Rieger – I guess we could debate that. Some of the research I've seen from the Urban Land Institute says it reduces traffic, certainly from an overall traffic perspective it does.

23. Ms. Pailes – The second thing that is often listed as a virtue to high density – and this didn't really come up in the discussions in town – and so maybe it's not intended to be a virtue here – is that high density adds to open space. In essence, if you collect the people in one place you're leaving open space somewhere else that is maybe more valuable because it will have a large footprint – large integrity. Okay. So that discussion really never came up here, which is interesting. But I note that you are not obligated to dedicate any parkland. So this high density is not being offset by the normal parkland dedication, which would normally be fairly extensive for a big apartment like this. And you are not required to dedicate any open space. I just make that as a point – that of the two virtues that I would hold most dear in terms of high density, it doesn't appear that this meets either of those. That's the comment.

24. Mr. Rieger – Well, I think that's a debate as to how this is handled from a parkland perspective. But I would suggest that, when you put high densities into these areas, it brings an impetus for the City to invest in more of its recreational amenities in these areas. Imagine if Legacy Trail becomes a constant path of pedestrians because we start seeing projects like this. I would suggest to you that, if that happens, then you would see a tremendous investment from our community into Legacy Trail and other areas which, without the densities, you might not.

25. Ms. Pailes – But this group didn't contribute to that.

26. Mr. Rieger – Well, I think the residents would contribute.

27. Mr. Gasaway – I know you all have participated in some of the community discussions that we've had, and thank you all for being aware. With that in mind, what factors went into your determination to proceed with this now instead of waiting until the results of that study have been vetted through City Council?

28. Mr. Risser – Very good question. We participated in those discussions and, frankly, found them to be extremely helpful. They have actually driven a lot of our design and design values for the project. One of the things that we want to try to do with this project is present what can be. Sometimes there might be an arbitrary decision based on something that might limit what could be done. What we're trying to do is show you what can be done and why we believe that it works. We're trying to help the process along by displaying what the project is.

29. Mr. Knotts – Can you kind of explain to me why you're not using any access from Buchanan?

30. Mr. Risser – We feel that the Buchanan egress is obviously very limited. It's essentially a dead end road. We feel that it's much more appropriate to create two entrances off of Asp Avenue. Now if it becomes an issue and it makes sense to have an ingress only off Buchanan,

we can certainly look at that if it would help direct the flow of traffic. But, again, what we're trying not to do is have people exit the building onto basically a dead end road.

31. Mr. Knotts – I was thinking of ingress particularly.

32. Mr. Risser – Absolutely. That can be studied. If that makes sense and helps with traffic flow, then absolutely there's a possibility to do that.

AUDIENCE PARTICIPATION:

1. Barbara Fite, 535 Shawnee Street – A lot of this discussion has centered around business and I am a business owner on Campus Corner. I own Antique Garden. I have for ten years. I've devoted my life for the last ten years to making Campus Corner a better place. It has become a better place. It is now where everybody wants to be. We have issues with this high density – I do – for several reasons. One is it will increase traffic in an already dangerous area. Two is it's taking up 100 parking spaces that my customers and my employees now buy – I buy parking places and they park there. So those places will be gone. Parking is one of the biggest impediments we have to businesses on Campus Corner. Three is a bigger issue. I have a little bit more upper end retail store. I've been there on a daily basis for ten years. My customers love Campus Corner because it's unique and it's charming and the scale and history of Campus Corner is a lot what makes it that way. I want my high-end customers. I don't want students. I have them already. They are my market already. But I also get people driving in from Edmond, Tulsa, Oklahoma City because they love to shop here. That's who I want to encourage to come here, and this high density won't do it. It's rented. If he would do 401 Lofts right there it would be awesome and sell them to people who have disposable income. But this is not going to help my business. On the contrary, it will hurt it. The parking issue. The traffic issue. And the fact that this will draw students and it will ruin – to me – the feeling and scale of Campus Corner. It's too historical. Once that's gone, we can't get it back. So once the ambience of Campus Corner has been harmed, then it's a done deal and we can't fix it.

2. Don Wood – I guess I have about 50 of those parking spaces and I've yet to get a rent check from anyone for their parking in my spaces. So I don't know what she's talking about as far as people paying for parking in our spaces, because they're used but nobody is paying for that. We own 710 Asp – we – NEDC – the Norman Economic Development Coalition. We bought it 12 years ago. We bought it, and I remember Campus Corner 12 years ago. That was before the TIF – before we did the site improvements that were done there that I think helped the area a lot. There were not any stores that you necessarily wanted to go to there. I just have seen huge changes in Campus Corner, but the other thing I've seen is a constant flow of stores that have come in and they've been there for a year and then they're gone. They haven't made it. That's restaurants and stores. That's because there has not been enough people there to drive those markets – to drive the economics of those stores. If OU grows, that will help a little, but not much. If Norman grows, it will help a little, but not much. What's going to drive the economic vitality of downtown and Campus Corner is more people living in that area – more people going to the restaurants there. I talked to a friend of mine that moved to the Deep Deuce area because he wanted that lifestyle. I went to the Deep Deuce Grill on Tuesday by happenstance and drove right by Native Roots – it's right there in the Deep Deuce area. I see what's happening there. We need that option in Norman. We need to be able to see those kinds of opportunities for our merchants and for the housing opportunities for people. Mark didn't say it, but the commercial space he's talking about – that corner there would be NEDC's office. So we would not be leaving the area. We don't want to leave the area. That area is very important to us. So we would be on that ground floor level and our E-tech incubator would be on the second floor. So that's one of the things that we have an interest in this project for, because it allows us to stay in the area in the mixed use part of that.

3. Jeff Stewart, 1910 Pin Oak Circle – I'm with the Campus Corner Merchants Association. Our concern is primarily the parking is adequate in the unit. I think the project is great for the area, great design. I think it will boost our economy down there. We just want to make sure that there's adequate parking for all the occupants, both commercial and residential, within the unit so that there's not a lot of overflow into the Corner area. Parking is already tough over there. We don't need tenants and/or visitors of tenants parking in the Campus Corner area to go to that unit.

4. Rainey Powell, 1926 Pin Oak Circle – Yes, I do live next door to Jeff. I'm a property owner on Campus Corner. First of all I'd like to say I am a fan of high density. I do think that this type of project has some benefits to the Campus Corner area. But I do have two concerns with this project. One is parking. If you're looking at the parking ratios, there are about 180 units, about 10,000 square feet of commercial – that's 50 parking spaces. So what you're down to is about one space per unit. If you took half of those units and made them into a two-bed unit, then that's another 90 vehicles. To put this in perspective, we have 110 metered parking spaces on Campus Corner. Those cars are going to go someplace. So I think that any high density project needs to meet 100% of its parking requirements. My second issue is with the height of this facility. The picture, I believe looking north, doesn't do it quite justice. I think the property is actually higher than the McFarlin Church. This project is six stories. Financial Center downtown Norman is five. One other point. C-3 – that zoning was originally developed back in the days when OU students were prohibited from having vehicles. So you had commercial districts develop without any parking and if we didn't have a C-3, which does not have any parking requirement, then those commercial districts would be null and void basically. That's my understanding of C-3. Thank you very much.

5. Ty Hardiman, 630 Miller Avenue – I recognize many faces, of course, from the Planning Commission and from the audience tonight that were at the high density meetings the City has held. We have some differing opinions, but a lot of us share the ideas of wanting things like walkable neighborhoods. I certainly support the concept of parking structures for future parking needs. I support the idea of redeveloping some parts of Campus Corner that could be improved from what they are now. And I certainly support vibrant and thriving business districts. But there's some complicated things about this, which is why it has taken so long to get to this point, and I don't think we're quite ready to move forward. One of my concerns is that – by my math here, if you have 230 bedrooms inside of these 178 units, there's 230 cars that, in making their trips each day, are either going to have to go north, east, or west out of Campus Corner and there's three very complex intersections going any of those ways. There's not an easy and convenient way to get out of Campus Corner without going through a poorly designed intersection. Sometimes those intersections are several blocks away from the structure. My concern is having 230 people down there now and having another 200 or 300 a few months from now and another few hundred after that. I think that we need to take a long-term approach to what the future of this district is, and I think the applicant is just slightly premature in coming before you before we actually have the conclusions that all of us put forth and worked on so hard during the summer. Thank you.

6. Jeanette Coker, 620 E. Main Street – I didn't realize there was a 2-minute limit. As you know the City held a series of six dialogues over the summer. At the final meeting on the 30th of August a group of us handed out a survey to those who were there. We tried very hard to make the questions straightforward and direct. We did not want to lead responders toward a given set of conclusions. Some people took the survey home and we are still getting those returned. But I want to share with you some of the results and comments we have gotten so far. Question 1 was do you want high-density high-rise in core Norman? 71% said no. Do you want high-density high-rise in other areas of Norman if adjacent to residential? 74% said no. Should high-rise high-density be built in the same city block as a neighborhood of single-family homes? 82% said no. Should it be built across the street from a single-family home neighborhood separated

by a four-lane street? 64% said yes. Should it be built across the street from a single-family home neighborhood separated by a two-lane street – which is Asp? 79% said no. Should it be restricted to no more than 12' taller than adjacent structures? 72% said yes. We got into parking spaces and 15 of the respondents said it should be per unit; 32 people said it should be per bedroom, but in both categories they all – and our choices were 1.2, 1.5, 1.8, and 2. Do you understand what that means? The majority of them said 2. Should green space be required? 85% said yes. Am I out of time already? Let me read one more. Given that Norman has ordinances that regulate apartment buildings, would it be appropriate that any consideration of new high-density high-rise projects in Norman be deferred until after those issues have been resolved. 87% said yes.

7. Mr. McCarty – Ms. Coker, thanks for giving us that information. Would you tell us how many surveys were sent out, how many were returned, and what your target area was, and how you selected where it was sent?

8. Ms. Coker – We have asked people to send it out on their email, but none of those are included. This was only what was given out at the last dialogue and the ones that I've gotten back so far. There's 55 of them, I believe, that we've gotten back from that night.

9. Mr. McCarty – So do you know how many were sent out? And was the target market just the people that went to the high density?

10. Ms. Coker – It was just the ones that were there that night.

11. Mr. McCarty – But you have no idea how many were sent out?

12. Ms. Coker – Well, nothing was included in this. I've had them put on different colored paper so I could tell where they were coming back from and these were all from that night. Some people took them home with them and then either mailed them in or we had them take them to Midway Deli.

13. Mr. McCarty – So your only distribution was either email, by word of mouth, or the last meeting?

14. Ms. Coker – No. Not on this survey. No. These results are strictly from the people that actually went that night.

15. Steve Ellis, 633 Reed Avenue – I want to second Mr. Hardiman's comments about this. We have had a rather lengthy discussion about high density in the community and, as the City staff noted, the City is still digesting this issue. I think it would be premature to vote in favor of this proposal until that issue has been resolved through the process that has been set. My particular concern about this request is that it ends up providing a sort of template for an end-run around the public process that we've had before. When you actually look at the change in zoning requested, you'll notice that the move from C-1 to C-3 really doesn't play much role in this request at all, because you're moving from roughly 10,000 square feet of office space and commercial to roughly 10,000 feet – and that actually includes the work/live spaces – in the new proposal. So, really, what's going on here is you're being asked for a special use permit that involves 230 extra bedrooms. If this proposal goes through, it looks like it's a mechanism for allowing high-density regardless of what the City comes up with regarding the high-density regulations. I, myself, am enthusiastic about certain aspects of high-density, precisely because it might prevent some more expensive urban sprawl. But I think it's worth pointing out that almost all of the economic impact that's been suggested here is really a matter of just moving economic activity around Norman. I mean, it's arguably a benefit, but it's not like OU is going to hire more people to live there specifically. They're living someplace now; they may move there

if they prefer it, but this is really just moving stuff around. That may be beneficial, but Norman has to think about that. We have been thinking about it. Don't short-circuit that process.

16. Jayne Crumpley, 423 Elm Avenue – I also have participated in the high-density meetings and request that you please postpone this until that process is completed. A couple of things that I found interesting were the comments from the presenters continually talking about projects in Austin or other places that were "downtown". I do not consider Campus Corner downtown. To me, downtown represents a whole different style of architecture, much larger buildings, much closer together. Campus Corner is unique. And, as the lady said, if we destroy it, once it's gone, it's gone. That's what people come to see. I don't live very far from Campus Corner and I'm impacted by the parking for game day and other things. And when I read this – at one point in the Pre-Development Meeting they said they would provide 5-20 spaces for guests. So we've got 230 beds and they're going to have 5-20 guests at one time? I think that this project really needs to be put on hold until we're through with the process. Thank you very much.

17. Ann Groff, 806 Mockingbird Lane – I live a mile east of the art museum. I have two questions – a question and a comment. I went to a very small meeting – like 20 people – when they first proposed – Mark did. I didn't remember it was six stories high and I want to know if it has changed. Also, the way they have the picture up there is deceiving. If we could see a frontal from Asp Street looking at it – I think there's another whole building back there and that little beauty shop is tucked in there in the middle – I would like to see a frontal picture up there so that we can get a better idea of how it fits in with St. John's Episcopal Church. And, as someone stated, it is a lot bigger than McFarlin. It's not in keeping with the rest of the architecture there. Could I ask those two questions or comments?

18. Evan Dunn, 1014 Missouri Street – I, too, have participated in the high density meetings. I don't have any prepared remarks. I respect everyone's comments that have kind of expressed a little bit of anxiety about approving this without having created an official ordinance defining what high density is. Personally, I love the idea. Being a person who is maybe not the youngest person here, but I'm not a teenager any more – being somebody whose generation will be making choices about where we live, where we work in the next 20 and 30 years, I think that these types of projects represent the type of forward thinking that Norman needs to implement to attract the young, creative individuals who are aware of problems that are much larger in scope. This type of a living arrangement would be attractive to me simply because the walkability, the ability to attract and to maintain the businesses like Native Roots that simply didn't have enough clientele to be profitable. All of that contributes to, I think, a much more healthy Campus Corner. It can kind of, I think, bridge that gap between Campus Corner and what we all think of as being the downtown area. I'm absolutely in favor of it. Thank you.

19. Cindy Rogers, 633 Reed Avenue – I'm absolutely in favor of high density. Norman needs to think about high density. But, to think about high density, you need to plan it. When is it best? When you have good access – you have the roads. You don't have impacts on immediate neighborhoods. When it is clustered. I don't see how we are going to get a cluster of high density around this particular building. There's a church. There's already existing structures. There's another thing. The way you do this is you do the planning first. You figure out what areas we can have high density. You make it clustered. You have good access that would service all those. By setting up the ordinances first, you pave the way for more high density that fits the community, instead of every project having to come up and everybody hash out all the details. That makes the planning process more efficient, effective, less contentious. So I'm going to urge you to let the process weed itself out, figure out what we need in Norman, what we want in Norman, what we can support in Norman, where these projects should go – rather than a project here, a project there, a project there. That's not the way to do high density. I've been in cities that have lots of extensive high density and they have a big strip of nice buildings, good

facilities, good bike lanes, everything connected up nicely, but you don't do it by putting the projects up before you do that planning – before you get the homework done. So I encourage you just wait a little bit longer and so we can do it right instead of piecemeal.

20. John Woods, 4104 Castlerock – I wanted to address just some of the comments that were made today and give my perspective of them. First, there's a question about the disposable income of those that typically live in high density. I would argue that those that question the disposable income of individuals that live in this type of project would do so at their own loss. You will actually find that individuals that tend to live in higher density projects like this will have a greater percentage of disposable income than individuals that live in $300,000 homes, because they're typically mortgaged to the hilt. These individuals tend to have a lot of disposable income and I would recommend marketing to them if you have a local business. Secondly, the comment that this will destroy the character of Campus Corner. As someone who is a fan, an alum, and a big believer and booster of Campus Corner, I would encourage you to relook at the pictures of the buildings that would no longer be located in the facility if you were to put this in. Those are not buildings that I would necessarily consider full of a lot of character. Third, when we talk about the zoning requirements of high density and where we're at on the discussion, we absolutely, as a community, are having a very important discussion in terms of higher density. However, I would make note, and ask for you to consider the fact that this particular applicant had submitted and started his process – his work – months and months before this city decided it needed to have a high density conversation. Now to tell an applicant that once they've invested those funds that the city itself, or the community, wants a time out so they can discuss it in a wider sense, I think is unfair to that specific applicant that has started his process much in advance. It's not his fault the city wasn't prepared for the game. What I would encourage you to do is look at the individual project on its own merits and the fact that it is legally being asked to be zoned in a manner that does legally fit this particular project and look at it on its own merits. Finally I would say, if you look at the standards of parking, this does indeed have enough parking. We need more parking at Campus Corner. But that's not the responsibility of a single applicant. That's the responsibility of this community and it is something we absolutely should address for campus. Thank you.

21. Mr. Rieger – Can I run through a few that I have jotted down? I want to address a couple of points. One was mentioned of height. Why six stories? Well, this is a very important point that I want to talk about in some detail, and as it concerns also as to why wait. I'm intrigued always when I hear people that say let's wait for the community to plan the ordinances as to how these projects are going to work. Think about that. The community doesn't put the investment risk into it. The community is not going to build one and hasn't built one. It's this man and his investment team that has to figure out how to make it work, and that means economically. That means that if it means six stories has to happen, that means six stories has to happen. If the community comes back and says four stories is the only thing we're going to allow, then we've destroyed all opportunities for high density. So I would urge you to consider that the applicant is as much a part of this process, if not more, than the community in the sense that economically it has to work. Six stories is the only way it works. We shouldn't wait for an ordinance, as Mr. Woods said. I'll give you a little bit of history on that. North Porter. I was a zoning applicant on Van's and Goodman, and I remember when we went through, and we got the second one done and then the City said let's do a study. I remember the call. I was in my office and Midway Bob Thompson, the Council member then, called me and said, "Sean, will you just wait six months – if you'll assure me that you won't bring another zoning here for six months, we'll have the study done, we'll be alright, we'll know what we're going to do." It was over two years later that that study got done. When it got done, I think more importantly, we had asked at the time – in, I think, 2004 or 2005, for Van's to have a parking lot in the back. As part of the debate within the neighborhood and everything, we had proposed a wall on a line with shrubbery and maintaining mature trees. Lo and behold, we didn't win that zoning, but later – many years later -- that applicant saw the Porter process play out and actually they got

more after the process was done than they did before. They had actually done a good job, as has Mr. Risser, in responding to the community dialogue at the time that they submitted. I think the same thing is happening here. He has responded to that community dialogue. He has used the ordinances as they exist. He ought to be allowed to go on through because I'm quite concerned that if you put him on hold, it could be another two years. It could be a long, long, long time and then we'd lose that opportunity.

I want to also address comments about Deep Deuce and areas like that. It's been mentioned as an example of those areas. I want to remind you that they didn't build the grocery store first. They didn't build the elementary school first. They brought the people in first. They brought the people and the population into those intense areas first and then the services and other things follow and they followed quickly. That's how high density tends to work. You bring the population in and the people in and the commerce follows.

The last point I want to make before I get into a couple of the questions and Mark will, too – sustainability has been mentioned a couple of times. We've talked so many times in this community about sustainability and sustainable growth. It's becoming very clear – more and more evidently clear in our community that growing on the outward edge is going to be heavily debated. We just saw it tonight. I want you to think back to a moment at this podium when Mr. Milligan was challenged because of a WQPZ zone. Well, there's going to be WQPZ zones on a lot of projects going forward because about the only other areas left in Norman to grow into are the Thunderbird watershed where the WQPZ zones affect. You just saw the fight and debate that happened there on a tiny site. The growth in this community, if it's going to happen to sustain the Norman 2025 goal of 137,000 people by 2025, is very likely absolutely going to have to happen through high densities. It's the only way we will get there. It's the only way we will satisfy that population. If we don't, then areas to the south and Moore will continue to grow and surpass us. It is the goal of this community, stated in 2025, to grow and manage growth to accommodate that population. But as a community we've continued to defy that on the perimeter. Alright. If we're going to do that, so be it. But then we must accept these projects and we must start putting these projects through. When it's been done well, we ought to accept it.

I do want to address one other thing, is the parking. I want Mark to talk about that. If there's any others I missed, please tell me.

22. Mr. Risser – With regard to parking, our unit count and the unit mix at this point is what we propose to go up to. So that still will need to be defined. We have landed on 256 parking spaces in the building now, which is about 2.5 times what Campus Corner offers as it sits today with regard to metering, from what I had heard. Again, our units will be established by the number of parking. So we will make sure that we have adequate parking for the commercial spaces. Guest parking will be able to park in the commercial areas in the evenings. We will have guest parking for the residents and for the commercial space. The typical project like this will work off of one per bedroom and that is what we intend to provide. Again, the whole project has been derived by what we can park. Please keep in mind that parking is a big concern and one that we are focused on addressing in this project.

23. Mr. McCarty – Real quick on parking. So one per bedroom, and then what are you proposing in the commercial area? There's 10,000 square feet of commercial space potentially – is that right?

24. Mr. Risser – Actually, no. There's 5,000 square feet in the commercial office for NEDC. There's another 1,000 with the leasing and the live/work units can be considered commercial as well, so we've got some crossing over there with regard to parking. So, again, we've maximized the parking at 256 and we will develop the unit count based off of that parking and what it can support.

25. Ms. Gordon – Can I just ask a few parking numbers? I know that it's kind of fluid right now because it's based on how many units. But in the estimate, you're currently estimating around 230 units. Is that right?

26. Mr. Risser – No. I think we're estimating around 176 units.

27. Ms. Gordon – Okay. Then you said it was about a 70/30 mix – or you plan on that for single to double room.

28. Mr. Risser – Yes. Approximately.

29. Ms. Gordon – So that will come out, if you were to work the numbers, it would come out to around 256.

30. Mr. Risser – Again, this is a fluid component of it right now, but I believe we landed on 216 bedrooms and then the additional was commercial space and guest parking. But, again, the unit count may be 74 or 75.

31. Ms. Gordon – So that would leave approximately about 50 extra spaces for guests and commercial and that type of thing. Right?

32. Mr. Risser – That's right.

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:

1. Mr. Boeck – In thinking through this, having been in Norman for 40 years and looking at Campus Corner and understanding the conversation about what Campus Corner was before we got the TIF and what it is now – I actually went to Pepe's last night. It looks like about 30% of Campus Corner, or somewhere around there, is empty. One of the biggest issues is not the people on Campus Corner, it's parking. I would comment right now one of the things that we need to do – parking and circulation are probably the biggest issues that we need to deal with on anything that goes on Campus Corner. I've talked to a number of communities about mixed use and high density development. Talked to a planner in Austin – talked to a planner in Ann Arbor. One of the biggest concerns – and I've brought this up a number of times – is having a private/public collaboration to get enough parking spots to make an area work. Campus Corner has never had enough parking. I was hoping to see that some of the additional parking needed to make Campus Corner work could be coordinated, like it is in some other communities, between the City and the developers themselves, where they work out – well, if you give us a few more parking spots that can be used by the community, the Campus Corner area, we'll allow this to happen. I'm not sure that we've gotten to that point yet. So I generally am feeling that we really need to finish – I mean this is C-3 – this is asking for C-3 zoning, but it still brings up the issues that we have with all the high-density mixed-use development that we're talking about. Until we actually have a policy and a program and a statute and a zoning ordinance that specifically not only calls out for certain kind of things but also allows for certain other kind of collaborations to go on, I'm having a hard time saying let's approve this now because I don't think we're ready for it. I understand your comment, Sean, but I participated in the whole series of discussions, and I really feel that – I mean, you could say the Elseys are being hurt by what we're discussing. But we need to have this discussion and it needs to happen because the idea of doing things in a holistic approach – I think about cars – 250 cars dumping out onto Asp Street and, having been on Campus Corner last night and seeing the traffic that's usually there – people looking for parking spots – it's a mess and it's just going to get messier. I know Don – it is an important – I like the concept. I love the concept. I'm into high density and mixed use. But I feel that we don't want to have a knee-jerk reaction to every project that comes up and we need to have a holistic approach. That's my comment.

2. Mr. Knotts – It's my understanding we can't postpone something.

3. Ms. Connors – The Planning Commission has the authority to postpone an action.

4. Mr. Knotts – It seems to me that we had many hours with Mr. Heiple telling us that we couldn't.

5. Ms. Connors – No. You never changed your rules. Mr. Heiple requested that that be a part of new rules. But your rules have not changed.

6. Mr. Knotts – Golly. That just shows you how much, if you hear it often enough. Okay. So on this project, I kind of have an odd kinship with this architect here because I think it's a good project. I don't think it's a great project, and I think this needs to be a great project. I think Don needs to come with megabucks and you guys build a facility that can park the Campus Corner area, and then I think that then this will be the basis for a real large planning effort. But since I find out that we can postpone, I'm kind of leaning that way, just because we have a process. Planning is a great process. So I'm kind of having difficulty supporting the project as it is.

7. Ms. Gordon – I want it to be noted in the record that I actually agree with Sean Rieger this once. I know it's a shock. I think there are some flaws with this, but – I could be wrong with this, but it seems to me that it's not their job to provide parking for Campus Corner. It's their job to provide parking for their development. It seems to me that, based on what I'm hearing about the numbers, that it seems that they will be providing adequate parking. I think the problem necessarily isn't the parking. I think – and Tom brought this up earlier – I think the problem is going to be more of the traffic with the ingress and the egress and dumping out onto Asp, because it's already so highly congested there. I think that might be kind of an issue that needs to be looked into more. I just think that urban sprawl is going to be a problem in Norman. I think high density developments are important. I'm not saying that we shouldn't necessarily wait; then, again, I'm not saying that we should necessarily go forward quite frankly. I'm not really sure what to do with that. Because I disagree slightly in that the suggestion that what the community has to say about it isn't as important as what the developer has to say, because, ultimately, these are the people living around this area and dealing with the traffic, and dealing with any potential parking issues – although I don't think there are going to be. So I don't know the answer whether we should wait. But I'm actually supportive of this project.

8. Mr. Gasaway – I'm glad Mr. Rieger brought up Porter, because I wanted to take a little different point of view on that. To me, high density is probably of equal importance as the Porter Corridor study is in terms of affecting the entire citizenry of Norman. It's not just the people in Campus Corner; it's the entire citizens of town. It's a brand new concept. Whether we're years behind, I don't know. All of a sudden Norman is a hot market for high density, and I don't know what's caused that all of a sudden. But I do agree with Mr. Rieger that the Porter Corridor study took too darn long, and I was chair of that committee, and it took too darn long. But what I wanted to tell you about Porter is that, before the corridor study when we would have Van's or some of the other businesses come before Planning and Council with their business plan, this chamber would be packed with angry citizens – very angry citizens. After the Porter Corridor Plan, we've had at least three applicants with major changes who met those recommendations. There was not even one person in attendance to dispute that. It was an incredibly important study and I liken high density very much to the Porter Corridor study. Now, there's some facts today that I think are very important. Mixed use is here. We don't have much of it in Norman. I think mixed use is very important. It's kind of a hard concept to get your hands around. We do have it. More will be coming. I think it's very important. High density is coming. I think it's very important. It's coming, but I think it's very important to be where we want to be before we say it's here. This is a great project for NEDC, which is an extremely important function in the city. I think it's good for the economy of Norman. It probably does meet an unmet need

for rental apartments for professionals in town that we don't have much of. I would agree the subject area that we're looking at tonight is probably not Campus Corner's finest hour in its current state. It could do much better. I think the design of what we've seen tonight, in my opinion, is much more appropriate for the downtown area in its current form than the Campus Corner area. I asked a question about – they had participated in the conferences and I said, well, why did you decide to go ahead and proceed, and I'm going to paraphrase a little bit, and the answer was we want to be a poster child for this type of project. Well, being a poster child is okay unless it's the kind of poster child that 40 years from now people are still pointing at saying, "Good grief, how did that get here?" Who let that happen 40 years ago? We don't know that that's where we want to be right now. In the six public meetings, I think there were some people there who disagree with the importance of high density, but I think there were more people there who said we're willing to look at it but we want it to be right for the City of Norman. We want it to be in the right places. I'm in favor of this concept in some form. But, you know, we're not Dallas; we're not Austin; we're not even Deep Deuce. I think until we can take some time to look at this further – and I certainly hope we can do it faster than Porter Corridor – that we need to take some time to look at this before we approve this kind of project.

9. Ms. Pailes – Again, in reference to the meetings that we held, there was some kind of general agreement – people were in general accord that small parking garages were a good idea. The general accord was that they should be put on arterials, and Asp is not, by any stretch of the imagination, an arterial. Several times the location of high density was brought up, and I'd say – absolutely nothing was unanimous – but there was certainly a great deal of voiced sentiment that high density was inappropriate for Campus Corner or the organized historical neighborhoods. That was fairly clearly expressed on a number of occasions. Now, again, Mr. Rieger, if you don't care how the community feels, it doesn't matter. But we've all invested 40 years of our life and most of our income here and that investment counts, just as does the investment by people who are attempting to build things. To quote Mr. Heiple, who has often mentioned how important it is for developers and builders to have reasonable expectations – you begin a project, you should have a reasonable expectation that the community will find this legal, acceptable, and so that you can proceed and put your money into this with a reasonable expectation that it will bear fruit. Okay. That's entirely appropriate. What I'm thinking here is one question we didn't address. If we decide, say, that Campus Corner is appropriate for high density, how much is a real question. If one is put up, that's a precedent for having another one, too. If two high density units go up, well, that makes it more reasonable for three, four, five, six. At some point, you've lost Campus Corner, which was characterized by one architectural study as an area of human scale and small, amusing vistas. At some point, you lose that and you have a high-density apartment district. At that point you've kind of killed the goose that was attractive. So I don't think we ever addressed the expectations of a developer. If you put in one high density unit, can you just have many, or do you draw boundaries around an area and say this much in this area, this much somewhere else? I don't know. We didn't address that. I think you kind of have to before you proceed – before you set the precedent. I think you have to kind of know where you want to go with the whole area in terms of how much high-rise you can expect and still maintain the character of an attractive area – an already attractive area. I mean, I'm from Phoenix and I just don't get it why massive apartments would be interesting – I just don't get it because I've been there. Other people enjoy that and fine. It's a mystery to me. To me it seems perfectly reasonable to have a town character and to maintain a town character. We have a city 30 miles away and everybody wants to live here. So I don't see high density as exciting. I've seen a lot of it. It might be a good thing. I don't know. Just personally.

10. Mr. Lewis – In thinking about this, change such as this in an area such as Campus Corner is often – not always – approached with trepidation – the fear of the unknown. What are we going to have? Because many times we can't visualize completely – 100% -- and grasp what is going in. I think Mr. Risser and Mr. Rieger and their group have done an extraordinary job in

presenting us what concept actually will be on Campus Corner. When I think about the many businesses that transition in and out of Campus Corner and the economic impact – why are those businesses transitioning? Like Mr. Stewart's business. How will that be impacted by a development of this sort? I can only imagine that it would be impacted in a positive manner. When I think about what are we going to do with the traffic, and as Commissioner Gordon did the numbers as well – there's going to be adequate parking for the complex. There's also going to be additional parking that Campus Corner can use, however, that's something that's being provided, but not mandated. I believe that the deciding factor for me was when Mr. Dunn came to the podium and spoke very eloquently about looking forward. This is about looking forward to the future of what Campus Corner is going to be. Are we going to allow the development that is much-needed there? Or are we going to tell young adults – business professionals – take your dollars and go to a different community that can provide a housing design and community that you would prefer to live in? Is that going to be Oklahoma City? Is that going to be Deep Deuce? What is that going to be? So even though I came to this meeting with the decision I was going to vote against this, this has to be a project that, of the many that come before this Commission and I've seen, that this is the one that has the greatest amount of impact in pushing Norman forward into an area – even though I, myself, have trepidation about the project – I have to believe in the design and the concept, the economic impact that it is going to have in our community, especially in an area where we see significant transitions in business because there's not enough money or economy there to support it.

Tom Knotts moved to postpone Resolution No. R-1112-129 and Ordinance No. O-1112-38 until we have the high density planning process completed. Roberta Pailes seconded the motion.

11. Vice Chairman Lewis asked whether the Commission has the ability to postpone an item. Ms. Messner explained that it is her opinion that the Commission has the authority to postpone, especially if they are asking for more information from the applicant or waiting on other pieces of information that it needs in order to make what they feel is an informed recommendation to City Council. The motion should be to postpone indefinitely or to postpone to a date certain.

12. Mr. Rieger – I think our deepest concern here is how long is it going to take? I think we would support a postponement for one month and see what happens at Council now, with this project basically in front of them – if not through your vote – in the forefront, and also to see what kind of progress they've put forth for this study to conclude. But we want to be back here in one month and see what that is.

13. Ms. Connors reported that the only date certain in the continuing process on high density is September 24 to go to the Community Planning and Transportation Committee for them to receive staff's report from the discussion. There is no direction where the process will go from there.

14. Mr. Rieger – That, Mr. Chairman, is our concern. As much as we hear that we need the community direction, with all due respect we have not seen a timetable for that yet. So I think we need to be continuing on on the agenda in one month.

15. Vice Chairman Lewis – We have a motion and a second on the floor for postponement that truly, I believe, is putting an undue burden on the applicant that this body truly does not have the authority to do. While Leah certainly has given her interpretation, I believe this is a question that needs to go to the City Council. We are only a recommending body – nothing more; nothing less. And to put an undue burden on the applicant I believe is unfair.

16. Harold Heiple – With all due respect to Leah, I've said before and I say again you do not have the authority to postpone without the consent of the applicant. There is a distinction here between what happened in Porter Corridor and what's happening here, and that was that City

Council specifically said to the Planning Commission while Porter Corridor was going on don't bring any rezoning applications forward during that consideration process. I don't think the City Council has said that – has formalized that with respect to high density. That being the case, it throws you right back into the situation that you are nothing but a recommending body and when you say you don't have enough information before you – they've complied with all the ordinances. The staff report shows that. They've got the right to go forward and, unless they say it's alright with us to postpone for a month, you can't impose financial burdens on them. You can vote no, but that lets them get to the City Council. So I respectfully maintain my same position I've always voiced about that.

17. Mr. Rieger – Mr. Chairman, I certainly respect Mr. Heiple and would agree with his opinion and would disagree with Leah's. I agree with that, that you don't have the authority. We simply, as we said a few minutes ago, are willing in good faith to say, okay, we'll come back in one month. But I want to assure you our patience will wear thin on that, as it did on Porter and on other projects, because this is a project that, when you see projects like this, with all due respect, they can't just sit around and wait and percolate for that long of a period of time. They're under timeframes of a lot of investment issues and they have to go forward. So, respectfully, we will agree to one month. We disagree to your ability to move on your own, but we'll agree to one month. And then we'll be back here and we're prepared to go forward again at that point.

18. Mr. Knotts – How many times have we had this project withdrawn by the applicant? Three times?

19. Ms. Connors – I believe it was three times.

20. Mr. Rieger – Commissioner Knotts, this is not our motion.

21. Mr. Knotts – Let me finish. If the project is uncertain enough to be postponed three times to our body, I think we have the ability and the responsibility to have a full and adequate review of that and the process that we have started inside the City of Norman and the population.

22. Mr. Lewis – I would say to that, that is not this body placing an undue financial burden on the applicant. That is the applicant making a choice, in and of themselves, to request a postponement.

23. Mr. McCarty – Point of information. I was at a couple of the Pre-Development meetings for this. I think they went to two or three of them, and the project had grown. The reason they had to go back to Pre-Development is because they acquired more land. So that is why some of the postponement or removal from the docket had gone forward. I was at, like I said, a couple of those meetings. So, again, I think it sends a bad message to postpone something that meets all of our requirements as a city or it wouldn't be on our agenda.

24. Mr. Rieger – You know, this reminds me, if I may, Mr. Chairman, again, there's no uncertainty on this side of the dais. We're very certain of what we're doing. We're happy to go forward right now. This does remind me a little bit of the project that went through recently that went through on the MUD ordinance and met the ordinances and it got pushed through. That was decided that that was not going to be held back. You recall that one. I think we fit in the same category. Absolutely.

25. Steve Ellis – I think it's important to note that the applicant is actually asking for you to make a positive recommendation, one, that they're not fully in compliance with the law right now – they don't meet the zoning. So, given that they're asking you to change the zoning, it's clear that they don't meet the current regulations. You have the authority to do with that what

you will. If you don't think that you should ask them if you want more information – again, I'm not a lawyer. I assume that Leah is. But I think the idea that it's a financial hardship on the applicant when they actually have to ask for a change in the rules in order to do what they want to do, assumes that you are under an obligation to change the rules because they have a plan, and that's not the case. The rules would not allow them to build it now, so they have to ask, and you can say what you will about their request to ask. But they're asking – it follows that they don't currently have a right to the change they're asking for.

Mr. Knotts withdrew his motion to postpone, and Ms. Pailes concurred.

Curtis McCarty moved to recommend approval of Resolution No. R-1112-129 and Ordinance No. O-1112-38 to the City Council. Cindy Gordon seconded the motion.

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

YEAS	Cindy Gordon, Curtis McCarty, Chris Lewis
NAYES	Dave Boeck, Jim Gasaway, Tom Knotts, Roberta Pailes
ABSENT	Diana Hartley, Andy Sherrer

Ms. Tromble announced that the motion, to recommend approval of Resolution No. R-1112-129 and Ordinance No. O-1112-38 to City Council, failed by a vote of 3-4.

* * *

RECESS
8:22 to 8:32 p.m.

* * *

Vice Chairman Lewis announced that during the break the applicant for Item No. 9 requested a postponement for one month.

Curtis McCarty moved to postpone Ordinance No. O-1213-9 for one month to the October 11, 2012 meeting. Tom Knotts seconded the motion.

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

YEAS	Dave Boeck, Jim Gasaway, Cindy Gordon, Tom Knotts, Curtis McCarty, Roberta Pailes, Chris Lewis
NAYES	None
ABSENT	Diana Hartley, Andy Sherrer

Ms. Tromble announced that the motion, to postpone Ordinance No. O-1213-9 for one month, passed by a vote of 7-0.

* * *

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May 15, 2013

City of Norman
201 W. Gray St.
Norman, OK 73069

To Whom It May Concern,

We hereby confirm in this correspondence that the NEDC authorizes NE Development to act as the agent of NEDC in the zoning and associated applications and matters at the City of Norman. Please let me know if you have any questions or need anything further to confirm as such.

Regards,

Don Wood
Executive Director

City of Norman, OK

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

Master

File Number: O-1112-38

File ID:	O-1112-38	**Type:**	Ordinance	**Status:**	Non-Consent Items
Version:	1	**Reference:**	Item No. 22	**In Control:**	City Council
Department:	Planning and Community Development Department	**Cost:**		**File Created:**	04/17/2012
File Name:	O-1112-38 Rezone			**Final Action:**	

Title: CONSIDERATION OF ORDINANCE NO. O-1112-38 UPON SECOND AND FINAL READING: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 460 OF CHAPTER 22 OF THE CODE OF THE CITY OF NORMAN SO AS TO PLACE PART OF THE NORTHWEST QUARTER OF SECTION 31, TOWNSHIP 9 NORTH, RANGE 2 WEST OF THE INDIAN MERIDIAN, NORMAN, CLEVELAND COUNTY, OKLAHOMA, IN THE C-3, INTENSIVE COMMERCIAL DISTRICT WITH SPECIAL USE FOR A MIXED BUILDING, AND REMOVE THE SAME FROM THE C-1, LOCAL COMMERCIAL DISTRICT, CO, SUBURBAN OFFICE COMMERCIAL DISTRICT, AND R-3, MULTI-FAMILY DWELLING DISTRICT, OF SAID CITY; AND PROVIDING FOR THE SEVERABILITY THEREOF. (LOCATED AT 612 ASP AVENUE, 421-427 BUCHANAN AVENUE, 710 ASP AVENUE, AND THE ADJACENT LOT TO THE SOUTH)

Notes: ACTION NEEDED: Motion to adopt or reject Ordinance No. O-1112-38 upon Second Reading section by section.

ACTION TAKEN: _____

ACTION NEEDED: Motion to adopt or reject Ordinance No. O-1112-38 upon Final Reading as a whole.

ACTION TAKEN: _____

APPLICANT REQUESTING POSTPONEMENT UNTIL JUNE 25, 2013

Agenda Date: 06/11/2013

Agenda Number: 22

Attachments: Text File O-1112-38, Letter to postpone 710 Asp Avenue project to June 25, O-1112-38 NE Development, Developer of Record - Asp Avenue, 7-10-12 Location Map, CC - Asp HD project - Packet Binder - 5-1-13, TIA Traffic Report - ASP HD project March 2013, Myth and Fact FINAL, Rezone Staff Report, B 3 Dev Group Asp Ave Traffic Letter 9/19/12, Postponement Memo - PC, 7-12-12 PC Minutes - Asp/Buchanan, 8-9-12 PC Minutes - Asp/Buchanan, 9-13-12 PC Minutes - B3

Development, Request to postpone Risser 1-8-13,
NEDC letter on NE Development as agent

Project Manager: Jane Hudson, Principal Planner

Entered by: rone.tromble@normanok.gov **Effective Date:**

History of Legislative File

Ver-sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Planning Commission	05/10/2012					
1	Planning Commission	07/12/2012	Postponed		01/08/2013	01/08/2013	
	Action Text: Postponed						
1	Planning Commission	07/12/2012					
1	Planning Commission	08/09/2012	Postponed				
	Action Text: Postponed						
1	Planning Commission	08/09/2012					
1	Planning Commission	09/13/2012	Recommended for Rejection	City Council			
	Action Text: Recommended for Rejection to the City Council						
	Notes: *Motion for adoption failed on vote of 3-4.*						
1	Planning Commission	09/13/2012					
1	City Council	10/23/2012	Introduced and adopted on First Reading by title only				Pass
	Action Text: That this Ordinance be Introduced and adopted on First Reading by title only. by consent roll call						
1	City Council	11/13/2012	Postponed		01/08/2013	01/08/2013	Pass
	Action Text: A motion was made by Council Member Kovach, seconded by Council Member Griffith, that this Ordinance be Postponed . The motion carried by the following vote:						
1	City Council	01/08/2013	Postponed		02/12/2013		Pass
	Action Text: A motion was made by Council Member Kovach, seconded by Council Member Griffith, that this Ordinance be Postponed . The motion carried by the following vote:						
1	City Council	02/12/2013	Postponed		04/09/2013	04/09/2013	Pass
	Action Text: A motion was made by Council Member Kovach, seconded by Council Member Griffith, that this Ordinance be Postponed . The motion carried by the following vote:						
	Notes: *Postponed until April 9, 2013*						
1	City Council	04/09/2013	Postponed		05/14/2013		Pass
	Action Text: A motion was made by Council Member Kovach, seconded by Council Member Lockett, that this Ordinance be Postponed until May 14, 2013 . The motion carried by the following vote:						
	Notes: *Postponed Until May 14, 2014*						
1	City Council	05/14/2013	Postponed				Pass
	Action Text: That this item be postponed until June 11, 2013						

Text of Legislative File O-1112-38

Body

BACKGROUND: The applicant submitted new material for this request on May 7, 2013 for inclusion in the packet distributed to City Council on May 9, 2013. The new material included updated drawings for the project, traffic impact analysis verbiage and a publication entitled Myth v. Fact as to High Density. These materials are included as attachments.

This rezoning request is for a change of zoning from C-1, Local Commercial District, CO, Suburban Office

Commercial District and R-3, Multi-family Dwelling District, to C-3, Intensive Commercial District with Special Use for a Mixed Building. This rezoning application was originally submitted in early 2012. Since that time there have been a few minor changes regarding the unit count and exterior design. This application has postponed by the applicant several times in deference to on-going discussion regarding the development of a High Density Zoning Ordinance.

The applicant is proposing a Mixed Use development on approximately 1.42 acres located on a site abutting the north end of the Campus Corner District along the west side of Asp Avenue, north of White Street. The development will consist of commercial/retail, office, residential and a parking garage to accommodate the uses, as well as additional parking area for guests. The current proposal is scheduled at 200 units; there will be 160 single-bed units and 40 two-bed units, an average of 140.85 residential units per acre. The office, commercial/retail and leasing area will be roughly 10,500 square feet. This area will include 1,500 square feet of the leasing office for the apartments. There will be 4,800 square feet set aside for the Norman Economic Development Coalition (NEDC) offices. The first floor of the development will house a portion of the parking garage area as well as the commercial/retail and office area. The second floor will consist of the remaining parking area. The third through the sixth floors will be apartments.

DISCUSSION:

C-3, INTENSIVE COMMERCIAL DISTRICT WITH SPECIAL USE FOR MIXED BUILDING: This commercial district is intended for the conduct of personal and business services and the general retail business of the community. It differs from the other commercial districts in that off-street parking is not required. This district was created primarily for those commercial areas which already were so intensely developed that they could not comply with the provisions for other commercial districts in this ordinance.

COMMERCIAL USE: This proposal will include approximately 10,500 square feet of commercial/retail and office areas on the ground floor.

RESIDENTIAL USE: There are no requirements for a percentage of residential units to qualify for the Mixed Use component in the C-3 zoning district. The only stipulation for the "Special Use" is "one or more residential dwelling units may be located on the upper floors provided that the first floor use is a permitted use in the district." Commercial/retail and office are all permitted uses under the C-3 zoning designation.

PARKING: Under the C-3 zoning district there are no off-street parking requirements. As stated above, the C-3 district was created for areas that could not accommodate parking requirements established in the zoning ordinance. However, this applicant has proposed a two level parking garage that will accommodate the commercial/retail areas, their patrons as well as residents and guests. The parking count proposed is one parking space per bedroom (not dwelling unit), one parking space per 300 square feet of the leasing office, one parking space per 300 square feet of the NEDC area and one parking space per 300 square feet of the live/work area. Under the existing parking requirements for multi-family developments, whether 1, 2 or 3 bedroom dwelling units, the parking requirement is 1.8 per dwelling unit. There will be commercial and guest parking that is accessible without going thru a 'gate'. Beyond that, there will be a gate that the residents will access for their parking area.

OPEN SPACE: There will be public open space/green space incorporated into the north and south sides of the building. There will be an upper level landscaped courtyard as well. The east side of the development along Asp Avenue will have street furniture.

IMPACTS: The proposal is not a gated development; however, the residential section of the parking garage does have controlled access. The development will utilize public streets for access to the building and trash services. Any exterior lighting proposed will meet the requirements of the commercial outdoor lighting standards which will limit the impact on any adjacent property owners or residents.

PARKS BOARD: The property is already platted and zoned commercial, parkland is not required.

PUBLIC WORKS AND UTILITIES: The development has access to existing utilities. The applicant needs to verify with the Fire Department that the current water lines will supply adequate water pressure and fire flows

for protection of the development. There is a possibility the applicant will be required to upgrade the waterlines or make a connection with the six inch water main on Buchanan Avenue or with the six inch water main on Asp Avenue. Fire hydrants are inadequate in the area; additional fire hydrants will be required. There is an existing eight inch sanitary sewer main that will serve the site. Per City standards the applicant will need to account for all storm water runoff generated by this development so as to not impact adjacent properties. The applicant has stated the design and intent of the project is to install a new ten foot wide sidewalk rather than the standard five feet, along Asp Avenue and Buchanan Avenue. This increased width in the sidewalk will create a more pedestrian friendly area.

RECOMMENDATION: The applicant has requested the zoning designation of C-3 with Special Use for a Mixed Building. In the C-3 zoning district there is no height limitation for buildings. As a result, the six-story building proposed would not be in violation of the requested zoning. The typical zoning in the Campus Corner area is C-2, General Commercial District, and C-3, Intensive Commercial District. The Land Use and Transportation Plan designates the Campus Corner area along the west side of Asp Avenue up to one lot south of this development as Commercial Designation. The Land Use and Zoning request for this development is a continuation of what is already established in the Campus Corner area. With the development already occurring in this general vicinity, the continued growth of the University, Norman's growth in population as a whole, as well as the commercial/retail and office growth along Campus Corner and Main Street, this type of development is well suited for this area. However, this development is considered high density and comes to the City Council before an ordinance defining high density has been adopted.

The final report of the public discussions on high density was presented to the Council Community Planning and Transportation Committee (CPTC) at their September 24, 2012 meeting. As a result of the discussion at that meeting and by direction of the CPTC members, City staff prepared a draft outline for a high density ordinance for the CPTC to review at their October 22, 2012 meeting. Over the past several months CPTC members have reviewed different ordinance drafts, they will review another draft of the ordinance on May 13th, 2013 that shifts directions to a three categoried approach. At the request of CPTC members, this draft ordinance will consist of three different density categories; low, medium and high.

This type of mixed use development is well suited for the Campus Corner area; however, the scale does not fit the area. A "Best Practices" component that regularly came up in the high density meetings was the idea of maintaining similarity and balance in neighborhoods that predominantly have one and two story buildings. Staff is concerned with the architectural design of the building and how it will fit the Campus Corner area in relation to height. If the building were designed with additional step backs as the floors increased that would help reduce the issue of mass in relation to the smaller one and two story structures in the neighborhood.

The issue of compatibility with the neighborhood presents a concern for Staff. Staff has no recommendation of approval or disapproval for the zoning request until Council has made a recommendation for an ordinance which defines the different levels high density.

At their September 13, 2012 meeting, the Planning Commission failed to recommend adoption of this ordinance by a vote of 3-4.

O-1112-38

AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 460 OF CHAPTER 22 OF THE CODE OF THE CITY OF NORMAN SO AS TO PLACE PART OF THE NORTHWEST QUARTER OF SECTION 31, TOWNSHIP 9 NORTH, RANGE 2 WEST OF THE INDIAN MERIDIAN, NORMAN, CLEVELAND COUNTY, OKLAHOMA, IN THE C-3, INTENSIVE COMMERCIAL DISTRICT WITH SPECIAL USE FOR A MIXED BUILDING, AND REMOVE THE SAME FROM THE C-1, LOCAL COMMERCIAL DISTRICT, THE CO, SUBURBAN OFFICE COMMERCIAL DISTRICT, AND THE R-3, MULTI-FAMILY DWELLING DISTRICT, OF SAID CITY; AND PROVIDING FOR THE SEVERABILITY THEREOF. (LOCATED AT 612 ASP AVENUE, 421-427 BUCHANAN AVENUE, 710 ASP AVENUE, AND THE ADJACENT LOT TO THE SOUTH)

§ 1. WHEREAS, NE Development, the owners of the hereinafter described property, has made application to have said property placed in the C-3, Intensive Commercial District with Special Use for a Mixed Building, and to have the same removed from the C-1, Local Commercial District, the CO, Suburban Office Commercial District, and the R-3, Multi-Family Dwelling District; and

§ 2. WHEREAS, said application has been referred to the Planning Commission of said City and said body has, after conducting a public hearing as required by law and considered the same; the Planning Commission failed to recommend adoption of this rezoning with special use ordinance by a vote of 3-4; 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 with Special Use.

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

§ 4. That Section 460 of Chapter 22 of the Code of the City of Norman, Oklahoma, is hereby amended so as to place the following described property in the C-3, Intensive Commercial District with Special Use for a Mixed Building, and to have the same removed from the C-1, Local Commercial District, the CO, Suburban Office Commercial District, and the R-3, Multi-Family Dwelling District; to wit:

A tract of land lying in a part of the NE/4 of the SW/4 of Section 31, T9N, R2W of the Indian Meridian, Norman, Cleveland County, Oklahoma, being more particularly described as follows:

BEGINNING at the NE/C of Lot 6, Block 1, Larsh's University Addition, said point being a point on the West right-of-way line of Asp Avenue;
THENCE South 0°00'00" East along said right-of-way line a distance of 150.00 feet to the Southeast corner of Lot 8, Block 1, of said final plat;

THENCE North 90°00'00" West along the South property line of said Lot 8 a distance of 230.00 feet (of the 240.00 feet as shown on said final plat);
THENCE North 0°00'00" East a distance of 325.00 feet to a point within Lot 2, Block 1 of said final plat;
THENCE South 90°00'00" East with said Lot 2, Block 1, a distance of 230.00 feet to a point on the West right-of-way line of Asp Avenue of said Lot 2, Block 1, of said final plat;
THENCE South 0°00'00"East along said West right-of-way line a distance of 75.00 feet tot the Southeast corner of Lot 3, Block 1 of said final plat;
THENCE North 90°00'00" West along the South property line of said Lot 3 a distance of 130.00 feet; South 0°00'00" West a distance of 100.00 feet to a point on the North property line of Lot 6, Block 1, of said final plat;
THENCE South 90°00'00" East along said North property line a distance of 130.00 feet to the POINT OF BEGINNING;

Said tract contains 61,754 square feet or 1.42 acres more or less.

§ 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

_____, 2013.

_____
Mayor

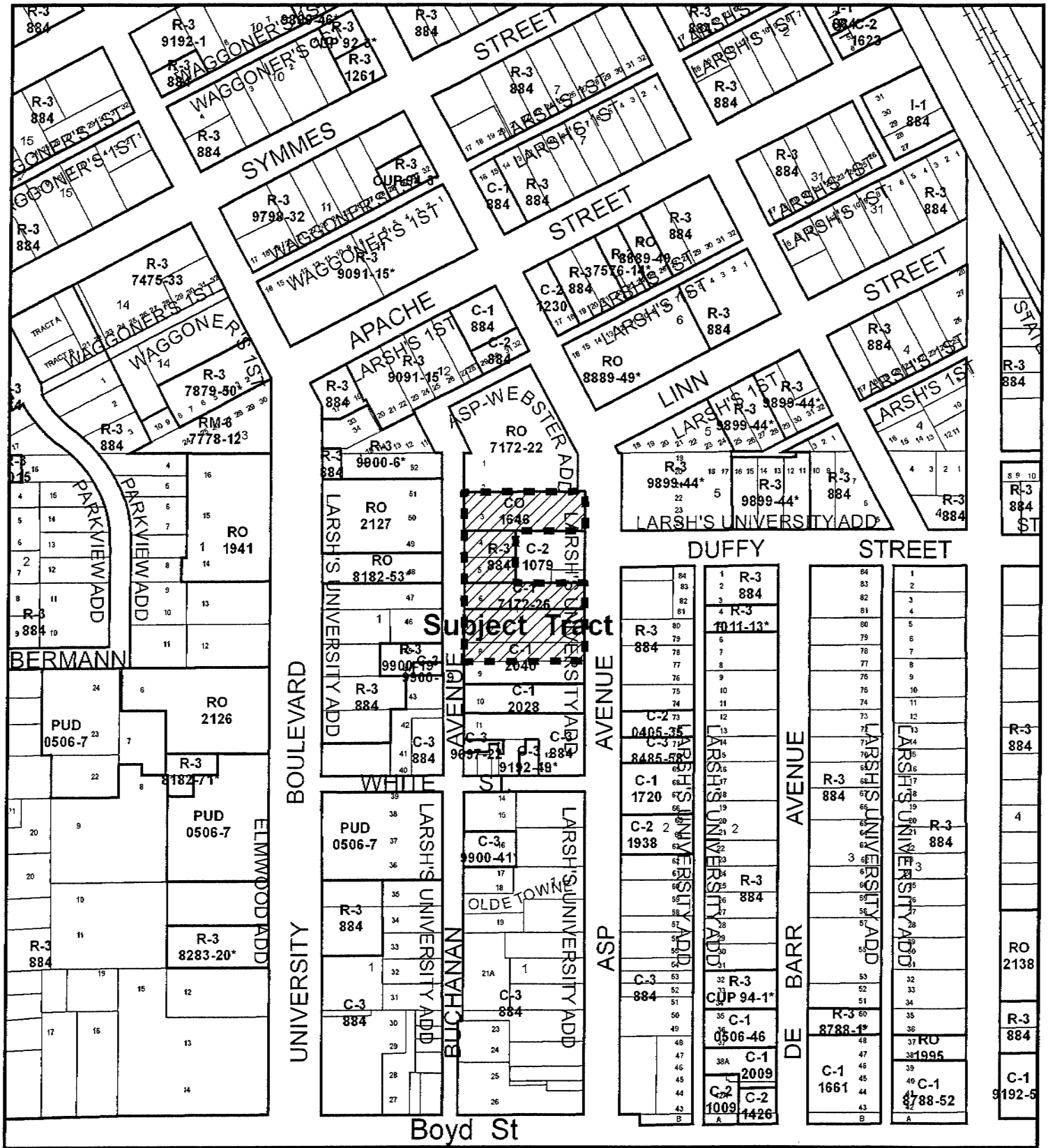
NOT ADOPTED this _____day of

_____, 2013.

_____
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.

N W E S

July 10, 2012

0 150 300 Ft.

Subject Tract

Zoning

SEAN PAUL RIEGER
ATTORNEY AT LAW • ARCHITECT
S.P. RIEGER PLLC
136 THOMPSON DRIVE
NORMAN, OKLAHOMA 73069-5245
E-MAIL: SP@RIEGERLLC.COM

TELEPHONE: 405.329.6070 FACSIMILE: 405.329.7103

4 June 2013

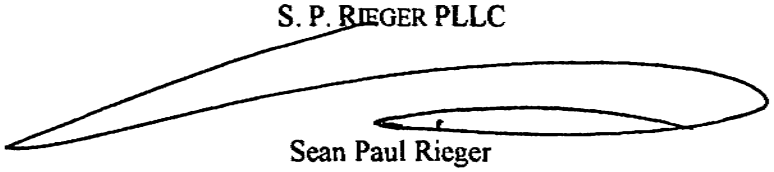
City of Norman
City Council
201 West Gray
Norman, OK 73069

RE: 710 Asp Avenue Project

Dear Norman City Council,

I represent the Applicant in the above referenced project. This project was postponed previously and is scheduled to be on second and final reading at the June 11, 2013 City Council meeting. Please accept this letter as our request to please postpone the second and final reading hearing on this item. We request that the item be postponed and placed for second reading, final hearing, at the City Council meeting on June 25, 2013. We thank you for your assistance and consideration.

Very Truly Yours,
S. P. RIEGER PLLC



Sean Paul Rieger
Attorney at Law • Architect • Broker

Presented to: Planning Department
City of Norman
Norman, OK.

Date: May 7, 2013

Project: Campus Corner Project – Asp Avenue
612 / 700 / 710 Asp Ave.
421 – 427 Buchanan Ave.
Norman, OK.

Purpose: Notification of Developer of Record

DEAR CITY STAFF:

Please accept this notification regarding the above referenced project. Formerly referred to as Risser/B3 Development Group, the Developer of Record for the proposed project will be:

N.E. Development
420 Southfork Drive
Lewisville, TX. 75057
972.221.0095
www.neconstruction.net
Contact #1: Charlie Moussa (972)221.0095
Contact #2: Ben Sellers (405)802.6993
bsellers@nedevelopment.net

We will serve in a co-development role, and should continue to be included in communications.

Please let me know if you have any questions.

Respectfully,

Mark Risser

Project developed by:

NE Development Group

Lewisville, TX

View from Asp Avenue looking north

NE CONSTRUCTION

CAMPUS CORNER PROJECT

Norman, OK

04.2013

SCHEMATIC DESIGN

PROJECT TABULATION

Site Acreage	1.531313	66704
FAR	2.97	
Unit Density	131	per acre
Project Efficiency	84%	

UNIT DATA:

Unit	E1	E2	A	A1	B1	B2	B3	Totals/Avg
Description	0B/1B	0B/1B	1B/1B	1B/1B	2B/2B	2B/2B	2B/2B	
Total Number	2	20	52	86	8	12	20	200
Net SF	444	498	605	704	1056	1202	1236	752
Gross SF	444	498	605	704	1056	1202	1236	
Percentage of Total	1%	10%	26%	43%	4%	6%	10%	100%
Percentage of Mix	11%		69%		20%			100%
Unit Net Totals	888	9960	31460	60544	8448	14424	24720	150,444
Unit Gross Totals								
	$ 1.40	$ 1.40	$ 1.40	$ 1.40	$ 1.40	$ 1.40	$ 1.40	
	$ 621.60	$ 697.20	$ 847.00	$ 985.60	$ 1,478.40	$ 1,682.80	$ 1,730.40	
monthly revenue	$ 1,243.20	$ 13,944.00	$ 44,044.00	$ 84,761.60	$ 11,827.20	$ 20,193.60	$ 34,608.00	$ 210,821.60

NET S.F. When applied to the Unt Data, the net SF includes all enclosed conditioned dwelling unit space. When applied to the Building Data the net SF includes the enclosed conditioned floor area of the dwelling units, amenity areas, corridors and building services areas. Measurements are taken to the exterior face of stud of the enclosing wall.

GROSS S.F. When applied to the Unt Data, the net SF includes all enclosed conditioned dwelling unit space. When applied to the Building Data the net SF includes the enclosed conditioned floor area of the dwelling units, amenity areas, corridors and building services areas. Measurements are taken to the exterior face of stud of the enclosing wall.

Commercial Monthly Rev: $ 10,855.00

Total Gross Monthly Rev: $ 221,454.60

BLDG DATA:

	E1	E2	A	A1	B1	B2	B3	Total Units	Total Units	Unit Net	Rentable	Gross	Amenity Gross	Corridor	Total Net	Total Net	Total Gross	Total Gross
	0B/1B	0B/1B	1B/1B	1B/1B	2B/2B	2B/2B	2B/2B	per Floor	in Bldg	SF per floor	Commercial	Commercial	SF per floor	SF per floor	SF per floor	SF	SF per floor	SF
1st Floor (parking)											2500	5500	2000	1,500				
2nd Floor (parking)											3000	5000	4000	750				
3rd Floor	0	5	13	22	2	3	5	50		37,741				6,868				
4th Floor	1	5	13	22	2	3	5	51		38,185				6,868				
5th Floor	1	5	13	22	2	3	5	51		38,185				6,868				
6th Floor	0	5	13	20	2	3	5	48	200	36,333			1600	6,868				
Amenities										150,444			7600	29,722				
	E1	E2	A1	A2		B1	B2	Unit		Total Unit	Total Rentable	Total	Total Amenity	Total Corridor	Total Net		Total Gross	
	0B/1B	0B/1B	1B/1B	1B/1B		2B/2B	2B/2B	Totals		Net S.F.	Commercial	Commercial	Gross S.F.	Gross S.F.	Bldg S.F.		Apartment Bldg S.F	
TOTAL	2	20	52	86	8	12	20	200		150,444	5,500	10,500	7600	29,722		158,044		187,766

PARKING SPACES REQUIRED									
	2	20	52	86	16	24	40	Total Reserved Req	240
GRAGE RESIDENTS									240
GUEST / Leasing									26
COMMERCIAL									40
TOTAL PROVIDED									306

Garage		Garage S.F. per floor	Total Garage S.F.
1st Floor		50833	
2nd Floor		38060	
			88,893

Total Gross Project S.F. = Apartment + Commerical (not included garage): 198,266

287,159

266,816

CAMPUS CORNER PROJECT

Norman, OK

PROJECT DATA
04.2013
SCHEMATIC DESIGN

NE CONSTRUCTION

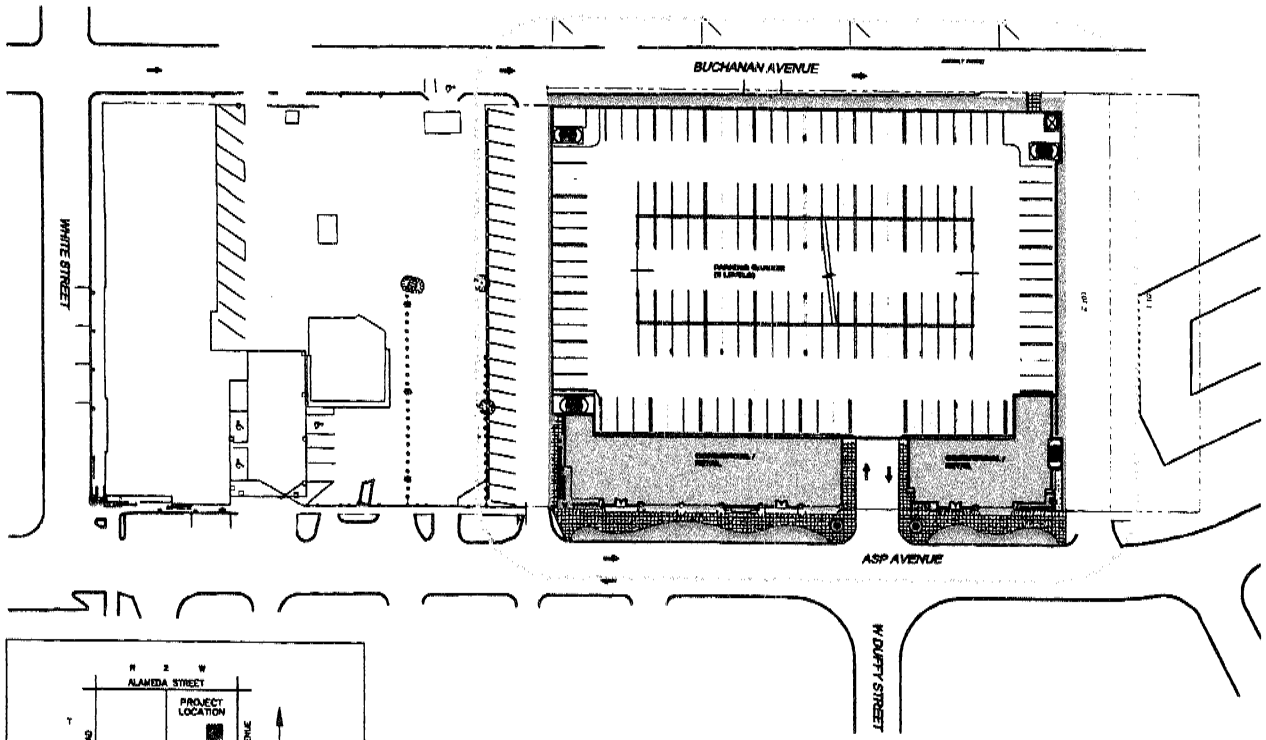
CAMPUS CORNER PROJECT

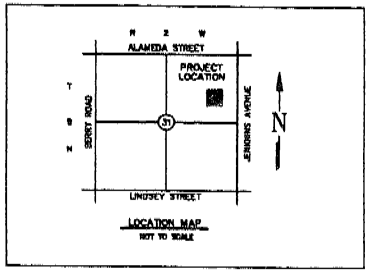
Norman, OK

AERIAL

04.2013

SCHEMATIC DESIGN





SITE PLAN

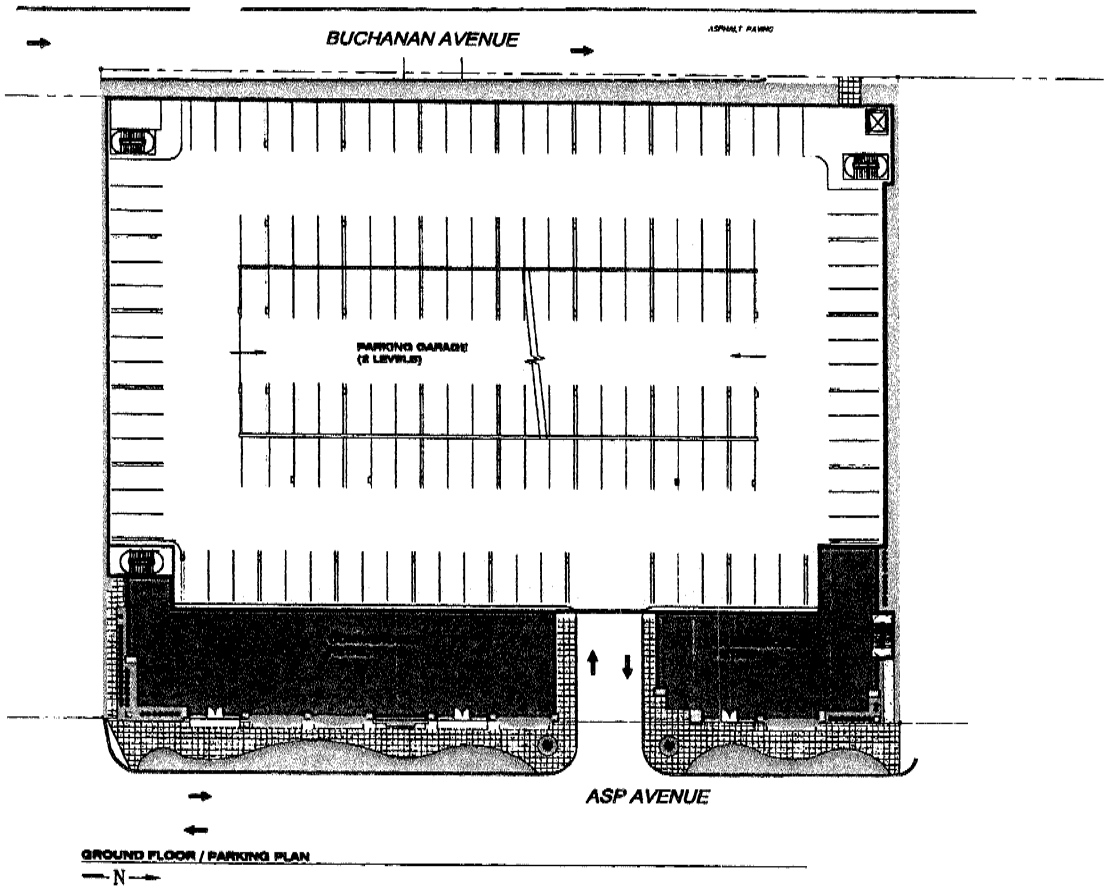
N

CONSTRUCTION

CAMPUS CORNER PROJECT

Norman, OK

SITEPLAN
04.2013
SCHEMATIC DESIGN



NE CONSTRUCTION

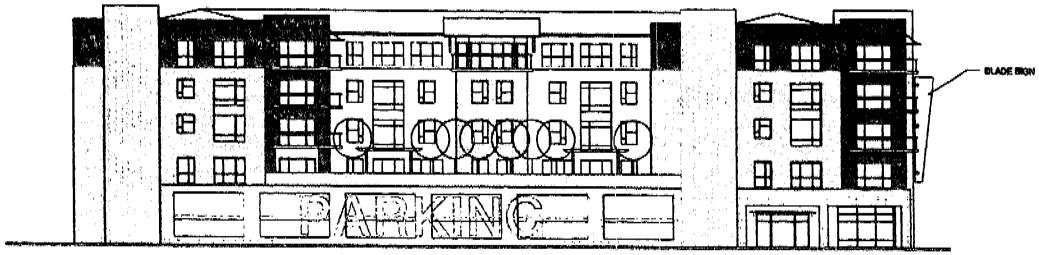
CAMPUS CORNER PROJECT

Norman, OK

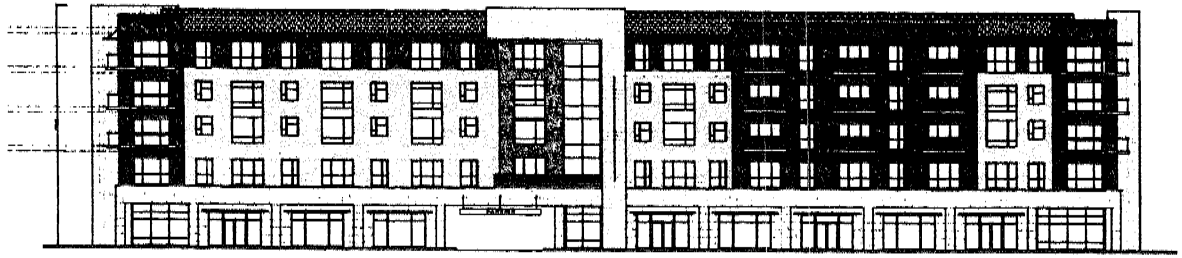
GROUND FLOOR

04.2013

SCHEMATIC DESIGN



SOUTH ELEVATION



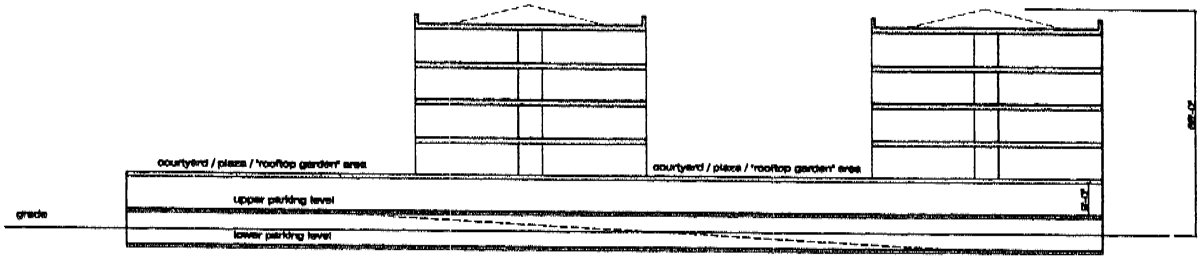
ASP AVENUE ELEVATION

NE CONSTRUCTION

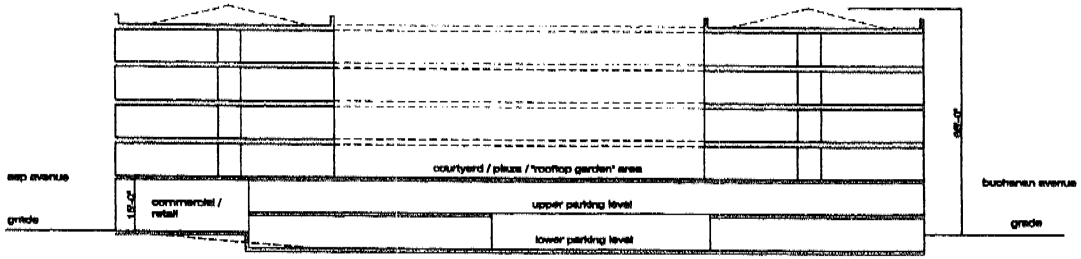
CAMPUS CORNER PROJECT

Norman, OK

ELEVATIONS
04.2013
SCHEMATIC DESIGN



NORTH / SOUTH CROSS SECTION OF SITE



EAST / WEST CROSS SECTION OF SITE

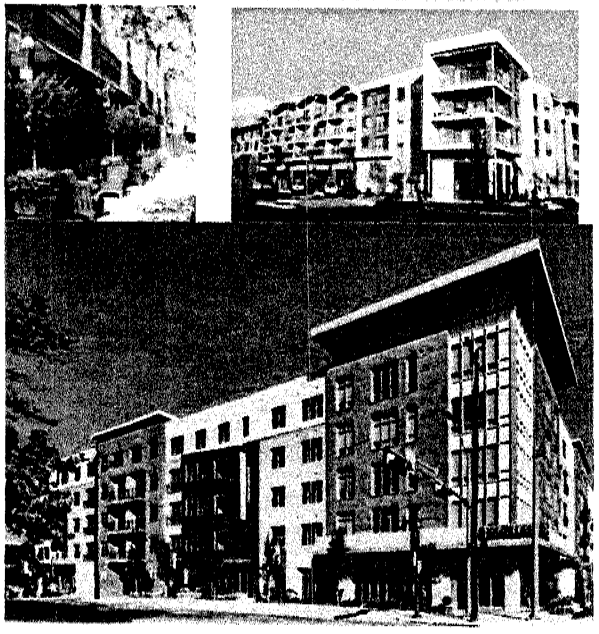
NE CONSTRUCTION

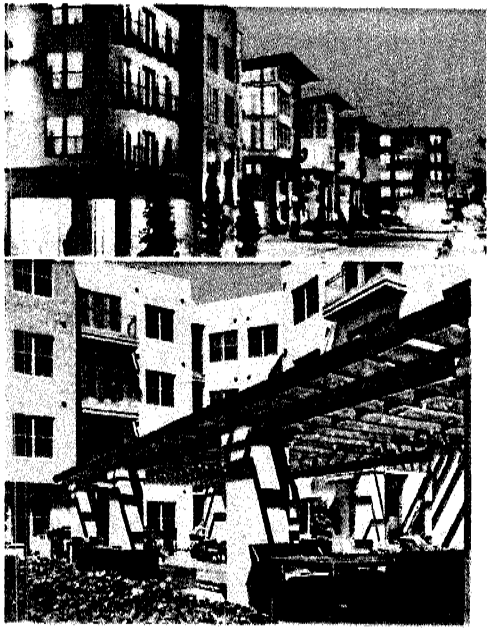
CAMPUS CORNER PROJECT

Norman, OK

CROSS SECTION
04.2013
SCHEMATIC DESIGN

22-12





CAMPUS CORNER PROJECT

Norman, OK

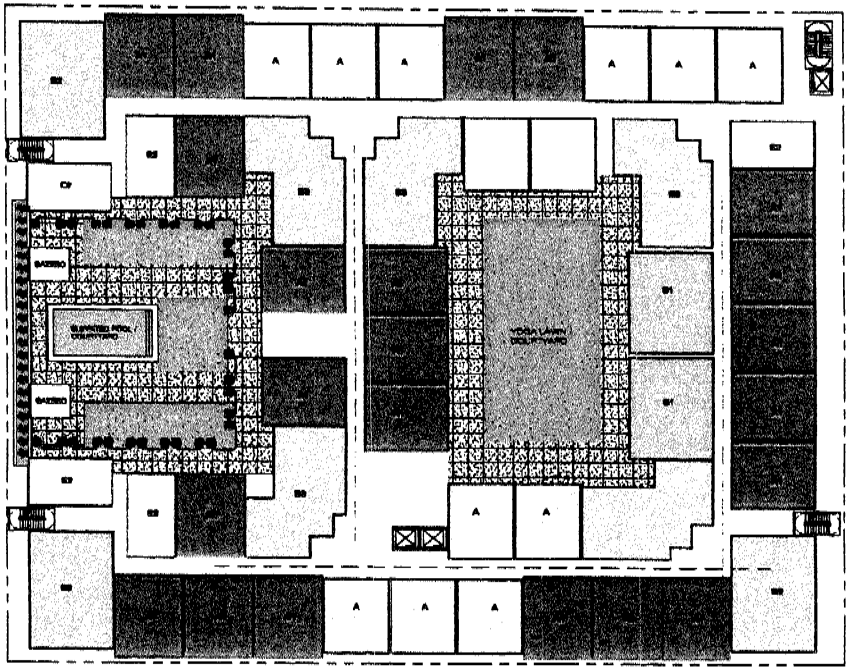
IMAGE BOARD
04.2013
SCHEMATIC DESIGN

CAMPUS CORNER PROJECT

Norman, OK

04.2013

SCHEMATIC DESIGN



COURTYARD LEVEL FLOOR PLATE / UNIT LAYOUT

N

NE CONSTRUCTION

CAMPUS CORNER PROJECT

Norman, OK

UPPER FLOORS

04.2013

SCHEMATIC DESIGN

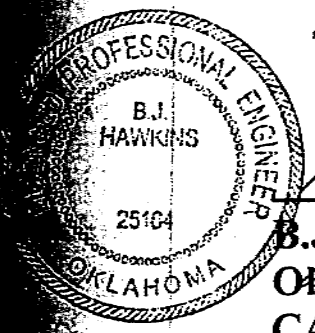
TRAFFIC IMPACT STUDY

710 Asp Avenue
Norman, Oklahoma

Prepared for:

B3 Development Group

March 2013



Prepared by:
Traffic Engineering Consultants, Inc.

3-21-13

B.J. Hawkins, P.E., PTOE **Date**
Oklahoma P.E. #25164
CA # 1160

1.0 INTRODUCTION

Traffic Engineering Consultants, Inc. (TEC) was retained by B3 Development Group to perform a traffic impact study for a proposed development to be located in Norman, Oklahoma. The study was requested to determine the effects the proposed development would have on the adjacent street system, to review the available access to the development, and to provide recommendations for improvements that may be necessary to accommodate the traffic expected to be generated by the development.

2.0 BACKGROUND

The site of the proposed development is located west of Asp Avenue and across from Duffy Street as shown in **Figure 1**. The development is proposed to include an apartment complex containing 200 units with a total of 240 bedrooms. The development will also include two retail spaces. The exact land uses for the spaces are unknown at this time, but for the purpose of this report it will be assumed to contain a specialty retail center and a high-turnover sit-down restaurant.

Figure 1 – General Location Map

Access to the new development, as shown in **Figure 2**, is proposed via one full-access drive on Asp Avenue. The drive will be located directly across from Duffy Street and will create an east/west stop controlled intersection. Asp Avenue is a two lane north/south collector street and it has a posted speed limit of 30 mph. Boyd Street is a four lane east/west major arterial and it has a posted speed limit of 30 mph.

3.0 TRAFFIC DATA COLLECTION

Existing traffic volume data was collected adjacent to the proposed development in October of 2012. Peak hour turning movement volumes were collected at the intersections of Asp Avenue and Boyd Street, Asp Avenue and White Street, and Asp Avenue and Duffy Street. The data was collected during the a.m. (7:00 to 9:00) and p.m. (4:00 to 6:00) peak hour periods. The 2012 existing traffic data is summarized in **Figure 3** and detailed printouts of all the traffic count data are included in the appendix.

The 2012 existing traffic data was utilized to determine the background traffic for 2015. The 2015 design period was selected as the year the development is projected to be completed. The background traffic was determined for the 2015 design year by applying an average annual growth rate of 1% to the 2012 existing traffic. The 1% annual growth rate was provided by the City of Norman and represents the typical annual growth in the area. The 2015 projected background traffic is summarized in **Figure 4**. This data is the base or background traffic to which the new development traffic was added for conducting the reviews and analyses.

4.0 PROJECTED TRAFFIC

4.1 Site Generated Traffic

To determine the effects a new development will have on an existing street system, the new or additional traffic must be projected. The latest edition of the *Trip Generation Report*, published by the Institute of Transportation Engineers, was used to determine the amount of traffic the development is expected to generate. The report is a nationally accepted reference which provides trip rates for determining the traffic expected to be generated by different land use types.

Available information was utilized regarding the anticipated land uses to determine the site generated traffic. The *Specialty Retail Center* (Land Use Code 826) and *High-Turnover Sit-Down Restaurant* (Land Use Code 932) categories were selected to determine the trip generation for the retail spaces. Due to the close proximity of the development to the University of Oklahoma, the *apartment* land use category does not accurately reflect the expected development traffic and therefore other data must be used.

The new apartment development is proposed to provide residential dwellings primarily for students attending the University of Oklahoma. Due to the proximity of the development, it is believed that many of the residents will not drive to and from campus, but either walk or bike. TEC collected traffic volumes into and out of two nearby apartment complexes (Campus Station Apartments and Key West Apartments). Both of the sampled apartment complexes are similar in size and location to the proposed development. Based on the traffic volumes collected at these apartment complexes, the trip rate for a similar land use was determined to be 0.17 vehicles per hour per dwelling unit during the a.m. peak hour and 0.37 vehicles per hour per dwelling unit during the p.m. peak hour. These trip rates were approved by the City of Norman for this traffic study. The resulting traffic volumes projected to be generated by the site once it is fully developed are indicated in **Table 1**.

TABLE 1.

PROJECTED SITE GENERATED TRAFFIC VOLUMES

Building Type (Land Use)	Land Use Code	Approx. Gross Floor Area or Other	Average Weekday Vehicle Trip Ends			Average AM Peak Hour Directional Distribution		Average AM Peak Hour Directional Volume		Average PM Peak Hour Directional Distribution		Average PM Peak Hour Directional Volume	
			PER DAY	Per Peak Hour of Adjacent Street Traffic									
				One Hour Between 7am & 9am	One Hour Between 4pm & 6pm								
			(vpd)	(vph)	(vph)	IN	OUT	IN	OUT	IN	OUT	IN	OUT
Trip Rate**		(dwelling units)	—	0.17	0.37								
Mid-Rise Apartment	—	200	—	34	74	0.31	0.69	11	23	0.58	0.42	43	31
Trip Rate*		(sf)	49.06	—	5.98								
Specialty Retail Center	826	6,000	294	—	36	—	—	—	—	0.44	0.56	16	20
Trip Rate*		(sf)	127.15	10.81	9.85								
High-Turnover Sit-Down Restaurant	932	3,500	445	38	34	0.55	0.45	21	17	0.60	0.40	20	14
TOTAL			739	72	144			32	40			79	65

* Trip rates from "TRIP GENERATION", 9th Ed., Vol. 3 of 3, Institute of Transportation Engineers, 2012.

** Trip rate determined from data collected at Campus Station Apartments in Norman, Oklahoma.

4.2 *Trip Distribution*

The traffic expected to be generated by the proposed development was then distributed among the surrounding street system as well as the point of access for the a.m. and p.m. peak hours. The distribution of the site generated traffic was based on traffic patterns in the area and the assumed destination of future residents and is summarized in **Figure 5**. The directional distribution of the site generated traffic for the proposed development is expected to be:

- 35% from Boyd Street west of the development
- 30% from Boyd Street east of the development
- 20% from Asp Avenue north of the development
- 12% from Duffy Street east of the development
- 03% from White Street west of the development

The projected site generated traffic was then added to the background traffic for the 2015 design year. The 2015 projected combined traffic volumes (2015 projected background traffic + site generated traffic) for the access point to the proposed development, as well as the surrounding street system, are summarized in **Figure 6**.

5.0 CAPACITY ANALYSIS

The capacity analyses were conducted using *Synchro 7.0*, which is a software package for modeling and optimizing traffic signal timings at signalized intersections and analyzing unsignalized intersections in accordance with the methodology of the latest edition of the *Highway Capacity Manual.* The *Highway Capacity Manual* is published by the Transportation Research Board of the National Research Council, Washington, D.C. The information has been widely accepted throughout the U.S. as a guide for defining and solving transportation challenges. The information is approved and distributed by the U.S. Department of Transportation, Federal Highway Administration.

The capacity analysis provides a measure of the amount of traffic that a given facility can accommodate. Traffic facilities generally operate poorly at or near capacity. The analysis is intended to estimate the maximum amount of traffic that can be accommodated by a facility while maintaining prescribed operational qualities. The definition of operational criteria is accomplished using levels-of-service. The concept of levels-of-service is defined as a qualitative measure and describes operational conditions in terms of such factors as speed and travel time, freedom to maneuver, traffic interruptions, comfort and

convenience, and safety. Six levels-of-service are defined for each type of facility for which analysis procedures are available. They are given letter designations, from "A" to "F", with level-of-service "A" representing the best operating conditions and level-of-service "F" the worst.

The average control delay for signalized intersections is estimated for each lane group and aggregated for each approach and for the intersection as a whole. The level-of-service for this type of traffic control is directly related to the control delay value. The level-of-service criteria for signalized intersections are indicated below.

SIGNALIZED INTERSECTIONS

Level-of-Service	Control Delay per Vehicle (s/veh)
A	0-10
B	> 10-20
C	> 20-35
D	> 35-55
E	> 55-80
F	> 80

The criteria for stop controlled or unsignalized intersections have different threshold values than do those for signalized intersections. A higher level of control delay has been determined to be acceptable at a signalized intersection for the same level-of-service. The level-of-service criteria for unsignalized intersections are indicated below.

UNSIGNALIZED INTERSECTIONS

Level-of-Service	Control Delay per Vehicle (s/veh)
A	0-10
B	> 10-15
C	> 15-25
D	> 25-35
E	> 35-50
F	> 50

Capacity analyses were conducted for the a.m. and p.m. peak hours for the access point to the proposed development as well as the intersections of Asp Avenue and Boyd Street and Asp Avenue and White Street. The intersections were analyzed and reviewed under the 2012 existing traffic, 2015 projected background traffic, and 2015 projected combined traffic. For purposes of this report, an overall intersection level-of-service "D" or better and a critical movement (movement with the lowest level-of-service) level-of-service "E" or better was considered an acceptable level-of-service. The results of the capacity analyses conducted are summarized in **Table 2** and the raw data sheets have been included in the appendix.

TABLE 2
Capacity Analysis Summary

Intersection	Type of Traffic Control	AM Peak Hour					PM Peak Hour				
		Critical Movement			Intersection		Critical Movement			Intersection	
		Movement	Delay (sec/veh)	LOS	Delay (sec/veh)	LOS	Movement	Delay (sec/veh)	LOS	Delay (sec/veh)	LOS
2012 Existing Traffic											
Asp Avenue & Boyd Street	Signalized	SB	36.0	D	7.6	A	SB	65.9	E	19.0	B
Asp Avenue & White Street	Unsignalized	EB	9.0	A	1.1	A	EB	10.6	B	2.8	A
Asp Avenue & Duffy Street	Unsignalized	EB	10.1	B	4.8	A	WB	12.2	B	5.2	A
2015 Projected Background Traffic											
Asp Avenue & Boyd Street	Signalized	SB	36.0	D	7.7	A	SB	67.8	E	19.6	B
Asp Avenue & White Street	Unsignalized	EB	9.0	A	1.1	A	EB	10.8	B	2.8	A
Asp Avenue & Duffy Street	Unsignalized	EB	10.2	B	4.8	A	WB	12.4	B	5.2	A
2015 Projected Background Traffic + Site Traffic											
Asp Avenue & Boyd Street	Signalized	SB	38.6	D	8.9	A	SB	77.5	E	23.5	C
Asp Avenue & White Street	Unsignalized	EB	9.2	A	0.9	A	EB	11.5	B	2.6	A
Asp Avenue & Duffy Street/Drive #1	Unsignalized	WB	10.3	B	5.7	A	WB	16.0	C	7.1	A

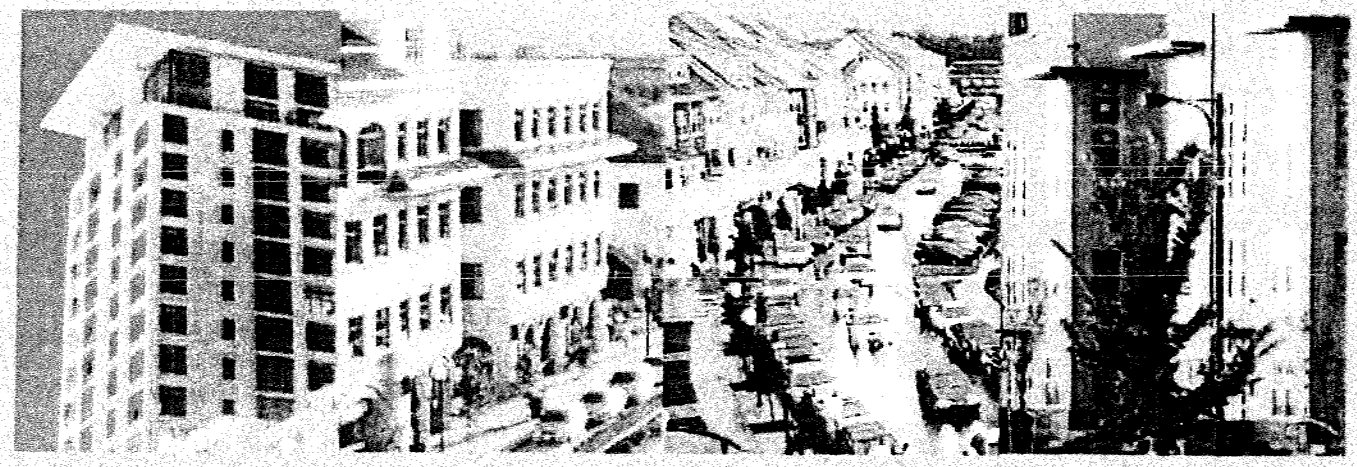
The analyses conducted under the 2012 existing traffic conditions indicated that each intersection currently operates at acceptable levels-of-service during the a.m. and p.m. peak hours. Under the 2015 projected background traffic, the intersections would continue to operate at acceptable levels-of-service. Once the site generated traffic was added to the 2015 projected background traffic, each intersection would be expected to continue operating at acceptable levels-of-service. The intersection of Asp Avenue and Boyd Street currently experiences high vehicle delay on the side streets during the peak hours. Due to right-of-way constraints, widening improvements to this intersection are not feasible. By slightly adjusting the signal timing plans to provide more green time for Asp Avenue, vehicle delay would be improved on the side street. The site generated traffic was analyzed entering the development from the existing thru lanes on Asp Avenue and the construction of exclusive left and right turn lanes are not recommended.

6.0 CONCLUSIONS AND RECOMMENDATIONS

TEC was requested to conduct a traffic impact study on a proposed development in Norman, Oklahoma. Existing traffic volume data was collected adjacent to the proposed development in October of 2012. The existing traffic was utilized to determine the background traffic for 2015 by applying an average annual growth rate of 1% for three years. The 2015 design period was selected as the year the development is projected to be completed. The traffic expected to be generated by the new development was determined and distributed among the point of access to the development, as well as the adjacent street intersections. The proposed development traffic was added to the 2015 projected background traffic for conducting the reviews and analyses.

Each intersection analyzed under the 2012 existing traffic and 2015 projected background traffic operates within acceptable levels-of-service. Once the site generated traffic was applied to the 2015 projected background traffic, the intersections continue to operate within acceptable levels-of-service. Based on the results of the analyses conducted, no geometric roadway improvements are necessary for traffic to operate at an acceptable level-of-service. Slight signal timing plan modifications could be made at Asp Avenue and Boyd Street to improve side street vehicle delay. It is important to make sure that the proposed development drive (Drive #1) lines up with Duffy Street to avoid any potential conflicting left-turn movements.

MYTH AND FACT



NMHC National Multi Housing Council®

SIERRA CLUB

AIA

ULI Urban Land Institute

MYTH AND FACT

Urban Land Institute

About NMHC–the National Multi Housing Council

NMHC is a national association representing the interests of the nation's larger and most prominent apartment firms. NMHC advocates on behalf of rental housing, conducts apartment-related research, encourages the exchange of strategic business information, and promotes the desirability of apartment living. One-third of Americans rent their housing, and 15 percent of all U.S. households live in an apartment home.

Doug Bibby, *President*

About Sierra Club

The Sierra Club's members are 700,000 of your friends and neighbors. Inspired by nature, we work together to protect our communities and the planet. The Club is America's oldest, largest, and most influential grass-roots environmental organization.

Larry Fahn, *President*

About AIA–the American Institute of Architects

Since 1857, the AIA has represented the professional interests of America's architects. As AIA members, more than 75,000 licensed architects, emerging professionals, and allied partners express their commitment to excellence in design and livability in our nation's buildings and communities. Members adhere to a code of ethics and professional conduct that assures the client, the public, and colleagues of an AIA-member architect's dedication to the highest standards in professional practice.

Douglas L. Steidl, *President*

About ULI–the Urban Land Institute

ULI–the Urban Land Institute is a nonprofit educational and research institute supported by its members. Its mission is to provide responsible leadership in the use of land to enhance the total environment. ULI sponsors educational programs and forums to encourage an open exchange of ideas and sharing of experiences; initiates research that anticipates emerging land use trends and issues and proposes creative solutions based on that research; provides advisory services; and publishes a wide variety of materials to disseminate information on land use and development. Established in 1936, the Institute has more than 24,000 members and associates from more than 80 countries representing the entire spectrum of the land use and development disciplines.

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As this country continues to grow and change, communities are left to figure out where all these new people will live, work, and shop. New markets are emerging for real estate that offers a more convenient lifestyle than is offered by many low-density sprawling communities. New compact developments with a mix of uses and housing types throughout the country are being embraced as a popular alternative to sprawl. At the core of the success of these developments is density, which is the key to making these communities walkable and vibrant.

Unfortunately, in too many communities higher-density mixed-use development is difficult to construct because of zoning and building codes that favor low-density development with segregated uses and because of opposition from the community. This publication looks at several myths surrounding higher-density development and attempts to dispel them with facts to help dismantle the many barriers such developments face.

ULI is proud to have partnered with NMHC–the National Multi Housing Council, Sierra Club, and AIA–the American Institute of Architects on this publication. This convergence of interests highlights the importance each organization has placed on finding a new development pattern that better fits the needs of a growing and changing country.

ULI will continue to provide forums in which all stakeholders can explore and debate issues about growth and development patterns and how properly designed and incorporated density can be used to accommodate new growth. ULI will conduct research, produce well-balanced information, and identify best practices on issues relevant to growth and density. Through these efforts, ULI and its partners hope to play a role in planning a better development pattern for the future.

Harry H. Frampton III
Chair

Myth and Fact

merica's changing population is creating demand for new types of homes, offices, and retail outlets. Better solutions are needed to the challenges created by changing demographics, dwindling natural areas, smog and public health issues, shrinking municipal budgets, and traffic congestion. Communities that answer these challenges will develop into great places to live.

America will add roughly 43 million new residents—that's 2.7 million new residents per year—between now and 2020.[1] America is not only growing but also undergoing dramatic demographic changes. The traditional two-parent household with children is now less than a quarter of the population and getting proportionally smaller. Single-parent households, single-person households, empty nesters, and couples without children make up the new majority of American households, and they have quite different real estate needs.[2] These groups are more likely to choose higher-density housing in mixed-density communities that offer vibrant neighborhoods over single-family houses far from the community core.

The fact is that continuing the sprawling, low-density haphazard development pattern of the past 40 years is unsustainable, financially and otherwise. It will exacerbate many of the problems sprawl has already created—dwindling natural areas and working farms, increasingly longer commutes, debilitating traffic congestion, and harmful smog and water pollution. Local officials now realize that paying for basic infrastructure—roadways and schools, libraries, fire, police, and sewer services —spread over large and sprawling distances is inefficient and expensive.

Most public leaders want to create vibrant, economically strong communities where citizens can enjoy a high quality of life in a fiscally and environmentally responsible manner, but many are not sure how to achieve it. Planning for growth is a comprehensive and complicated process that requires leaders to employ a variety of tools to balance diverse community interests. Arguably, no tool is more important than increasing the density of existing and new communities, which includes support for infill development, the rehabilitation and reuse of existing structures, and denser new development. Indeed, well-designed and well-integrated higher-density development makes successful planning for growth possible.

Density refers not only to high-rise buildings. The definition of density depends on the context in which it is used. In this publication, *higher density* simply means new residential and commercial development at a density that is higher than what is typically found in the existing community. Thus, in a sprawling area with single-family detached houses on one-acre lots, single-family houses on one-fourth or one-eighth acre are considered higher density. In more densely populated areas with single-family houses on small lots, townhouses and apartments are considered higher-density development. For many suburban communities, the popular mixed-use town centers being developed around the country are considered higher-density development.

Most land use professionals and community leaders now agree that creating communities with a mix of densities, housing types, and uses could be the antidote to sprawl when implemented regionally. And across the country, the general public is becoming more informed and engaged in making the tough land use choices that need to be made while understanding the consequences of continuing to grow as we have in the past. Many have also come to appreciate the "place-making" benefits of density and the relationship between higher-density development and land preservation. Media coverage of the topic of growth and development has also evolved. Past media coverage of growth and development issues was often limited to the heated conflicts between developers and community residents. Many in the media are now presenting more thoughtful and balanced coverage, and several editorial boards support higher-density developments in their communities as an antidote to regional sprawl.

Yet despite the growing awareness of the complexity of the issue and growing support for higher-density development as an answer to sprawl, many still have questions and fears related to higher-density development. How will it change the neighborhood? Will it make traffic worse? What will happen to property values? And what about crime? Ample evidence—documented throughout this publication—suggests that well-designed higher-density development, properly integrated into an existing community, can become a significant community asset that adds to the quality of life and property values for existing residents while addressing the needs of a growing and changing population.

Many people's perception of higher-density development does not mesh with the reality. Studies show that when surveyed about higher-density development, those interviewed hold a negative view. But when shown images of higher-density versus lower-density development, people often change their perceptions and prefer higher density.[3] In a recent study by the National Association of Realtors® and Smart Growth America, six in ten prospective homebuyers, when asked to choose between two communities, chose the neighborhood that offered a shorter commute, sidewalks, and amenities like shops, restaurants, libraries, schools, and public transportation within walking distance. They preferred this option over the one with longer commutes and larger lots but limited options for walking.[4] The 2001 American Housing Survey further reveals that respondents cited proximity to work more often than unit type as the leading factor in housing choice.[5] Such contradictions point to widespread misconceptions about the nature of higher-density development and sprawl. Several of these misconceptions are so prevalent as to be considered myths.

To some degree, these myths are the result of memories people have of the very-high-density urban public housing projects of the 1960s and 1970s that have been subsequently deemed a failure. Somehow, the concept of density became associated with the negative imagery and social problems of depressed urban areas. The reality

is that complex interrelated factors such as the high concentration of poverty and poor educational and employment opportunities combined to doom the public housing projects. Even very-high-density housing can be practical, safe, and desirable. For example, the mixed-income apartments and condominiums or luxury high rises in New York and Chicago—some of the safest and most expensive housing in the country—prove that density does not equal an unsafe environment.

The purpose of this publication is to dispel the many myths surrounding higher-density development and to create a new understanding of density that goes beyond simplistic negative connotations that overestimate its impact and underestimate its value. Elected officials, concerned citizens, and community leaders can use this publication to support well-designed and well-planned density that creates great places and great communities that people love. With the anticipated population growth and continuing demographic and lifestyle changes, consensus is building that creating communities with a mix of densities, housing types, and uses will be both necessary and desirable.

Higher-Density Development: Myth and Fact is the sixth in a series of Urban Land Institute myth and fact booklets. The series is intended to clarify misconceptions surrounding growth and development. Other topics covered have included transportation, smart growth, urban infill housing, environment and development, and mixed-income housing.

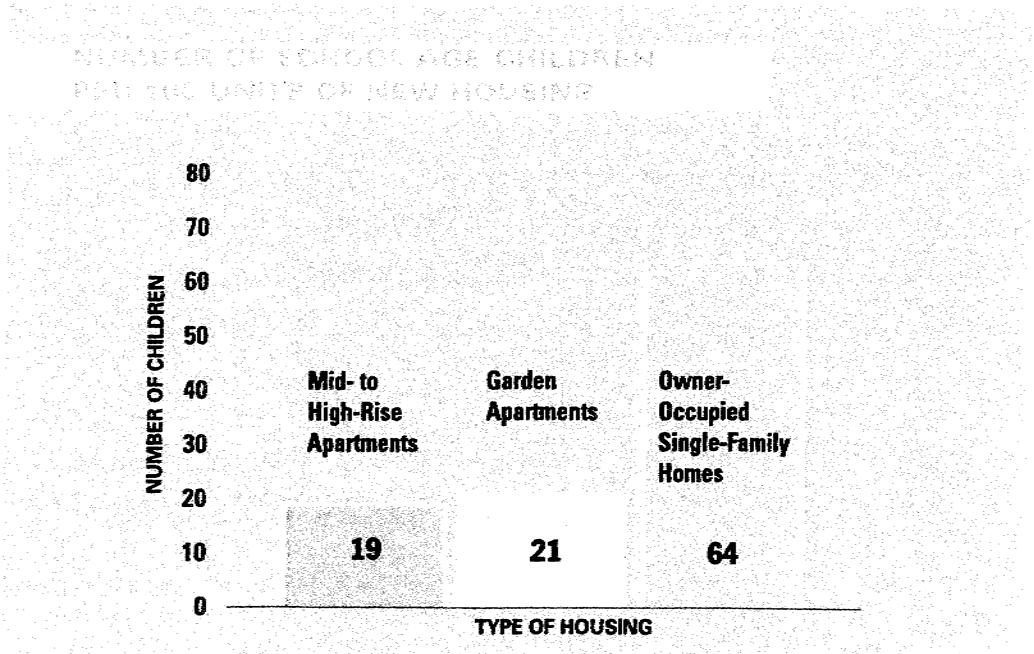
Higher-Density Development: Myth and Fact examines widespread misconceptions related to higher-density development and seeks to dispel them with relevant facts and information. Although the benefits of higher-density development are often understated, so are the detrimental effects of low-density development. The advantages and drawbacks of higher-density development are compared throughout this publication with the alternative of low-density development. In the process, misconceptions regarding low-density development are also addressed.

Higher-density development overburdens public schools and other public services and requires more infrastructure support systems.

FACT

The nature of who lives in higher-density housing—fewer families with children—puts less demand on schools and other public services than low-density housing. Moreover, the compact nature of higher-density development requires less extensive infrastructure to support it.

Public officials across the country struggle to afford the infrastructure needed to support sprawling development. A recent study analyzing the costs of sprawl estimated that more than $100 billion in infrastructure costs could be saved over 25 years by pursuing better planned and more compact forms of development.[6] The issue has transcended political parties and ideologies and has become an issue of basic fiscal responsibility. California's Republican Governor Arnold Schwarzenegger has criticized "fiscally unsustainable sprawl,"[7] while Michigan's Democratic Governor Jennifer Granholm has noted that sprawl "is hampering the ability of this state and its local governments to finance public facilities and service improvements."[8]



Source: *1999 American Housing Survey* (Washington, D.C.: U.S. Bureau of the Census and U.S. Department of Housing and Urban Development, 1999).

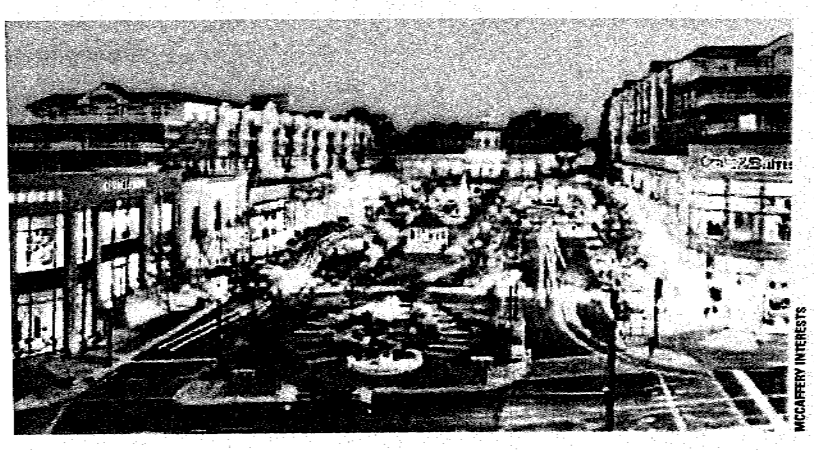
Progressive and conservative groups have identified sprawl as a real problem. Charter of the New Urbanism states that "placeless sprawl" is an "interrelated community building challenge."[9] Conservative groups have concluded that "sprawl is in fact a conservative issue" with "conservative solutions" and that "sprawl was in large part created through government intervention in the economy."[10]

Indeed, numerous government policies over the last half century have led to and supported sprawl. Historically, federal spending for transportation has subsidized large-scale highway construction over other modes of transportation. Financing policies from the Federal Housing Administration have promoted suburban subdivisions across the nation. Large lot exclusionary zoning has forced the artificial separation of land uses, leading to large distances between employment centers, housing, and retail. But many government agencies now realize they cannot afford to continue providing the infrastructure and public services that sprawl demands.

Not only do local governments absorb much of the cost of more and more roadways, profoundly longer water and electrical lines, and much larger sewer systems to support sprawling development, they must also fund public services to the new residents who live farther and farther from the core community. These new residents need police and fire protection, schools, libraries, trash removal, and other services. Stretching all these basic services over ever-growing geographic areas places a great burden on local governments. For example, the Minneapolis/St. Paul region built 78 new schools in the suburbs between 1970 and 1990 while simultaneously closing 162 schools in good condition located within city limits.[11] Albuquerque, New Mexico, faces a school budget crisis as a result of the need to build expensive new schools in outlying areas while enrollment in existing close-in schools declines.

PROFILE

The Market Common Clarendon


MCCAFFERY INTERESTS

Located within walking distance of a Washington, D.C., Metro stop, the Market Common provides housing, offices, retail, and restaurants on a ten-acre site that was formerly a parking lot.

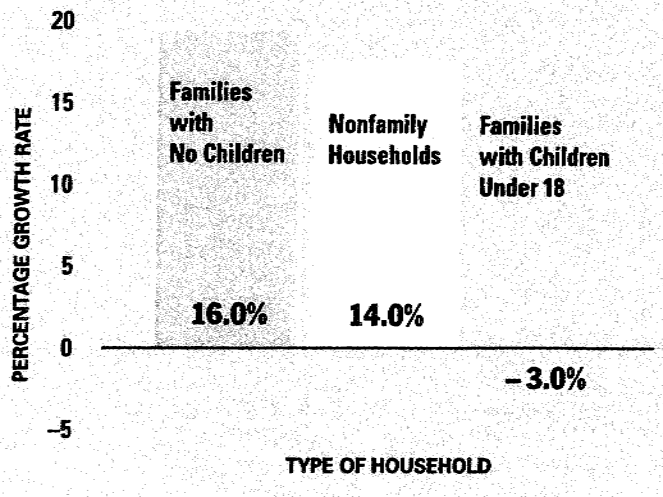
Located on the site of a former parking lot and occupying roughly ten acres of land, the Market Common in Clarendon, Virginia, just outside Washington, D.C., provides 300 Class A apartments, 87 townhouses, 100,000 square feet of office space, and 240,000 square feet of prime retail space. Located within walking distance of the Orange Line of Washington's extensive subway system, residents can leave their cars parked while they take public transit to work. They can also walk to a Whole Foods grocery store adjacent to the highly successful development. Prominent national retailers occupy the ground level of the building, and structured parking is provided. The compact development form of the Market Common promotes walking, biking, and using public transit over autos. The apartments are attractive to young professionals without children, lessening the impact on the county's school system. The project is the result of a successful collaboration of McCaffery Interests, Arlington County officials, and citizens of the Clarendon neighborhood; it has spurred new retail, office, and residential construction on neighboring sites.

Unfortunately for local governments, a growing body of evidence shows that sprawling development often does not pay enough property tax to cover the services it requires. A study conducted for a suburban community outside Milwaukee found that public services for an average-price single-family house in that community cost more than twice as much as the property taxes paid by the homeowner.[12]

One reason for the disparity between property tax revenue and the cost of public services is expenditures for public schools. Low-density suburbs and exurban areas generally attract families with more school-age children. In fact, single-family developments average 64 children for every 100 units, compared with only 21 children for every 100 units of garden apartments and 19 children for every 100 units of mid- to high-rise apartments.[13] The reason is that multifamily housing attracts predominantly childless couples, singles, and empty nesters.

And although apartment renters do not pay property tax directly, apartment owners do. Apartments are also usually taxed at a higher commercial real estate tax rate,[14] so a typical mixed-use development with retail, office, and apartments may subsidize the schools and other public services required by residents of low-density housing in the same community. This phenomenon is further exacerbated because many multifamily developments and retail and office establishments pay for their own trash disposal, shuttle buses, and security.

Reducing the distance between homes, shops, and offices also reduces the cost of public infrastructure. According to one of many studies, "The public capital and operating costs for close-in, compact development [are] much lower than they [are] for fringe, scattered, linear, and satellite development."[15] And many of these studies do not take into account the advantages created by making public transit



Source: *Projections of Number of Households and Families in the United States: 1995–2010* (Washington, D.C.: U.S. Bureau of the Census, 1996).

more feasible as well as making delivery of basic services like mail delivery, trash collection, and police and fire protection more efficient.

Another emerging body of research suggests that higher-density development is an important component of economic development initiatives and helps attract new employers. "Information economy" is a term used to define the growing industries based on the economics of the Internet, information goods, and intellectual property. Workers in this field are known as "knowledge workers," and many believe they are the future of the American economy. These workers are comfortable with the latest technology and, because their skills are transferable, choose their jobs based on the attributes of the town or city where they are located. They seek out vibrant, diverse urban centers that offer access to technology, other knowledge workers, and lifestyle.[16]

The economic development game has changed. Employers now follow the workers rather than the other way around. Therefore, communities that focus on providing a high quality of life with the energy and vitality created by urban centers will be much more likely to attract these highly prized, talented, and productive workers than communities of faceless sprawl. Companies that understand the appeal of these communities are making relocation decisions with these workers in mind. Studies have shown that increasing employment density increases labor productivity, generally by reducing commuting times.[17]

Thus, introducing higher-density projects into a community will actually increase that community's revenue without significantly increasing the infrastructure and public service burdens. Blending apartments into low-density communities can help pay for schools without drastic increases in the number of students. Diversifying housing options and adding amenities like shops and offices close by will improve the quality of life and attract businesses and people that will strengthen the community's economic stability. Increasing density provides a real economic boost to the community and helps pay for the infrastructure and public services that everybody needs.

PROFILE

Highlands' Garden Village

Built on the site of the Elitch Gardens amusement park in Denver, Highlands' Garden Village is a walkable, transit-linked community and a financially viable model for environmentally responsible infill development. New York–based developer Jonathan Rose & Companies developed single-family homes, townhouses, seniors' and multifamily apartments, cohousing, offices, and retail space on the site. At the center, a historic theater and carousel from the original amusement park are being transformed into a community performing arts center and a walking labyrinth. Berkeley, California–based Calthorpe Associates designed a plan that put new homes on three sides of a square-shaped village and a commercial "main street" on the fourth. Restaurants, studios, and shops line the street with live/work townhouses and offices above, giving residents the opportunity to live, work, and shop in the same community. The proximity of amenities, location near downtown, and convenience of public bus lines encourage people to walk and reduce travel costs.

Highlands' Garden Village reuses some structures from the amusement park previously located on the site. The compact development, combined with a variety of uses and housing types, uses public infrastructure more efficiently than low-density sprawling development.

MYTH

Higher-density developments lower property values in surrounding areas.

FACT

No discernible difference exists in the appreciation rate of properties located near higher-density development and those that are not. Some research even shows that higher-density development can increase property values.

The precise value of real estate is determined by many factors, and isolating the impact of one factor can be difficult. Although location and school district are the two most obvious determining factors of value, location within a community and size and condition of the house also affect value. Several studies have examined whether multifamily housing has any impact on the value of nearby single-family detached houses. These studies have shown either no impact or even a slightly positive impact on appreciation rates.

PROFILE

HAILE PLANTATION CORPORATION

Haile Plantation

Haile Plantation is a Gainesville, Florida, icon. Although it is denser than surrounding communities, the values of homes in Haile Plantation are often higher than the values of houses in neighboring lower-density communities, because the traditional neighborhood design employed there makes Haile Plantation more desirable and valuable. Beginning with the master plan in 1979, Haile Plantation has been called one of the first new urbanist communities in the country. Developers Bob Rowe and Bob Kramer in conjunction with the Haile Plantation Corporation developed the 1,700-acre site to include more than 2,700 units, ranging from single-family homes to townhouses and garden apartments. The sense of community has only grown with the expansion of the development to include a town center, a village green, trails, civic uses, and offices. Indeed, it is density and diversity that together add value to this popular Florida community.

Homes in Haile Plantation sell for more than neighboring homes because prospective buyers view the traditional neighborhood design as a valuable and desirable amenity.

For instance, one study by the National Association of Home Builders looked at data from the American Housing Survey, which is conducted every two years by the U.S. Census Bureau and the Department of Housing and Urban Development. It found that between 1997 and 1999, the value of single-family houses within 300 feet of an apartment or condominium building went up 2.9 percent a year, slightly higher than the 2.7 percent rate for single-family homes without multifamily properties nearby.[18]

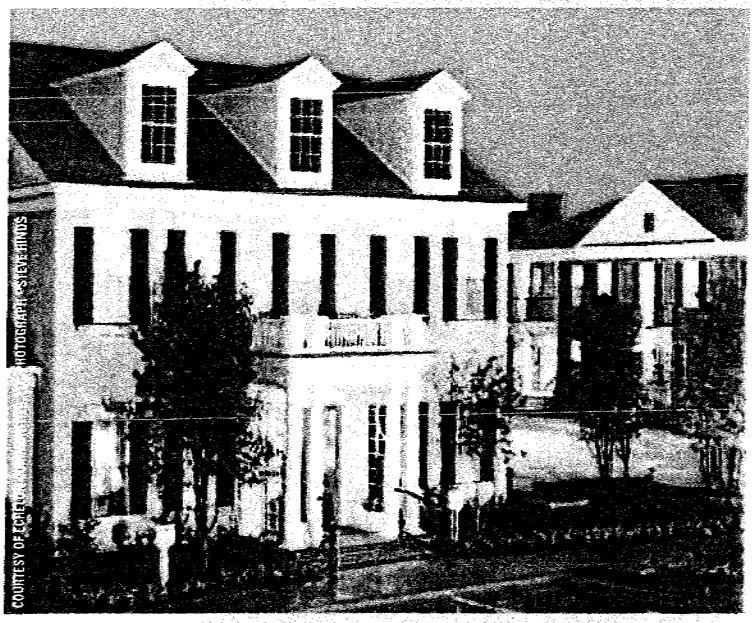
Another study, commissioned by the Family Housing Fund in Minnesota, studied affordable apartments in 12 Twin Cities neighborhoods and found "little or no evidence to support the claim that tax-credit family rental developments in [the] study eroded surrounding home values."[19] And a long-term study by Harvard University's Joint Center for Housing Studies published in 2003 also confirms that apartments pose no threat to nearby single-family house values, based on U.S. Census data from 1970 to 2000.[20]

Not only is there compelling evidence that increased density does not hurt property values of nearby neighbors: researchers at Virginia Tech University have concluded that over the long run, well-placed market-rate apartments with attractive design and landscaping actually increases the overall value of detached houses nearby.[21] They cite three possible reasons. First, the new apartments could themselves be an indicator that an area's economy is vibrant and growing. Second, multifamily housing may increase the pool of potential future homebuyers, creating more possible buyers for existing owners when they decide to sell their houses. Third, new multifamily housing, particularly as part of mixed-use development, often makes an area more attractive than nearby communities that have fewer housing and retail choices.[22]

PROFILE

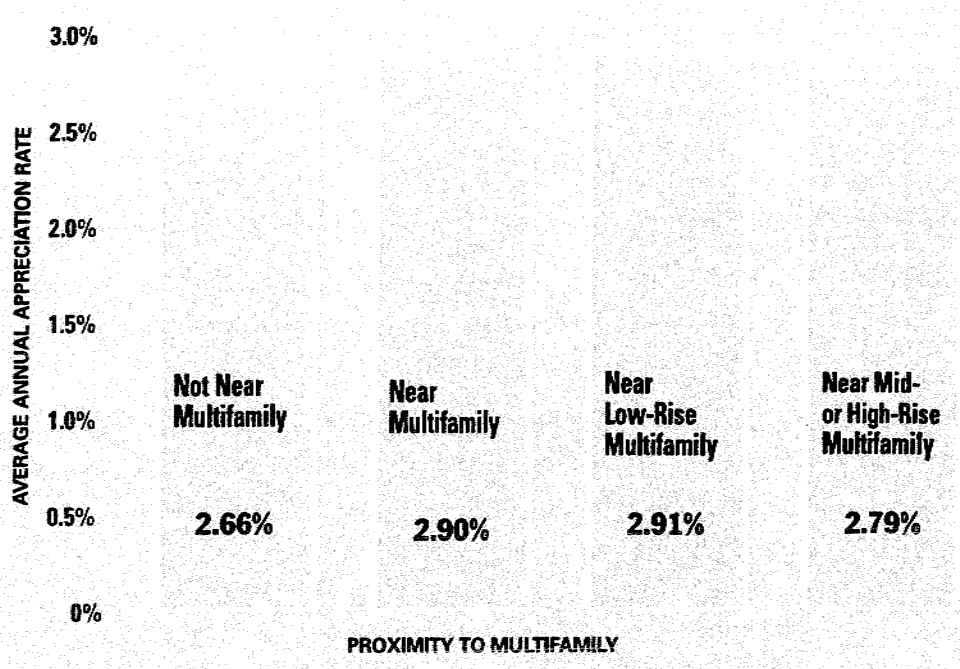
Echelon at Lakeside

Echelon at Lakeside is the only multifamily development in an upscale, master-planned single-family suburban neighborhood of Lakeside on Preston in Plano, Texas a suburb of Dallas. Florida-based developers Echelon Communities, LLC, overcame initial community opposition from area residents through high-quality innovative design. The award-winning architecture blends seamlessly with the surrounding neighborhood's traditional style. Larger-than-normal floor plans, individual entries, and attached garages combine to mirror the grand



The award-winning apartments at Echelon at Lakeside were designed to blend with the neighboring luxury homes.

estates in the surrounding communities. Although street elevations make the buildings appear to be one single-family home, they actually house several multifamily units. Memphis-based architects Looney Ricks Kiss used five building types and three building styles. All units include high-quality interior finishes; community amenities include a resort-style pool, fitness facility, clubroom, business and conference center, and full-time concierge.



Source: NAHB computations based on data in the *American Housing Survey* 1997 and 1999 (Washington, D.C.: U.S. Bureau of the Census and U.S. Department of Housing and Urban Development, 1997 and 1999).

Concerned citizens should use the entitlement process to demand high-quality development in their communities while understanding that density and adjacent property values are not inversely related. Higher-density real estate developers and investors in higher-density real estate need to appreciate the fact that most Americans' wealth is held in their home equity. Therefore, changes in property values can have very real consequences to existing property owners. Likewise, homeowners would benefit from knowing that developers make a substantial financial commitment when investing in new higher-density projects. This investment is an incentive to make the project successful, which can give the community leverage in working with the developer. Such interrelated and overlapping economic interests among these stakeholders make it all the more likely that a mutually beneficial agreement can be reached. Such an agreement can result in a project that enhances the existing community, ensures the appreciation of residents', developers', and the local government's financial interests, and addresses the needs of current and future residents of the community and region.

MYTH

Higher-density development creates more regional traffic congestion and parking problems than low-density development.

FACT

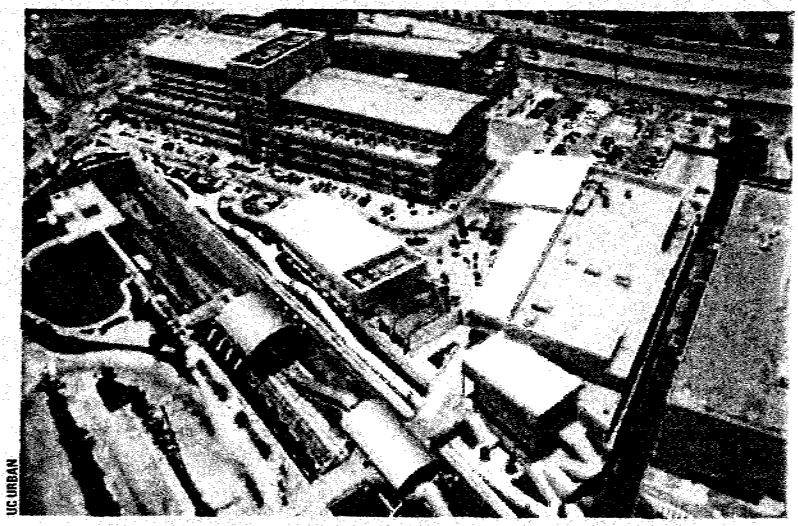
Higher-density development generates less traffic than low-density development per unit; it makes walking and public transit more feasible and creates opportunities for shared parking.

Most people assume that higher-density development generates more traffic than low-density development and that regional traffic will get worse with more compact development. In fact, the opposite is true. Although residents of low-density single-family communities tend to have two or more cars per household, residents of high-density apartments and condominiums tend to have only one car per household.[23] And according to one study using data from the National Personal Transportation Survey, doubling density decreases the vehicle miles traveled by 38 percent.[24]

PROFILE

Mockingbird Station

The residents of Mockingbird Station in Dallas, Texas, are far less dependent on their cars, because they have a whole host of amenities at their doorstep. Dallas developer Ken Hughes partnered with Denver-based Simpson Housing Group to create the ten-acre pedestrian-oriented urban village, which includes 216 loft apartments, an eight-screen film center and café, more than 90 shops and restaurants, offices, an enclosed public plaza, and parking, all directly linked to the Dallas Area Rapid Transit (DART) light-rail system. Mockingbird Station provides direct platform access to DART trains, which offer residents an eight-minute commute to Dallas's central business district and a single train connection to the Dallas Convention Center, Reunion Arena, and other downtown entertainment. The new village is also immediately adjacent to the campus of Southern Methodist University and within walking distance of the university's new stadium and sports center. RTKL created architecture reminiscent of historic train stations but with a modern twist to the materials and detailing. Although only limited driving is necessary, a parking garage is provided but placed out of sight and underground. The myriad materials, architectural styles, and amenities create a vibrant transit-oriented community.



UC URBAN

Residents of Mockingbird Station can leave their cars in the garage and take an eight-minute train ride to downtown Dallas; they can also walk to shops, offices, and a movie theater.

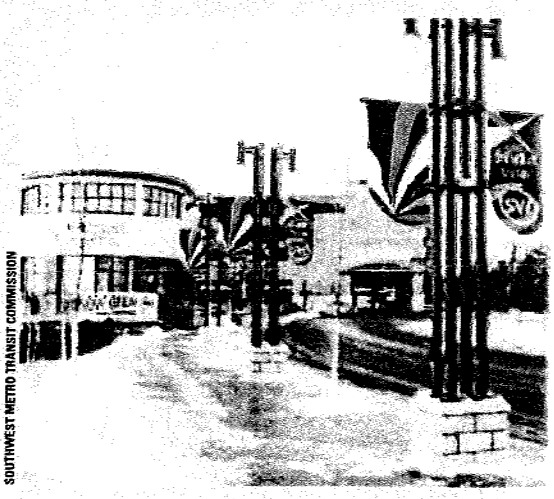
The reason is that higher-density developments make for more walkable neighborhoods and bring together the concentration of population required to support public transportation. The result is that residents in higher-density housing make fewer and shorter auto trips than those living in low-density housing.[25] Condominium and townhouse residents average 5.6 trips per day and apartment dwellers 6.3 car trips per day, compared with the ten trips a day averaged by residents of low-density communities. (A trip is defined as any time a car leaves or returns to a home.)

Increasing density can significantly reduce dependency on cars, but those benefits are even greater when jobs and retail are incorporated with the housing. Such mixed-use neighborhoods make it easier for people to park their car in one place and accomplish several tasks, which not only reduces the number of car trips required but also reduces overall parking needs for the community. But if retail uses are to survive, they must be near households with disposable income. Having those households within walking distance of the shops builds in a market for the stores. One study indicates that in some markets, 25 to 35 percent of retail sales must come from housing close to shops for the shops to be successful.[26]

PROFILE

Southwest Station

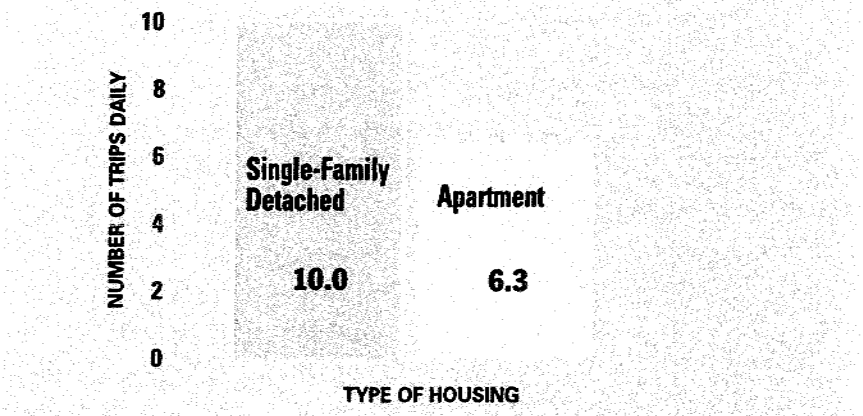
The Southwest Metro Transit Commission is a small suburban bus system near Minneapolis that serves downtown Minneapolis and numerous other employment and recreation centers, including Minnesota Twins baseball games. The American Public Transportation Association calls it the "best small system in the country." In an effort to capitalize and expand on the success of the system, the commission has encouraged transit-oriented development at its bus stops. In Eden Prairie, Minnesota, the commission completed a bus depot and five-story parking garage on 22 acres of excess right-of-way. In 2001, it started selling land around the transit complex for retail and residential development. Restaurants, shops, and more than 250 apartments, condominiums, and townhouses soon followed. The new development generated revenue for the commission, new public transit riders, affordable convenient housing, and a suburban lifestyle with the amenities usually afforded only to city dwellers.



SOUTHWEST METRO TRANSIT COMMISSION

The Southwest Metro Transit Commission in suburban Minneapolis runs an award-winning bus system and has encouraged higher-density development around transit stops, like this one at Southwest Station in Eden Prairie, Minnesota.

With a typical family now making more car trips for family, personal, social, and recreational reasons than for commuting to work,[27] reducing the number of noncommuting trips takes on greater importance in the battle to reduce traffic congestion and parking problems. A case study in Washington, D.C., found that workers in dense downtown Washington made 80 percent of their mid-day trips by foot while suburban workers made 67 percent of their mid-day trips by car.[28] Although a suburban office park would never reach the density levels of a downtown area, planners can still reduce the auto dependency of suburban office workers by using some of the same design techniques. Concentrating density around



Source: Institute of Traffic Engineers, *Trip Generation*, 6th Edition, vol. 1 (Washington, D.C.: Author, 1997).

suburban offices, allowing and encouraging retail and restaurants in and near the offices, and planning for pedestrian and bike access can all reduce the number of lunchtime car trips required by office workers.

Higher-density mixed-used developments also create efficiencies through shared parking. For example, office and residential uses require parking at almost exact opposite times. As residents leave for work, office workers return, and vice versa. In addition, structured parking becomes feasible only with higher-density developments.

Higher-density development also makes public transit more feasible. When a community that includes residences, shops, and offices reaches a certain threshold of density, public transit-shuttles, bus service, trams, or light rail becomes an option for residents. It is estimated that a minimum density of seven dwelling units per acre is needed to make local bus service feasible with an intermediate level of service.[29] Light rail needs a minimum density of nine dwelling units per acre to be feasible.[30] When a community can take advantage of these options and increase the transportation choices for residents, relief is greater as total car dependency is further broken. Such choices are impossible for low-density developments.

MYTH

Higher-density development leads to higher crime rates.

FACT

The crime rates at higher-density developments are not significantly different from those at lower-density developments.

People sometimes associate density with crime, even though numerous studies show that no relationship exists between the two. A study in Irving, Texas, using geographic information systems and crime statistics, found no link between crime and density. In fact, it found that single-family neighborhoods are "not all associated with lower crime rates."[31] Another study conducted by the University of Alaska found no relationship between housing density and crime in Anchorage.[32]

PROFILE

Westminster Place

Although today Westminster Place is a thriving, safe community in midtown St. Louis, it was not always the case. The area, approximately 90 acres, was well known by the St. Louis police department for its high rate of violent crime, which led to the area's becoming blighted. McCormack Baron Salazar, a St. Louis–based developer, brought the community back through the addition of higher-density mixed-income housing comprising affordable and market-rate units. The master plan included for-sale and rental housing, garden apartments, townhouses, single-family homes, and even an assisted living facility for seniors. A new community pool, a bustling retail center, and a magnet school are included as well. The new plan slowed traffic through the community, added landscaping and street and parking lot lighting, and new "eyes on the street," making it more difficult for criminals to go unnoticed. The area blossomed into a place where people once again feel safe walking. The success of the community spurred the revitalization of surrounding areas.

MCCORMACK BARON SALAZAR

Increasing the housing density, adding some market-rate housing, and developing a design that slowed traffic and added additional lighting changed Westminster Place from a crime-ridden neighborhood to a thriving, safe community.

PROFILE

East Village

East Village is a small urban revitalization project on the edge of downtown Minneapolis. Before the project was built, the neglected 2.9-acre site contained several deteriorating rental homes, old commercial buildings, and abandoned surface parking lots. The neighborhood wanted to improve the area and the image of one of the city's oldest neighborhoods, Elliot Park. The developers of the project, Central Community Housing Trust and East Village Housing Corporation, developed the new mixed-income housing and commercial community to encourage a sense of community and ownership. East Village now features community green space, pedestrian paths, and neighborhood businesses. Buildings surround the greenway that leads to Elliot Park, a city park with year-round activities and a community center. Brick, bay windows, and French balconies complement historic buildings in the area. In addition, all buildings have multiple entrances to encourage interaction among neighbors. An underground 350-space parking garage frees up space for landscaped areas. This once neglected area has won two awards for innovation and design and become an exceedingly successful vibrant and safe community.

CENTRAL COMMUNITY HOUSING TRUST

The additional "eyes on the street" created by the development of East Village in Minneapolis has led to a safer vibrant community.

Arizona researchers found that when police data are analyzed per unit, apartments actually create less demand for police services than a comparable number of single-family houses. In Tempe, Arizona, a random sample of 1,000 calls for service showed that 35 percent originated from single-family houses and just 21 percent came from apartments. Similarly, a random sample of 600 calls for service in Phoenix, Arizona, found that an apartment unit's demand for police services was less than half of the demand created by a single-family house.[33]

One reason for the misperception that crime and density are related could be that crime reports tend to characterize multifamily properties as a single "house" and may record every visit to an apartment community as happening at a single house. But a multifamily property with 250 units is more accurately defined as 250 houses. To truly compare crime rates between multifamily properties and single-family houses, the officer would have to count each household in the multifamily community as the equivalent of a separate single-family household. When they do so, many find what the previous studies prove: that crime rates between different housing types are comparable.

Higher-density developments can actually help reduce crime by increasing pedestrian activity and fostering a 24-hour community that puts more "eyes on the street"[34] at all times. Many residents say they chose higher-density housing specifically because they felt more secure there; they feel safer because there are more people coming and going, making it more difficult for criminals to act without being discovered. This factor could explain why a ULI study of different housing types in Greenwich, Connecticut, shows that higher-density housing is significantly less likely to be burglarized than single-family houses.[35] The relationships among design, management, and security became better understood in the past few decades with the publication of several seminal works, including *Defensible Space: Crime Prevention through Urban Design* by Oscar Newman[36] and *Fixing Broken Windows: Restoring Order and Reducing Crime in our Communities* by George Kelling and Catherine Coles.[37] Many new higher-density developments include better lighting plans and careful placement of buildings and landscaping to reduce opportunities for crime, contributing to a safer community.

With the emergence of better-quality designs, higher-density mixed-use development is an attractive and safe addition to a community, one that is increasingly attracting a professional constituency seeking safety features. In fact, the luxury segment is one of the fastest-growing components of the multifamily industry.[38]

MYTH

Higher-density development is environmentally more destructive than lower-density development.

FACT

Low-density development increases air and water pollution and destroys natural areas by paving and urbanizing greater swaths of land.

Low-density sprawl takes an enormous toll on our air, water, and land. The United States is now losing a staggering 2 million acres of land a year to haphazard, sprawling development.[39] More than 50 percent of Americans live in places where the air is unhealthy to breathe,[40] and childhood asthma and other respiratory diseases are on the rise.[41] Almost half the damage to our streams, lakes, and rivers is the result of polluted runoff from paved surfaces.[42]

It is inefficient land use, not economic growth, that accounts for the rapid loss of open space and farms. Since 1994, housing lots larger than ten acres have accounted for 55 percent of the land developed.[43] This loss of land often causes unexpected economic challenges for rural communities, where farmland, forests, ranchland, and open space tend to be the economic drivers that attract businesses, residents, and tourists. Low-density sprawl compromises the resources that are the core of the community's economy and character. The majority of American homeowners think it is important to stop these trends. In fact, 76 percent of local ballot initiatives related to land conservation passed in November 2004, making $2.4 billion in funding available for protection of parks and open space.[44] But purchasing land is only part of the solution and not always an option for financially strapped governments.

Higher-density development offers the best solution to managing growth and protecting clean air and clean water. Placing new development into already urbanized areas that are equipped with all the basic infrastructure like utility lines, police and fire protection, schools, and shops eliminates the financial and environmental costs of stretching those services farther and farther out from the core community. Compact urban design reduces driving and smog and preserves the natural areas that are assets of the community: watersheds, wetlands, working farms, open space, and wildlife corridors. It further minimizes impervious surface area, which causes erosion and polluted stormwater runoff. Two studies completed for the state of New Jersey confirm that compact development can achieve a 30 percent reduction in runoff and an 83 percent reduction in water consumption compared with conventional suburban development.[45]

PROFILE

Prairie Crossing

The developers of Prairie Crossing, George and Vicky Ranney, saved $1 million in infrastructure costs through environmentally sensitive design. The 677-acre conservation community is located in Grayslake, Illinois, 40 miles northwest of Chicago and one hour south of Milwaukee. The community features 350 acres of open space, including 160 acres of restored prairie, 158 acres of active farmland, 13 acres of wetlands, a 22-acre lake, a village green, and several neighborhood parks. Houses are sited to protect natural features such as hedgerows, native habitat, and wetlands. Designed with colors and architecture inspired by the landscape, every home has a view of open space and direct access to ten miles of on-site walking and biking trails. Wide sidewalks, deep front porches, and rear garages encourage neighbors to meet. The homes were built with U.S. Department of Energy–approved green building techniques. As a result, they are 50 percent more energy efficient than other homes in the Chicago area, and they sell for a 33 percent sales premium. Station Village is the last phase of Prairie Crossing. When complete, it will include residential, retail, and office space, all within walking distance of two commuter train stations. Residents can ride Metra's North Line to Chicago's Union Station or the Central Line to downtown Chicago and O'Hare Airport.

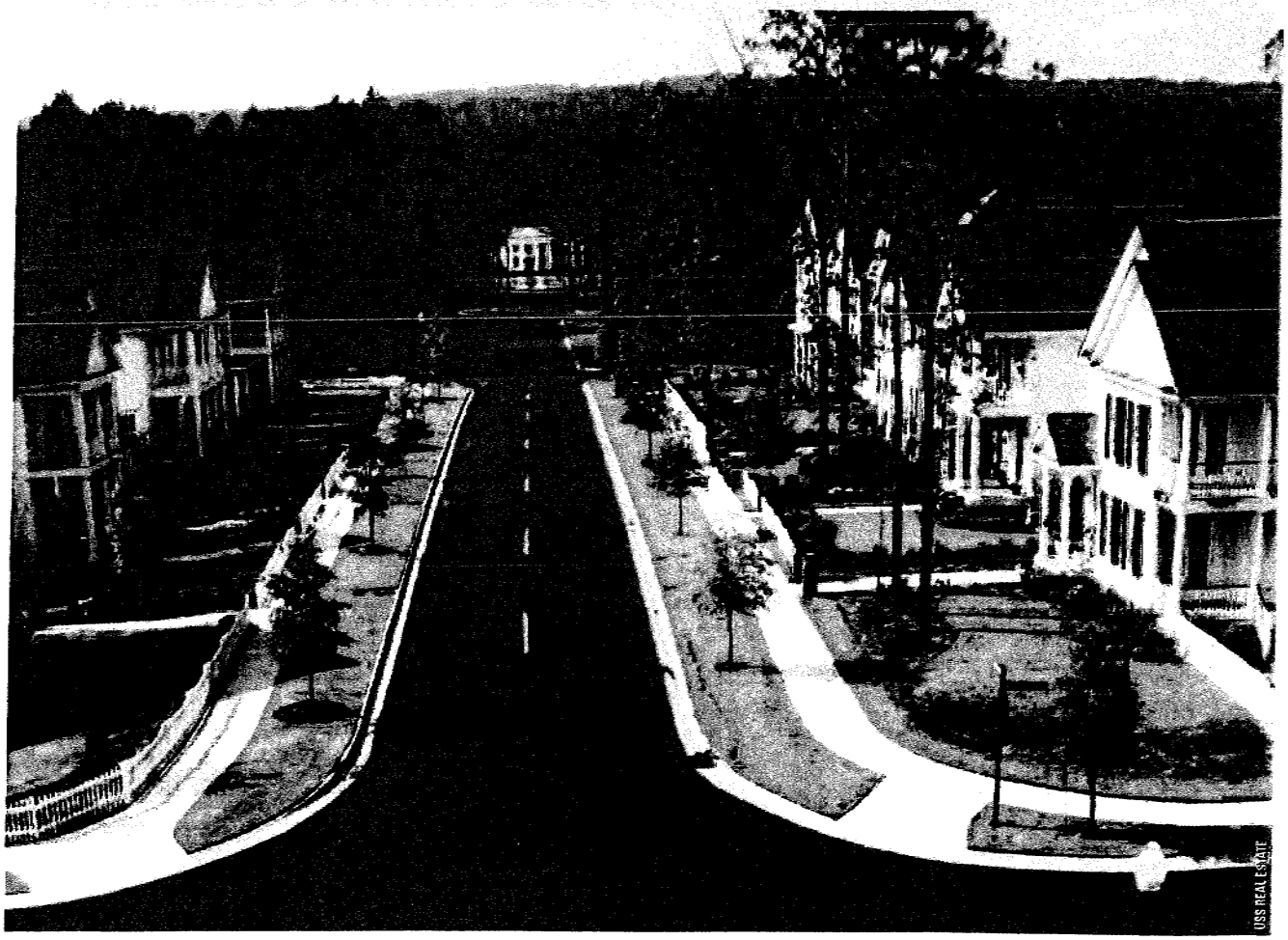
More than half the land at Prairie Crossing was preserved as open space, and homes were built with approved green building techniques.

PROFILE

The Preserve

USS Real Estate originally held a 550-acre tract of land in Hoover, Alabama, but sold 250 acres to the city, intending to create the Moss Rock Nature Preserve. The 680 single-family homes, 50,000 square feet of retail, and 50,000 square feet of office space are concentrated on the remaining 311-acre site. Before development of the Preserve, Hoover was characterized by sprawling conventional development and lacked a town center. The Preserve's future town center is planned to include 34 live/work units, 14 retail units, and two restaurants: at the heart of the community is the village green, an impressive eight-acre park with a town hall, a fitness center, a junior olympic swimming pool, and a kiddie pool. Residents have access to 15 acres of parks and seven miles of trails that connect to award-winning Hoover schools and the newly created Moss Rock preserve.

Clustering development at the Preserve in Hoover Alabama, enabled the creation of the 250-acre Moss Rock Nature Preserve.



Many communities employ techniques such as infill and brownfield development to transform unused, abandoned lots into vibrant, revenue-generating components of the community. Some create direct incentives for higher-density development. The city of Austin, Texas, for example, created a program that rewards developers for locating projects in the city's existing neighborhoods and downtown. Others award points for a variety of attributes, such as transit access, the redevelopment of empty lots, and an increase in pedestrian facilities. By employing standards for factors like open space, dense development, and impact on water quality, communities can facilitate good urban design that preserves natural resources.

Although a well-designed higher-density community offers residents a higher-quality environment, poorly planned sprawl does the opposite. Because low-density sprawl gobbles up so much land through large-lot zoning, it ends up destroying the very thing most people moved there for in the first place—the natural areas and farmland. It forces people to drive longer distances, increasing regional air quality problems. The average American man spends 81 minutes behind the wheel every day, while women average 63 minutes. And surveys show that the time spent driving has been consistently increasing every year.[46] The national road network, currently at 4 million miles according to the U.S. Department of Transportation, is still growing at an alarming rate, mainly for the purpose of connecting new low-density suburbs back to core communities. Along with the water and air pollution, construction of these highways perpetuates the cycle of sprawl, fragments wildlife habitats, and dries up a community's financial coffers.

Increasing density not only improves air and water quality and protects open space but also redirects investments to our existing towns and cities. It can revitalize existing communities and create more walkable neighborhoods with access to public transit and hiking and biking trails. Pedestrian-friendly higher-density developments offer general health benefits as well. Mixed land uses give people the option to walk and bike to work, shops, restaurants, and entertainment. The convenience of compact communities may help fight diseases related to obesity.[47] Higher-density communities are vital to preserving a healthy environment and fostering healthy lifestyles.

MYTH

Higher-density development is unattractive and does not fit in a low-density community.

FACT

Attractive, well-designed, and well-maintained higher-density development attracts good residents and tenants and fits into existing communities.

Higher-density development comes in many forms. Some of the most attractive well-planned modern development is built at a high density. Across America, appealing higher-density mixed-use town centers have been wildly popular with the public. Lushly landscaped boulevards, fountains, and showcase architecture have created a sense of place in areas previously known only for faceless, uninteresting low-density development. The enduring appeal

PROFILE

Post Riverside

Atlanta is often called the poster child for suburban sprawl. However, it is also the home of Post Riverside, a revolutionary new mixed-use pedestrian-oriented community developed by Atlanta-based Post Properties, Inc., and located on the banks of the Chattahoochee River between Atlanta's bustling Buckhead and Vinings communities. As is the trend nationally, 65 percent of all vehicle trips in Atlanta are to run errands, not to commute to work. With offices, shops, and restaurants within walking distance of the apartments, Post Riverside residents depend on autos much less than their neighbors in lower-density areas. In addition, the community is connected to Atlanta's MARTA subway system and the Cobb County transit system. This award-winning 85-acre mixed-use development includes 25,000 square feet of retail space, 225,000 square feet of office space, and 535 apartments, all designed around a gracious town square. For many people, this amenity-rich, low-maintenance lifestyle better suits their needs than a traditional single-family home in a low-density neighborhood.

POST PROPERTIES, INC., PHOTOGRAPH ©STEVE HINDS

Post Riverside in Atlanta demonstrates that higher-density development can be attractive and successful in a community known for lower-density development.

and desirability of older and more gracious higher-density neighborhoods—Georgetown in Washington, D.C., Beacon Hill and Back Bay in Boston, and Lincoln Park in Chicago—attest to the fact that some of the more desirable neighborhoods in America historically have been of higher density than that found in typical outer suburbs.

This return to the design principles of the past is at the core of the new urbanist movement that took hold in the 1990s. The movement grew as many people came to miss the sense of community that was created by the mixed-density and mixed-use communities of the past. They realized that low-density subdivisions isolated their owners not only from pedestrian access to shops and offices but also from their neighbors. The growing sense of social alienation, highlighted in books like Robert Putnam's *Bowling Alone*,[48] has led many back to the comfort of communities that are a reminder of the places where many of us grew up. These new communities combine the best design ideas of the past with the modern conveniences of today to provide residents with what has been missing from many sprawling areas—a sense of community.

Today's developers, architects, and planners know that to attract customers and to secure zoning approvals and community acceptance, they must produce attractive and innovative properties that complement their surroundings. Design professionals are driven to produce projects that meet users' demands, understand and respond to the context of a site, enhance its neighborhood, and are built to last.[49] In fact, attendance at a recent American Institute of Architects–sponsored conference on density far surpassed expectations, speaking to the interest among land use professionals in addressing the design issues associated with density.[50]

It is plausible that the high level of citizens' opposition to density may be based on an outdated notion of what higher-density development looks like. A University of North Carolina study revealed that when given a choice between two attractively designed communities, one higher density and the other low density; the majority preferred the higher-density option.[51] Other visual preference surveys confirm that there is an almost universal negative reaction to the visual appearance of commercial strip sprawl and an almost universal positive reaction to traditional town-like communities of the past, communities that almost invariably included a mix of densities and uses.[52]

PROFILE

The Plaza at the Arboretum

This award-winning mixed-use project in Santa Monica, California, developed by California-based Legacy Partners, achieves a density of 97.5 dwelling units per acre. The attractive seven-story building includes 10,000 square feet of retail space and 350 apartment units ranging from 612 to 1,555 square feet. The architecture firm Meeks and Partners used strong geometric forms to create a playful architectural character that fits nicely in the avant-garde Hollywood studio section of Santa Monica. The development includes a swimming pool, spa, fitness center, and clubhouse.

Higher-density developments like the Plaza at the Arboretum present opportunities to create outstanding award-winning architecture.

MYTH

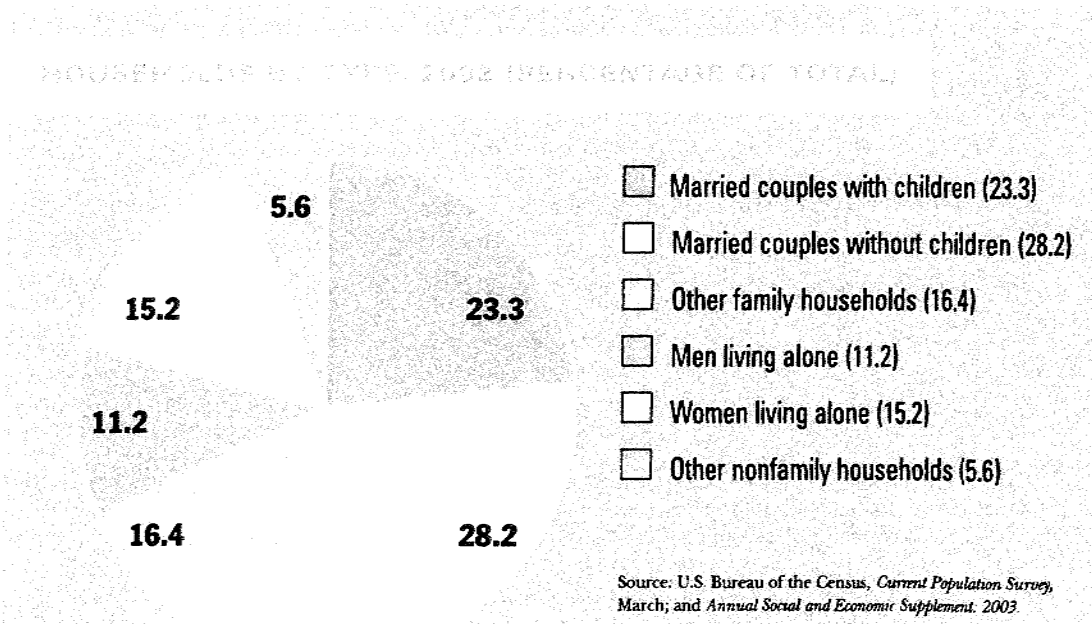
No one in suburban areas wants higher-density development.

FACT

Our population is changing and becoming increasingly diverse. Many of these households now prefer higher-density housing, even in suburban locations.

When many of us think of the American Dream, we envision married couples with children living in single-family detached houses in the suburbs. The notion is that the only people who want to live in higher-density areas are those who cannot afford a traditional house with a back yard or who want to live in the middle of the city. Both perceptions are flawed.

This country's population is changing, and so are its real estate preferences. These lifestyle changes have significant implications for suburban development. For the first time, there are more single-person households (26.4 percent) than married-



Source: U.S. Bureau of the Census, *Current Population Survey*, March; and *Annual Social and Economic Supplement, 2003*.

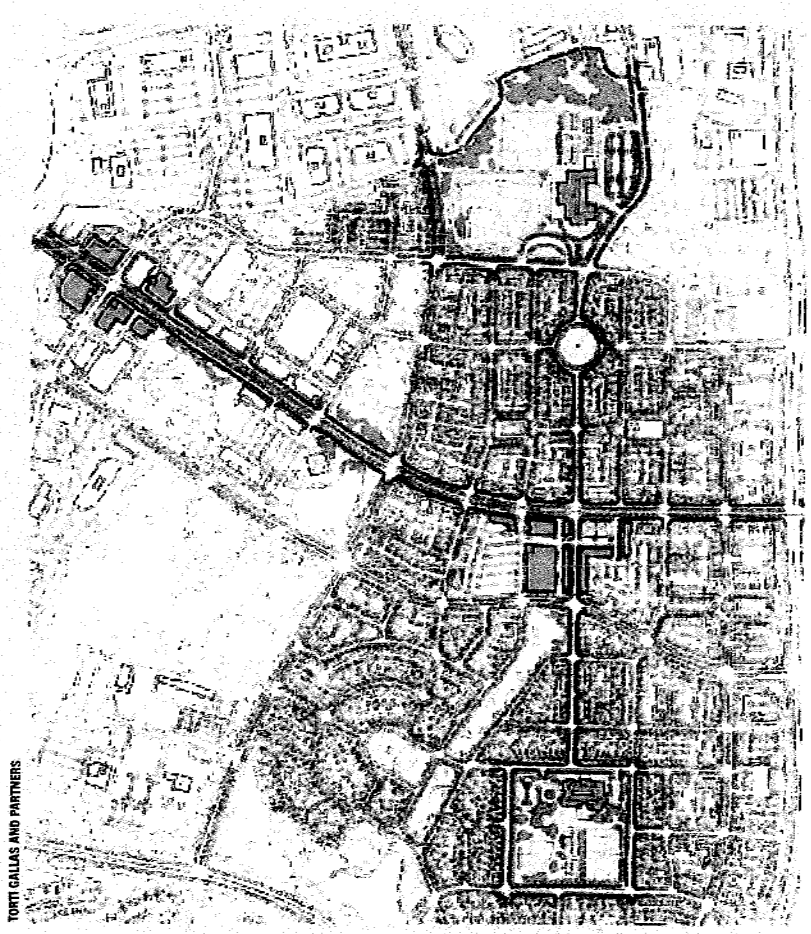
couple-with-children households (23.3 percent).[53] The groups growing the fastest, people in their mid-20s and empty nesters in their 50s, are the groups most likely to look for an alternative to low-density, single-family housing.[54]

A growing number of Americans are redefining their American Dream. They are seeking a more convenient and vibrant lifestyle. And while some seek this lifestyle in cities, many others seek the same lifestyle in the suburbs. According to a 2002 study by the National Association of Home Builders, more than half the renters questioned said they wanted to live in the suburbs.[55] Moreover, a national survey of homebuyers' community preferences found that nearly three-quarters of all

PROFILE

King Farm

This 430-acre community is characterized by the historic architecture of the region but offers an assortment of modern conveniences as well. Developed by King Farm Associates, LLC, King Farm is located in Rockville, Maryland, five miles from the Washington, D.C., beltway, 15 miles from downtown D.C., and walking distance from the Shady Grove Metro station. The neighborhood was designed for pedestrians, but the King Farm shuttle makes getting around even easier. The shuttle runs a complimentary route between the King Farm Village Center, the Metro station, and the Irvington Center, a 90-acre commercial complex next to the Metro. In addition, two types of public bus service are available at King Farm. At the Village Center, 120,000 square feet of retail space is within walking distance from both residential and commercial development. The center also includes 47 loft apartments and a one-acre village green. Watkins Pond and Baileys Common are King Farm's two residential villages. They offer single-family homes, townhouses, condominiums, and luxury apartments intertwined with natural areas. The center of Watkins Pond is a 12-acre city park with tennis and basketball courts, a soccer and softball field, two playgrounds, several picnic areas, benches, and paths.



TORTI GALLAS AND PARTNERS

King Farm is a successful higher-density suburban community that integrates housing, retail shops, offices, and public transit.

PROFILE

Victoria Gardens

The city of Rancho Cucamonga, located roughly 60 miles east of Los Angeles in California's Inland Empire, has a rich agricultural history and, more recently, a history of low-density sprawl with no real city center. This situation is changing, however, with the opening of the first phases of a huge new mixed-use development known as Victoria Gardens. The development, designed by L.A.–based architects, Altoon + Porter, and being developed jointly by California-based developers Forest City California and the Lewis Investment Company, will create a vibrant higher-density downtown where none previously existed. Rapidly growing Rancho Cucamonga has been traditionally underserved by restaurants and entertainment options. The long-awaited addition of a "place" in the city has been well received by residents. The 147-acre development will eventually contain 1.3 million square feet of commercial and community space, including retail, entertainment, office, and civic uses with a cultural center and a library. Twenty acres of housing on site will allow people to live within walking distance of all the amenities of Rancho Cucamonga's new downtown.

A higher-density downtown is emerging in sprawling Rancho Cucamonga at Victoria Gardens. Long-underserved residents now have a "place" to go for restaurants, retail, offices, and housing.

ALTOON + PORTER ARCHITECTS

buyers prefer to live in a community where they can walk or bike to some destinations.[56] The 2001 American Housing Survey further reveals that respondents cited proximity to work more often than unit type as the leading factor in housing choice.[57] These surveys confirm that many people prefer the suburbs but want the amenities traditionally associated with cities, including living close to work.

With the continuing decentralization of cities and the rise of suburban communities with urban-like amenities, many people find that they can live and work in the suburbs with all the attributes of suburbia they desire without giving up walkability and convenience. A recent study confirms that in many regions, more office space is located in suburban locations than downtowns,[58] providing an opportunity for people to live near their jobs. Communities and developers that have recognized and responded to the dual trends of decentralized offices and a growing desire for a more convenient lifestyle have been rewarded. Well-placed mixed-use, higher-density developments in the suburbs are increasingly popular, creating a new sense of place.

Communities are being developed using the best concepts of traditional communities—smaller lots, a variety of housing types, front porches and sidewalks, shops and offices within walking distance, and public transit nearby. Communities like Celebration in Florida and King Farm in Maryland have been so popular with the homebuying public that past worries over whether the demand exists for them have been replaced by concerns about their rapid price appreciation, putting them out of the reach of all but the highest-income households. Today's real demographic and lifestyle changes are inspiring a return to traditional development styles that offer walkable, bikeable, and more dynamic communities that put residents closer to shops, offices, and parks.

MYTH

Higher-density housing is only for lower-income households.

FACT

People of all income groups choose higher-density housing.

Multifamily housing is not the housing of last resort for households unable to afford a single-family house. Condominiums, for instance, are often the most sought after and highly appreciating real estate in many urban markets. The luxury segment of the apartment market is also rapidly expanding. Most people are surprised to learn that 41 percent of renters say they rent by choice and not out of necessity, and households making more than $50,000 a year have been the fastest-growing segment of the rental market for the past three years.[59] Multifamily housing throughout the world has historically been the housing of choice by the wealthiest individuals because of the access and convenience it provides. From Manhattan to Miami to San Francisco, higher-density housing has been prized for the amenity-rich lifestyle it can provide.

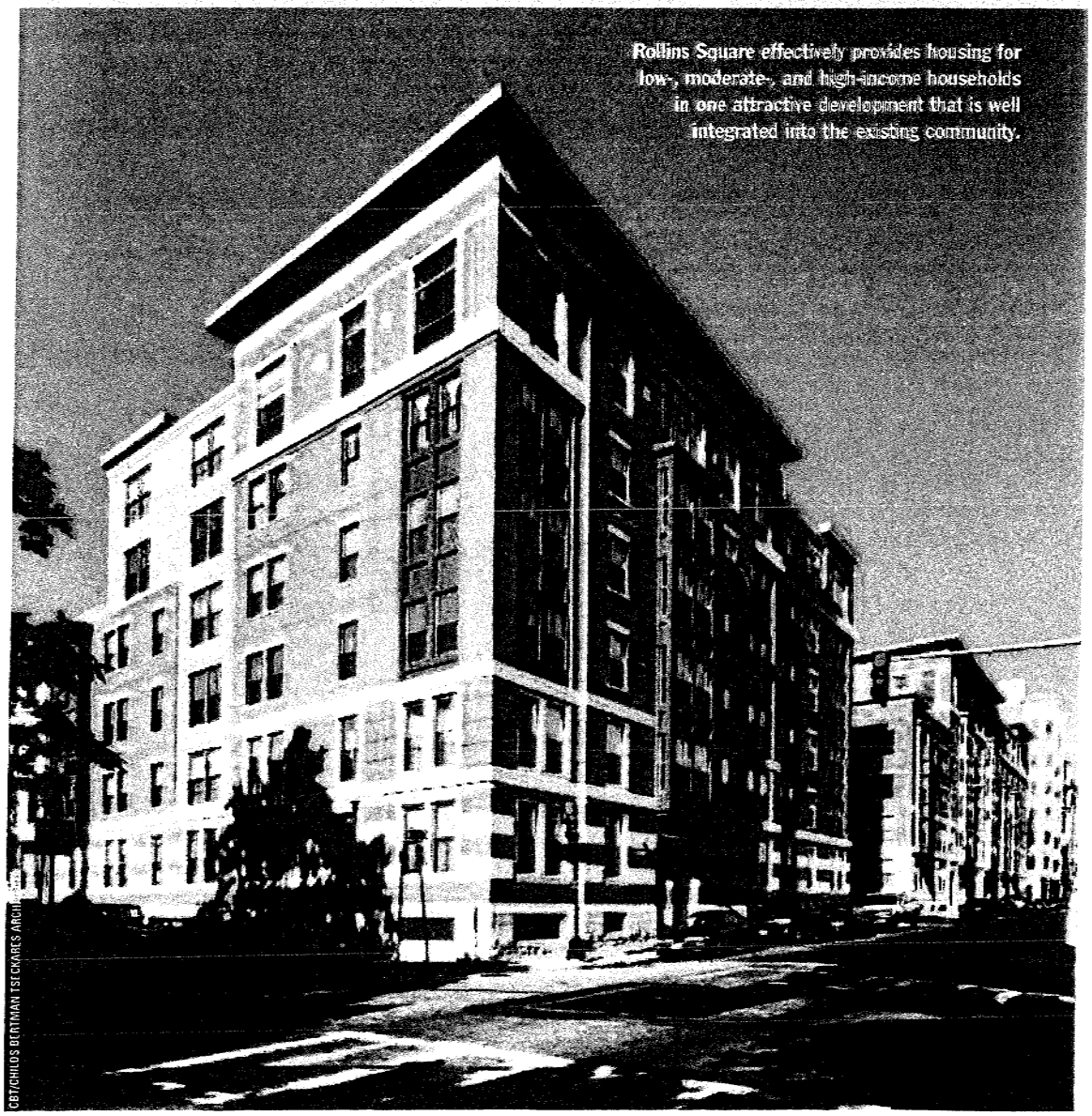
Higher-density development can be a viable housing choice for all income groups and people in all phases of their lives. Many financially secure baby boomers, who have seen their children leave the nest, have chosen to leave behind the yard maintenance and repairs required of a single-family house for the more carefree and convenient lifestyle multifamily housing provides. Interestingly, their children, the echo boomers, are entering the age where many will likely live in multifamily housing. Just starting careers, many are looking for the flexibility of apartment living to follow job opportunities. Their grandparents, likely on a fixed income, may also prefer or need to live in multifamily housing as physical limitations may have made living in a single-family house too challenging.

Providing balanced housing options to people of all income groups is important to a region's economic vitality. The availability of affordable multifamily housing helps attract and retain the workers needed to keep any economy thriving. In many American towns and cities, rapidly rising house prices are forcing working families to live farther away from their jobs. In fact, the lack of affordable housing is mentioned as the number one problem facing working families today.[60]

PROFILE

Rollins Square

Rollins Square, a mixed-use development in Boston's South End, is a truly mixed-income community that provides housing for a wide spectrum of people in all income brackets. Twenty percent of the overall units are reserved for people whose income is 30 to 60 percent of the Boston area median income (AMI), 40 percent are for-sale condominiums reserved for working households with incomes 80 to 120 percent of the AMI, and the remaining 40 percent are market-rate units selling for up to $750,000. The residences occupy two city blocks and integrate seamlessly into the existing neighborhood. The varying heights and diverse exterior materials give the appearance that the development was constructed over time. Rollins Square was developed by the Planning Office for Urban Affairs, Inc., a nonprofit developer associated with the Archdiocese of Boston.



Rollins Square effectively provides housing for low-, moderate-, and high-income households in one attractive development that is well integrated into the existing community.

CBT/CHILDS BERTMAN TSEKARES ARCH

PROFILE

I'On

I'On is a 244-acre master-planned community along the deep-water marshes of Hobcraw Creek in Mount Pleasant, South Carolina. Just six miles east of Charleston, the community features 700 single-family homes, community facilities, and a small-scale commercial area. Vince Graham, principal with the I'On Company, is developing six residential neighborhoods connected by narrow streets, pedestrian corridors, and community spaces. An I'On Guild member, one of 18 builders selected for experience, talent, and financial strength, builds each individual home. The architecture is inspired by classic Lowcountry style with large balconies, deep front porches, and tall windows on even taller homes. Homes now sell for $685,000 to $1.7 million. Community facilities include I'On Square, I'On Club, the Creek Club, and the Mount Pleasant Amphitheater. Residents also enjoy easy access to the Cooper and Wando rivers, the Charleston harbor, and the Atlantic Ocean. One neighborhood boat ramp and four community docks are available for crabbing and fishing. Two miles of walking trails are available for residents; a five-acre pond, the Rookery, is a protected nesting site for wading birds. In addition, the public and private schools in Mount Pleasant are some of the best in the area.

I'ON COMPANY

Some home prices in the well-planned higher-density community of I'On are approaching $2 million. The traditional neighborhood design combined with the community amenities made possible by higher densities have made the community one of the most desirable in the Charleston area.

As the problem of affordability worsens, workers on the lower end of the salary scale may move to more affordable cities, leaving a labor shortage in their wake. Such shortages make a region less desirable as an employment center. According to PricewaterhouseCoopers, access to a large and diverse labor pool is the most important factor in making corporate decisions on locations.[61] Communities that do not provide housing for all income groups become less desirable corporate locations.

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No one likes sprawl and the traffic congestion it creates, yet proposals for increasing density in new and existing neighborhoods often are squashed by community fears of public housing, crime, and ugly high rises. *Higher-Density Development: Myth and Fact* dispels these negative connotations, by comparing the advantages and drawbacks of higher- and low-density development. The definition of higher-density development is relative to the community the development is in—it could be single-family homes on smaller lots, or townhouses and apartments in more populated areas. Eight widespread misconceptions about higher-density development are examined and dispelled with well-researched facts and examples of high-quality, compact developments.

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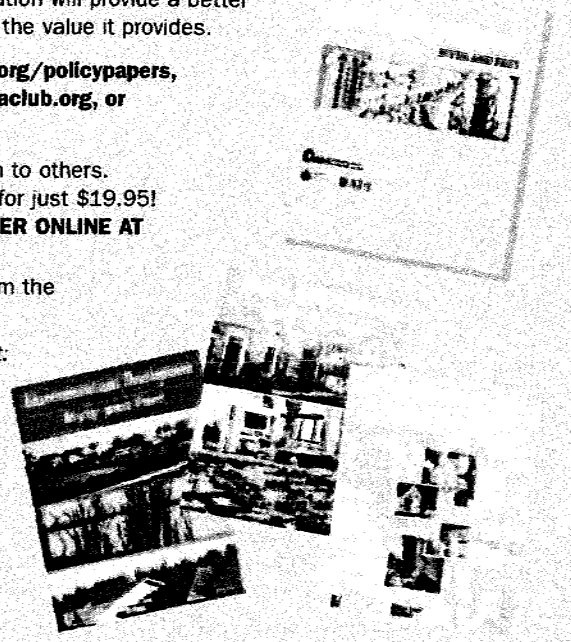

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ORDINANCE NO. O-1112-38 ITEM NO. 6b

STAFF REPORT

GENERAL INFORMATION

APPLICANT	Mark Risser/B3 Development Group
REQUESTED ACTION	Rezoning to C-3, Intensive Commercial District, with Special Use for a Mixed Building
EXISTING ZONING	C-1, Local Commercial District CO, Suburban Office Commercial R-3, Multi-Family Dwelling District
SURROUNDING ZONING	North: C-2 and CO East: R-3 South: C-1 and C-3 West: RO and R-3
LOCATION	612 Asp Avenue, 421-427 Buchanan Avenue, 710 Asp Avenue and the adjacent lot to the south
SIZE	1.42 Acres
PURPOSE	Mixed Building with Commercial, Parking, and Residential Uses
EXISTING LAND USE	Office and Residential
SURROUNDING LAND USE	North: Residential East: Residential South: Commercial West: Residential
LAND USE PLAN DESIGNATION	Medium Density Residential & Office

SYNOPSIS: This rezoning request is for a change of zoning from C-1, Local Commercial District, CO, Suburban Office Commercial District and R-3, Multi-family Dwelling District, to C-3, Intensive Commercial District, with Special Use for a Mixed Building. The applicant is proposing a Mixed Use development on approximately 1.42 acres located on a site abutting the north end of the Campus Corner District along the west side of Asp Avenue, north of White Street. The development will accommodate commercial/retail, office, residential and a parking garage. The development plans to house 200 dwelling units with 230 beds. The office, commercial/retail, leasing, and live/work areas will be about 10,800 square feet. This area will include 1,500 square feet of the leasing office for the apartments. There will be 4,800 square feet set aside for the Norman Economic Development Coalition (NEDC) offices. The remaining 4,500 square feet will accommodate the live/work rental units. The live/work area is defined as just that, live/work units for rent. These units will be available for residents to lease as a residence or as an office, or both. These live/work units will be confined to the north portion of the development and have elevator access. The first floor of the development will house the parking garage the commercial/retail and office area. The second floor will be the remaining parking area. The third through the sixth floors will house apartments and live/work units.

ANALYSIS:

C-3, INTENSIVE COMMERCIAL DISTRICT WITH SPECIAL USE FOR MIXED BUILDING: This commercial district is intended for the conduct of personal and business services and the general retail business of the community. It differs from the other commercial districts in that off-street parking is not required. This district was created primarily for those commercial areas which already were so intensely developed that they could not comply with the provisions for other commercial districts in this ordinance.

COMMERCIAL USE: This proposal will include approximately 10,800 square feet of commercial/retail and office areas on the ground floor.

RESIDENTIAL USE: There are no requirements for a percentage of residential units to qualify for the Mixed Use component in the C-3 zoning district. The only stipulation for the "Special Use" is "one or more residential dwelling units may be located on the upper floors provided that the first floor use is a permitted use in the district." Commercial/retail and office are all permitted uses under the C-3 zoning designation.

PARKING: Under the C-3 zoning district there are no off-street parking requirements. As stated above, the C-3 district was created for areas that could not accommodate parking requirements established in the zoning ordinance. However, this applicant has proposed a two level parking garage that will accommodate the commercial/retail areas, their patrons as well as residents and guests. The parking count proposed is one parking space per bedroom (not dwelling unit), one parking space per 300 square feet of the leasing office, one parking space per 300 square feet of the NEDC area and one parking space per 300 square feet of the live/work area. Under the existing parking requirements for multi-family developments, whether 1, 2 or 3 bedroom dwelling units, the parking requirement is 1.8 per dwelling unit. There will be commercial and guest parking that is accessible without going thru a 'gate'. Beyond that, there will be a gate that the residents will access for their parking area.

OPEN SPACE: There will be public open space/green space incorporated into the north and south sides of the building. There will be an upper level landscaped courtyard as well. The east side of the development along Asp Avenue will have street furniture.

IMPACTS: The proposal is not a gated development; however, the two levels of the parking garage do have controlled access. The development will utilize public streets for access to the building and trash services. Any exterior lighting proposed will meet the requirements of the commercial outdoor lighting standards which will limit the impact on any adjacent property owners or residents.

OTHER AGENCY COMMENTS:

PARKS BOARD: The property is already platted and zoned commercial, parkland is not required.

PUBLIC WORKS AND UTILITIES: The development has access to existing utilities. The applicant needs to verify with the Fire Department that the current water lines will supply adequate water pressure and fire flows for protection of the development. There is a possibility the applicant will be required to upgrade the waterlines or make a connection with the six inch water main on Buchanan Avenue or with the six inch water main on Asp Avenue. Also, it appears fire hydrants are inadequate in the area. Additional fire hydrants will be required. There is an existing eight inch sanitary sewer main that will serve the site. Per City standards the applicant will need to account for all storm water runoff generated by this development so as to not impact adjacent properties. The applicant has stated the design and intent of the project is to install a new ten foot wide sidewalk rather than the standard five feet, along Asp Avenue and Buchanan Avenue. This increased width in the sidewalk will create a more pedestrian friendly area.

STAFF RECOMMENDATION: The applicant has requested the zoning designation of C-3 with Special Use for a Mixed Building. In the C-3 zoning district there is no height limitation for buildings. As a result, the six-story building proposed would not be in violation of the requested zoning. The typical zoning in the Campus Corner area is C-2, General Commercial District and C-3, Intensive Commercial District. The Land Use and Transportation Plan designates the Campus Corner area along the west side of Asp Avenue up to one lot south of this development as Commercial Designation. The Land Use and Zoning request for this development is a continuation of what is already established in the Campus Corner area. With the development already occurring in this general vicinity, the continued growth of the University, Norman's growth in population as a whole, as well as the commercial/retail and office growth along Campus Corner and Main Street, this type of development is well suited for this area. However, this development is considered high density and comes to the Planning Commission on the heels of the final public discussion regarding high density. This timing creates an issue since the final report from those public meetings has not been finalized or submitted to Council for review and further direction. This type of mixed use development is suited for the Campus Corner area but the scale does not fit the area. A "Best Practices" component that regularly came up in the High Density meetings was the idea of maintaining similarity and balance in neighborhoods that predominantly have one and two story buildings. Staff is concerned with the architectural design of the building and how it will fit the Campus Corner area in relation to height. If the building were designed with step backs as the floors increased that would help reduce the issue of mass in relation to the smaller one and two story structures in the vicinity. The issue of compatibility with the neighborhood presents a concern for Staff. Staff has no recommendation of approval or disapproval for the zoning request because the final report on high density is not complete.

City of Norman, OK

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

Master

File Number: O-1213-44

File ID:	O-1213-44	**Type:**	Ordinance	**Status:**	Non-Consent Items
Version:	1	**Reference:**	Item No. 23	**In Control:**	City Council
Department:	Planning and Community Development Department	**Cost:**		**File Created:**	04/10/2013
File Name:	2601 Venture Rezoning			**Final Action:**	

Title: CONSIDERATION OF ORDINANCE NO. O-1213-44 UPON SECOND AND FINAL READING: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 460 OF CHAPTER 22 OF THE CODE OF THE CITY OF NORMAN SO AS TO PLACE LOT 1, BLOCK 1, PEPCO INDUSTRIAL PARK, PHASE 1, NORMAN, CLEVELAND COUNTY, OKLAHOMA, IN THE I-2, HEAVY INDUSTRIAL DISTRICT, AND REMOVE SAME FROM THE I-1, LIGHT INDUSTRIAL DISTRICT, OF SAID CITY; AND PROVIDING FOR THE SEVERABILITY THEREOF. (2601 VENTURE BOULEVARD)

Notes: ACTION NEEDED: Motion to adopt or reject Ordinance No. O-1213-44 upon Second Reading section by section.

ACTION TAKEN: _____

ACTION NEEDED: Motion to adopt or reject Ordinance No. O-1213-44 upon Final Reading as a whole.

ACTION TAKEN: _____

Agenda Date: 06/11/2013

Agenda Number: 23

Attachments: Text File O-1213-44 First Reading, O-1213-44 - 2601 Venture Rezone, Location map, 2601 Venture Rezone Staff Report, I-2 Zoning District, 2601 Venture Summary, 2601 Venture Site Photos, 5-9-13 PC Minutes - O-1213-44

Project Manager: Jane Hudson, Principal Planner

Entered by: rone.tromble@normanok.gov

Effective Date:

History of Legislative File

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

1	Planning Commission	05/09/2013	Recommended for Adoption at a subsequent City Council Meeting	City Council	05/28/2013	Pass
	Action Text:	A motion was made by Commissioner Sherrer, seconded by Commissioner Pailes, that this Zoning Ordinance be Recommended for Adoption at a subsequent City Council Meeting to the City Council , due back on 5/28/2013. The motion carried by the following vote:				
1	City Council	05/28/2013	Introduced and adopted on First Reading by title only			Pass
	Action Text:	That this Ordinance be Introduced and adopted on First Reading by title only. by consent roll call				

Text of Legislative File O-1213-44

Body

SYNOPSIS: The applicant has submitted a request to rezone an existing property from I-1, Light Industrial District to I-2, Heavy Industrial District. The 2025 Land Use and Transportation Plan has designated this property for Industrial use subsequently there is no change needed to the 2025 Plan.

ANALYSIS: The applicant has submitted this rezoning request with the objective of obtaining a more flexible zoning for their property. The property was previously used by a company that made and repaired oil field bits; at that time they were able to utilize the entire building. As the market changed the need for the total area of the facility diminished. The applicant would like to have the ability to lease to a variety of uses. As outlined in their submittal the design of this facility can accommodate users that cannot locate in a typical commercial strip mall. Under the current zoning, I-1, Light Industrial District, the uses permitted are specifically restricted to those listed in that section. In this case, I-1, Light Industrial District, does not allow for the use of facilities for recreational uses. However, under the requested zoning of I-2, Heavy Industrial District, the code specifically states "Property and buildings in an I-2, Heavy Industrial District, may be used for any use except as qualified below." (See attached copy of I-2, Heavy Industrial District for restrictions.)

OTHER ALTERNATIVES/ISSUES:

IMPACTS There are no expected impacts from this property on adjacent properties. The proposed uses for this site are in line with the existing uses on properties in the area.

ACCESS The ingress/egress is already in place on the south side of the lot, accessing Venture Drive.

SITE PLAN The existing site plan is not expected to change at this time. However, the applicant has expressed the need to expand the existing parking lot if this rezoning is approved. With the ability to expand some of the uses the applicant will need to expand the parking area. The applicant has been advised of the permits needed to expand the parking lot should they move forward with the project.

OTHER AGENCY COMMENTS:

PARK BOARD The lot is already platted. Parkland dedication is not required for industrial uses.

PUBLIC WORKS As previously stated above the tract is already platted, eliminating the requirement for Public Works review and processing. However, should the applicant decide to move forward with the expansion of the parking lot there will be specific requirements needing to be addressed with Public Works; i.e., additional drainage with the new impervious area.

STAFF RECOMMENDATION: Given the changing market demands and development patterns, the existing zoning limits the opportunities of the site. As previously stated the Land Use and Transportation Plan designation is Industrial so the underlying land use will not change with this zoning request. In addition, staff acknowledges the recent discussions regarding the loss of industrial land; this request is not eliminating an industrially designated area. This request is considered "up zoning" which will allow the permitted uses within the facility to expand, enabling the owners to rent out vacant spaces. As a protective measure for adjacent property owners there are uses noted as prohibited in the I-2, Heavy Industrial District, these uses require

express approval prior to locating on-site.

Staff supports this rezoning request and recommends approval of Ordinance 1213-44. At their meeting of May 9, 2013, the Planning Commission, by a vote of 9-0, recommended adoption of this ordinance.

O-1213-44

AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 460 OF CHAPTER 22 OF THE CODE OF THE CITY OF NORMAN SO AS TO PLACE LOT 1, BLOCK 1, PEPCO INDUSTRIAL PARK, PHASE 1, NORMAN, CLEVELAND COUNTY, OKLAHOMA, IN THE I-2, HEAVY INDUSTRIAL DISTRICT, AND REMOVE SAME FROM THE I-1, LIGHT INDUSTRIAL DISTRICT, OF SAID CITY; AND PROVIDING FOR THE SEVERABILITY THEREOF. (2601 Venture Boulevard)

§ 1. WHEREAS, 2601 Venture, L.L.C. has made application to have the same placed in the I-2, Heavy Industrial District, and to have the same removed from the I-1, Light Industrial District; and

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

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

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

§ 4. That Section 460 of Chapter 22 of the Code of the City of Norman, Oklahoma, is hereby amended so as to place the following described property in the I-2, Heavy Industrial District, and to remove the same from the I-1, Light Industrial District, to wit:

Lot One (1), Block One (1) of PEPCO INDUSTRIAL PARK, PHASE I, Norman, Cleveland County, State of Oklahoma, according to the recorded plat thereof. Said lot contains 2.87 acres, more or less.

§ 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

_____, 2013.

_____
(Mayor)

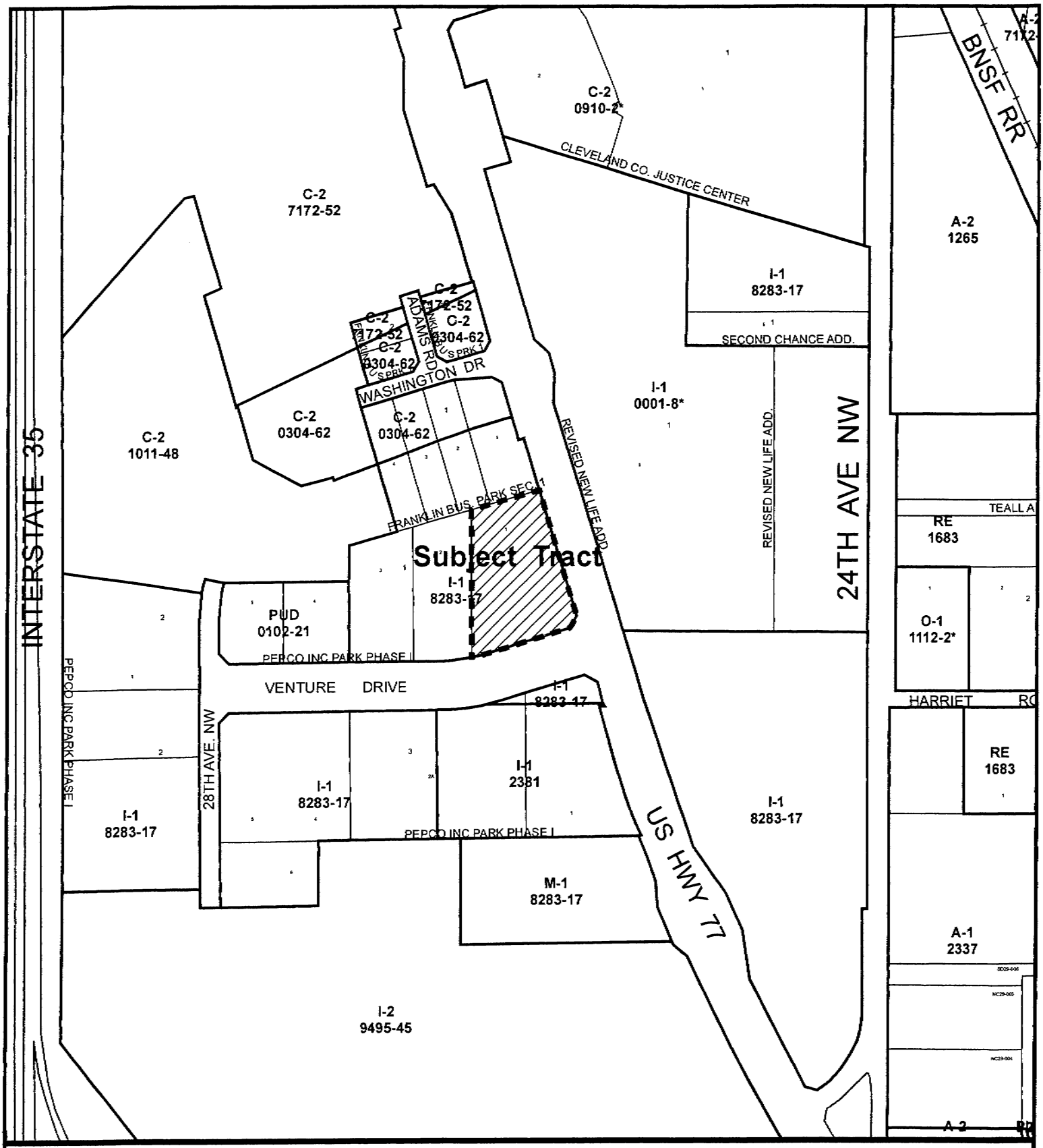
ATTEST:

_____
(City Clerk)

NOT ADOPTED this _____day of

_____, 2013.

_____
(Mayor)



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 12, 2013

0 200 400 Ft.

Subject Tract

Zoning

23-2

ORDINANCE NO. O-1213-44 ITEM NO. 9

STAFF REPORT

GENERAL INFORMATION

APPLICANT	2601 Venture, L.L.C.
REQUESTED ACTION	Rezoning to I-2, Heavy Industrial District
EXISTING ZONING	I-1, Light Industrial District
SURROUNDING ZONING	North: I-1, Light Industrial and C-2, General Commercial East: I-1, Light Industrial South: I-1, Light Industrial West: I-1, Light Industrial
LOCATION	2601 Venture Drive
SIZE	2.87 acres
PURPOSE	Variety of Industrial, Office, Recreational and Commercially related uses
EXISTING LAND USE	Industrial and Office
SURROUNDING LAND USE	North: Office East: Church South: Office and Industrial West: Office
LAND USE PLAN DESIGNATION	Industrial

SYNOPSIS: The applicant has submitted a request to rezone an existing property from I-1, Light Industrial District to I-2, Heavy Industrial District. The 2025 Land Use and Transportation Plan has designated this property for industrial use.

ANALYSIS: The applicant has submitted this rezoning request with the objective of obtaining a more flexible zoning for their property. The property was previously used by a company that made and repaired oil field bits; at that time they were able to utilize the entire building. As the market changed the need for the total area of the facility diminished. The applicant would like to have the ability to lease to a variety of uses. As outlined in their submittal the design of this facility can accommodate users that cannot locate in a typical commercial strip

mall. Under the current zoning, I-1, Light Industrial District, the uses permitted are specifically restricted to those listed in that section. In this case, I-1, Light Industrial District, does not allow for the uses of facilities for recreational uses. However, under the requested zoning of I-2, Heavy Industrial District, the code specifically states "Property and buildings in an I-2, Heavy Industrial District, may be used for any use except as qualified below." (See attached copy of I-2, Heavy Industrial District for restrictions.)

OTHER ALTERNATIVES/ISSUES:

- **IMPACTS** There are no expected impacts from this property on adjacent properties. The proposed uses for this site are in line with the existing uses on properties in the area.

- **ACCESS** The ingress/egress is already in place on the south side of the lot, accessing Venture Drive.

- **SITE PLAN** The existing site plan is not expected to change at this time. However, the applicant has expressed the need to expand the existing parking lot if this rezoning is approved. With the ability to expand some of the uses the applicant will need to expand the parking area. The applicant has been advised of the permits needed to expand the parking lot should they move forward with the project.

OTHER AGENCY COMMENTS:

- **PARK BOARD** The lot is already platted. Parkland dedication is not required for industrial uses.

- **PUBLIC WORKS** As previously stated above the tract is already platted, eliminating the requirement for Public Works review and processing. However, should the applicant decide to move forward with the expansion of the parking lot there will be specific requirements needing to be addressed with Public Works; i.e., additional drainage with the new impervious area.

STAFF RECOMMENDATION: Given the changing market demands and development patterns it is easy to see the necessity to reconsider the uses permitted on a specific site. The Land Use and Transportation Plan designation is Industrial so the underlying land use will not change with this zoning request. In addition, this request is not eliminating an industrially designated area. This request is considered "up zoning" to allow the permitted uses within the facility to expand, assisting the owners to rent out vacant spaces.

Staff supports this rezoning request and recommends approval of Ordinance 1213-44.

SEC. 427.1 - I-2, HEAVY INDUSTRIAL DISTRICT

(Ord. No. O-0405-60 – September 27, 2005; O-1112-33 – May 24, 2012; O-1213-17 – November 27, 2012)

1. Uses permitted. Property and buildings in an I-2, Heavy Industrial District, may be used for any use except as qualified below:

(a) All residential uses are prohibited except sleeping facilities required by night watchmen and caretakers employed upon the premises.

(b) All uses not complying with this ordinance, or any other county, state or federal regulation or law, are prohibited.

(c) All of the following uses are prohibited until they have received the express approval of the City Planning Commission. The Planning Commission may require approval of the County Health Department, the County Engineer, the State Fire Marshal and other State and County regulating agencies and may attach to the approval specific restrictions designed to protect the public welfare.
   (1) Acid manufacture.
   (2) Cement, lime, gypsum or plaster of paris manufacture.
   (3) Explosives manufacture or wholesale storage.
   (4) Gas manufacture.
   (5) Petroleum or its products, refining of.
   (6) Wholesale storage of gasoline, or liquefied petroleum products.

(d) All of the following uses are specifically prohibited in the I-2, Heavy Industrial District, to wit:
   (1) Automobile or equipment salvage or junk yard.
   (2) Building material salvage yard.
   (3) Junk or salvage yard of any kind.
   (4) Scrap metal storage yard.
   (5) Used building materials storage yard, and
   (6) Any other operation which in the opinion of the Planning Commission is similar in operation or appearance to the uses listed in Sub-section (d)(1) through (5) above.

(e) The uses listed under Sub-section (d) above are permitted in the I-2, Heavy Industrial District, when conducted in strict compliance with the following regulations and conditions:
   (1) All such uses shall be completely enclosed by an eight (8) foot high solid fence of redwood, fiberglass, plastic, aluminum, or masonry, provided, however, that a gate for ingress and egress shall be permitted; further provided that the height of the fence may be reduced to six (6) feet when the use is conducted at an elevation two (2) feet or more above the crown of the adjacent roadway; and further provided that a steel mesh fence may be substituted for a solid fence on the rear of the use and up to the rear three-fourths (3/4) of the side of the use when the use abuts either an I-2 or an A-2 zone and the portion may not be seen from a public street or road which shall be determined by the Building Inspector.
   (2) Said fence shall be set back ninety (90) feet from any highway, section line road, or arterial street or road; provided, however, that when said road is served by a frontage road or adequate right-of-way has been acquired by the public to provide for a frontage road the setback may be reduced to forty (40) feet; provided further that no temporary or permanent building shall be erected within the ninety (90) foot setback, when required, or the forty (40) foot setback in all other cases.

(3) Off-street parking for customers' and employees' cars must be provided on the lot; provided, however, that when a ninety (90) foot setback is required, no parking shall be permitted in the first fifty (50) feet adjacent to the street, highway or road; provided further that any area designated or used for parking outside the fenced area shall be surfaced to specifications provided by the City Engineer.

(4) When a setback of the fence is required, the forty (40) feet adjacent to the fence shall be landscaped, paved, or maintained in a good appearance by other means.

(5) The burning of wrecked or discarded automobiles or any parts thereof or junk or any waste materials shall be prohibited.

(6) Whenever a required fence is adjacent to a residential or commercial zone it shall be set back twenty-five (25) feet.

(7) No junk, parts, disabled automobiles, or salvage material of any kind shall be stored outside or above the fence.

(8) No advertising, display, or used or salvage materials of any kind shall be displayed outside or above the fence except that one sign which complies with the requirements of Chapter 18 may be erected. (O-1112-33)

In no case shall any provisions of this ordinance be interpreted to permit the use of discarded, disabled, or wrecked automobiles, trucks, equipment, appliances, or parts to be used for advertising or identification purposes.

(9) Whenever an owner or representative of a non-conforming use under this section applies for and is granted I-2, Heavy Industrial District zoning, he shall have a period not to exceed three (3) months to bring the use into complete conformity with the provisions of this section.

(f) Crematorium is a permitted use subject to all the following conditions and requirements:

(1) Crematoriums shall meet the setback requirements of the underlying zoning district, except that they will be located a minimum of 400 feet from any RE, R-1, R-2, and R-3 zoning districts and 100 feet from all other zoning districts measured from the closest point of the building to the nearest residential district.

(2) Facilities shall meet all applicable state and federal requirements for incineration equipment and shall be licensed at all times.

(3) All storage shall be inside.

(4) Incinerator stacks shall not be located on the front side of the roof of any structure facing the street.

(5) Crematoriums shall have direct vehicle access to an arterial street. (O-1213-17)

2. Height regulations. Where a lot adjoins a dwelling district the building shall not exceed three (3) stories or forty-five (45) feet, unless it is set back one (1) foot from all yard lines for each foot of additional height above forty-five (45) feet.

3. Area regulations.

(a) Front Yard: Within all plats filed after November 7, 2005, a twenty-five (25) foot front building setback line shall be established. . Across the entire front of all new lots (and the street side of any corner lot) a minimum ten (10) foot landscape strip shall be installed, which may not be encroached upon by parking or outdoor storage. One eight (8) foot tall shade (canopy) tree per each twenty (20) feet of lot frontage and one (1) three (3)-gallon shrub per five (5) feet of building frontage shall be installed within this landscape strip. Clustering of these required plantings may be allowed, if approved by the City Forester or his designee. Such planting should be covered by the three (3) year maintenance bond required when new landscaping is installed with the parking lot on the same tract. All species are to be approved by the City Forester. Signs may be installed in any required landscape area. (O-0506-60)

(b) Side Yard:

(1) For uses other than dwelling, no side yard shall be required except on the side of a lot adjoining a residential zoning district in which case there shall be a side yard of not less than five (5) feet.

(2) Street side corner setback shall be fifteen (15) feet. (O-0405-60)

(c) Rear Yard: Whenever the rear yard adjoins a residential zoning district, the minimum building setback for principal and accessory buildings shall be thirty (30) feet. (O-0405-60)

(d) The location and setback of all required fences shall be governed by Section 427.1.1(e) above. (Ord. 884, Art. II, § 8; O-1041, § 2; O-1366, §§ 1 and 2)

APPLICATION FOR REZONING OF
2601 VENTURE DRIVE, NORMAN

Summary of purpose for rezoning:

The application for rezoning is submitted for the general purpose of obtaining a more flexible zoning of the building at 2601 Venture Drive (the Building). The application is submitted specifically for the purpose of executing a lease with a prospective tenant who desires to use a 6,000 square foot space in the building to open a "moon bounce" activity facility.

The requested rezoning of the Building from the current I-1 to I-2 is consistent with the Norman 2025 Land Use Plan, and will not adversely affect any adjoining or nearby properties.

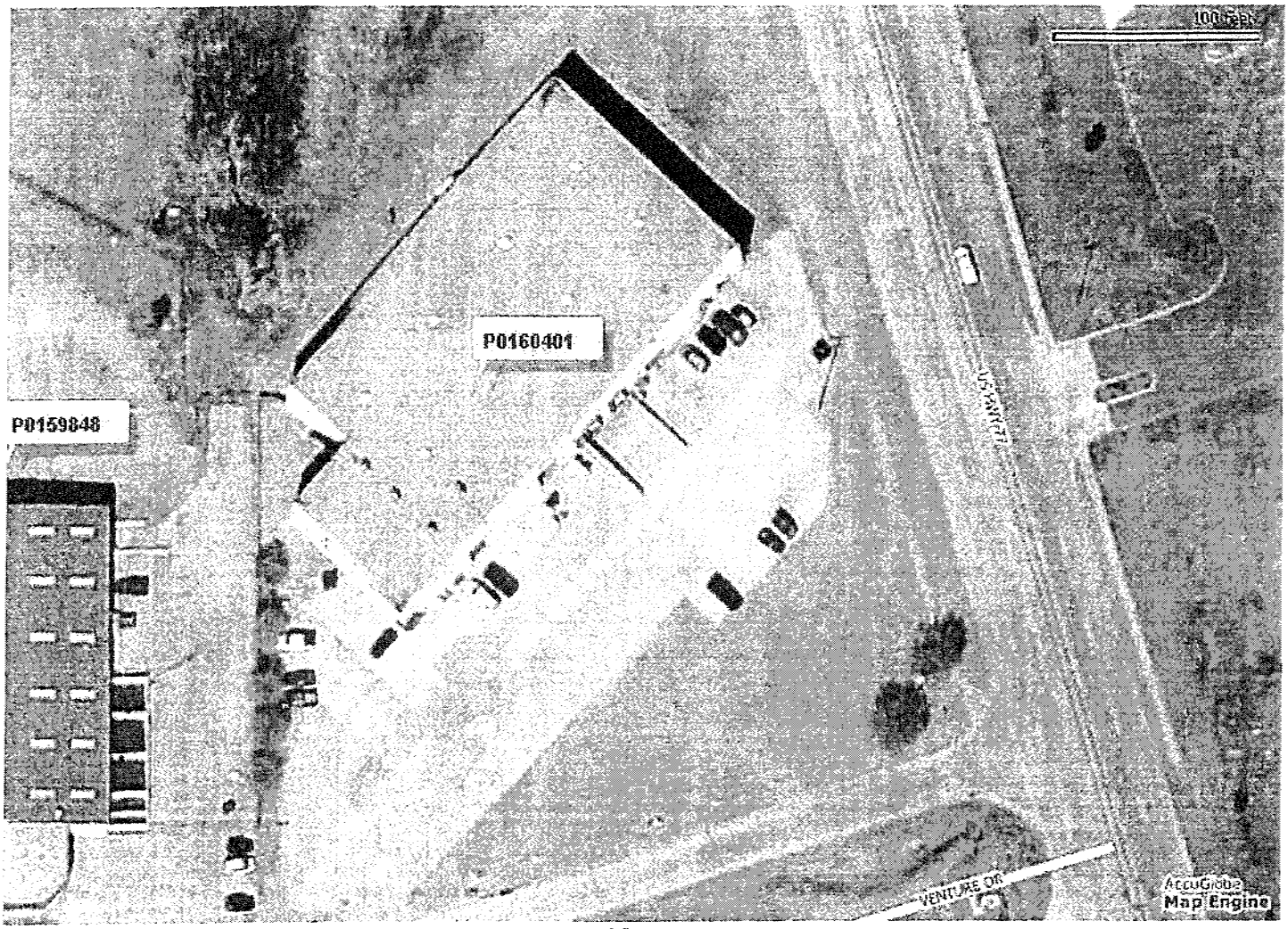
A more flexible zoning of the Building will benefit potential users due to the unique design, quality and location. Specifically, the Building is situated off Flood and is quickly accessible from anywhere in north Norman as well as Moore and Oklahoma City. The Building has excellent visibility from Flood and strong access at the intersection of Flood and Venture Drive.

The Building itself is divided into five units. On the west end is 6,400 square feet of office space on two floors. From there, the remainder of the building is divided into four equal units of 6,000 square feet each ("Flex Units"). Each unit is 50 feet wide by 120 feed deep, with free-span 20-foot ceilings. The utility provided by this floor plan and construction is desirable for many purposes that do not fall within the current I-1 zoning, including tenants whose space needs align more closely with industrial properties, but whose business application is classified as commercial. Examples of such previous uses in the Building include an O.U. gymnastics facility, a John Deer shop, and a cheerleading school.

PDC Logic currently occupies the office space and two of the Flex Units, one as a warehouse space and one as a repair shop where they work on drill bits for the oil field. A total of 18 employees work for PDC Logic at this location. One of the remaining Flex Units is occupied by Ground Zero CrossFit, an exercise facility that conducts hour-long training sessions for 5-15 people per session. The remaining Flex Unit is currently vacant, with the above referenced prospective tenant interested in leasing it.

Print | Back

Cleveland County GIS



Notes

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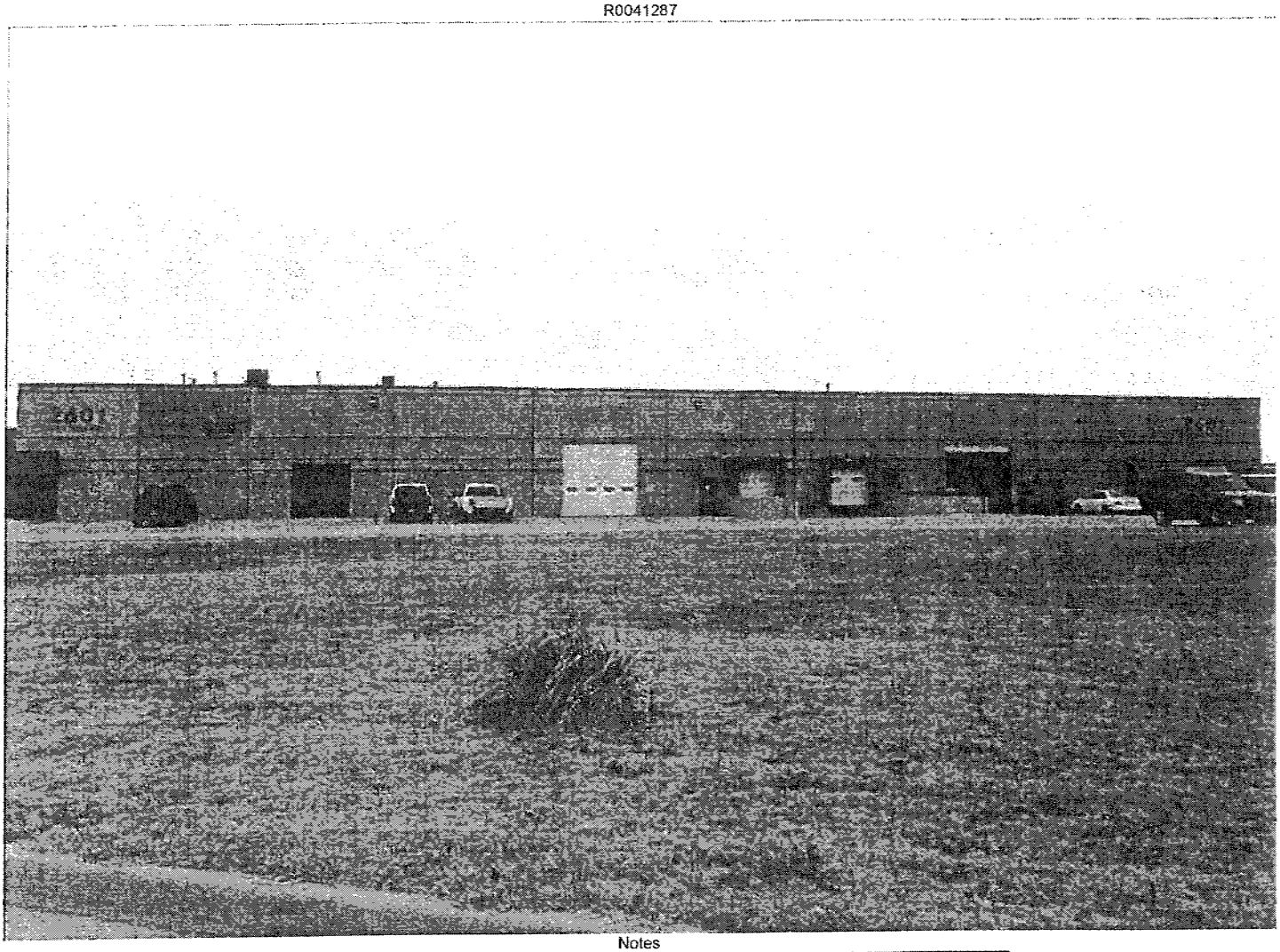


Notes

NORMAN PLANNING COMMISSION
REGULAR SESSION MINUTES

MAY 9, 2013

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 9th day of May 2013. Notice and agenda of the meeting were posted at the Norman Municipal Building and online at http://www.normanok.gov/content/boards-commissions at least twenty-four hours prior to the beginning of the meeting.

Chairman Chris Lewis called the meeting to order at 6:30 p.m.

* * *

Item No. 1, being:
ROLL CALL

MEMBERS PRESENT	Curtis McCarty Jim Gasaway Roberta Pailes Andy Sherrer Cindy Gordon Dave Boeck Sandy Bahan Tom Knotts Chris Lewis
MEMBERS ABSENT	None

A quorum was present.

STAFF MEMBERS PRESENT	Susan Connors, Director, Planning & Community Development Jane Hudson, Principal Planner Janay Greenlee, Planner II Ken Danner, Subdivision Development Manager Roné Tromble, Recording Secretary Leah Messner, Asst. City Attorney Larry Knapp, GIS Analyst II Terry Floyd, Development Coordinator

* * *

Item No. 9, being:
ORDINANCE NO. O-1213-44 – 2601 VENTURE, L.L.C. REQUESTS REZONING FROM I-1, LIGHT INDUSTRIAL DISTRICT, TO I-2, HEAVY INDUSTRIAL DISTRICT, FOR PROPERTY LOCATED AT 2601 VENTURE DRIVE.

ITEMS SUBMITTED FOR THE RECORD:
1. Location Map
2. Staff Report
3. Sec. 427.1 – I-2, Heavy Industrial District excerpt from Zoning Ordinance
4. Summary of Purpose for Rezoning
5. Aerial Photo
6. Photo of Building

PRESENTATION BY STAFF:
1. Jane Hudson – The application is requesting rezoning from I-1, Light Industrial, to I-2, Heavy Industrial District. The current zoning is I-1 in the general vicinity. There is some C-2 north of that area and there is a PUD to the west. Current land use exists of the industrial uses around that area, office designation to the west, some commercial to the north as well as an office construction in progress right now, with a church on the east side of the highway. Under I-1 zoning, the facility is not allowed to have specific uses, such as recreational. They had an opportunity for a tenant to come in, which was not allowed under the current zoning. They are requesting I-2 zoning, which will allow them to have the recreational use and some other uses in the facility. They plan to add some additional parking should they lease to a tenant that would require additional parking spaces. Staff is in support of this request. The applicant is present if there are questions for him.

PRESENTATION BY THE APPLICANT:
1. Aaron Parks, the applicant – I will answer any questions that you have. Our purpose in requesting the rezoning to I-2 is certainly not to bring in heavy industry to that area; it is simply to expand. The building has a lot of what I would call utility value because of the location on North Flood, because it has good visibility out toward Flood. What we're finding is a lot of potential tenants in that space want the visibility and the accessibility. They need space. The inside of the building consists essentially of shell bays that are 50' wide by 120' deep, with 20' free-span ceilings; there's no posts, there's no walls. What we're finding is that people who would typically fall into the commercial classification, but they need an open space and they're having a hard time finding a building in Norman that would suit their needs. That's what we're trying to accomplish.

AUDIENCE PARTICIPATION:
None

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:
1. Mr. McCarty – We've had a lot of discussion about industrial uses. This is going from I-1 to I-2. Does staff feel that is an appropriate change?

Ms. Connors – We're maintaining the industrial nature of the property. We have a couple of zoning districts in our zoning ordinance that are restricted to only a certain list of uses, and I-1 is one of those. Even though some of the uses that have come in would be, in other cities, allowed in I-1, here in Norman we have this restricted list so it has been difficult for us to suggest to the owner what else to do. One of the options is to rezone it so that there would be a wider array of uses that could be in the building. I-2 allows pretty much anything.

Andy Sherrer moved to recommend adoption Ordinance No. O-1213-44 to the City Council. Roberta Pailes seconded the motion.

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

YEAS	Curtis McCarty, Jim Gasaway, Roberta Pailes, Andy Sherrer, Cindy Gordon, Dave Boeck, Sandy Bahan, Tom Knotts, Chris Lewis
NAYES	None

Ms. Tromble announced that the motion, to recommend approval of Ordinance No. O-1213-44 to 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: O-1213-45

File ID: O-1213-45 **Type:** Ordinance **Status:** Non-Consent Items

Version: 1 **Reference:** Item No. 24 **In Control:** City Council

Department: Public Works Department **Cost:** **File Created:** 04/10/2013

File Name: Carrington Place UE Closure **Final Action:**

Title: CONSIDERATION OF ORDINANCE NO. O-1213-45 UPON SECOND AND FINAL READING: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, CLOSING AND RELOCATING A UTILITY EASEMENT LOCATED IN CARRINGTON PLACE ADDITION, SECTION 11, NORMAN, CLEVELAND COUNTY, OKLAHOMA; AND PROVIDING FOR THE SEVERABILITY THEREOF. (BETWEEN LOTS 1 AND 2, BLOCK 5, CARRINGTON PLACE ADDITION, SECTION 11)

Notes: ACTION NEEDED: Motion to adopt or reject Ordinance No. O-1213-45 upon Second Reading section by section.

ACTION TAKEN: _____

ACTION NEEDED: Motion to adopt or reject Ordinance No. O-1213-45 upon Final Reading as a whole.

ACTION TAKEN: _____

Agenda Date: 06/11/2013

Agenda Number: 24

Attachments: Text File O-1213-45, O-1213-45 Carrington Place 11 UE Closure, Location map, Carrington UE Staff Report, Memo from Clerk, Carrington UE Petition, Carrington UE to Close, Carrington UE to Relocate, Carrington E-1213-21, 5-9-13 PC Minutes - O-1213-45

Project Manager: Ken Danner, Subdivision Manager

Entered by: rone.tromble@normanok.gov **Effective Date:**

History of Legislative File

Ver-sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Planning Commission	05/09/2013	Recommended for Adoption at a subsequent City Council Meeting	City Council	05/28/2013		Pass

	Action Text:	A motion was made by Commissioner Gasaway, seconded by Commissioner Boeck, that this Zoning Ordinance be Recommended for Adoption at a subsequent City Council Meeting to the City Council, due back on 5/28/2013. The motion carried by the following vote:		
1	City Council	05/28/2013	Introduced and adopted on First Reading by title only	Pass
	Action Text:	That this Ordinance be Introduced and adopted on First Reading by title only. by consent roll call		

Text of Legislative File O-1213-45

body

BACKGROUND: The final plat for subject addition was filed of record on November 29, 2012. Within the final plat, easements were dedicated to cover a water main (utility easement) to serve the properties. The location is west of 36th Avenue N.W. and south of Carrington Lane.

DISCUSSION: Since the final plat was filed of record, the owners have a potential buyer for Lot 2, Block 5, that needs an additional five feet (5') to place the structure on the lot. There is an existing platted ten-foot (10') utility easement located on the north side of Lot 2, Block 5. The proposal is to close the south five-foot (5') of the utility easement. There are no utilities within the five-foot (5') that the owners desire to close. All the franchised utility companies were notified to assess the impact of their facilities with the requested closure. No objections were presented by the franchised utility companies. There is a waterline located within the north five-foot (5') of the ten-foot (10') easement. The attorney for the owners has submitted a new separate instrument easement that will be located on Lot 1, Block 5. With the separate instrument, the five-foot (5') easement would be added to the north side of the existing five-foot (5') platted easement located on the south lot line of Lot 1, Block 5. The required fifteen-foot (15') combined utility easements will meet City standards and requirements. Planning Commission, at its meeting of May 9, 2013, recommended adoption.

RECOMMENDATION: The platted easements were specifically designed to serve the Carrington Place Addition, Section 11. With the granting of a separate easement, staff recommends approval of the request for partial closure of a five-foot (5') of a platted ten-foot (10') utility easement within Lot 2, Block 5, and to ultimately vacate that portion of easement that is in conflict with the proposed building and accept the new separate instrument easement within Lot 1, Block 5, that has been submitted by the attorney for the owner as part of this request and submittal.

O-1213-45

AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, CLOSING AND RELOCATING A UTILITY EASEMENT LOCATED IN CARRINGTON PLACE ADDITION SECTION 11, NORMAN, CLEVELAND COUNTY, OKLAHOMA; AND PROVIDING FOR THE SEVERABILITY THEREOF.

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

§ 1. That, pursuant to Resolution Number R-8182-66, Carrington Place, L.L.C., owner of the subject property, has petitioned the City to have the south five (5) feet of a ten (10) foot platted utility easement which abuts the north line of Lot 2, Block 5, CARRINGTON PLACE ADDITION SECTION 11 closed; and,

§ 2. That, also pursuant to Resolution Number R-8182-66, the proper notice has been given, and the maps, memorandums and other items required by said Resolution have been presented to this Council; and

§ 3. That, also pursuant to Resolution Number R-8182-66, a public hearing has been held regarding said closing; and

§ 4. That, the south five (5) feet of the ten (10) foot platted utility easement which presently abuts the North line of Lot 2, Block 5, CARRINGTON PLACE ADDITION SECTION 11, Norman, Cleveland County, Oklahoma, is hereby closed and relocated as follows:

Said closed and to be vacated 5' easement portion to be relocated to abut on the North side of the five (5) foot platted utility easement which presently abuts the South line of said Lot 1, Block 5 (the "Relocated Portion"). Separate instrument easement E-1213-21 has been submitted and made part of this closure request.

§ 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

_____, 2013.

_____
(Mayor)

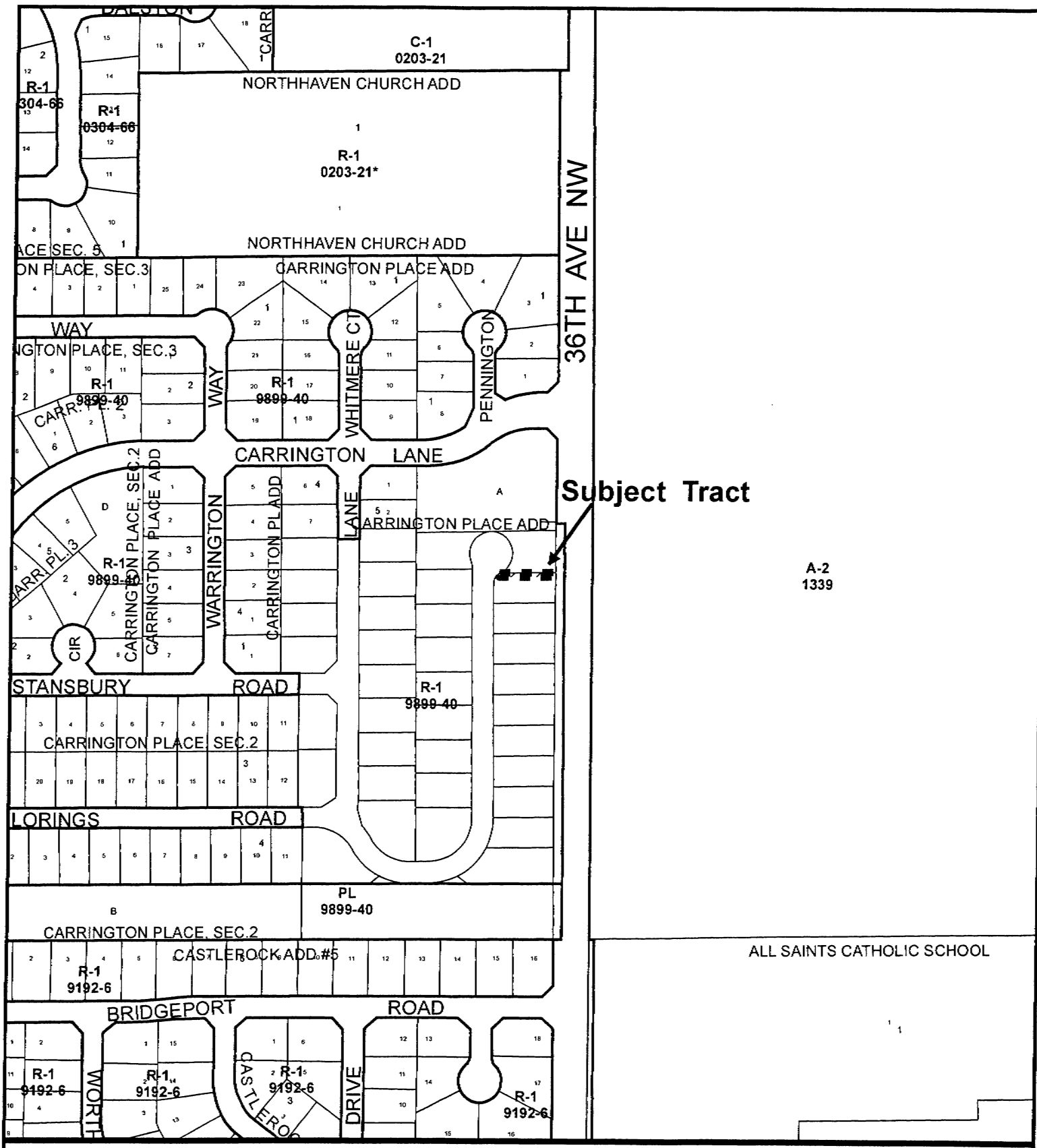
ATTEST:

_____
(City Clerk)

NOT ADOPTED this _____day of

_____, 2013.

_____
(Mayor)



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 12, 2013

0 150 300 Ft.

Subject Tract

Zoning

24-2

G:\ArcGIS10\MapTemplates\8x11_LocationMapArcMap10.mxd

ORDINANCE NO. O-1213-45 ITEM NO. 10

STAFF REPORT

GENERAL INFORMATION

APPLICANT	Carrington Place, L.L.C.
REQUESTED ACTION	Closure of portion of Utility Easement in Lots 1 and 2, Block 5, Carrington Place Addition, Section 11.

BACKGROUND: This is a request for closing a portion of an existing platted utility easement within Lot 2, Block 5, and relocating the five-foot (5') width easement to the north side of the existing five-foot (5') utility easement located in Lot 1, Block 5, Carrington Place Addition, Section 11. The final plat for Carrington Place Addition, Section 11, was filed of record on November 29, 2012.

DISCUSSION: All franchised utilities were notified to assess the impact on their facilities with the closure of easement; there were no objections. With an existing water main within the fifteen-foot (15') width utility easement, it has been determined total fifteen-feet (15') utility easement is needed and required. As a result, the additional five-feet (5') added to the existing five-feet (5') within Lot 1 will make a total of ten-feet (10') and the remaining five-feet (5') located in Lot 2 will meet City standards. The attorney for the owners has submitted a separate instrument easement that will add the five-feet (5') to the existing five-foot (5') easement in Lot 1. This will provide a total of fifteen-feet (15') with Lot 1 and Lot 2, Block 5.

RECOMMENDATION: The easement in question was specifically designed to serve the Carrington Place Addition, Section 11. With the relocation of the utility five-foot (5') easement providing the required fifteen-foot (15') for utilities, staff recommends approval of this request to close, and ultimately vacate, that portion of the easement that interferes with a potential buyer.

office memorandum

DATE: April 8, 2013

TO: Rone Tromble, Administrative Technician IV
Jeff Bryant, City Attorney
Ken Komiske, Director of Utilities
Ken Danner, Subdivision Manager
Jane Hudson, Principal Planner

FROM: Brenda Hall, City Clerk

SUBJECT: Request to close and relocate part of a utility easement within Lots 1 and 2, Block 5 of Carrington Place Section 11 Addition.

I am in receipt of a request on behalf of Carrington Place LLC, by Mr. H.L. Heiple, Attorney-Agent to close and relocate part of a utility easement within Lots 1 and 2, Block 5 of Carrington Place Addition, Section 11. Mr. Heiple requests the South 5 feet to be vacated of the ten foot (10') platted utility easement which presently abuts the North line of said Lot 2. Block 5 (the "Vacated Porter"); and said vacated 5' easement portion to be relocated to abut on the North side of the five foot (5') platted utility easement with presently abuts the South line of said Lot 1, Block 5, (the "Relocated Portion"). A separate Grant of Easement on Lot 1 will be submitted.

The application fee has been paid and the applicant has asked that this request be placed on the next available Planning Commission agenda scheduled May 9, 2013.

In accordance with Resolution No. R-8182-66, I am forwarding the letter of request; existing plat; certificate of bonded abstractor including 300 feet radius report, proposed site plan; 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:kjc
attachments

To: City of Norman, c/o City Clerk Brenda Hall
Norman City Hall, Norman, OK (hand-delivered)

Re: **Closing and relocating part of a utility easement within Lots 1 and 2, Block 5 of Carrington Place Section 11 Addition to Norman**

Date: April 8, 2013

1. The undersigned Applicant, **Carrington Place, LLC,** is the owner of all the land embracing the portions of the easements, described below, to be closed and relocated.

2. It is in the best interest of both the undersigned and the City of Norman to relocate and then close, vacate, and foreclose the right to reopen in District Court the portions of the following-described easements in **Lots 1 and 2, Block 5 of Carrington Place Section 11 Addition** filed in Book 23 Plats, Pages 65-66, Cleveland County Clerk's office:

(a). The **South 5 feet** to be ***vacated*** of the ten foot (10') platted **utility** easement which presently abuts the **North** line of said **Lot 2**, Block 5 (the "**Vacated Portion**"); and

(b) Said **vacated 5' easement portion** to be ***relocated*** to abut on the North side of the five-foot (5') platted **utility** easement which presently abuts the South line of said **Lot 1**, Block 5, (the "**Relocated Portion**"). (*A separate GRANT OF EASEMENT on Lot 1 will be submitted.*)

Collectively, **(a) and (b), above** are 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, Applicant will cause same to be respected and protected, as required by law.

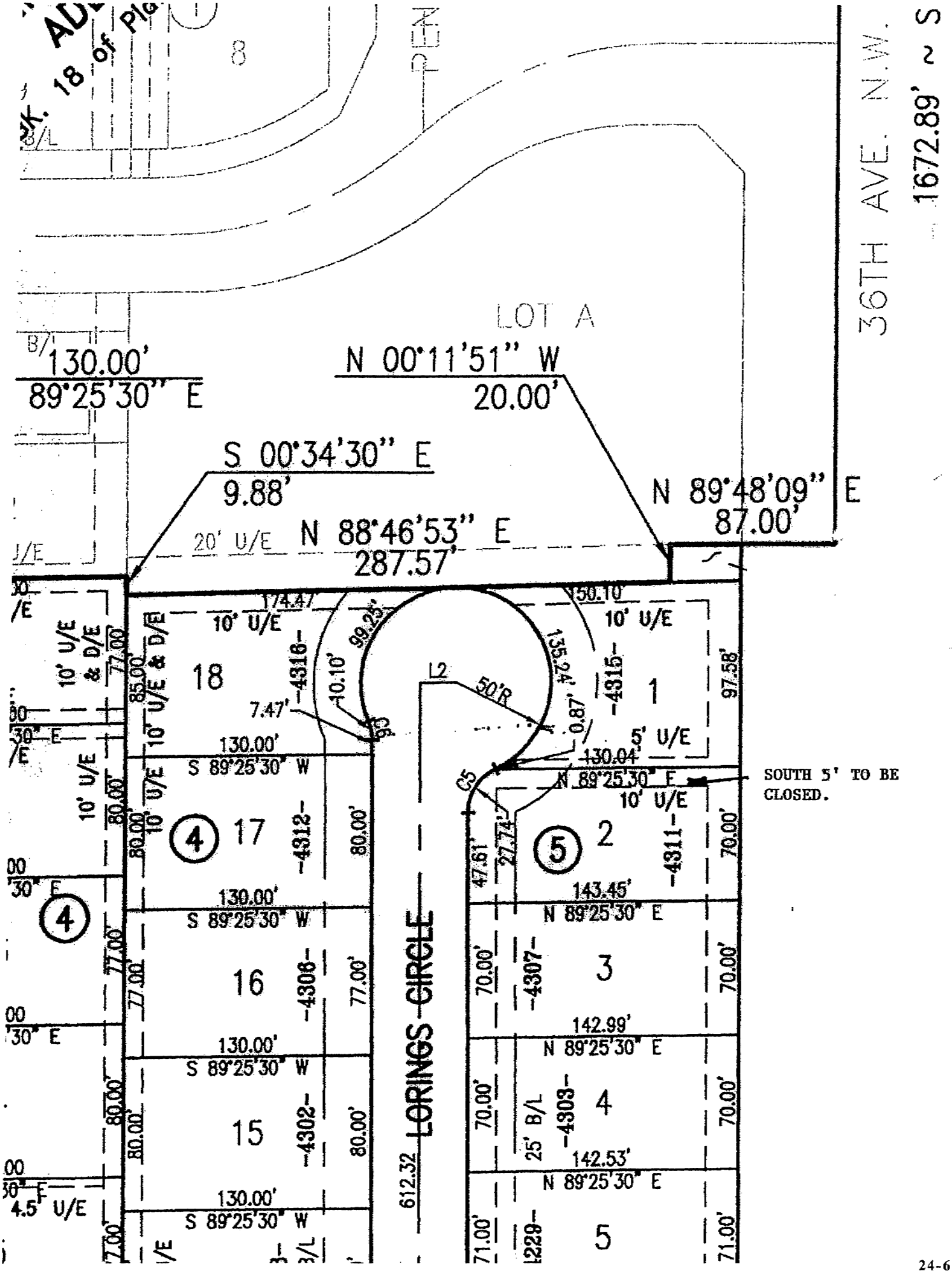
4. An ownership list certified by a bonded abstracter, reflecting all owners of record, according to County Treasurer records, of property within 300 feet in any direction of the above-described Subject Property is submitted herewith. A map which is attached to said ownership list shows the location of the ownership lines for each owner of record whose name appears on the ownership list. Enclosed is our client's 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 Applicant requests the described **relocation and closing** within the above-described Subject Property, by enactment of an ordinance by the City Council of the City of Norman.

Carrington Place, LLC, Applicant, by: /s/ _____ (H. L. Heiple, Attorney-Agent)
Heiple Law Offices, Inc., PO Box 847, Norman, OK 73070, Phone (405) 321-0090, FAX 321-9763

cc: Ken Danner, CON Public Works
Rone' Tromble, CON Planning Dept.
Client



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N 00°11'51" W
20.00'
S 00°34'30" E
9.88'
N 89°48'09" E
87.00'
20' U/E
N 88°46'53" E
287.57'
174.47'
150.10'
10' U/E
99.25'
135.24'
10.10'
7.47'
0.87'
L2
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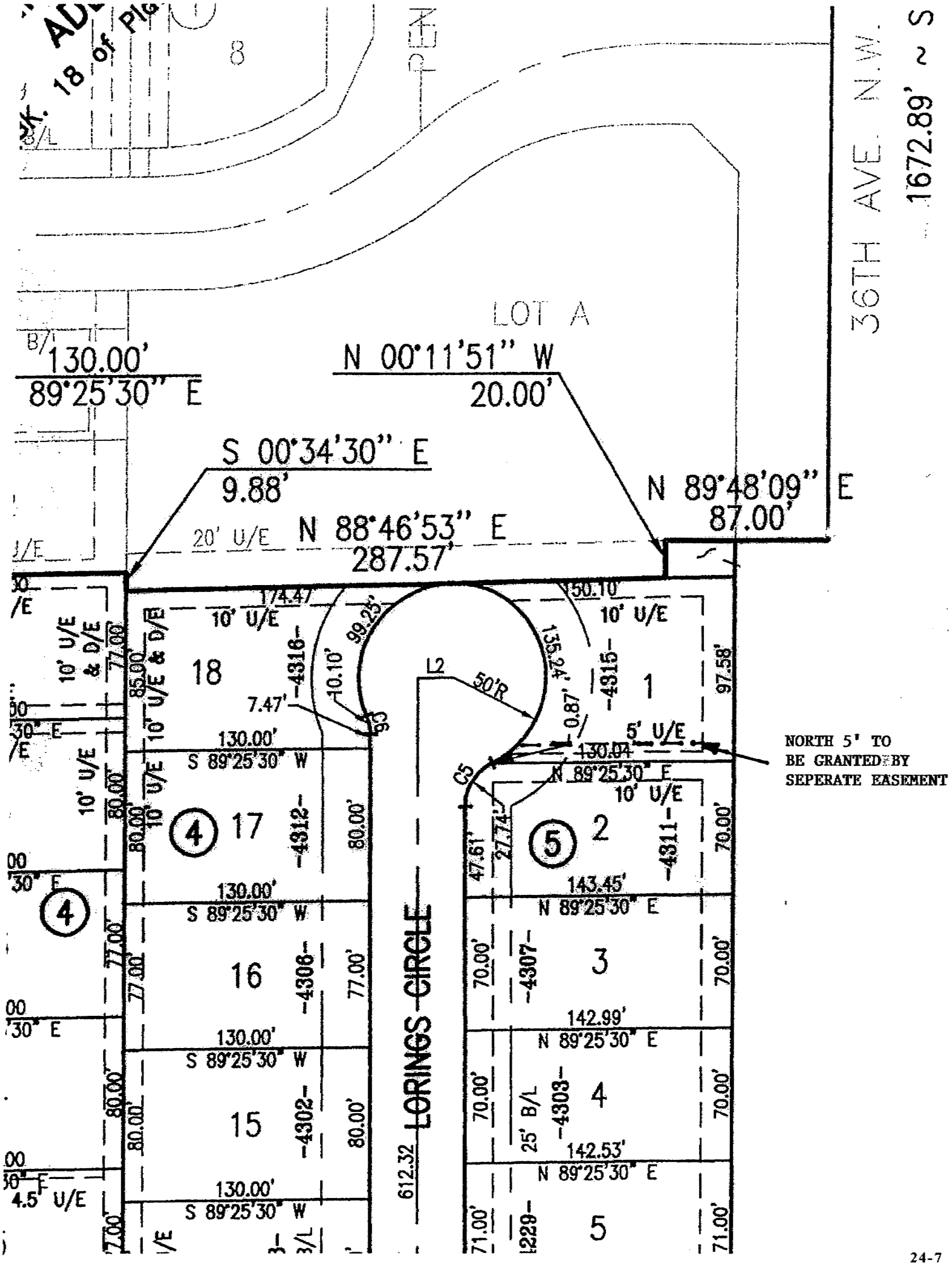
-4302-
-4303-
-4229-
130.00'
S 89°25'30" W
130.04'
N 89°25'30" E
SOUTH 5' TO BE CLOSED.
143.45'
142.99'
142.53'
LORINGS CIRCLE
612.32
25' B/L
10' U/E & D/E
4.5' U/E



36TH AVE. N.W.
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20' U/E
N 88°46'53" E
287.57'
174.47'
150.10'
10' U/E
99.25'
135.24'
10.10'
7.47'
0.87'
L2
50'R
C5
18
1
17
2
16
3
15
4
5
-4316-
-4315-
-4312-
-4311-
-4306-
-4307-
-4302-
-4303-
-4229-
130.00'
S 89°25'30" W
130.04'
N 89°25'30" E
143.45'
142.99'
142.53'
5' U/E
97.58'
80.00'
77.00'
70.00'
71.00'
47.61'
27.74'
25' B/L
612.32
LORINGS CIRCLE
4.5' U/E
NORTH 5' TO
BE GRANTED BY
SEPERATE EASEMENT

CERTIFICATE OF BONDED ABSTRACTOR

(300 FEET RADIUS REPORT)

STATE OF OKLAHOMA)
) §:
COUNTY OF Cleveland)

The undersigned bonded abstractor in and for County, State of Oklahoma, does hereby certify that the following Ownership is true and correct according to the current year's tax rolls in the office of the County Treasurer of County, Oklahoma, as updated by the records of the County Clerk of County, Oklahoma; that the owners, as reflected by said records, are based on the last conveyance or final decree of record of certain properties located within 300 feet in all directions of the following described land:

Easement lying between Lots 1 & 2, Block 5, CARRINGTON PLACE SECTION 11, to Norman, Cleveland County, Oklahoma, according to the recorded plat thereof.

and find the following owners, addresses and brief legal descriptions on the attached pages numbered from (1) to (2), both inclusive.

NOTICE TO CUSTOMERS: This report is released with the understanding that the information is strictly confidential. This report contains information from public land records only and is not to be construed as an abstract of title, opinion of title, title commitment, title insurance policy, or environmental research report. As used herein, the term "public land records" means those land records which under the recording laws of the applicable state, impart constructive notice to the third parties with respect to recorded, unreleased or record instruments memorializing legal interests in real estate. The company suggests that you contact your attorney for matters of a legal nature or legal opinion. We have exercised due care and diligence in preparing this report, however, the Abstractor does not guarantee validity of the title and acceptance of this report by the Company or person(s) for whom this report is made, constitutes agreement and confirmation of the limitation of this report.

Dated: March 27, 2013 at 7:30 AM

First American Title & Trust Company

By: Denise K. Hunter

Denise Hunter
Abstractor License No. 1412
S.A.&I. Certificate of Authority No.
File No. 1811491-MO99

E-1213-21

GRANT OF RELOCATED UTILITY EASEMENT

WHEREAS, the undersigned, **CARRINGTON PLACE, LLC,** is the owner and in possession of Lot 1 and Lot 2, both in Block 5, CARRINGTON PLACE SECTION 11 ADDITION to the City of Norman, Oklahoma, according to the recorded Plat thereof, and said two Lots have a fifteen-foot (15') Utility Easement which straddles the common boundary line between the two Lots, with ten feet (10') being located along the North boundary of Lot 2 and five feet (5') being located along the South boundary of Lot 1, it is necessary to remove, close, vacate and relocate the Easement on the South five feet (5') of the North ten feet (10') of said Lot 2, and relocate that five-foot strip to be added to the Utility Easement on said Lot 1, in the exact location more particularly described below;

NOW, THEREFORE, for value received, the undersigned owner does hereby grant, sell and convey unto **THE CITY OF NORMAN,** a Municipal Corporation, a Utility Easement and right-of-way over, across and under the following described real estate and premises situated in Cleveland County, Oklahoma, to it:

> The North five feet (5') of the South ten feet (10') of **Lot 1, Block 5, CARRINGTON PLACE SECTION 11 ADDITION** to the City of Norman, Oklahoma,

with a right of ingress and egress to and from the same, for the purpose of laying out, constructing, maintaining and operating utility lines, fixtures and equipment, **TO HAVE AND TO HOLD** the same unto the said City, its successors and assigns forever.

Signed and delivered on April 17th, 2013. **CARRINGTON PLACE, LLC, BY:** Richard McKown
(Manager)

ACKNOWLEDGMENT

STATE OF OKLAHOMA, COUNTY OF CLEVELAND, ss:

Before me, the undersigned, a Notary Public in and for said County and State, on April 17th, 2013, personally appeared Richard McKown to me know to be the identical person whose subscribed the name of the maker to the foregoing instrument as its Manager and acknowledged to me that he executed the same as his free and voluntary act and deed, and as the free and voluntary act of the LLC, for the uses and purposes therein set forth.

WITNESS my hand and seal the day and year last above written.

Joy Simpson
Notary Public

JOY SIMPSON NOTARY PUBLIC STATE OF OKLAHOMA (seal) January 7, 2014

APPROVED as to form and legality on April 22, 2013.

[signature], (Asst. City Attorney)

APPROVED and accepted by the Council of the City of Norman, on _____, 2013.

ATTEST:

_____ _____ (seal)
City Clerk Mayor

NORMAN PLANNING COMMISSION
REGULAR SESSION MINUTES

MAY 9, 2013

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 9th day of May 2013. Notice and agenda of the meeting were posted at the Norman Municipal Building and online at http://www.normanok.gov/content/boards-commissions at least twenty-four hours prior to the beginning of the meeting.

Chairman Chris Lewis called the meeting to order at 6:30 p.m.

* * *

Item No. 1, being:
ROLL CALL

MEMBERS PRESENT	Curtis McCarty Jim Gasaway Roberta Pailes Andy Sherrer Cindy Gordon Dave Boeck Sandy Bahan Tom Knotts Chris Lewis
MEMBERS ABSENT	None

A quorum was present.

STAFF MEMBERS PRESENT	Susan Connors, Director, Planning & Community Development Jane Hudson, Principal Planner Janay Greenlee, Planner II Ken Danner, Subdivision Development Manager Roné Tromble, Recording Secretary Leah Messner, Asst. City Attorney Larry Knapp, GIS Analyst II Terry Floyd, Development Coordinator

* * *

Item No. 10, being:
ORDINANCE NO. O-1213-45 – CARRINGTON PLACE, L.L.C. REQUESTS CLOSURE OF A PORTION OF A UTILITY EASEMENT WITHIN LOTS 1 AND 2, BLOCK 5 OF CARRINGTON PLACE ADDITION SECTION 11 GENERALLY LOCATED ON THE EAST SIDE OF THE NORTH END OF LORINGS CIRCLE (WEST OF 36TH AVENUE N.W. AND APPROXIMATELY ½ MILE NORTH OF TECUMSEH ROAD).

ITEMS SUBMITTED FOR THE RECORD:
1. Location Map
2. Staff Memo
3. Closure Petition
4. Plats showing Easement to Close and Relocate

PRESENTATION BY STAFF:
1. Ken Danner – In relation to Lot 2, the applicant has made a request to close the south five feet of the ten foot easement for the purpose of allowing a larger structure to be placed on that property. Our regulations require a 15' utility easement for water lines or any utility going through these easements. This particular area has a water line in it, thereby we still have the need for 15'. The applicant is granting a 5' easement on Lot 1 on the north side of the existing 5' platted easement, for a total of 15'. Staff supports the request.

PRESENTATION BY THE APPLICANT:
1. Tom McCaleb, representing the applicant – The application was prepared by Harold Heiple. The application is pretty simple, as Ken has explained it. I would be glad to answer any questions.

AUDIENCE PARTICIPATION:
None

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:
Jim Gasaway moved to recommend approval of Ordinance No. O-1213-45 to the City Council. Dave Boeck seconded the motion.

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

YEAS	Curtis McCarty, Jim Gasaway, Roberta Pailes, Andy Sherrer, Cindy Gordon, Dave Boeck, Sandy Bahan, Tom Knotts, Chris Lewis
NAYES	None

Ms. Tromble announced that the motion to recommend approval of Ordinance No. O-1213-45 to 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-1213-95

File ID:	R-1213-95	**Type:**	Resolution	**Status:**	Non-Consent Items
Version:	1	**Reference:**	Item No. 25	**In Control:**	City Council
Department:	Planning and Community Development Department	**Cost:**		**File Created:**	01/22/2013
File Name:	TJ Food and Fuel Land Use Plan Amendment			**Final Action:**	

Title: RESOLUTION NO. R-1213-95: 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-1213-7, SO AS TO PLACE LOTS 37 AND 38, BLOCK 3, LARSH'S UNIVERSITY ADDITION, NORMAN, CLEVELAND COUNTY, OKLAHOMA, IN THE COMMERCIAL DESIGNATION AND REMOVE THE SAME FROM THE OFFICE DESIGNATION. (768 SOUTH JENKINS AVENUE)

Notes: ACTION NEEDED: Motion to adopt or reject Resolution No. R-1213-95, Land Use Plan Amendment No. LUP-1213-7; and, if adopted, amend the Norman 2025 Land Use and Transportation Plan thereto.

ACTION TAKEN: _____

Agenda Date: 06/11/2013

Agenda Number: 25

Attachments: Text File R-1213-95, R-1213-95, GreekHouse_2025 Map, Greek House 2025 Staff Report 2, Greek House Aerial Photo, Predevelopment Mohammed, 2-14-13 PC Minutes - Greek House, Email requesting postponement

Project Manager: Jane Hudson, Principal Planner

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	Planning Commission	02/14/2013	Recommended for Adoption at a subsequent City Council Meeting	City Council	03/12/2013		Fail

	Action Text:	A motion was made by Commissioner Sherrer, seconded by Commissioner Pailes, that this Resolution be Recommended for Adoption at a subsequent City Council Meeting to the City Council, due back on 3/12/2013. The motion failed by the following vote:		
1	City Council	03/26/2013 Postponed	06/11/2013	Pass
	Action Text:	Postponed until June 11, 2013		
	Notes:	*Postponed until June 11, 2013*		

Text of Legislative File R-1213-95

Body

ANALYSIS: The 2025 Plan identified two criteria that must be examined before a land use change is approved.

1. ***There has been a change in circumstances resulting from development of properties in the general vicinity that suggest that the proposed change will not be contrary to the public interest.***

The majority of the area around Campus Corner is completely developed. There are some small areas that are available for in-fill development; however, those areas are limited. On average the development and businesses that do establish in the Campus Corner area are projects that go into existing buildings or there are those that demolished and rebuilt. The structure on this site was built in 1971. The buildings around this site to the north and south were established well before this structure was built, around the 1930's to 1940's. There are offices to the south zoned C-1, Local Commercial District, with a Land Use designation of Office. A commercial strip mall to the east was built in 1970 and is zoned C-1, Local Commercial District, with a Land Use designation of Commercial. There are two residential uses directly across the street to the east zoned R-3, Multi-Family Dwelling District and the Land Use designation is Low Density Residential. There is a second commercial strip mall to the northeast, zoned RO, Residence-Office District with Land Use designation of Office. The property to the north, abutting this lot, is zoned R-3, Multi-Family Dwelling District and the Land Use designation is Low Density Residential. There is a commercial strip mall to the west built in 1986 and zoned C-1, Local Commercial District with a Land Use designation of Commercial. All of the commercial uses along this portion of Boyd and Jenkins Avenue have been in place for many years. However, the parking for this entire corner has never been adequate as it is such a busy area of Campus. The traffic at Boyd and Jenkins Avenue is very congested and although they have designated parking areas for each of the businesses in this area the parking count does not meet ordinance requirements.

This site is 6,910 square feet with a 3,169 square foot building existing on the site and the remainder of the lot is paved. With the existing building, the available area for parking is limited. The parking requirement for this facility was established under the requirement noted on the building permit issued in December of 1969, "the parking must meet 200 square feet of area of the building for each parking space." The minimum parking requirements for this site, at that time, should have been thirteen spaces. The applicant stated in the application submittal there are fifteen spaces. However, the total current parking count for this site is nine spaces. There are six parallel parking spaces the customers can utilize along the south side of the building. There are three more spaces which abut the building along the west side along the alley. There is an area on the east side of the building that customers use for parking but this is not an approved parking area as it is in the right-of-way. The applicant has not demonstrated how additional parking can be provided as required for the C-2, General Commercial District. The requirement for support of an application is to show there has been a change in circumstances resulting from development of properties in the general vicinity that suggest the proposed change will not be contrary to the public interest in that area. This area has been in its current built state for many, many years. The impact of additional traffic, increase/impact of allowed commercial uses in this area would be contrary to the residential neighbors as well as the public interest.

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.***

Norman's General Plan (1964) was amended in 1966 to allow for a "high density mixed use zoning district." That district was the RO, Residence-Office District. The intent of the Plan amendment was to provide an eastern boundary of commercial development in the Campus Corner area. The boundary that was established at that time was the alley between DeBarr Avenue and Jenkins Avenue.

In August of 1967, a rezoning request was submitted for this parcel. The owner at that time had requested to rezone from R-3, Multi-Family Dwelling District to RO, Residence-Office with permissive use for a commercial parking lot. The request was granted under Ordinance No. 1995. The parking lot was never constructed. In October of 1969 a second rezoning request was submitted for this parcel. The owner requested rezoning from RO, Residence-Office to C-1, Local Commercial District. This request was not supported by staff and the applicant withdrew the request. In December of 1969, a building permit was issued for this site. The zoning was designated RO, Residence-Office and the building permit was issued for office/mercantile lacking any residential component.

The COMPLAN replaced the original General Plan as the long-range policy document controlling development. It did not call for the expansion of the Campus Corner Commercial area. It retained the medium density residential designation along Jenkins Avenue. The City's detailed policy statement for this area was the Central Core Plan, which was prepared by the consulting firm of Barton-Aschman Associates in 1984. That effort was an intense study of the central area of Norman that focused on the many problems and conflicts, and outlined several strategies for enhancing or protecting its best aspects. The Central Core Plan saw the Campus Corner commercial area as unique in Norman and recommended that it be contained by a Mixed Use District. This recommendation equated to a zoning district that was designed to be unique to this area, the RO District, a high density residential district which would allow a mix of limited offices, convenience goods stores and personal service establishments in conjunction with residential uses to provide for an orderly transition to the surrounding residential areas around Campus Corner.

Staff went out on-site to verify some of the square footages noted in the applicant's submittal; staff's calculations varied slightly in favor of the applicant. The Greek House is about 1,512 square feet with 720 square feet of customer service area, 38-40 chairs for customers. The calculation for parking requirements for 720 square feet is fourteen parking places. The area for the proposed bar and smoke shop is 768 square feet. The applicant has not submitted a final interior design plan for the bar and smoke shop but if he utilizes 500 square feet of customer service area then ten parking places will be required. The applicant stated the two businesses, Greek House and the bar/smoke shop would not be open at the same time keeping parking requirements to a minimum. The effects of this plan change, if granted, could go far beyond the border of this property. Granting this change would condone commercial expansion along Jenkins increasing and destabilizing the residential property north on Jenkins Avenue. Although the applicant's request is to renovate the existing property for an additional use of a bar and smoke shop, it is important to note that a Plan change and commercial rezoning to C-2, General Commercial District would not limit the owners of this property to the particular proposed use. If the request for a change in land use and commercial zoning is granted to this property, the size and character of allowed uses could greatly increase from the more limited uses allowed in the present R-O, Residence-Office District to the allowed uses in C-2, General Commercial District; this would create an adverse land use and traffic impacts to surrounding properties.

STAFF RECOMMENDATION: The majority of the area around this business is zoned C-1, Local Commercial District, a less intense zoning district with less intense use as opposed to the requested C-2, General Commercial District. There are existing parking and traffic issues in the Campus Corner area. Increasing the zoning use in an already heavily impacted area creates additional problems for the existing residents and businesses. In keeping with the goals of the 2025 Land Use and Transportation Plan, staff does not support the applicant's request for a change to the Land Use Plan from Office Designation to Commercial Designation. Staff recommends denial of Resolution No. R-1213-95. One letter of protest was received from the immediately adjacent property to the south, which comprised a 4.5% protest. The Planning Commission, at their February 14, 2013 meeting, by a vote of 1-6, recommended that Resolution No. R-1213-95 not be adopted.

Resolution

R-1213-95
LUP-1213-7

A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING THE NORMAN 2025 LAND USE AND TRANSPORTATION PLAN, **LAND USE PLAN AMENDMENT NO. LUP-1213-7**, SO AS TO PLACE LOTS 37 AND 38, BLOCK 3, LARSH'S UNIVERSITY ADDITION, NORMAN, CLEVELAND COUNTY, OKLAHOMA, IN THE COMMERCIAL DESIGNATION AND REMOVE THE SAME FROM THE OFFICE DESIGNATION. (768 JENKINS AVENUE)

§ 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, TJ Food & Fuel has requested that the following described property be moved from the Office Designation and placed in the Commercial Designation for the hereinafter-described property, to wit:

Lots 37 and 38, Block 3, LARSH'S UNIVERSITY ADDITION to the City of Norman, Cleveland County, Oklahoma.

Said property contains .1586-acre tract.

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

§ 4. That the Council of the City of Norman recognizes the need to control the future growth of the City of Norman; and, that after due consideration has determined that the requested amendment to the NORMAN 2025 Land Use and Transportation Plan should be adopted, and does hereby approve the requested designation.

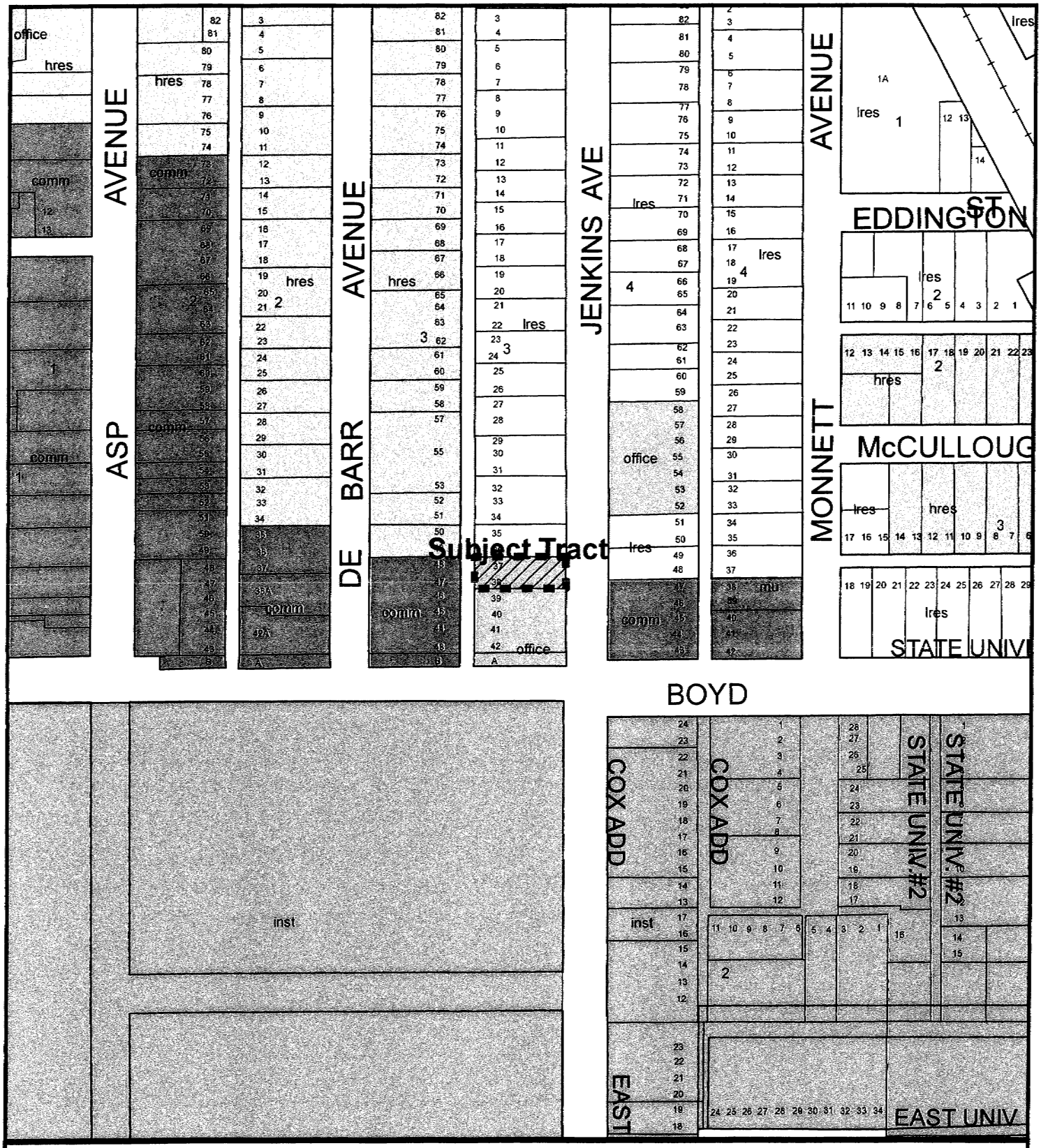
PASSED AND ADOPTED this _____ day of _____, 2013.

_____
(Mayor)

ATTEST:

_____
(City Clerk)

THE CITY OF NORMAN OKLAHOMA



Norman 2025 Land Use Plan

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

February 7, 2013

0 100 200 Ft.

Subject Tract

Zoning

RESOLUTION NO. R-1213-95 ITEM NO. 6a

STAFF REPORT

ITEM: TJ Food & Fuel, dba Greek House, requests amendment of the NORMAN 2025 Land Use and Transportation Plan (LUP-1213-7) from Office Designation to Commercial Designation for property located at 768 Jenkins Avenue.

SUMMARY OF REQUEST: The applicant, Mohammed Reza Tajbakhsh, recently purchased the property located at 768 Jenkins Avenue. The current building has six separate exterior doors which might house up to six separate businesses within this building. Currently, the only business on-site is the Greek House Restaurant. The applicant would like to move forward with adding an additional use to his current location. The applicant requests amendment of the NORMAN 2025 Land Use and Transportation Plan from Office Designation to Commercial Designation on this tract of land. There is an associated rezoning request for this site as well. The applicant is requesting rezoning from RO, Residence-Office District to C-2, General Commercial District with a Special Use for a Bar or Tavern.

ANALYSIS: The 2025 Plan identified two criteria that must be examined before a land use change is approved.

1. ***There has been a change in circumstances resulting from development of properties in the general vicinity that suggest that the proposed change will not be contrary to the public interest.*** The majority of the area around Campus Corner is completely developed. There are some small areas that are available for in-fill development; however, those areas are limited. On average the development and businesses that do establish in the Campus Corner area are projects that go into existing buildings or there are those that demolish and rebuild. The structure on this site was built in 1971. The buildings around this site to the north and south were established well before this structure was built, around the 1930's to 1940's. There are offices to the south zoned C-1, Local Commercial District, with a Land Use designation of Office. A commercial strip mall to the east was built in 1970 and is zoned C-1, Local Commercial District, with a Land Use designation of Commercial. There are two residential uses directly across the street to the east zoned R-3, Multi-Family Dwelling District and the Land Use designation is Low Density Residential. There is a second commercial strip mall to the northeast, zoned RO, Residence-Office District with Land Use designation of Office. The property to the north, abutting this lot, is zoned R-3, Multi-Family Dwelling District and the Land Use designation is Low Density Residential. There is a commercial strip mall to the west built in 1986 and zoned C-1, Local Commercial District with a Land Use designation of Commercial. All of the commercial uses along this portion of Boyd and Jenkins Avenue have been in place for many years. However, the parking for this entire corner has never been adequate as it is such a busy area of Campus. The traffic at Boyd and Jenkins Avenue is very congested and although they have designated parking areas for each of the businesses in this area the parking count does not meet ordinance requirements.

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STAFF RECOMMENDATION: The majority of the area around this business is zoned C-1, Local Commercial District, a less intense zoning district with less intense use as opposed to the requested C-2, General Commercial District. There are existing parking and traffic issues in the Campus Corner area. Increasing the zoning use in an already heavily impacted area creates additional problems for the existing residents and businesses. In keeping with the goals of the 2025 Land Use and Transportation Plan, staff is unable to support the applicant's request for change to the Land Use Plan from Office Designation to Commercial Designation. Staff recommends denial of Resolution No. R-1213-95.

City of Norman Predevelopment **December 20, 2012**

Applicant Mohammed Tajbakhsh

Location 768 S Jenkins

Case Number PD 12-36

Time 6:00-6:30 PM

Attendee	Stakeholder	Address	email	phone
Mohammed Tajbakhsh	applicant	768 S Jenkins	Tannaz101@you.come	412-1338
Alan Stacy	Neighboring owner	103 W Boyd	astacy@kfw.gs	701-0676
Amanda and Denton Stong	Neighboring employees	2129 Wheatland Dr	ahills@yahoo.com	808-3695
Susan Atkinson	Facilitator City staff			366-5392
Leah Messner	City Staff			217-7748
Terry Floyd	City Staff			366-5446
Ken Danner	City staff			366-5459

Application Summary. The applicant is seeking a *Norman 2025 Plan* amendment and to rezone his property which is currently zoned RO Residential-Office district. He is seeking C-2 Commercial Zoning with a Special Use Permit to allow a bar. The *Norman 2025 Land Use Plan* designation is Office. The .1586-acre parcel is located in the Campus Corner area.

Applicant's Opportunity. The applicant recently purchased the Greek House Restaurant, which has operated in this location since 1971. A two-room portion of the building has long been unused and the applicant would like to put it into productive use. He proposes to use the west half of the building for a bar and smoke shop.

Neighbors' Concerns. Neighbors in attendance were primarily concerned about two issues.

Casa Blanca, the historic building to the south of Greek House is used as an office for an oil and gas company. The company also leases space to other office tenants. (**verify**) The company's representative attended the Predevelopment meeting to express the company's concern about several issues related to this application.

Parking. He submitted numerous photos depicting restaurant patrons parking in Casa Blanca's parking lot. He alleged that restaurant patrons had damaged Casa Blanca property on more than one occasion through mishaps in the parking lot.

He also stated that the spaces on the east side of Greek House were not legal parking places but that restaurant patrons do park there throughout business hours. He asserted that these parking spaces were blocking the sidewalk and endangering pedestrians and also creating a sight distance hazard for traffic trying to exit the Casa Blanca or the restaurant's parking lot onto Jenkins Street.

> **Staff Comment**. Staff clarified that the paved area on the east side of Greek House is located on public right-of-way and that there is no dedicated sidewalk there. The existing sidewalk is located against the building on private property.

Casa Blanca owner said he objected to the addition of more restaurant or bar space when the Greek House clearly does not have enough parking to accommodate their current demand, let alone additional demand generated by the bar.

Safety of their Employees. The company representative also stated that company employees occasionally work at the office next door to Greek House late at night. Some of these employees are female. He expressed concern for their safety with a bar operating next door.

NORMAN PLANNING COMMISSION
REGULAR SESSION MINUTES

FEBRUARY 14, 2013

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 February 2013. Notice and agenda of the meeting were posted at the Norman Municipal Building and online at http://www.normanok.gov/content/boards-commissions at least twenty-four hours prior to the beginning of the meeting.

Chairman Chris Lewis called the meeting to order at 6:30 p.m.

* * *

Item No. 1, being:
ROLL CALL

MEMBERS PRESENT	Roberta Pailes Cindy Gordon Andy Sherrer Jim Gasaway Sandy Bahan Tom Knotts Chris Lewis
MEMBERS ABSENT	Dave Boeck Curtis McCarty

A quorum was present.

STAFF MEMBERS PRESENT	Susan Connors, Director, Planning & Community Development Jane Hudson, Principal Planner Janay Greenlee, Planner II Ken Danner, Subdivision Development Manager Roné Tromble, Recording Secretary Leah Messner, Asst. City Attorney Larry Knapp, GIS Analyst II Terry Floyd, Development Coordinator

* * *

Item No. 6, being:
TJ FOOD & FUEL, DBA GREEK HOUSE

Item No. 6a, being:
RESOLUTION NO. R-1213-95 – TJ FOOD & FUEL, DBA GREEK HOUSE, REQUESTS AMENDMENT OF THE NORMAN 2025 LAND USE AND TRANSPORTATION PLAN (LUP-1213-7) FROM OFFICE DESIGNATION TO COMMERCIAL DESIGNATION FOR PROPERTY LOCATED AT 768 SOUTH JENKINS AVENUE.

ITEMS SUBMITTED FOR THE RECORD:
1. 2025 Map
2. Staff Report
3. Aerial Photo
4. Pre-Development Summary

Item No. 6b, being:
ORDINANCE NO. O-1213-30 – TJ FOOD & FUEL, DBA GREEK HOUSE, REQUESTS REZONING FROM RO, RESIDENCE-OFFICE DISTRICT, TO C-2, GENERAL COMMERCIAL DISTRICT, WITH SPECIAL USE FOR A BAR FOR PROPERTY LOCATED AT 768 SOUTH JENKINS AVENUE.

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

PRESENTATION BY STAFF:
Ms. Hudson – The existing land use in this area consists of commercial to the east and west of this site, office designation to the south, as well as the University of Oklahoma, and then residential to the north. The commercial designation would take over the subject tract. With regard to zoning, the subject tract is zoned RO, Residence-Office. C-1 is on the south, west and east, and there is residential zoning to the north. Currently on site we have the Greek House Restaurant which takes up the east end of the building, and the west side is vacant. In examining whether or not an amendment to the 2025 Land Use Plan can be supported, staff has to look at whether changes in the area will be contrary to the public interest, as well as whether or not the proposed change would result in adverse land use impacts on the adjacent property. When reviewing rezoning requests, we have to look at the zoning that would be allowed on that property and how it would impact the adjacent properties. The majority of the area around Campus Corner is completely developed. Any new businesses that come in will go into existing facilities. When this building was permitted in 1969, it was permitted for mercantile and office use with no residential component. At that time, the required parking was 13 spaces. Currently, the site has 9 parking spaces. The Central Core Plan for the Campus Corner commercial area considered the RO district to act as a buffer for the residential properties in that area. Allowing expansion of commercial use into the residential areas of campus, which would be north on Jenkins in this area, could increase the decivilization of that residential area. As noted in the staff reports, traffic and parking congestion in these areas is a problem. The applicant has not demonstrated how he will accommodate the additional parking requirements for the C-2 with a Special Use for a bar. It is important to note also that allowing a Plan change as well as increase in the zoning in the heavily impacted areas does not necessarily stay with this use should the bar not make it and they put another use in there that would be allowed under C-2 zoning. So in keeping with the goals of the 2025 Land Use Plan and the possible impacts of the zoning change, staff recommends denial of the Land Use Plan amendment Resolution No. R-1213-95 as well as the rezoning request for Ordinance No. O-1213-30. Slides show the west end of the building where the proposed bar and smoke shop would go, a house to the north, commercial on the east, the office use on the south side, and another commercial strip on the west. There is a shot of the access point on the south of the subject building, which is very tight. The parking

area in front of the building is not counted as legal parking. There was a protest letter submitted from the property to the south which equated to 4.5% protest.

PRESENTATION BY THE APPLICANT:

1. Nemo Tajbakhsh, representing the applicant, was present to answer questions.

2. Mr. Knotts asked if there are any plans to add parking. Mr. Tajbakhsh said they were hoping to talk to businesses around their facility to rent parking spaces for evening uses. They are planning for half of the available space to be used for the bar, with the remainder used for storage. They believe the maximum capacity for the bar would be 10 to 12 people.

3. Ms. Pailes asked if the Greek House would continue. Mr. Tajbakhsh indicated the Greek House will close at 8:30 p.m. and the bar will open from 8:30 p.m. to 2:00 a.m. and will probably be the most busy on weekends.

4. Ms. Gordon asked about the parking on the east. Mr. Tajbakhsh said there is actually a sidewalk there, so they are not blocking the sidewalk. Ms. Connors confirmed that the parking on the east is actually in the public right-of-way.

COMMENTS FROM THE AUDIENCE:

1. Alan Stacy, representing Keith F. Walker Oil & Gas Company, 103 W. Boyd Street in the Casablanca Building – The building is directly south of the Greek House. We are an oil and gas exploration company that has been in business in Oklahoma since 1951. We are concerned about several issues. I don't know if you have a copy of the letter or not. By the way, I really appreciate you guys coming out. I really had no idea that the City does business at this time of night, and many of you probably have regular jobs, as we do. And the fact that you're doing this is quite an honor. Thank you very much for giving up your Valentine's. We currently have quite a few people on a daily basis. As I was coming over here this evening, I had Greek House customers in my parking lot. I know they're Greek House customers because I waited and watched them walk to the Greek House. During the day, we also have 30,000 more or less – 20,000 OU students who want to park in our parking place. So we have to be fairly jealous of our parking places. After a fashion, the Greek House is more or less a family sort of an atmosphere. I'm actually quite concerned about the addition of beer. I have three female employees, two of whom regularly work late. And if you look at the space, it's really quite secluded, especially at night. It's not really visible. Our building is away from Boyd and a combination of our building and the Greek House is sort of in the way looking at it from the east side. So it's actually quite secluded. Greek House has no exterior lighting that I'm aware of at all. I really don't want my female employees coming out at night and confronting drunks in our parking lot. I don't think that, if they had any business at all – right now they can't really run their business. On weekends they're in our parking lot. I don't really believe that they will run their bar business without being in our parking lot after hours. Even though there may be parking places there, like I say, I don't want my female employees confronting drunks. And so we're quite concerned. And we haven't seen any plan. I mean, it's one of these deals where we want to rezone it for a bar; there's no plan for security, no plan for lighting. Nothing has been stated, to my knowledge, at all. It's just let us do it and we'll let you know how it comes out later. And we don't think that's fair to the people in the area.

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:

1. Ms. Pailes – Bars adjacent to residential areas tend to generate a lot of people that end up complaining before the City Council because people from the bars behave badly in the neighborhoods. I kind of see as one of our objectives on Planning is to catch the things so that they don't happen and don't end up with people complaining before the City Council. So a bar seems a little iffy. It would be great to have commercial areas in those places that have

been empty. I love the Greek House and it would be nice to have those empty spaces filled, but I don't know that a bar is a really good match and the parking seems to be questionable.

2. Mr. Sherrer commented that the Commission could have separate motions on the resolution and the ordinance. Chairman Lewis indicated it would be acceptable to have a motion for each item.

3. Mr. Knotts asked for clarification. The change in zoning would remain, even if the bar were to close. So the idea that the bar and smoke shop are trying to accommodate with the hours of the Greek House – it's only an accommodation that they've agreed to but not necessarily would be held to. Ms. Connors responded that this is a request for a C-2 zone and any use in a C-2 zone would be allowed once it is rezoned.

Andy Sherrer moved to recommend approval of Resolution No. R-1213-95 to the City Council. Roberta Pailes seconded the motion.

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

YEAS	Andy Sherrer
NAYES	Roberta Pailes, Cindy Gordon, Jim Gasaway, Sandy Bahan, Tom Knotts, Chris Lewis
ABSENT	Dave Boeck, Curtis McCarty

Ms. Tromble announced that the motion, to recommend approval of Resolution No. R-1213-95 to the City Council, failed by a vote of 1-6.

Andy Sherrer moved to recommend approval of Ordinance No. O-1213-30 to the City Council. Roberta Pailes seconded the motion.

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

YEAS	None
NAYES	Roberta Pailes, Cindy Gordon, Andy Sherrer, Jim Gasaway, Sandy Bahan, Tom Knotts, Chris Lewis
ABSENT	Dave Boeck, Curtis McCarty

Ms. Tromble announced that the motion, to recommend approval of Ordinance No. O-1213-30 to the City Council, failed by a vote of 0-7.

* * *

City of Norman, OK

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

Master

File Number: O-1213-30

File ID:	O-1213-30	**Type:**	Ordinance	**Status:**	Non-Consent Items
Version:	1	**Reference:**	Item No. 26	**In Control:**	City Council
Department:	Planning and Community Development Department	**Cost:**		**File Created:**	01/22/2013
File Name:	Greek House Rezoning			**Final Action:**	

Title: CONSIDERATION OF ORDINANCE NO. O-1213-30 UPON SECOND AND FINAL READING: 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 37 AND 38, BLOCK 3, LARSH'S UNIVERSITY ADDITION TO NORMAN, CLEVELAND COUNTY, OKLAHOMA, IN THE C-2, GENERAL COMMERCIAL DISTRICT WITH SPECIAL USE FOR A BAR, LOUNGE OR TAVERN, AND REMOVE THE SAME FROM THE RO, RESIDENCE-OFFICE DISTRICT, OF SAID CITY; AND PROVIDING FOR THE SEVERABILITY THEREOF. (768 SOUTH JENKINS AVENUE)

Notes: ACTION NEEDED: Motion to adopt or reject Ordinance No. O-1213-30 upon Second Reading section by section.

ACTION TAKEN: _____

ACTION NEEDED: Motion to adopt or reject Ordinance No. O-1213-30 upon Final Readnig as a whole.

ACTION TAKEN: _____

Agenda Date: 06/11/2013

Agenda Number: 26

Attachments: Text File R-1213-95, O-1213-30, GreekHouse Location Map, Staff Report T & J Fuel O-1213-30, Greek House Aerial Photo, Greek House Protest, 2-14-13 PC Minutes - Greek House, Email requesting postponement

Project Manager: Jane Hudson, Principal Planner

Entered by: rone.tromble@normanok.gov

Effective Date:

History of Legislative File

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

1	Planning Commission	02/14/2013	Recommended for Adoption at a subsequent City Council Meeting	City Council	03/12/2013	Fail
	Action Text:	A motion was made by Commissioner Sherrer, seconded by Commissioner Pailes, that this Zoning Ordinance be Recommended for Adoption at a subsequent City Council Meeting to the City Council , due back on 3/12/2013. The motion failed by the following vote:				
1	City Council	03/12/2013	Introduced and adopted on First Reading by title only			Pass
	Action Text:	That this Ordinance be Introduced and adopted on First Reading by title only. by consent roll call				
1	City Council	03/26/2013	Postponed		06/11/2013	Pass
	Action Text:	postponed until June 11, 2013				
	Notes:	*Postponed until June 11, 2013*				

Text of Legislative File O-1213-30

Body

SYNOPSIS: The applicant, Mohammed Reza Tajbakhsh, recently purchased the property located at 768 Jenkins Avenue. The current building has six separate exterior doors which might house up to six separate businesses within this building. Currently, the only business on-site is the Greek House Restaurant. The applicant would like to move forward with adding a second commercial business to this location. The applicant is requesting to rezone this site from RO, Residence-Office District to C-2, General Commercial District with Special Use for a Bar, Lounge or Tavern.

ANALYSIS:

C-2, General Commercial District:
This commercial district is intended for the conduct of personal and business services and the general retail business of the community. Persons living in the community and in the surrounding trade territory require direct and frequent access. Traffic generated by the uses will be primarily passenger vehicles and only those trucks and commercial vehicles required for stocking and delivery of retail goods.

The applicant is requesting C-2, General Commercial District with Special Use for a Bar in order to have a bar and smoke shop with a water pipe system, on the west end of the building. The proposal of the bar and smoke shop consists of approximately 768 square feet. Currently, the restaurant is on the east end of the building utilizing approximately 1,512 square feet. The seating area for the restaurant is approximately 720 square feet with 38 to 40 chairs. The remaining 800 square feet in the building is used for storage of supplies for the restaurant.

Parking: The requirements for parking in the C-2, General Commercial District for the specific uses of restaurant and bar are as follows:

Restaurant: 1 parking space per 50 square feet of Customer Service Area (CSA)
Bar or Tavern: 1 parking space per 50 square feet of CSA

At a minimum with the restaurant being the only use, the site requires fourteen parking spaces. The site currently provides nine parking spaces. There are six parallel parking spaces available along the south side of the building, in what is designated as the fire lane area. These parking spaces are not striped or designated as parking. There are three parking spaces at the west end of the building however, these as well are not striped or designated as parking spaces. There is an area at the east end of the building that customers utilize for parking. This area is not legally designated parking as it is in the right-of-way and was not included as part the nine available parking spaces. The applicant stated in his narrative submitted that the restaurant and bar/smoke shop will not be open at the same time. The plan is to close the Greek House at 8:30 pm and then open the bar and smoke shop. However, even with the staggered business hours the parking required for the bar and smoke shop is still short of the minimum required parking spaces.

OTHER AGENCY COMMENTS:

PARK BOARD The request of a Special Use does not require any parkland dedication.

PUBLIC WORKS The property has already been platted. Utilities, streets, public alley are existing. This Special Use will not require any modification to the site which would require additional public improvements.

STAFF RECOMMENDATION: If commercial utilization of this property is approved sufficient parking cannot be provided on-site. This building was built in 1969 and over the years several different uses have been in this building. Staff cannot find records which clearly indicate how the restaurant use was approved in this location as it is not an approved use in the RO, Residence-Office zoning. The RO, Residence-Office zoning designation is designed to provide areas for high density residential development; limited offices, convenience goods stores, and personal service establishments in conjunction with residential uses; primarily in the vicinity of the campus business district. The majority of the area around this business is zoned C-1, Local Commercial District, a less intense zoning district as opposed to the requested C-2, General Commercial District. As previously discussed, there are existing parking and traffic issues in the Campus Corner area. Increasing the intensity of zoning in an already heavily impacted area creates additional problems for the existing residents and businesses. The properties in this vicinity are zoned C-1, Local Commercial District, RO, Residence-Office District and R-3, Multi-Family Dwelling District. With the existing lower intensity zoning districts present in the area this zoning request for C-2, General Commercial District is considered spot zoning. Spot zoning is contrary to the basic zoning principles which are set to protect adjacent properties. With the lack of parking and traffic congestion already in the area, staff does not support the request to place this property in the C-2, General Commercial District with Special Use for a Bar. Staff recommends denial of Ordinance No. O-1214-30. One letter of protest was received from the immediately adjacent property to the south, which comprised a 4.5% protest. Although the Planning Commission, at their February 14, 2013 meeting, had a motion and a second to approve Ordinance O-1213-30, the ordinance was disapproved by a vote of 0-7. The ordinance comes forward with a recommendation from the Planning Commission for denial.

O-1213-30

AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 460 OF CHAPTER 22 OF THE CODE OF THE CITY OF NORMAN SO AS TO PLACE LOTS 37 AND 38, BLOCK 3, LARSH'S UNIVERSITY ADDITION TO NORMAN, CLEVELAND COUNTY, OKLAHOMA, IN THE C-2, GENERAL COMMERCIAL DISTRICT WITH SPECIAL USE FOR A BAR, LOUNGE OR TAVERN, AND REMOVE THE SAME FROM THE RO, RESIDENCE-OFFICE DISTRICT, OF SAID CITY; AND PROVIDING FOR THE SEVERABILITY THEREOF. (768 SOUTH JENKINS AVENUE)

§ 1. WHEREAS, TJ Food & Fuel, the owner of the hereinafter described property, has made application to have the same placed in the C-2, General Commercial District with Special Use for a Bar, Lounge or Tavern, and to have the same removed from the RO, Residence-Office 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 not be granted and an ordinance should not be adopted to effect and accomplish such rezoning; and

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

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

§ 4. That Section 460 of Chapter 22 of the Code of the City of Norman, Oklahoma, is hereby amended so as to place the following described property in the C-2, General Commercial District with Special Use for a Bar, Lounge or Tavern, and to remove the same from the RO, Residence-Office District, to wit:

Lots 37 and 38, Block 3, LARSH'S UNIVERSITY ADDITION to the City of Norman, Cleveland County, Oklahoma.

§ 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

_____, 2013.

_____
(Mayor)

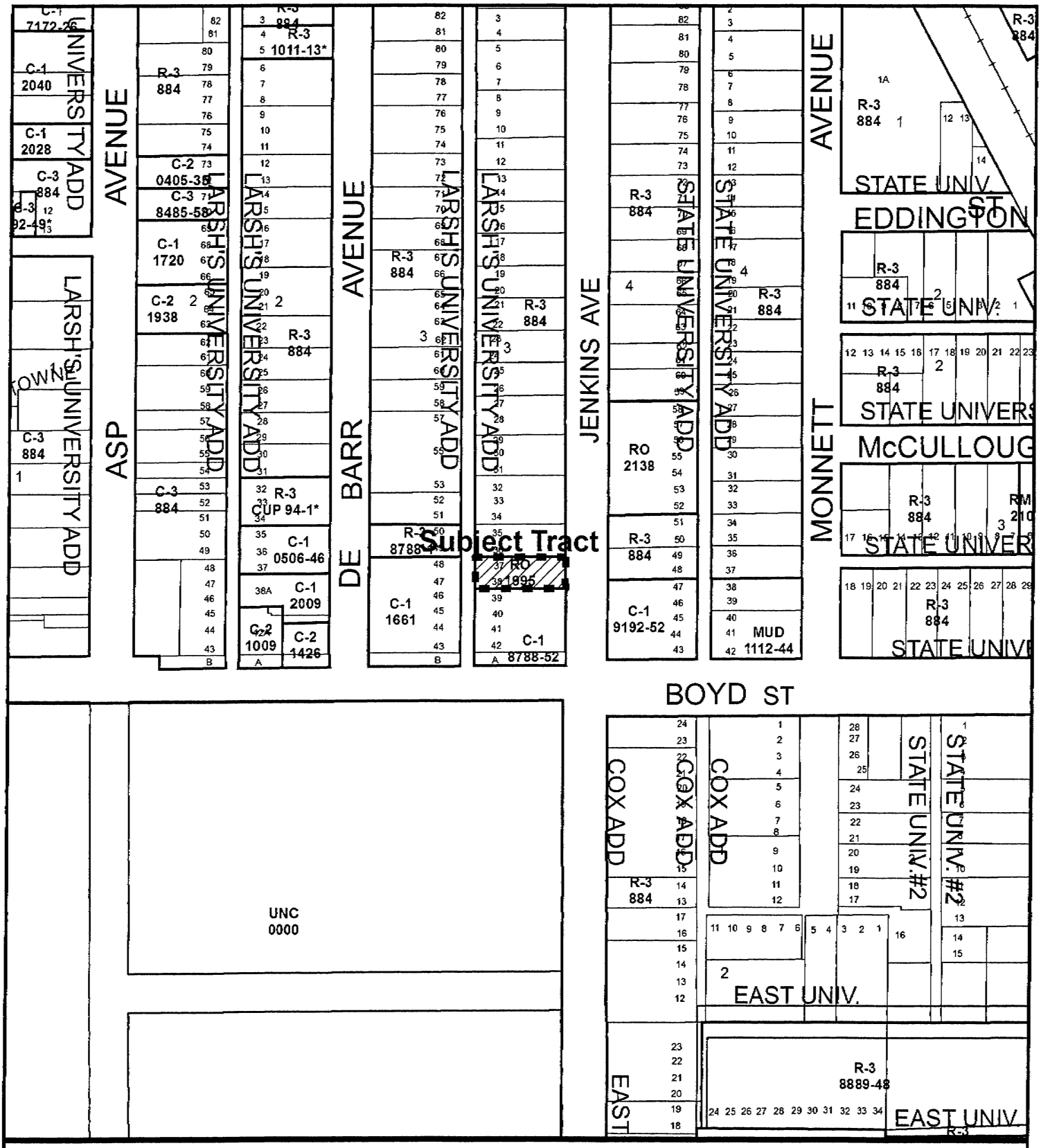
NOT ADOPTED this _____day of

_____, 2013.

_____
(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.

N W E S

December 4, 2012

0 100 200 Ft.

Subject Tract

Zoning

ORDINANCE NO. O-1213-30 ITEM NO. 6b

STAFF REPORT

GENERAL INFORMATION

APPLICANT	TJ Food & Fuel, dba Greek House
REQUESTED ACTION	Rezoning to C-2, General Commercial District, with Special Use for a Bar
EXISTING ZONING	RO, Residence-Office District
SURROUNDING ZONING	North: R-3, Multi-Family Dwelling District East: R-3, Multi-Family Dwelling District and C-1, Local Commercial District South: C-1, Local Commercial District West: C-1, Local Commercial District
LOCATION	768 Jenkins Avenue
SIZE	6,910 Square Feet
PURPOSE	Special Use for a Bar
EXISTING LAND USE	Restaurant and Storage
SURROUNDING LAND USE	North: Residential East: Commercial and Residential South: Office West: Commercial
LAND USE PLAN DESIGNATION	Office
GROWTH AREA DESIGNATION	Current Urban Service Area

SYNOPSIS: The applicant, Mohammed Reza Tajbakhsh, recently purchased the property located at 768 Jenkins Avenue. The current building has six separate exterior doors which might house up to six separate businesses within this building. Currently, the only business on-site is the Greek House Restaurant. The applicant would like to move forward with adding a second commercial business to this location. The applicant is requesting to rezone this site from RO, Residence-Office District to C-2, General Commercial District with Special Use for a Bar or Tavern.

ANALYSIS:

C-2, General Commercial District:
This commercial district is intended for the conduct of personal and business services and the general retail business of the community. Persons living in the community and in the surrounding trade territory require direct and frequent access. Traffic generated by the uses will be primarily passenger vehicles and only those trucks and commercial vehicles required for stocking and delivery of retail goods.

The applicant is requesting C-2, General Commercial District with Special Use for a Bar in order to have a bar and smoke shop, a water pipe system, on the west end of the building. The proposal of the bar and smoke shop consists of approximately 768 square feet. Currently, the restaurant is on the east end of the building utilizing approximately 1,512 square feet. The seating area for the restaurant is approximately 720 square feet with 38 to 40 chairs. The remaining 800 square feet in the building is used for storage of supplies for the restaurant.

Parking: The requirements for parking in the C-2, General Commercial District for the specific uses of restaurant and bar are as follows:

- Restaurant: 1 parking space per 50 square feet of CSA
- Bar or Tavern: 1 parking space per 50 square feet of CSA

(CSA: Customer Service Area)

At a minimum with the restaurant being the only use, the site requires fourteen parking spaces. The site currently provides nine parking spaces. There are six parallel parking spaces available along the south side of the building, in what is designated as the fire lane area. These parking spaces are not striped or designated as parking. There are three parking spaces at the west end of the building however, these as well are not striped or designated as parking spaces. There is an area at the east end of the building that customers utilize for parking. This area is not legally designated parking as it is in the right-of-way and was not included as part the nine available parking spaces. The applicant stated in his narrative submitted that the restaurant and bar/smoke shop will not be open at the same time. The plan is to close the Greek House at 8:30 pm and then open the bar and smoke shop. However, even with the staggered business hours the parking required for the bar and smoke shop is still short of the minimum required parking spaces.

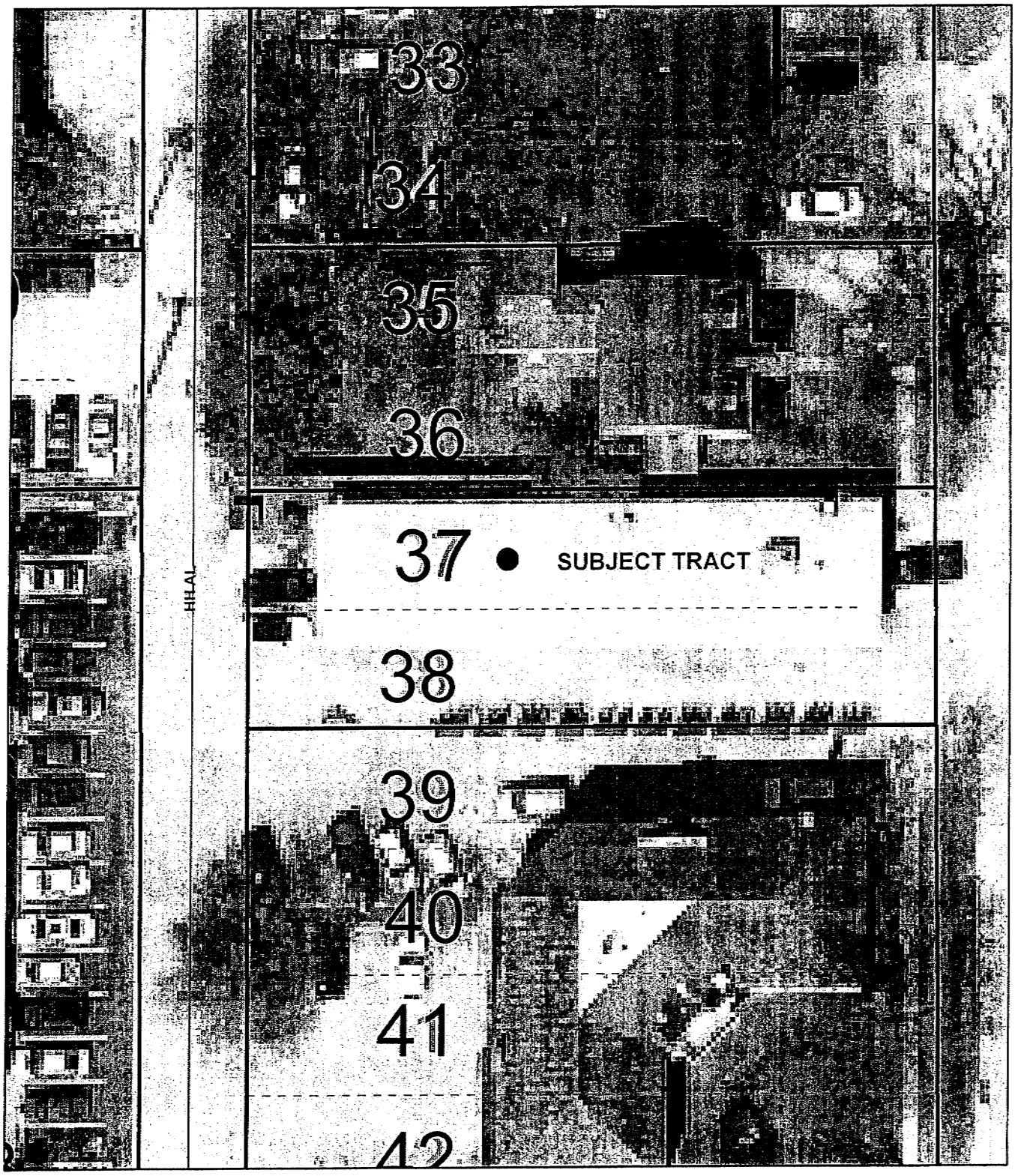
OTHER AGENCY COMMENTS:

- **PARK BOARD** The request of a Special Use does not require any parkland dedication.

- **PUBLIC WORKS** The property has already been platted. Utilities, streets, public alley are existing. This Special Use will not require any modification to the site which would require additional public improvements.

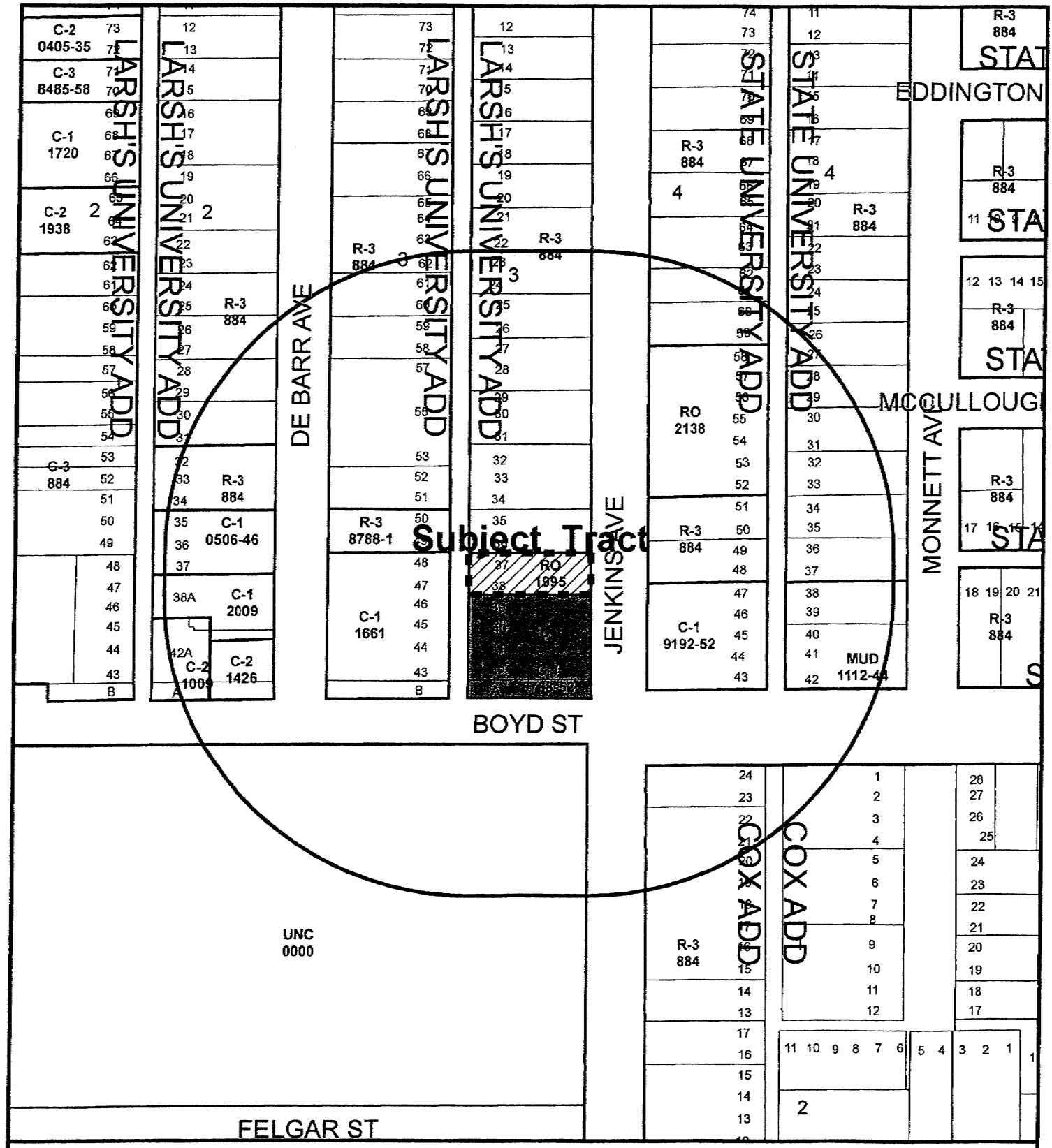
STAFF RECOMMENDATION: If commercial utilization of this property is approved sufficient parking cannot be provided on-site. This building was built in 1969 and over the years several different uses have been in this building. Staff cannot find records which clearly indicated how the restaurant use was approved in this location as it is not an approved use in the RO, Residence-Office zoning. The RO, Residence-Office zoning designation is designed to provide areas for high density residential development; limited offices, convenience goods stores, and personal service establishments in conjunction with residential uses; primarily in the vicinity of the campus business district. The majority of the area around this business is zoned

C-1, Local Commercial District, a less intense zoning district as opposed to the requested C-2, General Commercial District. As previously discussed, there are existing parking and traffic issues in the Campus Corner area. Increasing the zoning use in an already heavily impacted area creates additional problems for the existing residents and businesses. The properties in this vicinity are zoned C-1, Local Commercial District, RO, Residence-Office District and R-3, Multi-Family Dwelling District. With the lower intense zoning districts present this zoning request for C-2, General Commercial District is considered spot zoning. Spot zoning is contrary to the basic zoning principles which are set to protect adjacent properties. With the lack of parking and traffic congestion already in the area, staff cannot support the request to place this property in the C-2, General Commercial District with Special Use for a Bar. Staff recommends denial of Ordinance No. O-1214-30.



768 Jenkins Avenue

1 inch = 28.579412 feet



Protest Map

4.5% Protest Within Notification Area

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

N
W E
S

Scale: 1" = 150'
February 13, 2013

Subject Tract

Protest

Notification Area

Office: 405-701-0676
Fax: 405-310-5075

Delivered via hand February 8, 2013

Keith F. Walker
Oil & Gas Company, LLC

Planning Commission, City of Norman

February 6, 2013

Keith F. Walker Oil & Gas Company, LLC (KFW), as the owner of the historically registered office building at 103 West Boyd, locally known as "Casa Blanca", strongly opposes and protests the application to re-zone "TJ Food & Fuel" dba "The Greek House" from RO to C-2.

Our opposition is fact-based. KFW's property adjoins "TJ Food & Fuel" to the south. "TJ Food & Fuel" has limited parking for their business and their customers and delivery trucks regularly trespass on the KFW parking property. We absorb, with no compensation, increased parking maintenance and trash from "TJ Food & Fuel" operations. At night and weekends, "TJ Food & Fuel" customer cars park on our property almost continually. Given the currently insufficient parking, KFW believes it is impossible for "TJ Food & Fuel" to accommodate the increased parking demand of their expansion and addition of a "bar".

This bar will create a safety issue that remains unaddressed. KFW has ten employees in the "Casa Blanca" building and some regularly work into the evening. We believe it is unreasonable for our employees, especially the females, to be confronted or accosted by persons under the influence in our own parking lot as they leave work. The Greek House in its present status is more of a family restaurant and has a different clientele than the clientele that would be attracted to a bar.

While attending the preliminary Planning Commission hearing, Mr. Tajbakhsh gave no specific plan for his bar. We asked him repeatedly for any plan to accommodate parking, lighting and security. We got NO response to any of these questions. "TJ Food & Fuel" has no exterior lighting and their parking is dark and isolated at night. KFW has a light in our parking lot for our employees, but it is insufficient to provide the necessary security for employee encounters with inebriated patrons.

FILED IN THE OFFICE
OF THE CITY CLERK
ON 2/8/13

103 West Boyd St.
Norman, OK
73069

Office: 405-701-0676
Fax: 405-310-5075

Accordingly, KFW respectfully submits that there are strong and convincing reasons to deny this application that would most surely create greater parking congestion and security issues. For those reasons, KFW respectfully requests that the Planning Commission and City Council disallow the "TJ Food & Fuel" application to re-zone from RO to C-2 in this historic neighborhood.

KEITH F. WALKER OIL & GAS COMPANY, LLC

By: Alan L. Stacy

Title: C. E. O.

103 West Boyd St.
Norman, OK
73069

Brenda Hall

Subject: FW: POSTPONE CITY COUNCIL ITEM ON MARCH 26 FOR GREEK HOUSE REZONING

From: Sean Rieger [mailto:sp@riegerllc.com]
Sent: Monday, March 18, 2013 10:48 AM
To: Brenda Hall; Ellen Usry
Cc: Greg Jungman; Cindy Rosenthal
Subject: POSTPONE CITY COUNCIL ITEM ON MARCH 26 FOR GREEK HOUSE REZONING

Hi Brenda and Ellen,
The Applicant for the below item, to be on second reading at City Council on March 26, requests to postpone the second reading hearing to the June 11, 2013 City Council meeting. Please include this request in the Agenda Book and please let me know if you need anything else from Applicant to submit postponement. Thank you, best wishes, Sean.

O-1213-30 CONSIDERATION OF ORDINANCE NO. O-1213-30 UPON FIRST READING BY TITLE: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 460 OF CHAPTER 22 OF THE CODE OF THE CITY OF NORMAN SO AS TO PLACE LOTS 37 AND 38, BLOCK 3, LARSH'S UNIVERSITY ADDITION TO NORMAN, CLEVELAND COUNTY, OKLAHOMA, IN THE C-2, GENERAL COMMERCIAL DISTRICT WITH SPECIAL USE FOR A BAR, LOUNGE OR TAVERN, AND REMOVE THE SAME FROM THE RO, RESIDENCE-OFFICE DISTRICT, OF SAID CITY; AND PROVIDING FOR THE SEVERABILITY THEREOF. (768 SOUTH JENKINS AVENUE)

Attachments: Text File O-1213-30
O-1213-30
GreekHouse Location Map
Staff Report T & J Fuel O-1213-30
Greek House Aerial Photo
Greek House Protest
2-14-13 PC Minutes - Greek House

Sean Paul Rieger
Attorney • Architect • Broker

City of Norman, OK

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

Master

File Number: R-1213-113

File ID:	R-1213-113	**Type:**	Resolution	**Status:**	Non-Consent Items
Version:	1	**Reference:**	Item No. 27	**In Control:**	City Council
Department:	Planning and Community Development Department	**Cost:**		**File Created:**	03/13/2013
File Name:	Breckenridge 2025			**Final Action:**	

Title: RESOLUTION NO. R-1213-113: 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-1213-9, SO AS TO PLACE PART OF THE WEST HALF OF THE EAST HALF OF THE NORTHWEST QUARTER OF SECTION 9, TOWNSHIP 8 NORTH, RANGE 2 WEST OF THE INDIAN MERIDIAN, NORMAN, CLEVELAND COUNTY, OKLAHOMA, IN THE MEDIUM DENSITY RESIDENTIAL DESIGNATION AND REMOVE THE SAME FROM THE INDUSTRIAL DESIGNATION. (SOUTH SIDE OF IMHOFF ROAD APPROXIMATELY 900 FEET EAST OF CLASSEN BOULEVARD)

Notes: ACTION NEEDED: Motion to adopt or reject Resolution No. R-1213-113, Land Use Plan Amendment No. LUP-1213-9; and, if adopted, amend the NORMAN 2025 Land Use and Transportation Plan according thereto

ACTION TAKEN: _____

Agenda Date: 06/11/2013

Agenda Number: 27

Attachments: Text File R-1213-113, R-1213-113 Breckenridge dba Aspen Heights, AspenHeights_2025 Map, Aspen Heights 2025 Staff Report, Breckenridge dba Aspen Heights PD 13-04, 4-11-13 PC Minutes - Breckenridge, Request to Postpone Aspen

Project Manager: Jane Hudson, Current Planning Manager

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	04/11/2013	Recommended for Adoption at a subsequent City Council Meeting	City Council	05/28/2013		Fail
	Action Text:	Recommend adoption or Resolution No. R-1213-113, Ordinance No. O-1213-41, and approval of PP-1213-16, the Preliminary Plat for ASPEN HEIGHTS ADDITION, A Planned Unit Deveopment to the City Council.					
1	City Council	05/28/2013	Postponed		06/11/2013		Pass

Action Text: Postponed until June 11, 2013

Text of Legislative File R-1213-113

Body

STAFF ANALYSIS: When the 2020 Land Use Plan was adopted, a detailed land use analysis was completed that revealed Norman had 925 acres of land that was being used for industrial purposes, and the Plan reserved additional land for future industrial use. The 2025 Plan also called for additional land to be designated industrial, and recommended that 1,200 additional acres be added and preserved for future industrial use. This deliberate decision of the Council, at that time, was to create multiple opportunities to accommodate all types of industrial activities in a wide variety of locations. The actual demand for industrial land was estimated at 198 acres over the entire time frame of the Plan, up until the year 2025, which would be absorbed at the rate of approximately ten acres per year. A specific goal, Goal 4, with companion policies was enacted, which states:

Goal 4

Policy 2

Direct environmentally responsible industrial growth onto land that is highly suited for industrial development.

Policy 3

Protect suitable industrial land from residential conversion or encroachment by:

- *Identifying and rezoning it to an industrial zoning classification;*
- *Critically reviewing rezoning requests for conversion of industrial land to non-industrial uses; and*
- *Assessing the impact of incompatible land uses adjacent to industrial lands.*

These policies in place do not prohibit conversions of land from industrial designations, but they do recommend such requests be "critically evaluated" prior to any changes. In this case, the land under review has never been developed so the previous zoning has not been changed from A-2, Rural Agricultural District. However, due to the key location of this land for industrial use, this land has been set aside on the 2025 Plan for future use as industrial.

One of the goals when classifying land for industrial use is to allow tracts of various sizes throughout the community to be reserved for a wide range of industrial opportunities, which are major economic drivers for any community. Conversely, from the landowner's perspective, industrial land is one of the slowest to be absorbed, and usually sells for less value than uses which have more immediate needs, such as housing or the needed commercial areas that serve the housing. This location included in the application lies immediately to the west of the Hitachi plant, an area already designated as industrial under zoning as well as land use.

Land that was designated or set-aside on the 2025 Land Use and Transportation Plan as industrial is land that is convenient to major roads, such as Interstate 35 or Highway 9, or could be provided with access to rail. Industrial locations that were originally located in central Norman, around the existing rail, have slowly been redeveloped into other uses over the last thirty years, with most industrial land now located at the northern and southern ends of the community, such as this parcel.

ANALYSIS: The 2025 Plan identifies two criteria that must be examined before land use designation change is approved.

1. There has been a change in circumstances resulting from development of properties in the general vicinity, which suggest that the proposed changes will not be contrary to the public interest. In the last eight years there have been two new multi-family complexes built along Imhoff Road/Classen Boulevard and another approved by Council but not yet built. While there has definitely been a *"change in circumstances resulting from development of properties in the general vicinity,"* it needs to be noted that, according to the guidelines and population projections in the 2025 Plan and the multi-family housing needs through 2025, the city has already met its projected quota for apartments. The policies state the city should accommodate a projected population of 137,000 in a "fiscally responsible and environmentally sensitive manner." The residential land use demand analysis included in the 2025 Plan stated that there would be a need for 1,742 multi-family units. Since the time of the adoption of the 2025 Plan the city has permitted 2,121 multi-family units.

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. The proposed change to residential use adjacent to an industrial use would result in adverse, incompatible land use. Hitachi has been in Norman since 1986. Since that time there have been two expansion projects bringing the facility to approximately 365,000 square feet. When residential development is adjacent to an industrial zone, associated industrial impacts (noise, dirt, truck traffic) often affect the residents' quality of life, creating a vocal constituency opposed to the continued industrial uses in the area. An additional issue for the location of this development is that the loading docks for the Hitachi plant are along the northwest side of the development, directly adjacent to the proposed multi-family development.

2010 INDUSTRIAL LAND USE STUDY: In March of 2010, City staff completed an Industrial Land Use Study. This study was done in response to applications staff had received for rezoning and land use amendments of industrially designated land to commercial, residential and mixed uses. The study highlighted the need for preserving readily buildable areas of adequate size and location for industrial uses. The 2010 Industrial Land Use Study revealed that, of the area designated for industrial use on the 2020 Plan, almost eight hundred forty-nine acres have been rezoned and designated for uses other than industrial. Of that total, five hundred eighty-six acres were included in the University North Park area, of which approximately one hundred seventy-five acres are still available for industrial purposes, although no definitive plans have been presented for that area. One hindrance of developing the UNP area as industrial is the high cost of land, which makes it better suited for office development. Of the remaining two hundred sixty-three acres, commercial requests comprise almost sixty-eight percent of the area that has been changed. In some cases, changes to the update of the 2020 Plan were discussed as part of the adoption process, and resulted in the removal of substantial amounts of industrial land. Almost three-hundred acres of industrially designated land was eliminated in the area south of Tecumseh Road, east of 12th Avenue NW to allow two large residential developments to occur (Trailwoods and Greenleaf Additions). In the same area, at the northwest corner of Tecumseh Road and 12th Avenue, approximately one hundred thirty-six acres was changed from industrial designation to commercial, high density residential, medium density residential, office and low density residential. An additional sixty acres of land located at the southern boundary of the community was changed from industrial to mixed use.

STAFF RECOMMENDATION: The question is not whether this development has been properly designed, but whether this is the appropriate location for a multi-family development. The impact a multi-family development can have on an existing industrial development and vice-versa can be problematic. The Hitachi plant is a 24-hour facility. The noise and traffic impacts on a multi-family development can be challenging. The residential component added adjacent to industrial could register noise complaints causing industry to relocate to new locations due to constraints placed on them for noise violations. Typically, once a residential use is established adjacent to an industrial use the noise and traffic become issues to the residents.

In keeping with the goals of the 2025 Land Use and Transportation Plan to preserve industrially designated properties for future development, staff does not support the request to amend the 2025 Land Use and Transportation Plan with R-1213-113.

At their meeting of April 11, 2013, the Planning Commission, on a vote of 4-4, made no recommendation with regard to Resolution No. R-1213-113.

Resolution

R-1213-113
LUP-1213-9

A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING THE NORMAN 2025 LAND USE AND TRANSPORTATION PLAN SO AS TO PLACE PART OF THE WEST HALF OF THE EAST HALF OF THE NORTHWEST QUARTER OF SECTION 9, TOWNSHIP 8 NORTH, RANGE 2 WEST OF THE INDIAN MERIDIAN, NORMAN, CLEVELAND COUNTY, OKLAHOMA, IN THE MEDIUM DENSITY RESIDENTIAL DESIGNATION AND REMOVE THE SAME FROM THE INDUSTRIAL DESIGNATION. (South side of Imhoff Road approximately 900 feet east of Classen Boulevard)

§ 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, Breckenridge Land Acquisition, L.P. has requested that the following described property be moved from the Industrial Designation and placed in the Medium Density Residential Designation for the hereinafter described property, to wit:

A part of the West Half (W1/2) of the East Half (E1/2) of the Northwest Quarter (NW1/4) of Section 9, Township 8 North, Range 2 West of the Indian Meridian, more particularly described as follows:
Beginning at the Northwest Corner of the said W1/2 E1/2 NW1/4, said point being 1319.11 feet N89°14'31"E of the Northeast corner of said NW1/4;
Thence S00°07'41"E on the West line of said W1/2 E1/2 NW1/4 for a distance of 1290.48 feet to a point on the North Right-of-Way line of State Highway No. 9;
Thence S27°35'00"E on said North Right-of-Way line for a distance of 218.30 feet;
Thence S72°35'00"E on said North Right-of-Way line for a distance of 101.80 feet;
Thence N62°25'00"E on said North Right-of-Way line for a distance of 274.00 feet;
Thence Northeasterly on said North Right-of-Way line, being a curve to the Right, having a radius of 403.00 feet, a chord bearing of N78°49'20"E for a curve distance of 235.50 feet;
Thence S84°07'00"E on said North Right-of-Way line for a distance of 12.30 feet;
Thence N00°06'41"W on the East line of the said W1/2 E1/2 NW1/4 for a distance of 925.05 feet;
Thence S89°14'31"W and parallel to the North line of said W1/2 E1/2 NW1/4 for a distance of 275.00 feet;
Thence N00°06'41"W and parallel to the said East line of the W1/2 E1/2 NW1/4 for a distance of 396.00 feet;
Thence S89°14'31"W on the North line of the said W1/2 E1/2 NW1/4 for a distance of 384.04 feet to the point of beginning, containing 18.52 acres, more or less.

RECREATION EDUCATION THE CITY OF NORMAN OKLAHOMA RESEARCH HEALTH INDUSTRY

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

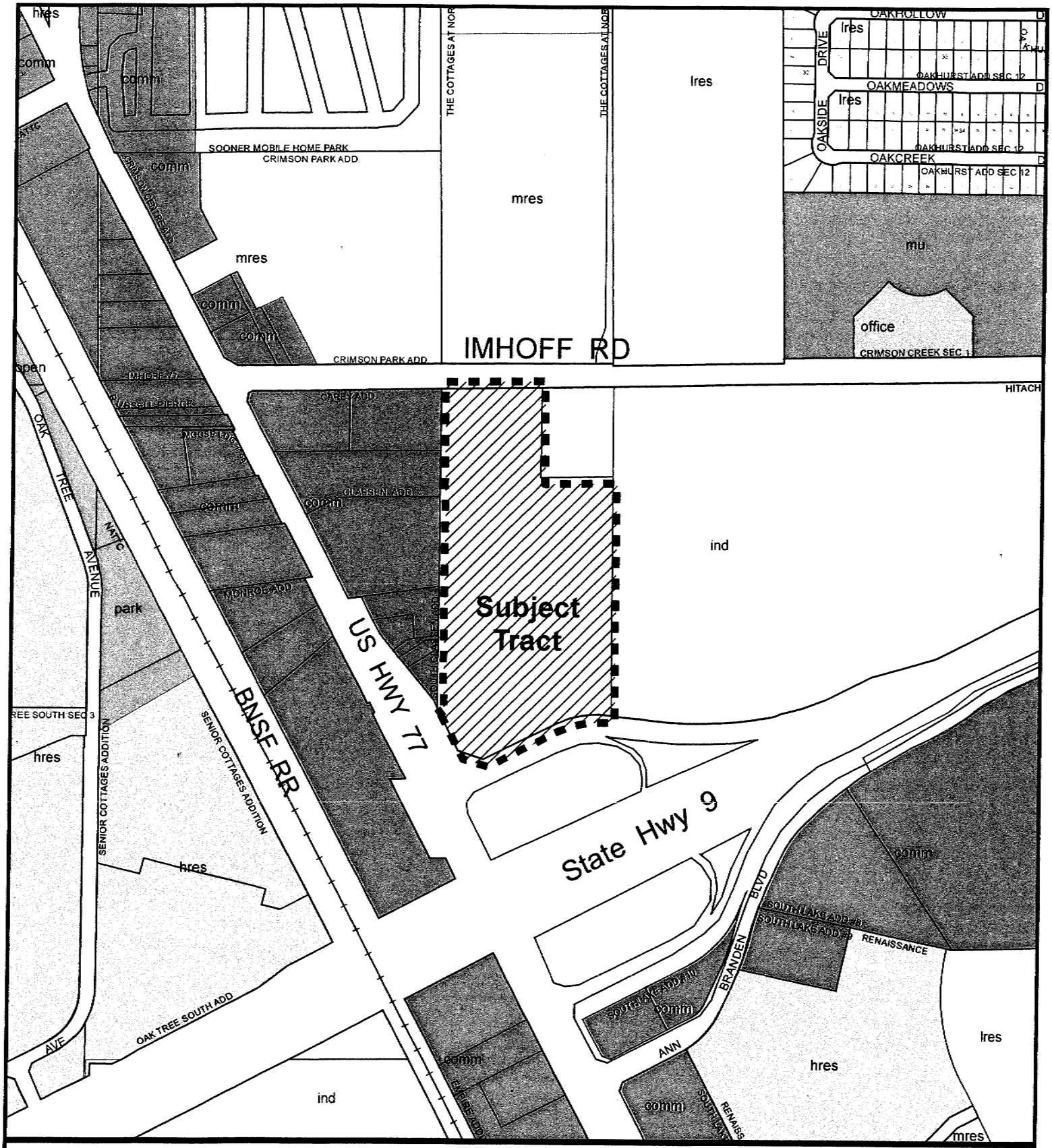
§ 4. That the Council of the City of Norman recognizes the need to control the future growth of the City of Norman; and, that after due consideration has determined that the requested amendment to the NORMAN 2025 Land Use and Transportation Plan should be adopted, and does hereby approve the requested designation.

PASSED AND ADOPTED this _____day of_____, 2013.

_____
(Mayor)

ATTEST:

_____
(City Clerk)



Norman 2025 Land Use Plan

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 4, 2013

0 250 500 Ft.

Subject Tract

Zoning

27-3

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RESOLUTION NO. R-1213-113 ITEM NO. 12a

STAFF REPORT

ITEM: Breckenridge Land Acquisition, L.P. requests amendment of the NORMAN 2025 Land Use and Transportation Plan (LUP-1213-9) from Industrial Designation to Medium Density Residential Designation for property generally located on the south side of Imhoff Road approximately 900 feet east of Classen Boulevard.

SUMMARY OF REQUEST: The applicant has submitted a request to amend the 2025 Land Use and Transportation Plan from Industrial designation to Residential designation to allow the construction of a 158 unit, 552 bed student housing development. The land under review was set aside on the 2020 Plan and the 2025 Plan as industrial due to its close proximity to Hitachi, a large industrial development to the east. The accompanying zoning request would rezone the tract from Agricultural zoning to a Planned Unit Development.

STAFF ANALYSIS: When the 2020 Land Use Plan was adopted, a detailed land use analysis was completed that revealed Norman had 925 acres of land that was being used for industrial purposes, and the Plan reserved additional land for future industrial usage. The 2025 Plan called for additional land to also be designated industrial, and recommended that 1,200 additional acres be added and preserved for future industrial use. This deliberate decision of the Council, at that time, was to create multiple opportunities to accommodate all types of industrial activities in a wide variety of locations. The actual demand for industrial land was estimated at 198 acres over the entire time frame of the Plan, up until the year 2025, which would be absorbed at the rate of approximately ten acres per year. A specific goal with companion policies was enacted, which states:

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- *Identifying and rezoning it to an industrial zoning classification;*
- *Critically reviewing rezoning requests for conversion of industrial land to non-industrial uses; and*
- *Assessing the impact of incompatible land uses adjacent to industrial lands.*

Policy does not prohibit such conversions from industrial designations, but does recommend that such requests be "critically evaluated." In this case, this land is not currently zoned for industrial use, but has been reserved on the 2025 Plan for future use as industrial.

One of the purposes for designating land for industrial use is to allow tracts of various sizes throughout the community to be reserved for a wide range of industrial opportunities, which are a major economic driver for any community. Conversely, from the landowner's perspective, industrial land is one of the slowest to be absorbed, and usually sells for less value than uses which have more immediate needs, such as housing or the needed shopping areas that may serve them. This location lies immediately to the west of the Hitachi plant.

Land was designated that was convenient to major roads, such as Interstate 35 or Highway 9, or could be provided with access to rail. Industrial locations that were originally located in central Norman, around the existing rail, have slowly been redeveloped into other uses over the last thirty years, with most industrial land now located at the northern and southern ends of the community, such as this parcel.

ANALYSIS: The 2025 Plan identifies two criteria that must be examined before land use designation change is approved.

1. ***There has been a change in circumstances resulting from development of properties in the general vicinity, which suggest that the proposed changes will not be contrary to the public interest.*** In the last eight years there have been two new multi-family complexes built along Imhoff Road/Classen Boulevard and another approved by Council but not yet built. While there has definitely been a *"change in circumstances resulting from development of properties in the general vicinity,"* it needs to be noted that, according to the guidelines and population projections in the 2025 Plan and the multi-family housing needs through 2025, the city has already met its projected quota for apartments. The policies state the city should accommodate a projected population of 137,000 in a "fiscally responsible and environmentally sensitive manner." The residential land use demand analysis included in the 2025 Plan stated that there would be a need for 1,742 multi-family units. Since the time of the adoption of the 2025 Plan the city has permitted 2,121 apartment units.

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.*** The proposed change to residential use adjacent to an industrial use would result in adverse, incompatible land use. Hitachi has been in Norman since 1986. Since that time there have been two expansion projects bringing the facility to approximately 365,000 square feet. When residential development is adjacent to an industrial zone, associated industrial impacts (noise, dirt, truck traffic) often affect the residents' quality of life, creating a vocal constituency opposed to the continued industrial uses in the area. An additional issue for the location of this development is that the loading docks for the Hitachi plant are along the west side of the development, directly adjacent to the proposed multi-family development.

2010 INDUSTRIAL LAND USE STUDY: In March of 2010, City staff completed an Industrial Land Use Study. This study was done in response to applications staff had received for rezoning and land use amendments of industrially designated land to commercial, residential and mixed uses. The study highlighted the need for preserving readily buildable areas of adequate size and location for industrial uses. The 2010 Industrial Land Use Study revealed that, of the area designated for industrial use on the 2020 Plan, almost eight hundred forty-nine acres have been rezoned and designated for uses other than industrial. Of that total, five hundred eighty-six acres were included in the University North Park area, of which approximately one hundred seventy-five acres are still available for industrial purposes, although no definitive plans have been presented. One hindrance of developing the UNP area as industrial is the

high cost of land, which makes it better suited for office development. Of the remaining two hundred sixty-three acres, commercial requests comprise almost sixty-eight percent of the area that has been changed. In some cases, changes to the update of the 2020 Plan were discussed as part of the adoption process, and resulted in the removal of substantial amounts of industrial land. Almost three-hundred acres of industrially designated land was eliminated in the area south of Tecumseh Road, east of 12th Avenue NW to allow two large residential developments to occur (Trailwoods and Greenleaf Additions). In the same area, at the northwest corner of Tecumseh Road and 12th Avenue, approximately one hundred thirty-six acres was changed from industrial designation to commercial, high density residential, medium density residential, office and low density residential. An additional sixty acres of land located at the southern boundary of the community was changed from industrial to mixed use.

STAFF RECOMMENDATION: The question is not whether the development itself has been correctly designed, but whether this is the appropriate location for a multi-family development. The impact a multi-family development can have on an existing industrial development and vice-versa can be problematic. The Hitachi plant is a 24-hour facility. The noise and traffic impacts on a multi-family development can be challenging. The residential component added adjacent to industrial could register noise complaints causing industry to relocate to new locations due to constraints placed on them for noise violations. Typically, once a residential use is established adjacent to an industrial use the noise and traffic become issues to the residents.

In keeping with the goals of the 2025 Land Use and Transportation Plan to preserve industrially designated properties for future development, staff does not support the request to amend the 2025 Land Use and Transportation Plan with R-1213-113.

City of Norman Predevelopment **February 28, 2013**

Applicant	Breckenridge Land Acquisition dba Aspen Heights
Location	South side Imhoff Road approx. 420 feet east of Classen Blvd
Case Number	PD 13-04
Time	6:00-6:30 PM

Attendee	Stakeholder	Address	email	phone
David Guthrie	Applicant	1301 S Capitol of Texas Hwy Suite B-201 Austin, TX 78746	dguthrie@myaspenheights.com	512-660-9505
Sean Rieger	Applicant's attorney	136 Thompson Dr	sp@riegerllc.com	329-6070
Tom McCaleb	Applicant's engineer	515 W Main OKC	Tom.mccaleb@smcokc.com	232-7715
Allen Ahlert	Hitachi	1800 E Imhoff	allen.ahlert@hitachiomd.com	360-5500
Mark Wright	Hitachi	1800 E Imhoff	mark.wright@hitachiomd.com	360-5500
George Wilson	Hitachi	1800 E Imhoff	george.wilson@hitachiomd.com	360-5500
Wiley Madole	Interested citizen	1501 Cedar Lane		321-9695
Dorothy Armstrong	Interested citizen	1401 Cedar Lane		329-0066
Don Wood	NEDC	Norman Economic Development Council 710 Asp Ave	nedc@nedcok.com	573-1900
Paula Rucker	Neighboring owner	1700 Lenox Dr	rruc3@yahoo.com	447-8479
Jeff Lower	Interested party	Tulsa, OK	lowerfamily5@aol.com	918-615-6826
Susan Atkinson	City Facilitator			366-5392

Susan Connors	Planning Director	366-5431
Jane Hudson	City Staff	366-5344
Leah Messner	City Staff	217-7748
Terry Floyd	City Staff	366-5446
Ken Danner	City Staff	366-5459

Application Summary. The applicants are seeking a Preliminary Plat, 2025 Plan amendment and rezoning for an 18-acre parcel in southeast Norman. They are seeking a Planned Unit Development (PUD) zoning for multi-family residential land uses. The current zoning for the parcel is A-2 Rural Agricultural. The current Norman 2025 Land Use Plan designation is Industrial.

Applicant's Opportunity. The applicants are seeking to build a gated, multi-family residential development that would include 158, two-story units with 552 beds. City parking requirements would specify 284 spaces. The applicants propose to provide 700 parking spaces. These units would be marketed to students.

Neighbors' Concerns. Hitachi Corporation is the industrial use next door to the proposed site. Representatives of Hitachi and the Executive Director of Norman Economic Development Council (NEDC) were on hand to state their opposition to the project. NEDC Director explained that Hitachi had been in this location for 25 years but had considered leaving Norman. Instead the company chose to stay and expand their existing facility. He added that they hoped to expand again in the near future which would take their operations right up to their west property line, immediately adjacent to the proposed apartment development. The NEDC Director expressed his concern about the shrinking availability of industrial land in Norman and the need to protect a major Norman employer.

NORMAN PLANNING COMMISSION
REGULAR SESSION MINUTES

APRIL 11, 2013

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 11th day of April 2013. Notice and agenda of the meeting were posted at the Norman Municipal Building and online at http://www.normanok.gov/content/boards-commissions at least twenty-four hours prior to the beginning of the meeting.

Chairman Chris Lewis called the meeting to order at 6:30 p.m.

* * *

Item No. 1, being:
ROLL CALL

MEMBERS PRESENT	Curtis McCarty Jim Gasaway Roberta Pailes Cindy Gordon Dave Boeck Sandy Bahan Tom Knotts Chris Lewis
MEMBERS ABSENT	Andy Sherrer

A quorum was present.

STAFF MEMBERS PRESENT	Susan Connors, Director, Planning & Community Development Jane Hudson, Principal Planner Ken Danner, Subdivision Development Manager Roné Tromble, Recording Secretary Leah Messner, Asst. City Attorney Larry Knapp, GIS Analyst II Terry Floyd, Development Coordinator

* * *

Item No. 12, being:
CONSIDERATION OF AN APPLICATION SUBMITTED BY BRECKENRIDGE LAND ACQUISITION, L.P. FOR PROPERTY GENERALLY LOCATED ON THE SOUTH SIDE OF IMHOFF ROAD APPROXIMATELY 900 FEET EAST OF CLASSEN BOULEVARD.

Item No. 12a, being:
RESOLUTION NO. R-1213-113 – BRECKENRIDGE LAND ACQUISITION, L.P. REQUESTS AMENDMENT OF THE NORMAN 2025 LAND USE AND TRANSPORTATION PLAN (LUP-1213-9) FROM INDUSTRIAL DESIGNATION TO MEDIUM DENSITY RESIDENTIAL DESIGNATION FOR PROPERTY GENERALLY LOCATED ON THE SOUTH SIDE OF IMHOFF ROAD APPROXIMATELY 900 FEET EAST OF CLASSEN BOULEVARD.

ITEMS SUBMITTED FOR THE RECORD:
1. 2025 Map
2. Staff Report
3. Pre-Development Summary

Item No. 12b, being:
ORDINANCE NO. O-1213-41 – BRECKENRIDGE LAND ACQUISITION, L.P. REQUESTS REZONING FROM A-2, RURAL AGRICULTURAL DISTRICT, TO PUD, PLANNED UNIT DEVELOPMENT, FOR 18.52 ACRES OF PROPERTY GENERALLY LOCATED ON THE SOUTH SIDE OF IMHOFF ROAD APPROXIMATELY 900 FEET EAST OF CLASSEN BOULEVARD.

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

Item No. 12c, being:
PP-1213-16 -- CONSIDERATION OF A PRELIMINARY PLAT SUBMITTED BY BRECKENRIDGE LAND ACQUISITION, L.P. (SMC CONSULTING ENGINEERS, P.C.) FOR ASPEN HEIGHTS ADDITION, A PLANNED UNIT DEVELOPMENT FOR 18.52 ACRES OF PROPERTY GENERALLY LOCATED ON THE SOUTH SIDE OF IMHOFF ROAD APPROXIMATELY ¼ MILE EAST OF CLASSEN BOULEVARD (HIGHWAY NO. 77).

ITEMS SUBMITTED FOR THE RECORD:
1. Location Map
2. Preliminary Plat
3. Staff Report
4. Transportation Impacts
5. Preliminary Site Plan
6. Greenbelt Commission Comments

PRESENTATION BY STAFF:
1. Jane Hudson – We have two applications before us for Breckenridge Land Acquisition: one for the NORMAN 2025 Land Use Plan amendment. The 2025 map shows Industrial Designation, Commercial, Medium Density Residential, Low Density Residential, Mixed Use, and Office Designations in this area. As proposed, the subject tract would become Medium Density Residential Designation on the Land Use Plan. The request on the rezoning application would go from A-2 to a Planned Unit Development. The existing zoning is currently A-2, with Industrial to the east, Commercial to the west. We have some Planned Unit Developments on the north side of Imhoff Road for medium density apartments. The existing land use in that area consists of the industrial, office on the north, a single-family home adjacent to the site, commercial, and some additional office, with apartments on the north. This tract of land was set aside with an Industrial Designation in the 2020 as well as the 2025 Land Use Plan. One policy in the 2025 is to direct environmentally responsible industrial growth onto suited properties for that industrial development. A second policy is to protect suitable industrial land from residential conversion and encroachment by (1) identifying and rezoning land to industrial use, if possible; (2) critically

reviewing rezoning requests for conversion of industrial land to non-industrial uses; and (3) assessing the impact of incompatible land uses adjacent to these industrial uses. In March of 2010, staff completed an Industrial Land Use Study in response to another area that was being looked at to change from an Industrial land use designation to essentially a Mixed Use area – it was consisting of commercial, office, multi-family, and some single-family use as well, I believe. The results of the study revealed that almost 849 acres have been rezoned and designated for uses other than industrial uses. This tract of land is of adequate size and location for an industrial use. The south side of Imhoff, as I showed in those slides, was never really intended for residential use – it was set aside for commercial and industrial designations. As applicatioins are processed through the Planning Department, staff is charged with making a recommendation for those projects. In this case, due to the incompatible land uses between the existing industrial area and the proposed residential, as well as the policies that I mentioned earlier, staff is unable to support the request for the amendment to the Land Use Plan and the rezoning. I believe we did have two letters of protest, as well as a letter of support, which brought us to 6% support and 40.4% protest within the notification area. The applicant's representative is here with a presentation as well as the applicant if you have any questions of them.

2. Mr. McCarty – Is the decision not to support this based off of the comments about the industrial use in the 2025 Plan? Is that the main reason the City is not supporting this or is there more to it than just that?

Ms. Hudson – I can speak to what we're charged with as far as the 2025. We're here to enforce those policies. The incompatibility between the industrial and residential use is all kind of bundled into the policies in the plan.

Mr. McCarty – We had a study of the industrial land use several years ago, I believe, that the City had prepared for the Planning Commission. The absorption rate of industrial land in Norman is pretty low, from what I remember. Has that changed since that report?

Ms. Connors – No, I don't believe that the absorption rate has changed, but one of the things that was pointed out in that study is that if we had larger tracts of industrial land, we should keep those intact, because what we were doing was losing some of the larger tracts. We already have industrial development on the south side of Imhoff, and this could be an expansion area of industrial land and that would create a larger block of industrial land, rather than breaking it up into smaller pieces.

PRESENTATION BY THE APPLICANT:

1. Sean Rieger, 136 Thompson Drive, representing the applicant – First, let me just say congratulations to the one that's not here tonight, Mr. Andy Sherrer, who, as we speak, is about to stand up in front of 550 people and take the Chairmanship of the Chamber of Commerce. So congratulations to Andy Sherrer, who is not here tonight for that reason.

Thank you for our opportunity to address you tonight. This is a multi-family student housing project that is before you. We're going to talk at some length, so I hope you'll give me your indulgence to address all the points and the concerns that are in the staff report and that will be raised tonight. You're going to hear from three of us. I'm going to sit down very quickly so that Tom McCaleb will tell you what it is we're proposing and how we've designed it. Then you're going to hear from the applicant themselves as to who is proposing this. Then I will be back up here and tell you why we want you to approve of it. So, first, Mr. Tom McCaleb is going to take you through the design.

2. Tom McCaleb, SMC Consulting Engineers – This application tonight will go into great depth. I will keep my comments to the engineering. This application is different from some previous, because staff has indicated the design, from an engineering and architectural point of view, is not the issue that controls the decision to approve this site. That's pretty good. Meetings with the adjacent owners – Hitachi – have not realized any room for reconciliation for land use. However, the matter will be acknowledged as the PowerPoint presentation by Mr. Rieger. My dialogue will consider design and engineering principles. My firm, SMC, secured a licensed

surveyor in the beginning to check this property out, survey it, get topographic information to determine what we got. We secured that services and we based all of our data based upon the topo. Also, to respond to traffic issues, we hired Traffic Engineering Consultants to perform a traffic impact analysis to determine if the units, the design, and the flow of this tract will work. You will find in your staff report on page 12c-5 the results of that study, and you will find that staff is supporting the TA and findings of that traffic report. There is also an oil well on this site. We did not know it was there in the beginning until we did the survey. There is a well there. Upon investigation of the well, we found the well is plugged. So we had to redesign our site plan to accommodate the setback that's required by the City ordinance to accommodate that well. So we revised the site plan, fixed it, and made sure that the site plan does accommodate those areas, and it does. You can see now that it does flow around – we can pave over it; we just can't build over it. So we've accommodated the oil well issue. In addition, the water lines. There's an existing water line that's adjacent on Imhoff Road that serves the area along the drive. We constructed a water system to accommodate the site and had it circulate throughout the tract of land. Upon visiting with staff and with the topo and survey, we found there is an existing water line right there in the right-of-way of Highway 9. It's a large 24" line. The City has suggested that we either tap to that line, or oversize our internal lines. We've elected to tap to that line. So we will now have a connectivity water loop system that will connect here, and through the site up to there, and internally circulate the water so that we have all the domestic requirements satisfied and fire protection satisfied. Sanitary sewer. The site has an existing sewer line on Imhoff that drains back to the west, and it satisfied a portion of the site but not all of it. So we entertained the idea of maybe putting a pump station in to accommodate that. But, here again, with some help of staff, we found that there is an existing sewer line in Classen and the plat of this tract of land right there was platted and gives us a 17' utility easement. So we are going to take the sewer from this corner and go down the tract to Classen and tie to the existing line. So there's no lift station required. So it's all gravity flow system and staff is satisfied with that. The drainage situation. The water, as the sewer, drains to the west. In the site plan, you'll see that Hitachi has an existing detention area that drains the water back this direction and there's an existing pond right there that was built by the land owner and that water discharges to this pond right here. We're going to take that pond – that was a manmade pond – and relocate it right here. So this pond will be gone and would be built here. We would still accommodate the water that is presently draining from the property to the east. It will collect it, put it into our system, and discharge it into this area right here. In brief, we satisfied all those requirements. Transportation, water, sewer use. And on staff report you will note it on page 12c-4, the preliminary plat, they recommend approval. With that, I will let Mr. Charles Vatterott speak. Thank you.

3. Charlie Vatterott, Executive Vice President of Development for Aspen Heights – I appreciate the opportunity to be here this evening. Aspen Heights is excited about the prospects of being in Norman. A little bit of background of who we are, where we are, what we do. Aspen Heights is a full-service development, construction, and management company based out of Texas. Over the last several years you can see just a list of some of the projects that we've had and, basically, kind of gives you an idea of our capacity. We have completed over 9,000 beds; we have another 5,000 beds under construction. We are a cottage-style student housing development company. So, basically, it's what you see there. We build kind of new urban subdivisions – smaller front yards. These are rented by college students, although they're open to anybody. We wouldn't want to get in a situation where we – you know, fair housing things – if a family wanted to rent in there, they certainly could. Those give you kind of a picture of our product. Our portfolio averages over 95% leased. We're excited about the Norman market for a number of reasons. The supply/demand dynamics in this market are very favorable, especially for the cottage product. And, from a location perspective, the site actually could not be better. Again, some streetscapes. It gives you an idea. We're not trying to maximize densities here; we're looking at providing a superior product and services to our client. So nothing over two story. These are bedrooms that have their own bathrooms and walk-in closets

– very nice communities. If you have any particular questions about Aspen Heights, where we are, what we do – based out of Texas. We do have a development in your state going on in Stillwater. I know that's the other university; I don't know if I'm allowed to say the word Stillwater. That's doing very well. Matter of fact, we are over 90% pre-leased for the fall in that community, so we're doing very well. Thank you, again, for your time and if you have questions, certainly available after our presentation.

4. Sean Rieger – Thank you, Mr. Chairman. Now let's spend some time talking about what is at issue tonight. As you've heard, you now know what we're going to build. We're essentially going to build virtually the same concept that is immediately across the street to the north – The Cottages project. That was done by Capstone, another national producer of that product. This is Aspen Heights. But virtually the same style and manner of product as immediately across the street. So what we're going to focus on is really two issues tonight, because that's what is at the forefront of this project. We know now that, as we've heard from staff and others, there's really not an issue with the design, with the style, with the concept. We've not heard any negativity of any kind as to that. We've heard it put best, I think, by staff in one sentence, and this is in your staff report. It says, "The question is not whether the development itself has been correctly designed, but whether this is the appropriate location for a multi-family development." I want you to look at the screen, if you would, please, and you will see the center of that screen is showing what we're proposing right there as this multi-family development and around it, within about 700 yards in any direction, you're going to find multi-family all around it – everywhere. So I could probably stop right now and answer that question at the top of the page by saying is this an appropriate location for multi-family by just showing you that. I think, on its face, that says yes. But, obviously, I won't. We'll talk through another few issues here.

2025 also supports this site. 2025, as I've shown you many times and I'll keep showing you, Goal 1, Policy 1, says we must accommodate a project year 2025 population of 137,000 people. That's in 12 years and right now we're only at about 112,000 people. We have a lot of people left to accommodate in our community, and many of those also are students who look for newer and better concepts and places to live all the time. Goal 2 says promote a compact urban area. This, of course, does that. This is a site that is completely surrounded by utilities infrastructure. It's all there. In fact, one of the great benefits of this – and this is down under Goal 2 – it says support growth that minimizes operational costs. Well, this is one of those great projects for a city in that it's right in an area that has all the infrastructure and utilities it needs. Classen and Imhoff has already been improved substantially so the traffic has been solved there. Water lines, sewer lines – they're all there. And the developer is going to build out this site and own it and maintain it. All of those streets inside this site are not going to be city streets; they're going to be the developer's streets so you get a great bang for your buck in that, as Goal 2 says, you don't even have to take care of what's built there, but you get the population so you supported number 1. It also says encourage commercial and residential development on the urban east side. It actually instructed us, let's start putting some population on the east side in the urban context. We're doing that. And I thought most instructively here was Goal 3 under Housing and Neighborhoods. And I read this and I thought about it and I remember why this is a goal. It reads encourage housing designed for university student occupancy – that's us – that's tonight – in areas suitable for high intensity uses. I thought about it and I thought, where did that come from? And then I remembered where that came from and I think what happened was, if you'll remember back in the 90s and so forth, we had a great deal of controversy in Norman because what was happening was students were starting to infiltrate the established single-family neighborhoods of our community and it was a problem. It became a serious problem. That's why that goal was written. What that goal essentially says is that students maybe aren't that good of neighbors and compatible for single-family neighborhoods, so let's find a place to put them. High intensity uses is where to put them. They're not a problem in those areas. And I think you're going to hear in a minute that they haven't been a problem on Imhoff either. So this is supported by the goals of 2025.

Two issues tonight basically are Hitachi and whether we can give this site up from the industrial land use. That's really what is at the core of the debate tonight. Let's talk about Hitachi. They're here tonight. They'll talk to you, I'm sure. Hitachi protested this. Hitachi came to the Pre-Development hearing, and at the Pre-Development hearing they were quite blunt. They came to the hearing and Pre-Development is intended to be a dialogue – an exchange of information – what are our concerns and is there anything that we can do for you? I'm just going to say, in all candor, it was not much of a dialogue. They sat in front of us and said we don't want you here. We're going to beat this zoning and we want no part of it. It was very candid. I'll give them their opportunity to do that. So we left that meeting. That was really the only comments at the Pre-Development that we heard. We then left that meeting and we started to reach out to Hitachi. We thought let's get into an even more informal setting; let's meet with them; let's see what we can do, because we have had success in the past on Imhoff with dealing with Hitachi. Nobody means them harm. Nobody wants to exclude them or cause any interference upon them, and nobody has in the past. We've worked well with them in the past. The Capstone Cottages project to the upper left, right there – I was the zoning attorney on that. We dealt with Hitachi at that time. And one of the things, for instance, that we did on that was every single lease that gets signed on that site has a paragraph in it that says you are living across the street from a high manufacturing facility. You recognize that now, you know that now, and you're assuming that risk and you're not going to complain later. We can do things like that. We offered that to Hitachi. Another thing that happened – right over here this was just last year. Hitachi protested this site right across the street to the north. That got approved with a super majority vote of Council to Medium Density Residential – more dense than this proposed tonight – and that was protested by Hitachi. Something we did there – we met with Hitachi there. Now, at that meeting, they said it was cheaper to protest than it was to buy the land, but we worked with them and we said what can we do. They were concerned about their truck stalls right here. We had shown some residential out in the front here, and what we did was we took the clubhouse for that multi-family project and we said, okay, let's do this. So we modified the PUD and we put the clubhouse right here, so in essence the office of the property became the buffer between Hitachi and the residences behind it. We accommodated them. And it got approved. So we can do some things. We did finally meet with Hitachi at 2:00 Monday this week. They agreed to meet with us. We went to the Hitachi headquarters. We sat down with their president, a couple officers, an attorney, NEDC and we talked again with them. We went into this meeting and with good faith said again we're here to dialogue. We're here to see what can we do, as we have in the past, to accommodate you – hear your concerns. I will say, in all candor, it was blunt again. In fact, they looked at us and said we thought we made ourselves clear. That was the response. We tried again. Tell us, though, what are your concerns? What are you concerned about? Then they started telling us a couple things. They said they planned on adding an addition to the west here, and they were concerned that that would be too close. I want to note that there's already an oil and gas road right here. There's already pipelines right here. And there's already a substantial large quite enormous mature tree line that we intend to do nothing with. But we asked them, again, what can we do – and Mr. Vatterott specifically threw out a number of things and he said we can do additional landscaping; we can design buffer areas, setbacks; we can do fencing – whatever height – whatever material is reasonable; we can rearrange the Aspen site plan; we can do the lease agreement thing like we did at Capstone. And, again, the response was I thought we made ourselves clear. They refused to work with us to say any of those things might help them. That was the response we got. The meeting then kind of turned and I said, well, tell us some of these complaints. What are the complaints that you've gotten, because they told us their fear was complaints – when residential starts moving close they would get complaints. I asked what are your complaints? And the first thing out of the president's mouth was, well, we had a complaint that we were disturbing a bee colony. And the bee colony he's talking about is – it's kind of a legendary thing around this area. Right there, just north of Hitachi and their truck bays, is an older gentleman that has a bee colony and they were disturbing that and that was what the president told us, that we were disturbing the bee colony and we got a complaint about that.

Now I was looking for something about residents, basically. What was the complaints? I asked him again, what other complaints have you had? His response was, well, a few years back, back when these apartment buildings were getting built, a sewer line got backed up and we were blamed for it from the construction work of those apartments. Again, I was trying to see what were the complaints from residents in the area, because that's the focus of the protest. So then I just asked him point blank, I said have you had much problems with the Cottages? Tell me about that issue. That's what we're going to build. That is very close to where we're going to build it. And he said this, and I quickly wrote it down on my yellow pad – I've got it right there, in fact, if you want to look at it. He said, no, not much complaints from the Cottages. Hasn't had any complaints from the Cottages. That's what we were told Monday. We're proposing cottages. The complaints they've had is a bee colony and a construction problem down the street, but not the residents across the street. It hasn't been a problem. We don't anticipate that this one will be, either. They can still do their addition. In fact, they do not need this land at all to do an addition. They're going to put their employees' parking under the addition we're told. Well, if it's a very hazardous or dangerous practice of whatever they're going to build there, I wouldn't suspect they'd be putting their employees under it. So I think Hitachi can be easily accommodated. We don't see the danger there. We don't see the concern there and the complaints that we've been told don't warrant it.

There is another issue with Hitachi, and I think it's fair that the Commission knows about it, because you had a letter submitted to you that talked about it. It was the property owner next to Hitachi. It was Mrs. Todd and the Tulius family. Long time family in Norman. That is their homestead going way back – many, many decades back. They didn't come to Hitachi; Hitachi came to them. They've been there for generations. They've been there for decades. Time for them to move on on the 20-acre site that is in play tonight. That site is owned by a number of heirs – it's not specifically owned by Mrs. Todd. This 20 acres is owned by a number of heirs. I think a number of them are sitting behind me tonight. Mr. and Mrs. Todd own this site right up here where the house is. And what happened, basically, is, of course, over the years – and I can just tell you when people have come in town looking for land, many have cited that land. Many people have looked at this location. There's not many open areas left on the periphery of OU and that area. What happened was recently the heirs have decided it is time – we're ready – to sell this land. Aspen came calling and Hitachi came calling. Aspen made an offer. Aspen wanted the 20 acres – 18 or so right here in this area. Aspen didn't need the home. Hitachi came calling and Hitachi wanted the home. And this was all detailed in the letter and anybody can come up here and correct me if they want, but I've read the letter and I've talked to the Todds and this is what I understand occurred. What occurred was Aspen said, fine. We don't need the home and this is our price. Hitachi declined to match that price. More importantly, Hitachi said we want that home. We won't buy it without the home. The Todds are in their 80s – maybe I shouldn't have said that – I'm sorry, Mr. and Mrs. Todd. But the Todds are not ready to go find another home and put down a mortgage and start over again. But they were willing to and they said that to Hitachi. Okay, we're willing to do that, but we're not ready to start a new mortgage somewhere so you have to buy the house – the improvements, the property – to help us replace our cost and relocate. In essence, relocate us. Hitachi declined to do that. Their offer was we'll put down an 18 month option contract. When we're ready to buy, we'll give you 90 days and you're moving out. Todds said no for less of a price, too, by the way, than Aspen was offering. The Todds couldn't do that, so they declined, and they went with Aspen. And so Aspen is here tonight, and that's why they're here tonight.

I think one of the things that's important for you to consider – one of the hallmarks of zoning – one of the hallmarks of land use is that we do effectively try to put land into its highest and best use to the extent we can appropriately do that – to the extent we can properly do that. So what is highest and best use? We never really talked about that much in the past, but I thought maybe we ought to talk about that tonight. What is highest and best use? Is it industrial or is it multi-family? I'll give you Black's Law – Black's Law is a big old law book that we all use in law and it's kind of the Webster's Dictionary of law. Here's what Black's Law says highest and best use is: "What condemned property's fair market value would realistically be if the owner

were hypothetically allowed to adapt his property to its most advantageous and valuable use." Well, you just had it play out and decided for you. Was the highest and best use industrial? Apparently not, because the industrial buyer would not pay the most valuable price for it. The highest and best user – the multi-family person – would. The industrial user would not match it. Is it an appropriate use? Well, I just showed you that – make your argument as you wish – but directly across the street and all around it are multi-family uses. So it's an appropriate use and it's the higher value use. It's the highest and best use. This Commission should support it for that reason. We have precedent around Hitachi; I've shown it to you before. Just recently in the last few years the Cottages got built. Just this past – I believe it was about a year ago – the Commission and the Council, through a super majority vote, approved the multi-family to the north. I think the policy is clearly set. We believe we can do this and we can properly accommodate Hitachi. Hitachi still has 30 acres to the east, by the way; they own over 70 acres. They still have 30 acres to the east. Thank goodness they're a very profitable company; they have $6 billion in cash sitting in the bank is what their last annual report showed. They can figure it out – I hope they can figure it out, and I'm glad they can figure it out. But they are not what we would say is a land-locked property that has nowhere to go. They have 30 acres immediately to the east of them. The only thing in the way is an asphalt parking lot which, as anyone knows, can be easily paved over – they can move parking right down to here. There are many options for Hitachi still on that site. This, in no way, land-locks them to no options. The distances are really pretty similar, actually. You see them now on the screen. They have natural buffers, again, right here with the oil and gas road, the pipelines, the trees. I was talking actually to Mrs. Todd earlier – you know, have you heard noises and disruptions? Has it been a problem for you? Not at all, she said. I want you to understand, when we met with Hitachi, they met with us in lab coats, not coveralls. This is not a loud mining operation of any kind. This is a closely enclosed high-tech manufacturer that is not a terribly obtrusive or nuisance to the area. So we can accommodate Hitachi. That's my message tonight. The fear should not be warranted to turn this down.

We also have a good history in Norman of accommodating industrial users very close to, in fact, single-family users and we have a history of policy that has approved these projects. You see on the upper left is Astellas; right south of it, across the street from Cedar, is Eagle Cliff. I come here quite a bit; I haven't seen anybody from Eagle Cliff standing at this podium bemoaning that we've created a terrible tragedy for them. I haven't seen it in the papers. I think it has worked. On the upper right you see the Norman Business Park – Albon Manufacturing, and you see a single-family lot addition right there, not much distance difference than what we're talking about tonight. On the lower left – this is probably the more recent example – you see Sysco right there. And it was ironic tonight when I heard the Chairman read off the Consent Docket, because one of the items you read off was the final plat of Founders Park, immediately to the north of Sysco. That was hotly contested – heavily contested – and that was contested on the exact same topic that I'm about to go into depth on, was can we lose an industrial tract. That one, the Council said yes. And when they said yes, the president and CEO of Sysco stood at this podium and he said they would have nothing else to do with Norman and they would move. What happened? They expanded. They expanded right there. You can see the single-family homes right there next to Sysco. It's happening in Norman. It has not been a problem in Norman. We can accommodate this. It shouldn't be something we fear. Here is another large-scale view of what I'm talking about. You see on the right – you see the yellow area – that is low-density residential. We're proposing medium density residential. That's low-density residential, and the gray is industrial. Huge areas of interface all over this area. This is Sysco right up in here – here you see the aerial. This is all going to get developed out as single-family residential – all of it right next to industrial. We've accommodated it. It's planned in 2025. The policy has not been denied. So we can accommodate multi-family next to industrial, particularly the kinds of industrials we have in Norman.

So let's go to the second issue tonight. The second issue is, can we lose this land as an industrial piece of land? We've debated it before hotly with the Founders Park one, that you

approved final plat on tonight – that was the Connally farm. We also debated this hotly for the Campus Crest/Victory Park site on Southeast 12th. Same issue. Big tracts of land that were 2025 industrial that were being promoted to change to multi-family under one case, multi-family, commercial and single-family in another case. Same position of staff. In fact, the industrial land use report they're talking about was generated out of that Founders Park zoning; that's when it came up and the Council went ahead and said yes we can lose that industrial piece. So why did they say that? Well, let's just look at the numbers. These aren't my numbers; this is straight out of your documents. Industrial land – 2025 – when you look at what was planned in the 2025 document on the top, you will see there was 1,100 acres put in 2025 for industrial planned uses. When you look on the bottom chart, you will see that this was the actual demand projected, and the actual demand of acres was 198. So they actually planned 556% -- or 5½ times the number of industrial acres that they thought would ever be used by 2025. They did that for a good reason – because of what we're talking about tonight. They knew that the market pressure would probably be stronger for the other uses so let's put in ample – generous – amounts of industrial. They did. They did that properly. But that was in anticipation of this happening. It didn't say we shouldn't do this; it says that's okay if we do this because we have ample amounts of industrial. The absorption rate – what we talk about meaning how much of that industrial land was going to be used a year – was roughly going to be 10 acres. Again, the demand was over 20 years – 2004 to 2025 – 198 acres, so they anticipated about 10 acres a year of industrial land to be used. So let's look at what has happened, though. Let's look at the actual history of what has happened. Again, at the top, they intended – you see this chart right out of 2025 – they anticipated industrial warehousing uses floor area generated – and these are five-year increments – and they anticipated 500,000 square feet – 434, et cetera – here's the acres – 50 – you roughly have – that's about a 5:1 margin of acres to site – roughly on each of those five-year increments they averaged that out – it's about 465,000 square feet every five years is what they anticipated would happen. What has actually happened? This report down here is the status update – I got this from the City Clerk's office just last week and this is actual data. This is actual numbers from our city as to what has actually occurred in the sense of square footage being built. There it is right down there – you can't see it – but that number is 162,000 square feet over the past five years. It was anticipated 465,000 square feet; we've actually done 162,000 square feet. We're actually absorbing about a third of what 2025 thought we would absorb. Remember, I told you the absorption rate thought to be in 2025 was 10 acres a year. We're actually doing about a third of that, so we're actually doing about 3 acres a year of industrial land. 2025 set aside 1,100 acres of industrial land. We're absorbing 3 a year. I'll let you think about that for a moment. It shouldn't take long to realize we have a ton of industrial land – far, far, far in excess of anything we're absorbing – anything we're using. There is no shortage of industrial land. We had 5½ times put out there so that we could use it; we've only used a third of even what was projected – a vast, vast difference. And, in fact, staff has recognized that back when Founders Park – the one read off the final plat – this was from that staff report. It said we know that we have a surplus; therefore, it must not be a concern to lose some of the industrial land designated in the Plan. I want you to look at 2025 right here. You can just see what we're talking about. Remember? I just told you we're absorbing 3 acres a year. Well, 3 acres is not much. Here's that little site right here – 18 acres right here. If you let this go, Hitachi still has about 30 acres over here. You still have the Saxon Office Park over here painted industrial. You still have a couple of sites in the Norman Business Park. You still have a site over here, and you still have all of Classen down here, and I'm not even showing you north Norman. We still have a lot of industrial land left. And at 3 acres per year, we're going to have it for a long time. It's not a problem.

So let's talk about what we've talked about before and that what happens, then, when you have these lands in south Norman and you have them in the private ownership of somebody like a historical estate – a homestead. First, I want to read what Mr. Don Wood said on April 8, 2010 at this microphone. He said, we would like to be focused on something to the north – and this was about industrial land – he said, because there's a 20 minute extra commute from the north end of Norman all the way around Highway 9 to that particular area – and that

was the context of the south industrial area. So the employers that are down there are saying that it's a problem for us. He told the Commission and Council that we needed industrial land on the north – Will Rogers, Oklahoma City – we needed that connection. The time around to here was not working any more. I think, in fact, that's why, perhaps, you see that the University North Park and industrial areas have not worked very well in southeast Norman. Hitachi is forlorn, really, in that they told us in the meeting they came here in the 80s and they expected this whole area to be industrial, and they're hanging onto that idea. Reality is it's just not there, and maybe that's why. Maybe that's why, because this area just doesn't work for the industrial because it's too far away from Oklahoma City for that 20-minute extra drive.

But what I want you to also focus on, when you look at the southeast area of Norman, is I want you to think about Mr. and Mrs. Todd and I want you to think about the Tulius family, and I want you to think about that if you make a decision tonight that this ought to stay industrial, then they must compete with the University of Oklahoma and the State of Oklahoma for the South Research Campus. They must compete with the NEDC, funded by the City of Norman, Moore-Norman VoTech, and the University of Oklahoma with the Saxon Business Park, Norman Business Park – those areas. You will put them in that position. Can they do it? I doubt it. The Todds are great people, but I don't know how you compete with a government. That's what you're doing to them. Remember 3 acres per year of industrial land is what we're actually absorbing. Ten acres is what's even projected. This community adopted a TIF – a lot of people talk about the TIF and most of the people talk about the retail area of the TIF. There was another whole area of the TIF – it doesn't get much discussion because, again, not much has happened up there industrially, but this is from staff reports – not our words – approximately 175 acres in the University North Park TIF area is still available for industrial purposes. That's right up here. North of Rock Creek Road. That whole area is not intended to be retail. That whole area is intended to be a multitude of uses, 175 acres of which can be industrial land. Do the math on that one. How long does 3 acres a year cause us to use up 175 acres? That is funded with public money -- $54 million of which – the Tuliuses didn't get any public money. They don't have any public TIF infrastructure to promote for their industrial site. But the City wants them to mothball it so that somebody can go use it. The TIF, in its own project plan, says the attraction of quality jobs through economic development. Again, this area alone – 175 acres – heavily subsidized – publicly funded – heavily promoted through the City, the University of Oklahoma Foundation – a billion dollar foundation – through this City – that parcel alone, at 3 acres absorption rate – that can accommodate our industrial need for 58 years. Is the Tuliuses going to stick around for 58 years? Is that what we're going to do – make them sit on that land for 58 years? I hope not. This is what they're competing against. As Ms. Connors said, the City wants them to sit there and keep that land as an industrial parcel. Well, here you go – this is the NEDC. This is screen shots from their website. Here's their business parks. Here's their research parks. University of Oklahoma Partners Place – they're on their seventh Partners Place building. Here's the University North Park Corporate Center. Here's the Norman Business Park. Here's the Saxon Business Park. Here's the OU Research Campus and I don't see the Tulius land. I don't see it. How are they supposed to do that? How is that supposed to happen? It's impossible. It's wrong. It's wrong for a city to say that we're going to make this family sit on industrial land while everybody for the government around here is going to market all of these business park and industrial sites and we're going to fund them with TIFs and we're going to fund them with all kinds of marketing money. It's not right. This is what you're making the decision on tonight. Let's be very clear about it. I will be as blunt as Hitachi was with us. Your decision tonight is, if you turn down this zoning, you are telling the Tuliuses that you are going to deny them the highest and best use of their property and you will be putting them in a position to do only one of two things. You'll be putting them in a position that they will be forced to sell the land at a lower price and lesser terms to Hitachi, or they can sit on that land and try to market it against the University of Oklahoma, the City of Norman, and the NEDC at an absorption rate of 3 acres a year. It's an impossible position. It's a taking. That's what you're discussing tonight.

Yes, this site is appropriate for multi-family. It's across the street; it's down the street; it's all around the street. You see the additions all around it. That's the Cottages right there across the

street. That's all we're proposing. We've lined up the entries. It's the same concept. It's the same thing. They've been there since 2006 – no complaints that we're aware of. Hitachi – I asked three times in that meeting, tell me about complaints, didn't hear one. It's a good project. It merits approval. You should support it. It provides a good place for OU students. It provides a place they want. The Cottages stands at 99% occupancy routinely across the street. This is what students seek; they deserve the right to have a good place to live as well. It's a recruitment factor for OU to have good places for them to go to. No negative impacts. Industrial not needed. Clearly, I think we've proven that. It's correctly designed. With that, I'll leave it to others to discuss. I'm happy to answer your questions. I thank you very much for your time, and please let us know if you have any questions.

5. Chairman Lewis – I didn't realize there was a well on that site. Can you walk me through what the requirements of building around a well are? What proximity you have to stay away from?

Mr. McCaleb – Yes. If the well is plugged, which it is, it has one requirement; if it's an active well, it is different requirements. An active well is 125' radius of no-build area – stay away from it. If it's plugged, you reduce it to 45' radius and you cannot build over the well itself, within the 45', but you can pave over it. We've had some subdivisions that we've done in Norman where we've had some wells that have been plugged and, with staff's support and if it makes sense, we've actually built a street over it – public streets. The only criteria is that we can gain access to that well if, for any reason, we need to. So it's been an area that you can utilize it. You can be adapted into the design, which we did. You just can't put a structure on top of it, plugged or not plugged.

Chairman Lewis – So in this situation, we have a plugged well. There's no way now, or any time in the future, that anything – a structure – could be built over that well. At the most, we could have a parking lot?

Mr. McCaleb – That's correct.

6. Ms. Pailes – One difference between this and some of the other places where residents and industrial are joined is a lot of those are separated by streets. One of the places that would be directly analogous might be the old historic neighborhood along Miller that has a dairy right next door. That neighborhood shows up in front of City Council on a somewhat regular basis with issues about being an industrial neighbor. One of their biggest complaints is truck noise, truck lights. Hitachi's loading dock is right there. If Hitachi expands to the west, it's really going to be right there. Would you address truck noise, truck traffic, truck lights, and how you would plan on sheltering your occupants from those annoyances, so that your occupants don't wind up in front of City Council complaining?

Mr. Rieger – I appreciate that, Commissioner. We asked Hitachi in the meeting if we could see these expansion plans they had and the gentleman held up one sheet of paper, quickly flashed it, and wouldn't give us a copy. We asked for a copy, so that we could maybe accommodate that. We weren't given a copy, so I don't know exactly. Presently, this wall right here is just a big flat blank wall; there is no windows; there is no nothing on that wall. The truck docks are all out here. In fact, you see our closest residence is not anywhere near the truck docks. The truck docks are far more of a nuisance – should be – to the Cottages up here than they would ever be down here.

Ms. Pailes – Are you planning on a masonry wall or any such thing?

Mr. Rieger – It's intended to be a gated community. I haven't actually asked the client yet what the particular wall type would be. Do you want to talk about that, Charlie, real quick?

Mr. Vatterot – It's a good question. We haven't got to that level of detail. One of the things that we had proposed is that we would certainly look at whatever material, whatever height fencing that Hitachi may think is appropriate or reasonable.

Ms. Pailes – Just an idle question – the little units with Cs on them – what are those?

Mr. Vatterot – Those are townhomes. Those are two- and three-bedroom townhomes. They're like row houses. We could go over each one of those codes, but I'd need some really powerful glasses.

Mr. Rieger – Let me make one other comment, Commissioner, if I can. One thing we do know that Hitachi showed us was the plan would come – their expansion would come right off the edge of this building. You can see, for the vast majority of this site, that's not an issue. It is literally only about four units right in here that that becomes an issue. And, again, what we understood the expansion would be – the truck docks would remain out front. In fact, they did describe a little bit – they said they would put employee parking over here under the expansion. Again, they didn't show us the plans, but I'm guessing as an architect that means there's probably not truck docks there. If there's employee parking, that also tells me it's probably not a very loud or intense or dangerous use they're putting there.

Ms. Pailes – But parking lot lights.

Mr. Rieger – Well, we have parking lot right here as well. So we've got the same parking lot that people would be facing. Again, frankly, we would need to know more about the addition – and we tried, but we weren't given that information. But we've been welcoming and open to put up the wall, a fence, buffering. It does have very large mature trees all along this side. If the expansion ends just like it is right now, with just a blank empty end wall, I don't think there's any issue there.

7. Ms. Gordon – Sean, maybe you can make this connection for me. Staff mentions that the 2025 Plan, talking about accommodations for how many multi-family units based on a population of 137,000, and that basically they need over 1,700 and we've basically permitted well past that. And the gentleman remarked that supply and demand is very favorable in Norman. Bottom line, are you guys going to be able to fill these? I mean, it doesn't seem to me that there's a lack of apartment space in Norman. It's not like the University student population is increasing exponentially. And you're marketing this to students.

Mr. Vatterot – I can tell you from experience – and this is not just Charlie Vatterot's idea of what works and what doesn't work. Our banking relationships, especially in a time where – if you saw the dynamic growth of the company, that was occurring during very difficult times in the economy. So it's not just that Aspen Heights believes in the product – believes it will lease very well. It's JPMorgan, Chase, Key, Frost, Arvest – all the big banks that see the same numbers. So we'll put together market research. Say, for example, right across the street were the Cottages, over 99% leased. We'll put together what our competitors, show that to the bankers. The bankers will go out, say thank you, throw it away, go make their own competition list – look at occupancies, absorption rates, rental rates – and come back, and they have come back every time backing up the numbers that we have found in the markets. We've been very successful. It's something that we're completely confident. And, again, just as a reflection – the closest community that we have is the one at that other university where it's now April and we're well beyond 90% pre-leased, and the students didn't have anything to look at as far as walking in. I think it was just this past week we finished our model and we leased, again, over 90% without having something to look at. A lot of times what we do find – and it's actually we see as a benefit, because we focus on college towns. There's a lot of times the residents that were in older neighborhoods that were traditionally designed – because students like to live in houses, hence the new design with the cottage and our concept – is that we end up pulling some of those students out and we end up giving them a chance to be with other students that like to be in houses, but also have the amenities that are not available in some of the older traditional community subdivisions.

Ms. Gordon – So you're saying that it's not necessarily a population increase – it's a shift, maybe?

Mr. Vatterot – It can be. It can be a change in what people are willing to pay for and what they like. It can be preference and change in demand.

Mr. Rieger – Let me add something to that. Commissioner, I'll relate a personal experience. This happened in a public courtroom, so I can share it, but it was for the Cottages

across the street. I was there on a landlord/tenant issue for the Cottages – same concept – same thing. This was within the last year and a half. The judge got to talking with them about the downturn – and that got built and occupied right before the downturn – about 2006, I think – and then the downturn. The lowest occupancy rate they ever hit, as expressed in the courtroom, was 83%. In the last year or two since the market, they literally have – they have 600 beds, I think, up there. They rarely have more than a few beds. They run at 99% occupancy all the time. So part of that is it's a concept that students apparently dearly love, and I think it's a little bit like Charlie said, in that they like to live in neighborhoods – they like to live in a house kind of setting. The problem is Norman had a big problem with that. They were doing that. And so, as that policy of 2025 said – and these companies are no different. They say, well, they want to live in that – we can come up with that. Let's put them in a setting like that. That's what the Cottages did and it's been extremely successful.

8. Mr. Boeck – I think, when you talk about shifts in housing – I remember when I came here to go to school, which is a long time ago – when I moved out of the dorms, I tried to find an apartment and the housing availability around campus was deplorable. You had lots of these rental units that were just garages turned into apartments with window air conditioning units, flooring below street level so they were flooded. So University and developers have come in here and built good units, and I know my kids love them because they live in them. So that might force some land owners or property owners to do something different, which is what I hoped would happen and it seems like it has happened. So the demand is there because the kids are looking for good places, and dorms are being taken off-line. There are more students. Cate Center is being shifted, and apartments are being torn down.

9. Ms. Gordon – My concern is that, at some point, you're going to hit a saturation. You're going to, because the University population isn't increasing that much. It's just not. I know the numbers because I work there, like you do. At some point you're going to hit a saturation. This is a massive unit. I'm not saying it's happening now. I'm just saying that that's a concern. This is a disconnect from what the staff report says about the number of units we need and the number we have. That's the issue I have.

10. Mr. McCarty – I would just like to follow up on Roberta's comments. It looks like there's a drive lane down the east boundary along Hitachi. How wide is that? And then what is the approximate proximity to the property line of the row houses?

Mr. Rieger – That's correct.

Mr. McCarty – So the buildings are actually sitting off of the property line a pretty good distance.

Mr. Rieger – That's correct. I think roughly about 50 or 70' off the east edge. There is a drive lane and a parking bay. We have to have a landscape buffer, too.

Mr. McCarty – And the row houses are probably a little closer than that, approximately. So, really, that's the closest buildings to the property line.

Mr. Rieger – Yes. I do want to make sure you understand this is not 500-some units, but beds. It's a big difference.

11. Ms. Gordon – I have a hypothetical. Looking at this picture, if you were to take the residential areas that are north of Imhoff and the commercial and the industrial that's south of Imhoff, and you were to switch them around and you would make all of the areas north of Imhoff – basically switch their purposes – industrial – commercial – and the areas that are now south of Imhoff would be residential. Would you stick in a commercial or industrial use right between those two residential uses? Would you do the opposite of what you're doing now, essentially, if the areas to the east and west were residential? Would you stick an industrial use right smack in the middle between those two residential areas?

Mr. Rieger – I think it depends on what the use is. These are all pretty tied to what the particular use is. Multi-family, for instance, has been a very good buffer and transition point all

around Norman. I think of that apartment complex we did up in the northwest area of Norman recently, and I showed you guys all of west Norman is commercial, RM-6 and then single-family. Multi-family are good middle ground zoning pieces.

Ms. Gordon – But that's not what I'm asking. Where you have the residential going in now, let's say it was surrounded on the east and west sides – flip what you're doing now, essentially. So let's say it was surrounded on east and west sides with residential, would you stick a Hitachi in between the two?

Mr. Rieger – If it was an office kind of clean industrial use, I wouldn't have a problem with that. Again, they put them in industrial sites, but it's lab coats and not coveralls. If it's a fairly clean and unobtrusive kind of industrial use, I don't know that you would have a negativity. We've seen it, in fact, on these other areas, as I showed you, with Astellas right next to Eagle Cliff. Albon and the Norman Business Park right next to that one. Greenleaf Trails and Trailwoods – those are right next to industrial tracts. No separation of multi-family or anything like it.

12. Mr. Knotts – You've mixed numbers, it appears. You talk about this target population and you include students in that. Students are not included in population, so you can't use that as an argument for this project. Do you agree with that, or not?

Mr. Rieger – Well, I would challenge you a little bit on that, Commissioner. What you build for students means you don't necessarily have to build for the rest of the population. So you provide openings for the rest of the population to move into.

AUDIENCE PARTICIPATION:

1. Don Wood, 2715 72nd Avenue S.E., representing NEDC as the Executive Director – This is a great project. I like the project. This is just not the place for it. Sean makes the arguments about all the changes in industrial property and how we have so much. We also have a lot of places you can put a project like this – stuff across the street – lots of other areas and lots of other places that this project could go that would be a lot more compatible. This particular piece of property is right next to Hitachi. That's the problem. It's not across the street. It's not separated by anything. It's right next to Hitachi. George Wilson is going to get up here in a little bit and he's going to talk to you about what their plans are. We fought hard to keep Hitachi. Three years ago that company was almost going to leave Norman because they were in competition to consolidate plants and we may or may not have won that consolidation move, and we did. That has been a great thing for Norman. They've gone from 300 employees to 500 employees. George is going to talk about their next expansion. We want them to have the potential to do what they need to do and continue to be a shining star in our community. Corporations make noise. They have trucks. They have people coming and going. Many of them are 24-hour operations. They're not compatible to neighborhoods. We don't need to encroach on them and create an environment where they're living with complaints that they really can't do a lot about, unless they close and move. We promised Hitachi when they came that this land would be light industrial, and we get closer and closer and closer. And now we're right on top of them – right next to them. One of the things I heard that was very disturbing to me is that whoever will pay the most for a particular piece of land ought to be able to do whatever they want with it. I don't think that's what planning is about. I don't think that's what you're about. That you want whoever can pay the most to get to do whatever they want to the property. You have to look at compatible uses. You have to look at where our community is growing and what's best for the overall community. George will talk about their attempts to try to buy that property, and I think you'll see this is not trying to treat the family or the estate poorly. I think they made some very fair offers to try to make this work, and they were rejected. They were rejected for 5 cents or 10 cents a square foot. That's when this use was never planned for this particular piece of property. They never should have had the expectation that this was going to be something other than what it was intended to be, and that was light industrial. So I think we need to consider that. We would recommend, and ask, that you not grant this change.

2. George Wilson, 515 Shawnee Street, representing Hitachi as the President of the Hitachi facility here – I did want to say just a few things, and I appreciate Sean leaving the diagram up. It will be helpful. Hitachi located here in the 80s – in '86-'87. At that time, all of this area was zoned light industrial. That was very much part of Hitachi's initiative – was to be in an industrial park. They don't locate their facilities in residential areas, for very good reasons. And, also, it was close to the University, which made a very big benefit to them. Throughout the reviews, again and again, in the 2020 and 2025 plan, it showed that this was designated industrial. But there has been a lot of encroachment. All of these rezonings since the time Hitachi moved in there. I do want to talk about a couple things. I appreciate Sean's characterization of our meeting. I appreciate the question about the dairy, because, quite frankly, our comment was we don't want to be the next Hiland Dairy. That is a problem. When you locate industrial facilities directly next to residential, it is inevitably going to be problems. Have we had a lot of complaints? No. We have worked very, very hard not to have complaints. We have tried to support all our neighbors, and have tried to accommodate them as much as they've tried to accommodate us.

There was an incorrect statement made about the price for the property. We actually bid 5 cents a square foot above Aspen's property price. That was a specific intent to show we were not trying to undercut anything or force anything into a lower price. We did, however, offer that same price per square foot for the homestead. That makes that piece of property where the homestead is – value from that proposal at about $400,000, which is above the market for that area for a home. So the price was actually above theirs. What we were requested was then buy the house again on top of the price we just paid for that property, and that's the point where we felt like it was becoming too expensive for us to approach that as a property purchase.

It's been characterized that we have plenty of room, and that is one of the things we are looking at. We have an active project with a local architect designing our next expansion. This is a key element for us as a corporation. We currently have about 500 employees. But we are always pushing to try to expand our operation and our business in Norman. This property is the key for that business in Norman. It was noted we do have plans and the current plans that the architect is working on is two-phase expansion. The first one, which is the one we did show at the meeting with Aspen, does come almost to that property line. It does encompass that access road to the oil well. There are agreements with the oil company that we can share access – we just cannot prohibit their access. So our building expansion that is currently in development actually extends about 100 feet north of here. There is limitation, as has been indicated, because there is an oil well on our property as well, that we cannot come all the way out, but it takes basically and puts our main employee entrance along that property line. As we said, in order to be environmentally sound, we did not want to add roof space and then add parking again on top of that, so we plan to put the parking underneath the building. That puts the building, at current design, about 50 feet tall. That will put a 50' building probably about 60' off that property line, with the access for the employee parking directly next to it. This is currently being reviewed by the architects, of course, on feasibility to make sure all permits are met. That access for parking is – we operate in many times 24 hours a day, seven days a week. We actually do operate the distribution center 365 days a year. That means that there will be traffic next to these houses throughout the year at 24 hours a day – not necessarily continuous, of course. But at shift changes, it will be very, very heavy. That also puts the truck docks much, much closer than it is currently shown. I will say that we also have, within that same plan, a phase two, which expands off the other end, because the comment was made that we have plenty of acreage on the other side. The shape of this property, and the need to have contiguous space, dictates that we have to expand off this core. As we move this direction, we are limited by the shape of the property. The farther we go out, that moves the employee parking almost – probably an eighth of a mile down the road from their actual workspace. So it has been reviewed.

I appreciate the comment that we can easily move this parking lot, and I appreciate that recommendation, because that's another million and a half dollar cost to us to move that

parking lot. Believe me, we've checked. It is in our plan to also do that, but not in the first phase. It is to maximize the utilization of our property, based on the shape of our property and the need to have contiguous space. It is very important for us to have the ability to expand, and that is one of our key elements – in order to know that we can expand in this site and expand without complaints.

Hitachi, if you look on their website, is very much about social structure – about giving back to the culture of the community and has been a big part of our efforts here in Norman, and we do not want to become the place for the next complaints. So that is why we continually work to do that. We have accommodated almost every one of our neighbors in some respect over the years. But we do have to reconsider if we are to know that we cannot move in one direction or the other because of incompatible neighbors. Fundamentally for us, we do view this as incompatible with our objectives. That's not an issue with the Todds, by any means. We did try to buy the property. The price was – per square foot for the land value, was actually 5% higher than was previously offered. But when it came to the home, it was asked that that price per square foot plus an additional home, which would make that request – make for that small piece well over a half million dollars. I appreciate the opportunity to talk about it. We've characterized a lot what industrial users would like, and yet I can't speak for all industrial users. But there is a big difference between wanting to live in a neighborhood with houses and others that are – homeowners like to live in a neighborhood where other homeowners live. It's the same with industrial users. That's why, when Hitachi located here, they viewed this as a planned industrial area, because the uses of the property and the expectations of the property, as well as the environment, is common among industrial users. So I think it's important to note that you can't speak for an industrial user without being an industrial user, and that is one of my key issues here. I think that's all I've got, but I appreciate the offer. We've always had a very good relationship with the City and appreciate the opportunity to actually be able to come and voice our concerns and hope for a positive outcome. Thank you.

3. Brent Armstrong, 1400 East Imhoff – We are to the west of the proposed site on the same side of the street – on the south side. We have a maintenance and storage building that is located on the far east side of our property. We have construction equipment. We're general contractors. We're in the construction business. We work on a lot of our equipment out there and it would be – I know they keep talking about Hitachi and they're showing 350 feet away, but according to the way the drawing is shown, our maintenance facility – our maintenance warehouse out there – we are about, I guess, 8 feet away from where the cars will be parked. I don't know what kind of fencing that they're proposing, but we've got a tilt-up concrete facility out there that is, as I stated, on the east side of our property. Where that vacant area is, if you look up there, that's usually full of our job site trailers, which, luckily, it's empty – that means they're all out on jobs. All of our equipment is out right now, too. But as the projects – because we run on 12 to 14 month time schedules – those come back in and they've got to be worked on and have maintenance done on them before they can go back out. With that, there's a fair amount of noise that gets generated with working on that equipment. As it was stated, there is land on the north side of the road that I think would be fitting for this project, but it seems like to me that – or to us at Armstrong – that this industrial. It's light industrial. We have the lot on the corner that's to the west of us and that is commercial and it will be developed fairly soon and it will be commercial. I can't see the need for any residential on this side. To the southwest of the project, those are all automobile maintenance and different facilities that are associated with that, so the whole west side, as well as the east side, is all industrial. I can't understand why you'd want to stick a residential right in the middle of it. That's all I have. Thank you.

4. Helen Todd, 1600 East Imhoff Road – I guess I'm the one involved with the estate. I have lived on this property all my life, except for ten years. I was born, in fact, on the property that Hitachi currently has. During the war – or before the war started, when Japan bombed Pearl Harbor, the federal government came along and took over 20 acres from my parents and condemned it. That property then was added to others and became an auxiliary landing field.

After the war was over, my parents tried to buy it back and they could not; the government would not sell it to them. They, in turn, gave it to the University and the University then was supposed to have it only for landing field purposes. So what they did was to go and buy some property on the northeast of 24th and Highway 9 and put in an auxiliary landing strip that was made of dirt. They then sold the property to Hitachi. Hitachi has been a good neighbor. They were talking about complaints about noise and what have you. They have been a good neighbor to us, as far as noise is concerned. The train track makes much more noise than they do, which is right next door. That has not been a problem, as far as noise. But then, since that time, on top of that, Highway 9 has been taken through there and the State took that and the State said, you know, we're not going to pay you much – the same as the government. We don't pay you much, but you'll get it when something happens later, you know. You can make that up by your property. Well, then the State took Highway 9 and on both sides of the road – they had property on the west side as well as the east side. And after that they widened Highway 77, which was only two lanes at the time, and they now have it four lanes, plus an additional turn lane, and they took the porch off of the house that we were living in at the time. No problem with that – you'll make up the money later on. Okay. So now I'm trying to make up some of the money. I was offered 5 cents more per square foot by Hitachi than I was by Breckenridge, but when I asked them – Breckenridge said that they would buy the property without buying the 2.5 acres – they were interested in my 2.5 acres but they would buy the property even though they didn't get that 2.5, and later on if I wanted to sell it, then they would deal with me and perhaps buy it at that time, which I thought was – I would like to live out my life in that property, if possible. Hitachi, in turn, though, would not pay me anything additional for my house or my cellar or my water well or my out buildings to help us move. We've got over 51 years of accumulated junk, but some of that would be kept and we would want to move it. We would have to buy a new house – someplace to move into and they would not give us anything for that except for the same price for our land as the other land that belongs to the estate.

I have been trying to sell this since my mother died, which was in 2002. I have not had too many offers – I have had some, but normally what happens is we have a downturn in our economy and everybody all at once becomes disinterested and so I have not had any of those come to fruition at all. So I would like to go ahead and sell it, if possible. I would like to say that I support Breckenridge and I hope that you can see fit to go ahead and change that property so that they can have it. With the current price, I would have to have something for my house. Hitachi says they will not buy it unless I sell my property also. That was the stipulation. I said you could go ahead and buy that and let us live on it. No. We would have to move out. So that was all part of the stipulation. But rather than me having to take that much money out of my pocket to buy a new house and other things – I just did not think that was a good offer. I have tried to sell it commercially. Lowes came in and wanted to put a store on the east side of town and they wanted to put it on that property. Then, again, we had a downturn and so that did not come to fruition. They would have come and asked for it to be commercial rather than industrial. So it would have been something different, even. I sold a little over 3 acres of property since my mother died, and I did not receive enough money for that. I came to the City. They said it was zoned as industrial. I said it's really good prime land for commercial and is there any chance at all that it can be zoned commercially? No, there was not. There's no way at all it will rezone. Well, within two years' time it was zoned commercial by the people who had bought it. So I would just like for you to consider the letter that I wrote and also any of the statements that I may have made. If you have any questions, I'd be happy to answer them.

5. Chairman Lewis – Mrs. Todd, I do have one question. We've heard from both sides, and you're the party that is in the middle. You are the property owner. My question is simply very blunt. Hitachi came to you and offered a price, and Mr. Vatterot's company came to you and offered a price. In your best judgment, the land that your family has owned since – I believe you said the 1940s.

Mrs. Todd – No, no. Since before the 20s.

Chairman Lewis – So how long has your family owned this piece of property?

Mrs. Todd – Well, my parents owned it for – I know it had to be in the teens. My parents were married in 1923. My father had already been married before and had two children, and he had lived in that house then. Then my mother and my father married in 1923. So it's been in my family over – since 1910. And it's always been zoned rural.

Chairman Lewis – It would be fair to say, then, this piece of property has been in your family's history for a very, very long time.

Mrs. Todd – Yes.

Chairman Lewis – And pretty close to when the City of Norman became incorporated.

Mrs. Todd – Yes.

Chairman Lewis – So, in your judgment, what do you think should happen with this piece of property?

Mrs. Todd – I think, based upon the fact that the apartments that are across the street – there was nothing over there. We get along real well with the apartments and they don't really cause that much trouble. I thought they would, but they don't. And I would like to see it to be apartments.

Chairman Lewis – And one last question. Had Hitachi come to you and been willing to purchase your land, including your home, and relocate you and your husband to a new home, would you have sold it to Hitachi gladly?

Mrs. Todd – I probably would have.

Chairman Lewis – Thank you so much for your comments.

Mrs. Todd – I've got six other heirs that are all involved, and so I really need to do something with the property.

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:

Curtis McCarty moved to recommend adoption of Resolution No. R-1213-113, Ordinance No. O-1213-41, and approval of PP-1213-16, the Preliminary Plat for ASPEN HEIGHTS ADDITION, A Planned Unit Development to the City Council. Roberta Pailes seconded the motion.

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

YEAS	Curtis McCarty, Roberta Pailes, Dave Boeck, Chris Lewis
NAYES	Jim Gasaway, Cindy Gordon, Sandy Bahan, Tom Knotts
MEMBERS ABSENT	Andy Sherrer

Ms. Tromble announced that the motion, to recommend approval of Resolution No. R-1213-113, Ordinance No. O-1213-41, and PP-1213-16 to City Council, failed by a vote of 4-4.

* * *

SEAN PAUL RIEGER
ATTORNEY AT LAW • ARCHITECT
S.P. RIEGER PLLC
136 THOMPSON DRIVE
NORMAN, OKLAHOMA 73069-5245
E-MAIL: SP@RIEGERLLC.COM

TELEPHONE: 405.329.6070 FACSIMILE: 405.329.7103

28 May 2013

City of Norman
City Council
201 West Gray
Norman, OK 73069

RE: Aspen Heights; CC Agenda Items 51, 52, and 53

Dear Norman City Council,

I represent the Applicant in the above referenced project. This project is scheduled to be on final reading at the May 28, 2013 City Council meeting. Please accept this letter as our request to postpone the second reading hearing on these items. We request that the items be postponed and placed for second reading, final hearing, at the City Council meeting on June 11, 2013. We thank you for your assistance and consideration.

Very Truly Yours,
S. P. RIEGER PLLC

Sean Paul Rieger
Attorney at Law • Architect • Broker

Donna Randall (daughter of Imogene (Tullius) Randall)
2424 Oxford Street
Arlington, VA 22206
May 28, 203

City of Norman
City of Norman City Council
City of Norman Planning Commission
201 W. Gray St. Bldg. A
PO Box 370
Norman, OK 73070

Re: Breckenridge Land Acquisition, LP and 18.5 acres in the West Half of the East Half of the Northwest Quarter of Section 9, Township 8 North, Range 2 West of the Indian Meridian

Ladies and Gentlemen:

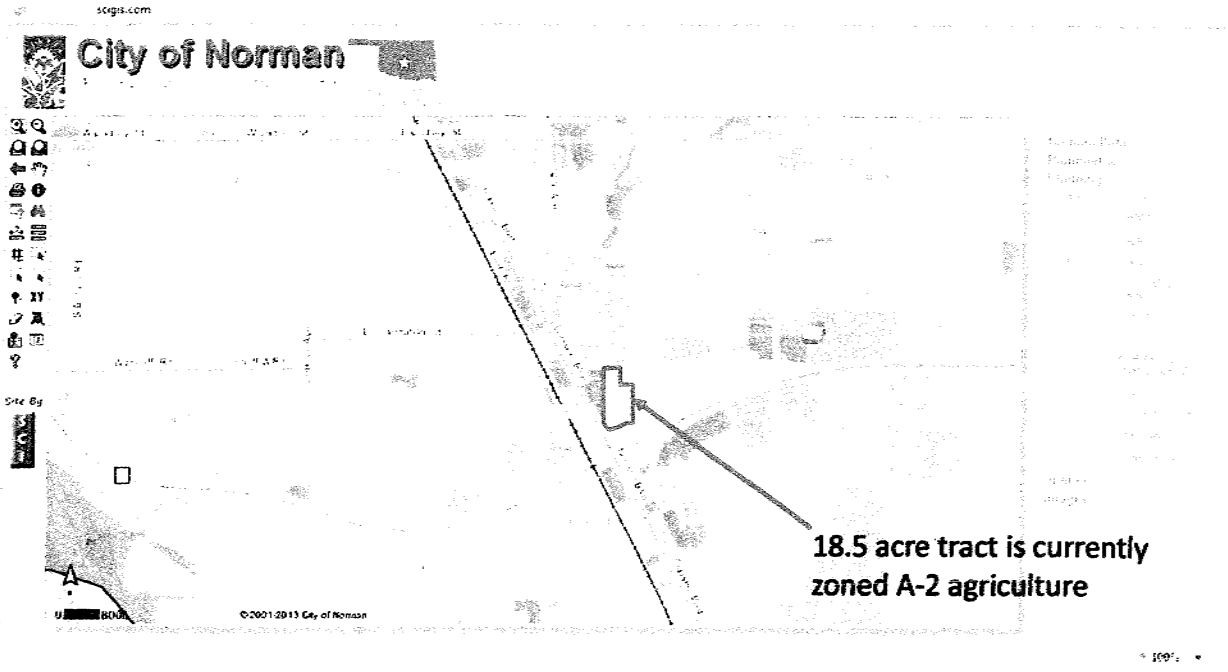
I am Donna Randall, daughter of Imogene (Tullius) Randall one of Georgie Tullius' heirs, and niece of Helen and Olan Todd of 1600 Imhoff Road, Norman, OK. I am writing this letter in support of my Aunt's position as executor of Georgie Tullius' estate to have the 18.5 acres in the West Half of the East Half of the Northwest Quarter of Section 9, Township 8 North, Range 2 West of the Indian Meridian rezoned to allow the family's land to be developed as a cottage-style student housing project. My Aunt and Uncle's property, which is adjacent to this land tract, is not part of said estate.

The sale and development of the 18.5 acres owned by the family must not be held hostage to Hitachi or other developers saying that my Aunt and Uncle are required to sell their own property as part of any deal or development. As indicated in my Aunt's letter filed in the office of city clerk on 4-18-13, they have lived in their home for more than fifty years. I have lived and visited with them in their home over those fifty years and have no plan to influence them to sell their property just so the adjacent family land can be sold. The position of my mom (Helen Todd's sister) and my siblings is also quite the reverse of Hitatchi's, we want my Aunt and Uncle to be able to live in their beloved home as long as they are able. Their home contains over 50 years of loving care and memories, and includes a backyard and garden on land not only my Aunt has cared for all her life but on land that was once also cared for by my grandparents. As stated in the 4-18-13 letter filed by my Aunt she was born in a house that used to exist where the Hitachi plant now resides, like my mother. I have pictures of my mom beside that house picking cotton and my Aunt Helen being held by my grandmother by the house. My Aunt and mom helped to farm the land there until WWII. My Aunt and Uncle designed and built their current house to enable them to live out their life there, including in-home care when the time comes. Our family wants them to continue to be able to go to bed in their bedroom, get up and go to their kitchen for their morning coffee, go and sit on the chairs in the backyard and sip a glass of wine like they have for over 50 years surrounded by the comforts called home. It was generous in the extreme that my Aunt and Uncle were willing to consider including their property to aid the family in selling the 18.5 acres, but this would have egregiously hurt the family ties and spirit that such an act of sacrifice was required on their part. The land my Aunt and Uncle own is not part of the family estate.

My Aunt and Uncle should not be penalized for my Aunt being executor of my grandmother Georgie Tullius' estate. If my mom or I were executors of the property such a request to include my Aunt and Uncle's property in any sale agreement of the 18.5 acre tract would have been an ardent and

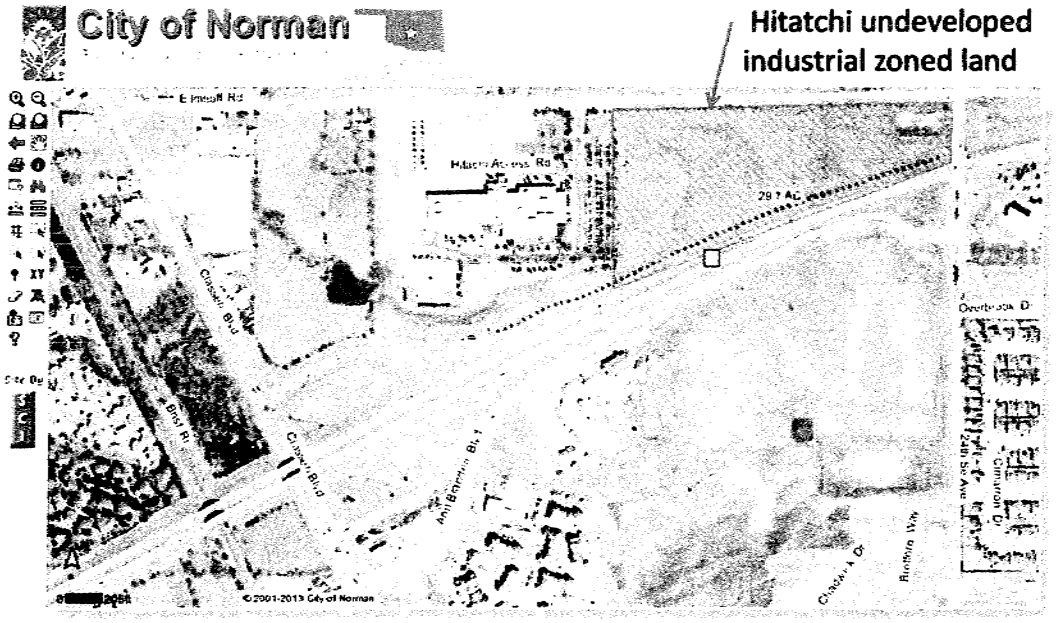
unequivocal NO. It is neither equitable nor appropriate that the family is being asked to try and force or persuade any adjacent property owner(s) to include their property along with the 18.5 acre tract before the18.5 acre tract can be sold and developed. Is the family going to be required by the city to get the adjacent commercial properties to also include their properties in any sale along with this 18.5 acre tract before the 18.5 acre tract can be sold, or to include Hitachi's property? How is such a financial burden or requirement reasonable or just?

My Aunt as executor has found a buyer for the 18.5 acre tract in the West Half of the East Half of the Northwest Quarter of Section 9, Township 8 North, Range 2 West of the Indian Meridian, who will develop the land in way that provides continuity with similar land development in the area and adjacent land use as summarized in the Aspen Heights project overview (see slide 16 of the overview)—my Aunt and Uncles residence, a multifamily residential PUD (Crimson Cottages), and multifamily residential apartment complex (Crimson Park Apartments) to the north and northwest, Oakhurst to the northeast, commercial property to the west surrounding highway 77 on both sides and the residential areas of the Commons, Hampton Woods, and Forest Pointe to the west of this. While the 2025 plan identifies this tract of land as future industrial, currently it is zoned agriculture (see Figure 2001-2013 current City of Norman zoning map below), the recent changes in economics of the area, and growth in the need and expansion of university housing, and development of adjacent land merit the land being rezoned to allow the cottage style student housing rather than industrial zoning.



As pointed out in the Aspen Heights project overview, the acreage identified in the 2025 plan for industrial use in the City of Norman is 5.56 times over the absorption rate (slide 23 "...,2025 planned 110 years quantity of industrial land"). Additionally, as pointed out the focus of industrial development for the city has shifted to the north (see slide 27) for various commuting and economic development reasons. Hitachi which moved to the adjacent property in 1986 only developed a small portion of their property and it was not until about 24 years after their initial build, in 2010 that they added on 200,000 square feet (4.6 acres) of warehouse and office space, which more than doubled their use of their

property[1]. This is on average a need of 0.19 acres of expansion per year for Hitatchi. They already own over 30 acres of undeveloped industrially zoned land that contains no development (see slide 30 of the Aspen Heights project overview and the City of Norman Figure below outlining about 30 acres to the east of existing buildings and parking), which means they have around 150 years worth of expansion space at their current build/expansion rate. Hitatchi will only buy the 18.5 acre tract if my Aunt and Uncle will include their property at lower than fair market value for a similar residential property with improvements, however, as indicated earlier the family in no way, shape or form is going to make the sale of my Aunt and Uncle's property a part of any land deal for the 18.5 acre tract. My Aunt as executor has been diligent at trying to find offers for the 18.5 acre tract that provides fair market value since my Grandmother passed away in 2002, which is over 12 years, but these have been few and far between and those viable offers which have gone forward have fallen through for economic reasons as indicated in her 4-18-13 letter.



From the discussions Hitatchi has had with my Aunt while they have said that the tract of land the family is trying to sale cannot be zoned other than for industrial for which it is down in the 2025 plan, Hitatchi does not believe they should be held to the same standard for their property. Hitatchi would plan on rezoning some of their currently zoned industrial property adjacent to their plant and warehouse to commercial to finance a build on our family's tract of land (see my Aunt's 4-18-13 letter). They too obviously believe that there is merit in not needing all the industrial area in the 2025 plan, but desire that they benefit from that fact rather than our family, especially my Aunt and Uncle. Commercial land value in this area is obviously at a premium. From advertisements the asking price for the undeveloped commercial zoned land at the corner of Classen Blvd and Imhoff Rd is 1.03 million dollars for 1.75 acres (equivalent to about $13.51 per square foot)[2]. I can see why Hitatchi would like to keep the family from rezoning our currently zoned agriculture land to industrial rather than residential so that they can try to force us to sale to them. If the family is denied rezoning to residential and Hitatchi later on changes part of their currently zoned industrial property to commercial, such an act would be arbitrary and capricious

[1] www.korteco.com/construction-projects/hitatchi-international-distribution-center
[2] http://www.loopnet.com/Listing/16665834/2721-Classen-Blvd-Norman-OK/

on the part of the city. Unlike Hitatchi, the family has no access to state employee taxes to use to develop this 18.5 acre tract, as Hitatchi had when they financed their 200,000 square foot expansion by the use of employees' state taxes[1], or access to state incentives like Hitatchi to make up for a difference in development of the family's 18.5 acre tract.

I believe the Aspen Heights Project Overview provides an in-depth account of the merits for rezoning the 18.5 acre tract to residential. In addition to the merits that are provided in that overview I believe there are some additional merits as discussed below.

I believe the Aspen Heights build of student housing provides an environmentally greener solution than similar builds that would have to occur further away from campus. First the build as proposed contains 58% green space, a higher than required city ordinance amount for multifamily housing. Second the University of Oklahoma South Campus is under 1 mile away (see Figure below), the intramural fields are a little over 1.25 miles. The closeness to campus means residents of the proposed Aspen Heights build can take advantage of being able to commute by bike to the University and to commercial properties along Classen Blvd. For example, the ENCOMPASS 2035 plan[3] calls for on-street bike routes for Imhoff Rd. from Classen Blvd. to 24th Ave. E and from Lindsey St., from 24th Ave. E to 36th Ave. E which links to other bike routes in- and on-route to campus. These are amenities that have or are being built to allow residents in the adjacent Crimson Cottage PUD and Crimson Park Apartment complex to commute to campus and the City of Norman. This is also another way that the proposed rezoning to allow student housing on this 18.5 acre tract is in-line with surrounding land uses and goals of the city transportation plan to improve the way people move around the city. But additionally this closeness to campus means that the commute to and from campus is reduced from similar builds that would have to occur further away. At 528 planned residents, this means a substantial reduction in commute time—and therefore less impact to city air quality and traffic congestion. For example, for every one mile taken off the road there is about a 1 pound decrease of air pollution[4,5]. If all the residents drove daily, just a 1 mile increase in distance of a similar build can mean an increase of around 385,440 pounds of air pollutants added annually to the city air.

I also believe this build would provide substantial revenue to the ward and city from sales taxes that would be collected from residents and/or their visiting relations using the adjacent commercial enterprises and hotel services. This build would aid in ensuring that the commercial corridor along Classen Blvd would have an additional sustaining use base, sustaining maintenance of commercial property values and the aesthetics of this corridor.

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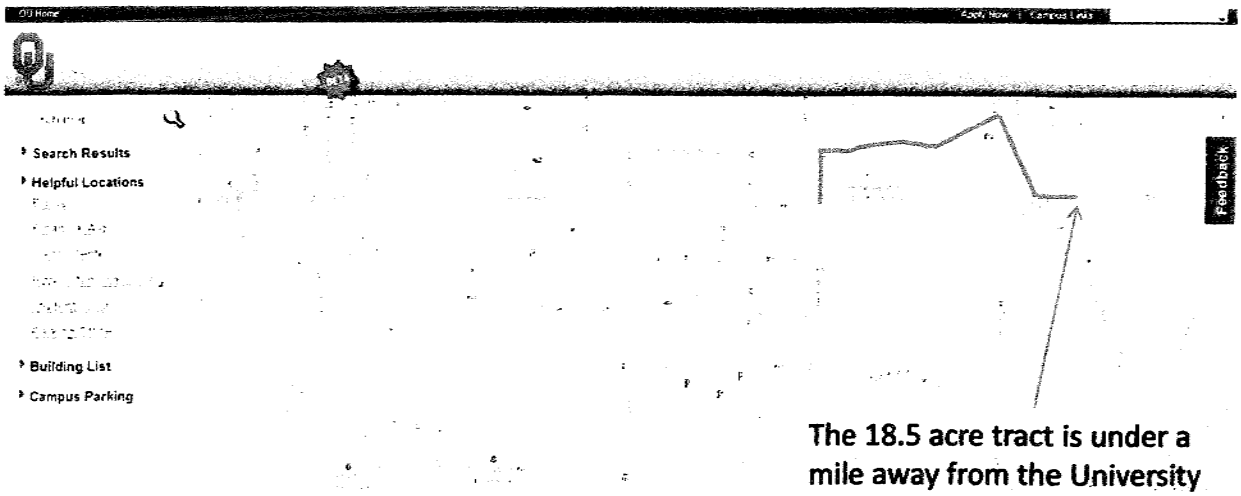
[3] http://www.acogok.org/Newsroom/Downloads11/Encompass2035DraftPlanSummary.pdf

[4] U.S. Department of Energy: Technical Guidelines Voluntary Reporting of Greenhouse Gases (1605(b)) Program. (March 2006).

[5] U.S. Environmental Protection Agency: Light-Duty Automotive Technology and Fuel Economy Trends: 1975 through 2007. (September 2007).



The 18.5 acre tract is under a mile away from the University of Oklahoma South Campus

Please approve the request to rezone the 18.5 acre tract from agriculture to multifamily residential. As presented above and in the Aspen Heights overview, rezoning to multifamily rather than industrial is merited.

Respectively,

Donna Randall

City of Norman, OK

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

Master

File Number: O-1213-41

File ID:	O-1213-41	**Type:**	Ordinance	**Status:**	Non-Consent Items
Version:	1	**Reference:**	Item No. 28	**In Control:**	City Council
Department:	Planning and Community Development Department	**Cost:**		**File Created:**	03/14/2013
File Name:	O-1213-41 Breckenridge Rezoning			**Final Action:**	

Title: CONSIDERATION OF ORDINANCE NO. O-1213-41 UPON SECOND AND FINAL READING: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 460 OF CHAPTER 22 OF THE CODE OF THE CITY OF NORMAN SO AS TO PLACE PART OF THE WEST HALF OF THE EAST HALF OF THE NORTHWEST QUARTER OF SECTION 9, TOWNSHIP 8 NORTH, RANGE 2 WEST OF THE INDIAN MERIDIAN, NORMAN, CLEVELAND COUNTY, OKLAHOMA; IN THE PUD, PLANNED UNIT DEVELOPMENT DISTRICT, AND REMOVE THE SAME FROM THE A-2, RURAL AGRICULTURAL DISTRICT, OF SAID CITY; AND PROVIDING FOR THE SEVERABILITY THEREOF. (SOUTH SIDE OF IMHOFF ROAD APPROXIMATELY 900 FEET EAST OF CLASSEN BOULEVARD)

Notes: ACTION NEEDED: Motion to adopt or reject Ordinance No. O-1213-41 upon Second Reading section by section.

ACTION TAKEN: _____

ACTION NEEDED: Motion to adopt or reject Ordinance No. O-1213-41 upon Final Reading as a whole.

ACTION TAKEN: _____

Agenda Date: 06/11/2013

Agenda Number: 28

Attachments: Text File O-1213-41, O-1213-41 - Breckenridge dba Aspen Heights, AspenHeights Location Map, Aspen Heights Rezone Staff Report, Aspen heights PUD (spr ready to print copy 5-16-13), AspenHeightsProtest, Aspen Heights Protest Letters, Aspen Heights Support Letter, 4-11-13 PC Minutes - Breckenridge

Project Manager: Jane Hudson, Principal Planner

Entered by: rone.tromble@normanok.gov

Effective Date:

History of Legislative File

Ver-sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Planning Commission	04/11/2013	Recommended for Adoption at a subsequent City Council Meeting	City Council	05/14/2013	06/11/2013	Fail
	Action Text:	Recommend adoption or Resolution No. R-1213-113, Ordinance No. O-1213-41, and approval of PP-1213-16, the Preliminary Plat for ASPEN HEIGHTS ADDITION, A Planned Unit Deveopment to the City Council.					
1	City Council	05/14/2013	Introduced and adopted on First Reading by title only				Pass
	Action Text:	That this Ordinance be Introduced and adopted on First Reading by title only. by consent roll call					
1	City Council	05/28/2013	Postponed				Pass
	Action Text:	Postponed until June 11, 2013					

Text of Legislative File O-1213-41

body

SYNOPSIS: The applicant has submitted a request to rezone an existing property from A-2, Rural Agricultural District, to PUD, Planned Unit Development District, for a student housing project. The proposal consists of 158 units with approximately 552 beds. The tract currently has a single-family home on-site but it will be divided from the development as platting is completed. The land under review for this request was set aside on the 2020 Plan and again on the 2025 Plan as industrial due to its close proximity and access to Highway 9, a major road, and the possibility of extending additional industrial use already in place to the east of this tract.

STAFF ANALYSIS: When the 2020 Land Use Plan was adopted, a detailed land use analysis was completed that revealed Norman had 925 acres of land that was being used for industrial purposes, and the Plan reserved industrial, and recommend that 1,200 additional acres be added and preserved for future industrial use. This deliberate decision of the Council, at that time, was to create multiple opportunities to accommodate all types of industrial activities in a wide variety of locations. The actual demand for industrial land was estimated at 198 acres over the entire time frame of the Plan. It was predicted that the surplus industrial land would be absorbed at the rate of approximately ten acres per year.

Policy does not prohibit conversions from industrial designations, but does recommend that such requests be "critically evaluated." In this case, this land is not currently zoned for industrial use, but has been reserved on the 2025 Plan for future industrial use.

One of the purposes for designating land as industrial use is to allow tracts of various sizes throughout the community to be reserved for a wide range of industrial opportunities, which are a major economic driver for any community. Conversely, from the landowner's perspective, industrial land is one of the slowest to be absorbed and usually sells for less value than uses which have more immediate needs, such as housing or the needed shopping areas that may serve them.

This location lies immediately to the west of the Hitachi plant, an industrially zoned use. The area to the west of this proposal is zoned C-2, General Commercial District, with commercial uses in place. Those commercial uses are considered a more intense use than the typical shopping center you might see in a commercially zoned area. The use directly to the west is a construction company which expressed concerns at the Planning Commission meeting that the noise they create, when working on concrete tilt-up wall, may impact the new residential neighbors.

PUD ANALYSIS:

USE: As proposed, the project will be student housing development focusing on the University of Oklahoma students for their residents. However, students will not be their only tenants. The project will consist of 158 units and 552 beds, with associated amenities of a pool and clubhouse.

DESIGN: One entrance to the subdivision is proposed from Imhoff Road. There will be two and three-story buildings on this site. These buildings are described as "American Craftsman-Style" design. The landscaping shall be provided in conformity to the City of Norman Landscape Ordinance..

OPEN SPACE: There will be open space and green space areas located throughout the development. The open space area totals over 10.94 acres or approximately 58%. A portion of the 10.94 acres is accounted for as a drainage pond.

PARKING: The parking is distributed throughout the development to meet the city requirements.

LIGHTING: The lighting proposed for the site shall be installed in conformance with the Commercial Outdoor Lighting Standards.

SIGNAGE: All signage shall be in conformance with the City of Norman's sign codes. The additional comment in the PUD stated "signs may be lit and landscaped with appropriate vegetation and planter boxes designed so as not to interfere with traffic sight lines."

FENCING: Fencing will be added to the northeast corner of the development to shield the existing residential home.

ISSUES:

OIL WELL: There is an existing well site located on this tract of land. The site development plan will meet the building setback requirements for that area.

OTHER AGENCY COMMENTS:

PARK BOARD: The Board of Parks Commissioners recommended fee-in-lieu of land to fulfill the parkland dedication requirements for the development.

PUBLIC WORKS: A Traffic Impact Study was submitted and reviewed by Staff. Detention will be provided for storm water run-off. Water and sanitary sewer is available to the property. Interior sanitary sewer is private. Interior water lines will be installed per city standards to serve for fire protection.

2010 INDUSTRIAL LAND USE STUDY: In March of 2010, City staff completed an Industrial Land Use Study. This study was done in response to applications staff had received for rezoning and land use amendment of industrially designated land to commercial, residential, and mixed uses. The study highlighted the need for preserving readily buildable areas of adequate size and location for industrial uses. The 2010 Industrial Land Use Study revealed that, of the area designated for industrial use on the 2020 Plan, almost eight hundred forty-nine acres have been rezoned and designated for uses other than industrial. Of that total, five hundred eight-six acres were included in the University North Park area, of which approximately one hundred-seventy-five acres are still available for industrial purposes, although no definitive plans have been presented. One hindrance to developing the UNP area as industrial is the high cost of land, which makes it better suited for office development. Of the remaining two hundred sixty-three acres, commercial requests comprise almost sixty-eight percent of the area that has been changed. In some cases, changes to the update of the 2020 Plan were discussed as part of the adopting process, and resulted in the removal of substantial amounts of industrial land. Almost three hundred acres of industrially designated land was eliminated in the area south of Tecumseh Road, east of 12th Avenue NW to allow two large residential developments to occur (Trailwoods and Greenleaf Additions). In the same area, as the northwest corner of Tecumseh Road and 12th Avenue, approximately one hundred thirty-six acres was changed from industrial designation to commercial, high density residential, medium density residential, office and low density residential. An addition sixty acres of land located at the southern boundary of the community was changed form industrial to mixed use.

STAFF RECOMMENDATION: The question is not whether the development itself has been correctly designed, but whether this is the appropriate location for a multi-family development. The impact a multi-family development can have on existing industrial and commercial developments and vice-versa can be problematic.

The Hitachi plant is a 24-hour facility. The noise and traffic impacts on a multi-family development can be challenging. A residential component added adjacent to an industrial use may possibly register noise complaints. These complaints can cause industry to relocate to new locations due to constraints placed on them for noise violations. Typically once a residential use is established adjacent to an industrial use noise and traffic become an issue to the adjacent residents.

In keeping with the goals of the 2025 Land Use and Transportation Plan to preserve industrially designated properties for future development, staff does not support rezoning request Ordinance No. O-1213-41.

At their meeting of April 11, 2013, the Planning Commission, by a vote of 4-4, failed to make a recommendation with regard to Ordinance No. O-1213-41

O-1213-41

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 PART OF THE WEST HALF OF THE EAST HALF OF THE NORTHWEST QUARTER OF SECTION 9, TOWNSHIP 8 NORTH, RANGE 2 WEST OF THE INDIAN MERIDIAN, NORMAN, CLEVELAND COUNTY, OKLAHOMA, IN THE PUD, PLANNED UNIT DEVELOPMENT DISTRICT, AND REMOVE SAME FROM THE A-2, RURAL AGRICULTURAL DISTRICT, OF SAID CITY; AND PROVIDING FOR THE SEVERABILITY THEREOF.
(South side of Imhoff Road approximately 900 feet east of Classen Boulevard)

§ 1. WHEREAS, Breckenridge Land Acquisition, L.P., 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, on a vote of 4-4, made no recommendation whether 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 remove the same from the A-2, Rural Agricultural District, to wit:

A part of the West Half (W1/2) of the East Half (E1/2) of the Northwest Quarter (NW1/4) of Section 9, Township 8 North, Range 2 West of the Indian Meridian, more particularly described as follows:
Beginning at the Northwest Corner of the said W1/2 E1/2 NW1/4, said point being 1319.11 feet N89°14'31"E of the Northeast corner of said NW1/4;
Thence S00°07'41"E on the West line of said W1/2 E1/2 NW1/4 for a distance of 1290.48 feet to a point on the North Right-of-Way line of State Highway No. 9;
Thence S27°35'00"E on said North Right-of-Way line for a distance of 218.30 feet;
Thence S72°35'00"E on said North Right-of-Way line for a distance of 101.80 feet;
Thence N62°25'00"E on said North Right-of-Way line for a distance of 274.00 feet;
Thence Northeasterly on said North Right-of-Way line, being a curve to the Right, having a radius of 403.00 feet, a chord bearing of N78°49'20"E for a curve distance of 235.50 feet;
Thence S84°07'00"E on said North Right-of-Way line for a distance of 12.30 feet;
Thence N00°06'41"W on the East line of the said W1/2 E1/2 NW1/4 for a distance of 925.05 feet;
Thence S89°14'31"W and parallel to the North line of said W1/2 E1/2 NW1/4 for a distance of 275.00 feet;
Thence N00°06'41"W and parallel to the said East line of the W1/2 E1/2 NW1/4 for a distance of 396.00 feet;
Thence S89°14'31"W on the North line of the said W1/2 E1/2 NW1/4 for a distance of 384.04 feet to the point of beginning, containing 18.52 acres, more or less.

§ 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

_____, 2013.

_____
(Mayor)

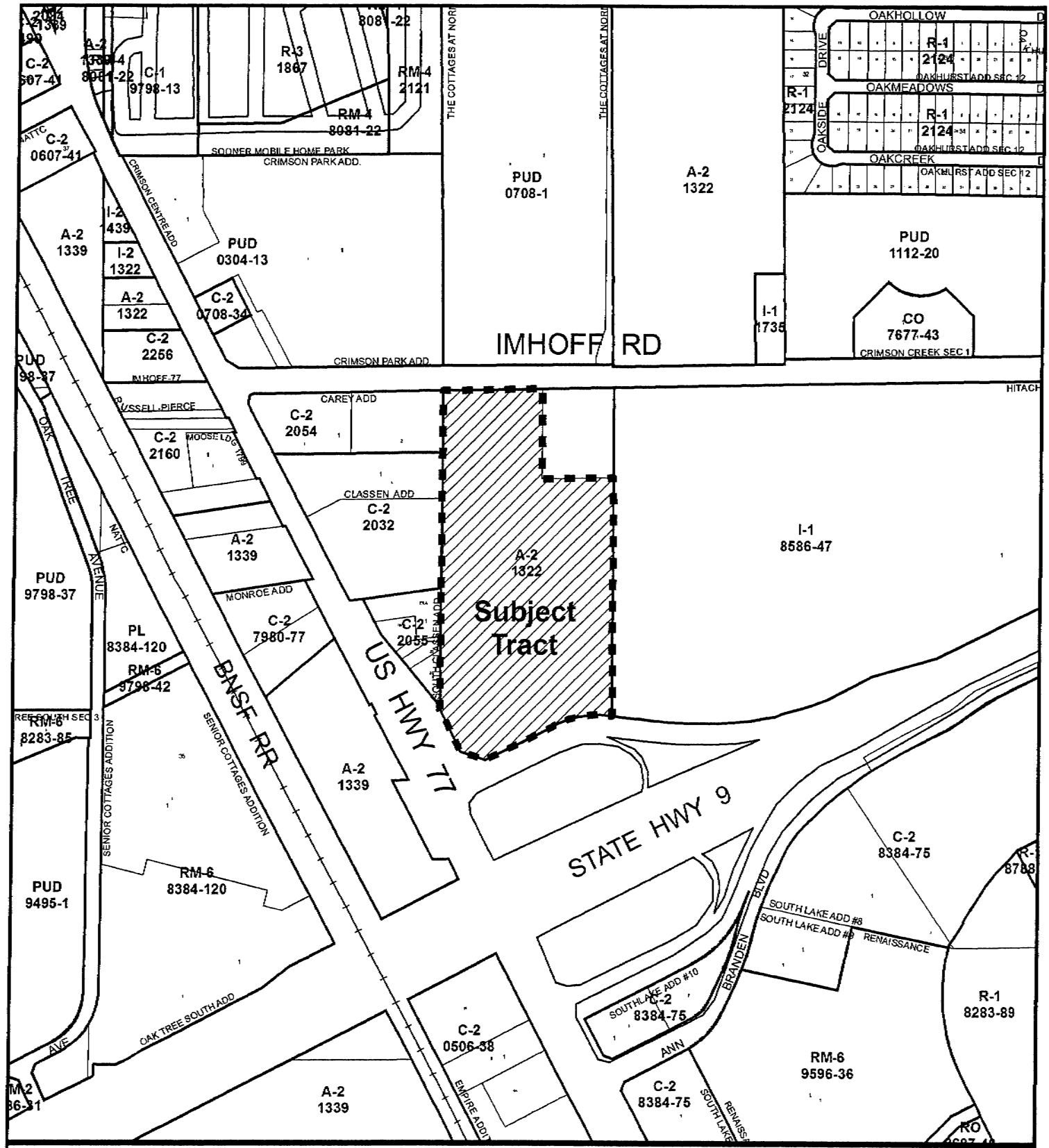
ATTEST:

_____
(City Clerk)

NOT ADOPTED this _____day of

_____, 2013.

_____
(Mayor)



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

February 12, 2013

0 250 500 Ft.

Subject Tract

Zoning

ASPEN HEIGHTS ADDITION

NORMAN, OKLAHOMA

OWNER: BRECKENRIDGE LAND ACQUISITION, LP

APPLICATION FOR 2025 PLAN CHANGE
PLANNED UNIT DEVELOPMENT
PRELIMINARY PLAT

Originally submitted on 11 March 2013

PREPARED BY:

THE RIEGER LAW GROUP
Attn: Sean Paul Rieger
S.P. Rieger, PLLC
136 Thompson Drive
Norman, Oklahoma 73069-5245

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D. Drainage
E. Utility Services
F. Fire Protection Services
G. Traffic Circulation and Access

III. DEVELOPMENT PLAN AND DESIGN CONCEPT

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I. INTRODUCTION

This ASPEN HEIGHTS ADDITION project (the "**Addition**") is proposed as a Planned Unit Development and Preliminary Plat of roughly 18.52 acres, in Ward 1 of the City of Norman (see attached **EXHIBIT A**). The Addition lies on the south side of Imhoff Road, between Classen Boulevard and 24th Ave. SE, in Norman, Oklahoma. The Addition will provide the development of multifamily, medium density residential units. The project is focused upon campus student housing, catering to students at the University of Oklahoma.

The Developer, Aspen Heights, is a national student housing developer and manager headquartered in Austin, Texas. Aspen Heights has reinvented the concept of student housing by building neighborhoods of American Craftsman-style homes with all of the amenities of a luxury apartment complex.

Aspen Heights' unique product includes residential buildings built in the American Craftsman style characterized by clean lines and quality materials. Aspen Heights' residences far exceed the prevailing standard in the student housing industry in their attention to detail, luxury finishes, amenities and size. Homes feature an open kitchen-den concept, large individual bedrooms with attached bathrooms and walk-in closets. Aspen Heights' neighborhoods typically feature resort-style pools, 24-hour fitness rooms, movie theaters, beach volleyball courts, running trails and more.

II. PROPERTY DESCRIPTON/GENERAL SITE CONDITIONS

A. Location

The Addition lies on the south side of Imhoff Road, between Classen Boulevard and 24th Ave. SE, in Norman, Oklahoma.

B. Existing Land Use and Zoning

The Subject Property is currently 2025 Planned for Industrial and is currently zoned A-2, Rural Agricultural District. The Property is currently undeveloped land, with Imhoff Road abutting the Property to the north and very similar student housing projects across Imhoff to the immediate north. To the west is C-2 General Commercial zoning, with occupied uses of a general contractor's office, a hotel, and auto repair businesses. To the east is the Hitachi manufacturing facility. To the south is the Highway 9 on and off ramps. No buildings or habitable structures exist within the Property being proposed under this PUD.

C. Elevation and Topography

The site is generally flat with very low slope topography. No portion of the site is in the FEMA 100-year flood plain.

D. Drainage

A Drainage Impact Analysis has been prepared to illustrate the detention requirements that are required and the solutions planned.

E. Utility Services

Many of the required utility systems for the project (including water, sewer, gas, telephone and electric) are currently located adjacent to, or in very near proximity to, the boundaries of the Property. Many of the services exist along the Imhoff Road arterial.

F. Fire Protection Services

Fire Protection services will be provided by the City of Norman Fire Department and by Owner provided building sprinkler systems if required by building codes in individual structures.

G. Traffic Circulation and Access

Primary vehicular access to the site will be provided by way of the Imhoff Road arterial, which borders the Property. The drives and access corridors within the Property will be private.

III. DEVELOPMENT PLAN AND DESIGN CONCEPT

The Addition is planned to accommodate medium density residential uses. The Exhibits attached hereto, and as submitted by the project Engineer, SMC Consulting Engineers, are incorporated herein by reference and further depict the development criteria.

A. Medium Density Residential District

The proposed improvements in the PUD are as planned on the attached Preliminary Site Development Plan, **EXHIBIT B** hereto.

1. Uses; Design

The purpose for the PUD is to extend the RM-6, Medium Density Apartment District, zoning provision and apply its provisions from the City of Norman zoning code, unless as amended herein (to the extent of any contradiction between the provisions of this PUD and the proposed designs and exhibits submitted with this PUD and the City Zoning

Ordinance, this PUD and its proposed designs and exhibits as submitted shall control):

a. The proposed intensity of uses shall be approved as put forth on attached **EXHIBIT C**.
b. Height: Structures may not exceed three stories, or forty five (45) feet, whichever is greater.
c. Density: The Addition may be developed to a density of up to a maximum of 9.2 units per acre. That figure is based on the preliminary plans, which include approximately 158 residential units over 18.9 acres, which is a planned density of 8.36 units per acre (9.2 being submitted to allow for up to a 10% overage as needed).
d. Impervious Area: the total amount of impervious area, including all building footprints and paved areas shall not cover more than sixty five (65) percent of lot area, or as necessary to accommodate the proposed Preliminary Site Development Plan as submitted herewith, whichever is greater.
e. Accessory Buildings: Accessory buildings such as, but not limited to, a common area clubhouse and related uses are allowed and may contain uses consistent with, but not limited to, office, fitness, residents' movie theater, game room, library, lounge, meeting room, swimming pool and accessory buildings, model unit, maintenance and equipment rooms, etc. Accessory buildings not exceed the height of the principal residential buildings and shall be in harmony with the adjacent buildings.
f. Athletic and recreational courts and facilities are allowed as support uses within the residential district.
g. All other minimum building setbacks shall be maintained as per the City Council approved Preliminary Site Development Plan, which is attached herewith and as shown on **EXHIBIT B.**

2. Parking

Parking may be accommodated by way of common area parking lots within the district, and/or by way of parallel parking along the private streets within this residential area. The areas allowing parallel parking will provide a 20' (twenty-foot) clear aisle for emergency vehicles. ~~Parking may be accommodated by way of common area parking lots within the district, and/or by way of parallel parking along the private streets within this residential area.~~

3. Dumpster and Trash Enclosures

A trash compactor and its enclosure may be located on site to facilitate resident trash removal. Any dumpster enclosure will be built of materials to be compatible with the building exteriors in the Addition. Location of

dumpsters and compacters will be as approved by the City of Norman Sanitation department. Dumpsters will be built to city standards.

B. Miscellaneous Development Criteria

1. Site Plan and Final Plat

The preliminary site development plan for the medium density residential areas currently submitted with this PUD shall be incorporated herein as an integral part of the PUD and the development of the property shall be substantially constructed as presented thereon, although the PUD may be further refined once final site development plans are submitted with final plat, subject to City Staff approval.

2. Amenities

Open space and green space areas are located throughout the Addition. Within the area of the Addition, open green space totals over approximately 10.94 acres, or over approximately 58% of the total site area. See **EXHIBIT D**.

3. Signage

All signage shall be in conformance with the City of Norman's sign codes, as amended from time to time, and comply with applicable district regulations.

Signs may be lit and landscaped with appropriate vegetation and planter boxes designed so as not to interfere with traffic sight lines.

4. Fencing; buffering

Fencing may be constructed at all perimeter areas of the Addition, and within the Addition, per the Developer's discretion. Construction material may be of masonry, pre-cast concrete, metal/iron, or wood, or any combination thereof, and other materials as compatible with the building structures. Fencing and landscaping shall be provided along the eastern boundary of the Addition in sufficient manner to secure and screen that edge condition. Fencing shall be provided along the west and south boundaries of the abutting residential use for screening, as such residential use abuts the Property on the northeast corner of the Property (the Todd family home).

5. Traffic access/circulation/parking and sidewalks

The access to the PUD will be from Imhoff Road. Developer reserves the option to provide gated access at Imhoff Road, subject to any such gated entry being designed per the City of Norman standards as required for emergency vehicle access and adequate traffic control. Landscape buffers will accommodate all City of Norman traffic division sight triangle requirements. All internal drives and streets will be private and will have adequate circulation provided for the fire department and City Waste Management Services.

All interior sidewalks will be at least four feet (4') wide and provide adequate access to the buildings along with all project amenities. A five-foot wide City sidewalk will be provided generally along Imhoff Road as it abuts the Addition, constructed to City of Norman Standards.

6. Lighting

All exterior lighting shall be installed in conformance with the City of Norman commercial outdoor lighting standards, as amended from time to time.

7. Landscaping

Landscaping shall be provided in conformity to City of Norman ordinances. The proposed Landscaping Plan is attached as **EXHIBIT B**.

8. Public Parkland

The Developer proposes fee in lieu of as the public park land solution. The residents of the Addition will have ample recreational opportunities and amenities within the gated Addition. Consequently, fee in lieu of will provide an opportunity for the City to apply additional funds to area parks.

EXHIBIT A

Proposed Preliminary Plat

(Full sized drawing submitted in separate copy to City Staff)

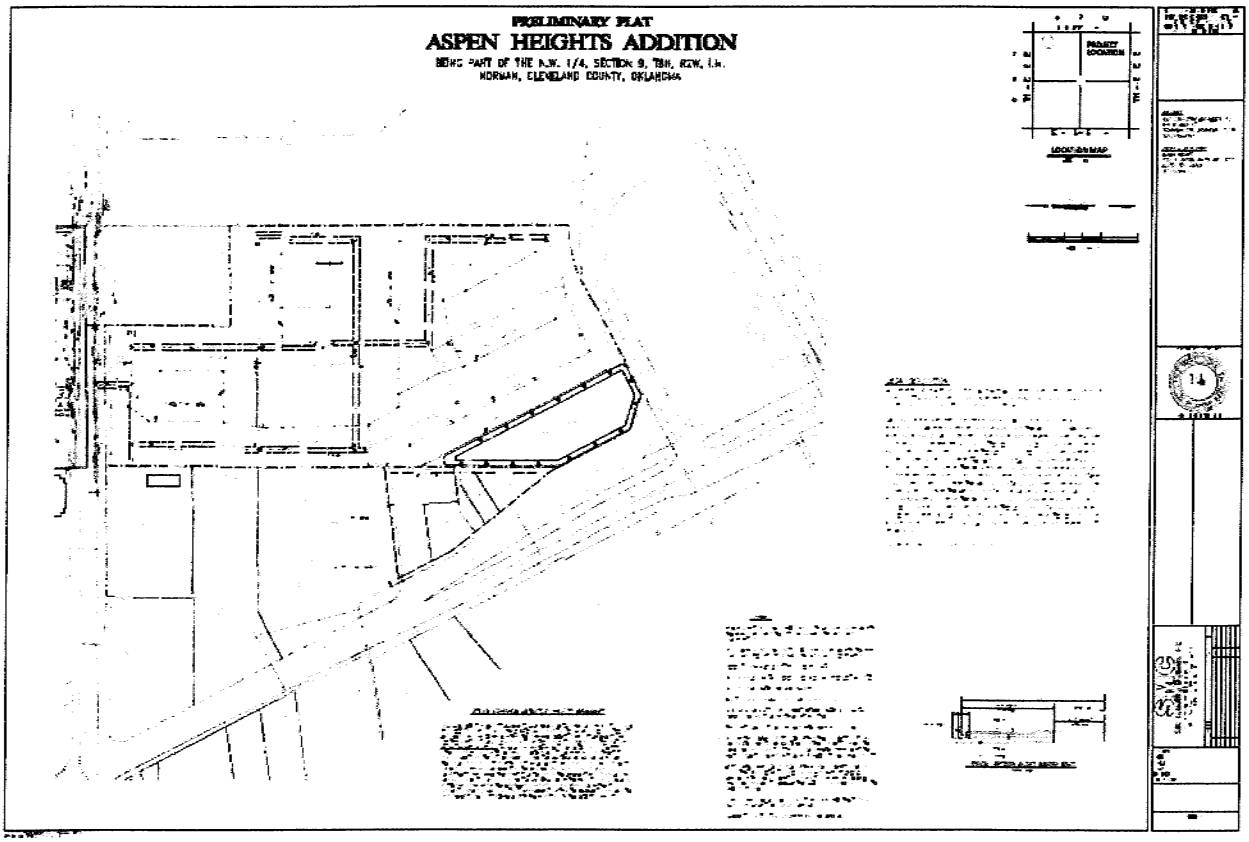


EXHIBIT B

Proposed Preliminary Site Development Plan and Landscape Plan
(Full sized drawing submitted in separate copy to City Staff)

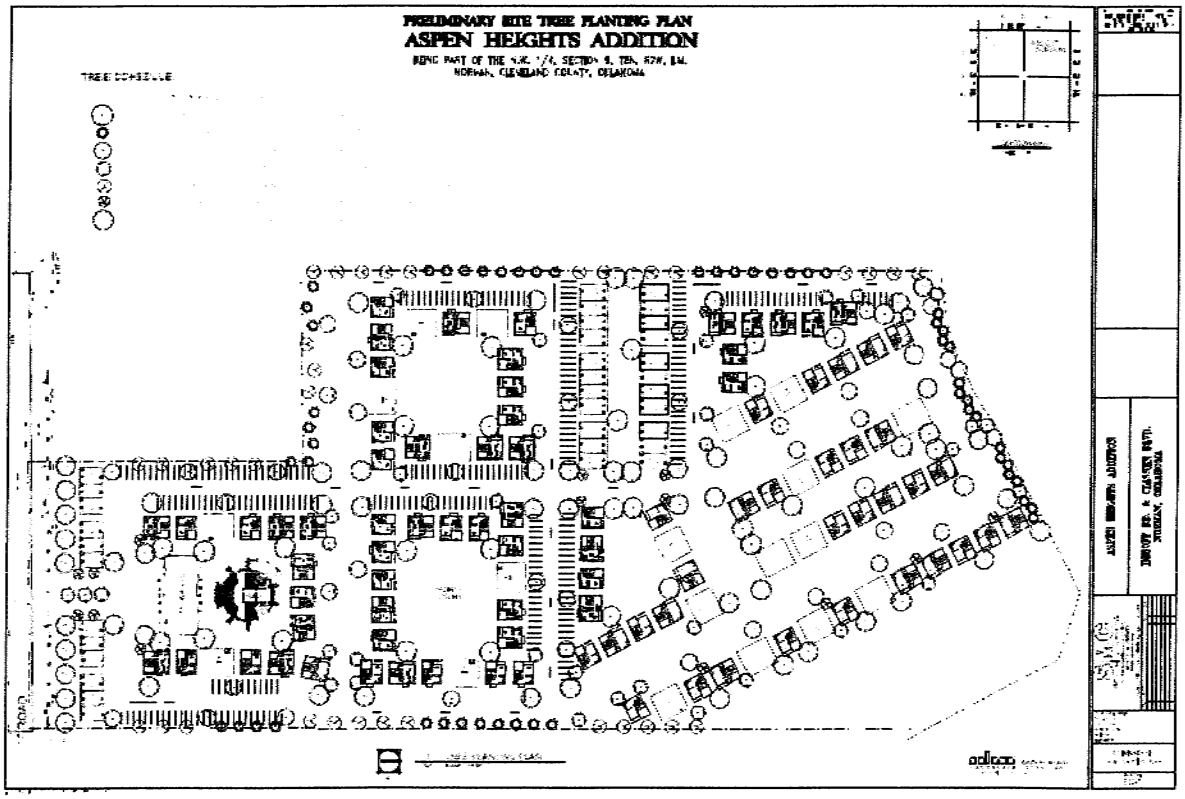


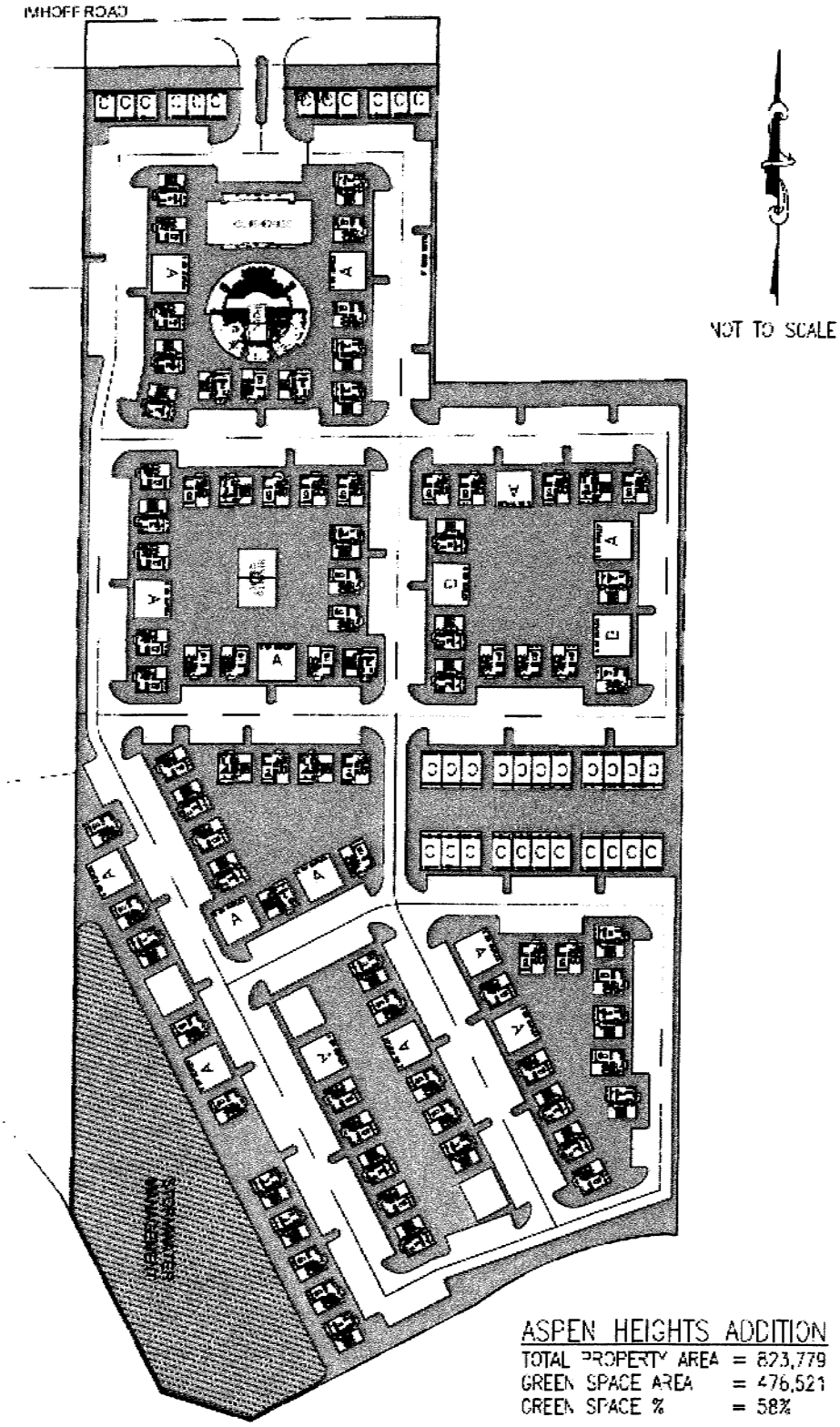
EXHIBIT C

Calculations of Intensity of Uses

TOTAL UNITS	158 UNITS
TOTAL BEDS	552 BEDS
GROSS SITE AREA	18.9 ACRES
GROSS DENSITY	8.36 DU/AC
GROSS DENSITY (BEDS)	29.2 BEDS/AC
NET SITE AREA EXCLUDES 33' ROW EASEMENT	18.6 ACRES
NET DENSITY	8.49 DU/AC
NET DENSITY (BEDS)	29.7 BEDS/AC
PARKING REQUIRED (CITY)	284 SPACES (1.80 SP/UN)
PARKING PROVIDED	700 SPACES (1.27 SP/BD)
FLOOR AREA RATIO ALLOWED	0.40
FLOOR AREA RATIO SHOWN	0.38
OPEN SPACE RATIO REQUIRED	1.80
OPEN SPACE RATIO PROVIDED	2.15
LIVABILITY SPACE RATIO REQUIRED	0.95
LIVABILITY SPACE RATIO PROVIDED	1.39
RECREATION SPACE RATIO REQUIRED	0.13
RECREATION SPACE RATIO PROVIDED	0.13
IMPERVIOUS COVER ALLOWED	12.3 ACRES (65%)
IMPERVIOUS COVER SHOWN	9.3 ACRES (49%)

EXHIBIT D

Proposed Open Space Areas



ORDINANCE NO. O-1213-41 ITEM NO. 12b

STAFF REPORT

GENERAL INFORMATION

APPLICANT	Breckenridge Land Acquisition, L.P.
REQUESTED ACTION	Rezoning to PUD, Planned Unit Development District
EXISTING ZONING	A-2, Rural Agricultural District
SURROUNDING ZONING	North: PUD, Multi-Family Planned Unit Development East: I-1, Light Industrial District South: State Hwy. 9 Right-of Way West: C-2, General Commercial District
LOCATION	South side of Imhoff Road approximately 900 feet east of Classen Boulevard
SIZE	18.52 acres
PURPOSE	Student Housing
EXISTING LAND USE	Vacant
SURROUNDING LAND USE	North: Residential East: Industrial South: Right-of-Way West: Commercial

SYNOPSIS: The applicant has submitted a request to rezone an existing property from A-2, Rural Agricultural District to PUD, Planned Unit Development for a student housing project. The tract currently has a single-family home on site but will be separated from this development as platting is completed. The land under review was set aside on the 2020 Plan and the 2025 Plan as industrial due to its close proximity and access to Highway 9, a major road, and the possibility of extending additional industrial use.

ANALYSIS: The particulars of this PUD include:

1. USE As proposed, the project will be a student housing development focusing on the University of Oklahoma students for their residents. The project will consist of 158 units and 552 beds, with associated amenities of a pool and clubhouse.

2. DESIGN: One entrance to the subdivision is proposed from Imhoff Road. There will be two and three-story buildings. These buildings are described as "American Craftsman-style" design. The landscaping shall be provided in conformity to the City of Norman Landscape Ordinance.

2. OPEN SPACE: There are open space and green space areas located throughout the development. The open space area totals over 10.94 acres or approximately 58%. A portion of the 10.94 acres is accounted for as a drainage pond.

3. PARKING: The parking is distributed throughout the development, in number of spaces that meet the city requirements.

4. LIGHTING: The lighting proposed for the site shall be installed in conformance with the City of Norman Commercial Outdoor Lighting Standards.

5. SIGNAGE: All signage shall be in conformance with the City of Norman's sign codes. The additional comment in the PUD stated "signs may be lit and landscaped with appropriate vegetation and planter boxes designed so as not to interfere with traffic sight lines."

6. FENCING: Fencing will be added to the northeast corner of the development to shield the existing residential home.

ISSUES:

- **OIL WELL** There is an existing well site located on this tract of land. The site development plan will have to be redesigned to meet the building setback requirements for that area.

OTHER AGENCY COMMENTS:

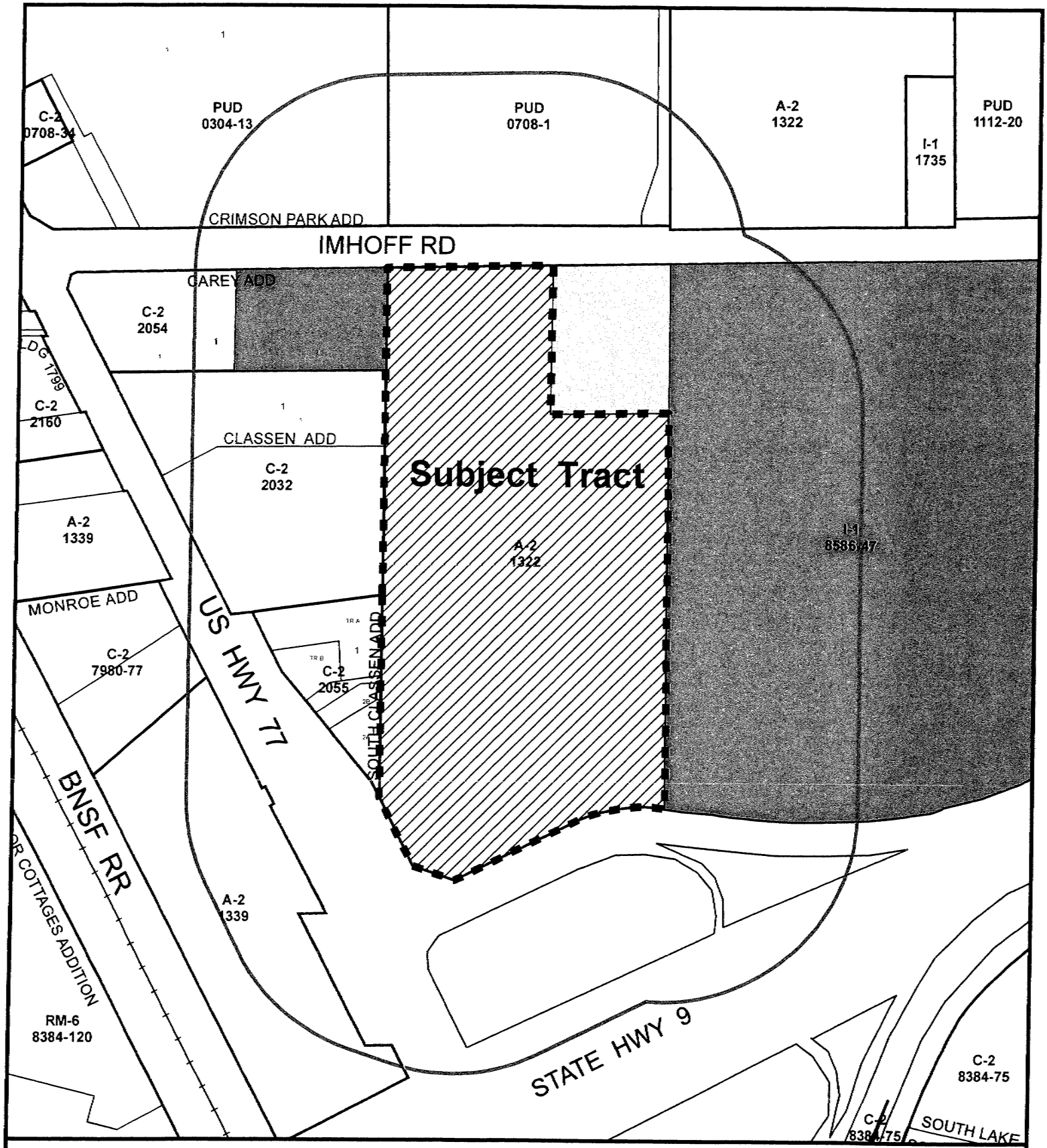
- **PARK BOARD** This application is moving forward without Parks Board decision as they meet after printing of the Planning Commission Packets.

- **PUBLIC WORKS** A Traffic Impact Study was submitted and reviewed by staff. Detention will be provided for storm water run-off. Water and sanitary sewer is available to the property. Interior sanitary sewer is private. Interior water lines will be installed per city standards to serve for fire protection.

STAFF RECOMMENDATION: The question is not whether the development itself has been correctly designed, but whether this is the appropriate location for a multi-family development. The impact a multi-family development can have on an existing industrial development and vice-versa can be problematic. The Hitachi plant is a 24-hour facility. The

noise and traffic impacts on a multi-family development can be challenging. The residential component added adjacent to an industrial use could register noise complaints causing industry to relocate to new locations due to constraints placed on them for noise violations. Typically, once a residential use is established adjacent to an industrial use noise and traffic become an issue to the adjacent residents.

In keeping with the goals of the 2025 Land Use and Transportation Plan to preserve industrially designated properties for future development, staff is does not support rezoning request ORDINANCE NO. O-1213-41.



Protest & Support Map

40.4% Protest Within Notification Area

6.0% Support Within Notification Area

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

N
W E
S

Scale: 1" = 300'

April 10, 2013

Subject Tract

Protest

Notification Area

Support

28-18

April 4, 2013

City Clerk of Norman Oklahoma
PO BOX 370
Norman, OK 73070

Re: Protest of Zoning Change by Breckenridge Land Acquisition, L.P. on Part of the West Half of the East Half of the Northwest Quarter of 9-8-2 (the "Property")

Dear Planning Commission:

As a concerned citizen, I hereby present this protest to the proposed zoning change.

The proposed change is not in accordance with the Norman 2025 Land Use and Transportation Plan (the "2025 Plan"). The 2025 Plan designates the Property for "Industrial" (I-2) zoning which is appropriate for the surrounding land use in this area. Allowing this zoning change will prevent the existing adjoining business from expanding which will be extremely detrimental to the economy of Norman.

Further, the proposed use for apartments will create an overabundance of apartment units in the area which will create vacancies. Vacant apartments will decrease surrounding residential property values. Vacant apartments also post a threat to the general welfare of the community.

The proposed zoning change will also create safety concerns due to the adverse increase in traffic which will be harmful and detrimental to the public welfare. Apartment use is not appropriate in this location.

The proposed zoning change is not within the harmony, spirit or intent of the 2025 Plan. Departing from the 2025 Plan for this Property will be detrimental to the economy, property values and safety of the citizens of Norman.

As a concerned citizen, I strongly urge the Planning Commission to deny this zoning change.

FILED IN THE OFFICE
OF THE CITY CLERK
ON 4-8-13

HITACHI
Inspire the Next

Hitachi Computer Products (America) Inc.
1800 East Imhoff Road, Norman, OK 73071-1202
Tel: 405-360-5500 Fax: 405-573-1299
www.hitachiomd.com

April 4, 2013

FILED IN THE OFFICE
OF THE CITY CLERK
ON 4-4-13

Norman Planning Commission
201-A West Gray Street
Norman, OK 73069
Attn: Secretary

Re: Application of Breckenridge Land Acquisition, L.P. to amend the Norman 2025 Plan and rezone property on south side of Imhoff Road, east of Classen Boulevard

Ladies and Gentlemen:

I am writing as President and on behalf of Hitachi Computer Products (America), Inc. with respect to the referenced application. Hitachi's property is immediately east of the referenced tract and is the location for Hitachi Computer Products (America), Inc. Manufacturing and HDS International Distribution Facility. This letter shall serve as Hitachi's formal protest of the Breckenridge application.

Hitachi located its plant in Norman in 1986. Since that time it has been a successful contributor to the Norman economy and has undertaken significant expansions of its plant in 1988, 1990 and 2010. When Hitachi located in Norman it did so in view of Norman's vision of creating a light industrial area along the Highway 9 corridor. That vision was to identify an area suitable for light industrial development where Norman could attract light industry users with similar and synergistic uses. Hitachi would have viewed its location differently had it understood that the contiguous light industrial area along Highway 9 would be divided into mixed uses.

The original vision of a light industry district has already been eroded by previous zoning changes. Hitachi is very concerned that if that vision is further eroded through the referenced application or others, Norman will suffer consequences detrimental to its citizens and to its economic growth. If, contrary to the original vision, the Highway 9 corridor is converted to a patchwork of multiple uses, light industry users interested in locating in Norman will be forced to locate elsewhere, probably close to non-industrial uses, thereby furthering the patchwork nature of Norman zoning. Just as home owners often prefer to live in neighborhoods among other home owners, industrial users prefer to be located among other industrial users. Shared expectations regarding land use enhance the attractiveness and value of a property to industrial users. The lack of large contiguous industrial spaces in Norman will make the city less attractive to Hitachi and other industrial users. The prospect of this result can be minimized by preserving the remaining undeveloped portions of the Highway 9 corridor for light industrial use.

In addition, Hitachi is concerned that the proposed development will lead to inevitable conflict with Hitachi's use of its current site. Hitachi last expanded its plant in 2010 and already is considering further expansion. One likely expansion will be expanding the current facility to Hitachi's west property line (the east property line of the proposed Breckenridge development). This development will include a building of approximately 50 feet in height, a fire lane west of the building, truck docks and a drive for employee access, all located as near as possible to the property line. Attendant to this development will be 24 hour a day truck and passenger vehicle traffic and truck dock operations. It is difficult to see how a multifamily residential development on the property to the west of this intense use could be designed to avoid conflict. That conflict is not beneficial to Hitachi, the City of Norman or residents of the proposed development.

For these reasons Hitachi strongly opposes the application and respectfully requests that the Planning Commission recommend disapproval.

Very truly yours,

George R. Wilson
President

G & G DEVELOPMENT, L.L.C.

1400 E. IMHOFF ROAD•NORMAN, OK 73071-4050•PHONE (405) 329-1460

April 8, 2013

Norman Planning Commission
201 West Gray, Bldg. A
Norman, OK 73069

RE: Zoning Request dated March 20, 2013
Breckenridge Land Acquisition, L.P.

To Whom It May Concern:

We received the legal notice that Breckenridge Land Acquisition, L.P., has submitted to the City of Norman for requested amendment of the NORMAN 2025 Land Use and Transportation Plan from Industrial Designation to Medium Density Residential Designation and rezoning from A-2, Rural Agricultural District, to PUD, Planned Unit Development District, for property generally located on the south side of Imhoff Road approximately 900 feet east of Classen Boulevard. As a property owner adjacent to the west side of the above property, we are protesting the approval of the application.

We bought and built our company businesses in what was an industrial area according to City of Norman land use plans. We feel the City of Norman continues to need industrial development in this area instead of more apartments which have already inundated this area to the north. If this application is approved, we would be almost totally surrounded by apartments which would bring more traffic issues along with people to what was to be an industrial area originally.

We have various plots of developed and undeveloped land in the area and are very interested in our community's growth and development pattern. Therefore, we strongly urge you to reject this application.

Sincerely,

Gail Armstrong
Property Owner

Gary Armstrong
Property Owner

Encl.

FILED IN THE OFFICE
OF THE CITY CLERK
ON 4/8/13

Helen Todd
1600 Imhoff Road
Norman, Oklahoma 73069

FILED IN THE OFFICE
OF THE CITY CLERK
ON 4-8-13 JMC

City of Norman
City of Norman City Council
City of Norman Planning Commission
City of Norman Planning & Community Development Department
Other Interested Parties
201 W Gray St, Bldg. A
PO Box 370
Norman, OK 73070

Re: Letter of March 20, 2013 concerning the Breckenridge Land Acquisition, LP and 18.5 acres in the West Half of the East Half of the Northwest Quarter of Section 9, Township 8 North, Range 2 West of the Indian Meridian.

Ladies and Gentlemen:

I am Helen Todd. My husband and I live at 1600 East Imhoff Road in Norman. This land mentioned in your March 20, 2013 letter has been a part our family's homestead going back to the 1920s. In fact, I was born on our family's homestead in December, 1930 and except for ten years after I got married, when I lived in Norman proper, I have always lived on this property. The house my husband and I live in today is located on roughly two and one-half acres in the northeast corner of the family land. The remaining balance of the family's land, having about eighteen and one-half acres, is a part of my mother's probate estate and I am the Personal Representative of her estate. My husband and I really want to live out our lives in our home. At the same time, I also have a responsibility to the devisees of my mother's estate and they would prefer to see the estate's part of the family land sold.

As the personal representative of my mother's estate, I offered the estate's part of the family land for sale. I negotiated with both Hitachi and then Breckenridge Land Acquisition LP. For the reasons set out below, I was unable to reach an agreement with Hitachi. I was able to reach an agreement with Breckenridge and Breckenridge will buy it from us if they can develop it as a cottage-style student housing project. I am writing this letter to urge the City of Norman to support and approve Breckenridge's requests to develop the eighteen and one-half acre part of the family's land as a cottage-style student housing project The following outlines my reasons and rationale for this support.

The land which is currently in question was owned by my parents since before 1930. This piece of property used to be much bigger. After Japan attacked Pearl Harbor in December 1941 and the USA went to war with Japan and Europe in World War 2, the Federal Government condemned over 20 acres of land from my parents. On this property, along with land which they condemned from others, they installed an auxiliary air base on which the pilots who were being trained on the North Base could practice landings as well as use for emergency purposes. After the War was over my parents were not allowed to buy the property back and it was later given to the University of Oklahoma to be used for landing field purposes only. The University later bought a

smaller piece of property Northeast of SE 24th and Imhoff and fixed up a dirt landing strip for emergency purposes, and then sold the Navy property to Hitachi. The home I was born in was actually on the property that is now owned by Hitachi.

During the years since my Mother's death I have been attempting to sell the remaining 18.5 acres of the family legacy. I have also watched how businesses and apartments have been built all around this area and the value of land has increased. Currently there are two sets of apartments located to the North of this property. That land was not zoned for that use, but the City of Norman land use plan was changed and it is now being used for that purpose. I feel like if other property in the same vicinity was treated this way then there should be equity and no reason why this property couldn't be zoned for similar non-industrial uses. Proceeds from the sale of the 18.5 acres homestead are to be divided between six heirs.

For over a year I worked with CBRE in Oklahoma City and Jemsite Development, LLC in North Carolina who were buying the property for Lowes to put in a store on the East side of Norman. Then due to the bad downturn in 2009 that did not come to fruition. They were going to ask that the property be zoned Commercial.

Then, I was contacted by NAI Sullivan Group and Hitachi Computer Products (America), Inc. about wanting the property. As it turned out, Hitachi would not buy the 18.5 acres unless my husband and I also sold them our home and 2.5 acres and moved out. Hitachi offered an acceptable price per acre for the 18.5 acres but wouldn't agree to pay us enough for our home to allow us to relocate to another comparable residence. Our house has a little over 1850 sq. feet of livable space, plus a storm cellar, water well, septic tank and laterals, and a large storage building that holds a motor home and pickup or tractor. The home also has all ash wood throughout, many built in cabinets, etc. It's not new but it our home and, if we had to move, we wanted to be able to buy something comparable. Hitachi refused to pay us for our buildings and improvements on the property. They would only pay us for the land. Hitachi also insisted on including in their agreement that they could take up to 18 months after the agreement to purchase was signed before they had to exercise the option to buy. Then within ninety days after they exercised the option the closure was to take place and we were to move. This meant that we were to give up our house, cellar, etc. without getting paid any more than the land price; but we were to, in ninety days after they decided to exercise the option, go and find and pay for another house of similar size and type to move into, that was still in a close proximity to central Norman, with a storm cellar or something similar, and have a new water well drilled, if permitted, and pay from our own pocket to have all of our 51 years of accumulation in this house moved by a moving van and then have all of the work of packing as well as unpacking. This is not personally feasible for us without getting paid for our improvements. Their comment, according to the real estate agent, was that they felt they had already paid enough for the house and buildings, etc. by just buying the land. He also advised us that the reason they wanted the 18 months to exercise the option to buy was so that they would have time to rezone from industrial to commercial and sell part of their existing property for commercial and to use the proceeds from that to pay for the 18.5 and 2.5 acres rather than use new investment money and save on taxes. There was an indication by the real estate agent that they would probably give us some time over the ninety days before we had to move out. We have no children, we are in our eighties, and we are not able to do some of the hard/heavy things we used to do. In order to deal with Hitachi we would have had to change our way of living personally and not be compensated for this change.

About the same time I was contacted by Breckenridge Land Acquisition, LP. Breckenridge also made a satisfactory offer for the 18.5 acre tract and Breckenridge has made a contract to buy it from us if they can develop it as a cottage-style student housing project. Breckenridge has also advised me that they would also like our home and 2.5 acres, but they have agreed to buy the land from the estate by itself without making me sell our house and move. They have advised me through their real estate agent that if and when we were ready to sell our house and land to let them know. So when we're ready, there might be a bid for our 2.5 acres from Breckenridge and there might not.

Hitachi is a huge international corporation which, according to its 2011 financial report, had total assets of over $110 BILLION, equity of more than $29 BILLION, and cash of more than $6 BILLION (copy attached). Had Hitachi been willing to either buy only the 18.5 acres or to compensate us for our home so that we could replace what we were losing and pay moving costs, etc., the story might be different—but they wouldn't. Instead they have chosen to fight the rezoning and our ability to sell to anyone else so that Hitachi will be positioned to be the only buyer.

We want to sell this land to Breckenridge and keep our home. Please approve the Breckenridge requests.

Respectfully,

Helen Todd

HELEN TODD

Helen Todd

HELEN TODD
For Georgie Tullius Estate

Olan Todd

OLAN TODD
For Olan Todd Rev Trust

SEAN PAUL RIEGER
ATTORNEY AT LAW • ARCHITECT
S.P. RIEGER PLLC
136 THOMPSON DRIVE
NORMAN, OKLAHOMA 73069-5245
E-MAIL: SP@RIEGERLLC.COM

TELEPHONE: 405.329.6070 FACSIMILE: 405.329.7103

28 May 2013

City of Norman
City Council
201 West Gray
Norman, OK 73069

RE: Aspen Heights; CC Agenda Items 51, 52, and 53

Dear Norman City Council,

I represent the Applicant in the above referenced project. This project is scheduled to be on final reading at the May 28, 2013 City Council meeting. Please accept this letter as our request to postpone the second reading hearing on these items. We request that the items be postponed and placed for second reading, final hearing, at the City Council meeting on June 11, 2013. We thank you for your assistance and consideration.

Very Truly Yours,
S. P. RIEGER PLLC

Sean Paul Rieger
Attorney at Law • Architect • Broker

Donna Randall (daughter of Imogene (Tullius) Randall)
2424 Oxford Street
Arlington, VA 22206
May 28, 203

City of Norman
City of Norman City Council
City of Norman Planning Commission
201 W. Gray St. Bldg. A
PO Box 370
Norman, OK 73070

FILED IN THE OFFICE
OF THE CITY CLERK
ON 5/28/13

Re: Breckenridge Land Acquisition, LP and 18.5 acres in the West Half of the East Half of the Northwest Quarter of Section 9, Township 8 North, Range 2 West of the Indian Meridian

Ladies and Gentlemen:

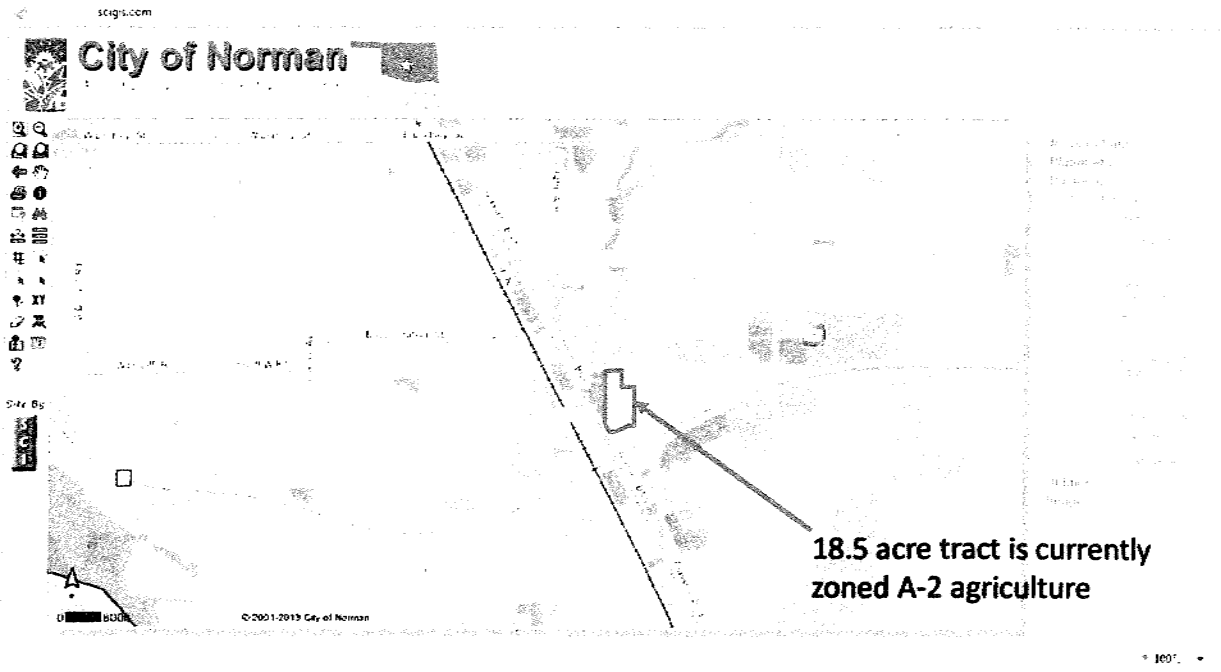
I am Donna Randall, daughter of Imogene (Tullius) Randall one of Georgie Tullius' heirs, and niece of Helen and Olan Todd of 1600 Imhoff Road, Norman, OK. I am writing this letter in support of my Aunt's position as executor of Georgie Tullius' estate to have the 18.5 acres in the West Half of the East Half of the Northwest Quarter of Section 9, Township 8 North, Range 2 West of the Indian Meridian rezoned to allow the family's land to be developed as a cottage-style student housing project. My Aunt and Uncle's property, which is adjacent to this land tract, is not part of said estate.

The sale and development of the 18.5 acres owned by the family must not be held hostage to Hitachi or other developers saying that my Aunt and Uncle are required to sell their own property as part of any deal or development. As indicated in my Aunt's letter filed in the office of city clerk on 4-18-13, they have lived in their home for more than fifty years. I have lived and visited with them in their home over those fifty years and have no plan to influence them to sell their property just so the adjacent family land can be sold. The position of my mom (Helen Todd's sister) and my siblings is also quite the reverse of Hitatchi's, we want my Aunt and Uncle to be able to live in their beloved home as long as they are able. Their home contains over 50 years of loving care and memories, and includes a backyard and garden on land not only my Aunt has cared for all her life but on land that was once also cared for by my grandparents. As stated in the 4-18-13 letter filed by my Aunt she was born in a house that used to exist where the Hitachi plant now resides, like my mother. I have pictures of my mom beside that house picking cotton and my Aunt Helen being held by my grandmother by the house. My Aunt and mom helped to farm the land there until WWII. My Aunt and Uncle designed and built their current house to enable them to live out their life there, including in-home care when the time comes. Our family wants them to continue to be able to go to bed in their bedroom, get up and go to their kitchen for their morning coffee, go and sit on the chairs in the backyard and sip a glass of wine like they have for over 50 years surrounded by the comforts called home. It was generous in the extreme that my Aunt and Uncle were willing to consider including their property to aid the family in selling the 18.5 acres, but this would have egregiously hurt the family ties and spirit that such an act of sacrifice was required on their part. The land my Aunt and Uncle own is not part of the family estate.

My Aunt and Uncle should not be penalized for my Aunt being executor of my grandmother Georgie Tullius' estate. If my mom or I were executors of the property such a request to include my Aunt and Uncle's property in any sale agreement of the 18.5 acre tract would have been an ardent and

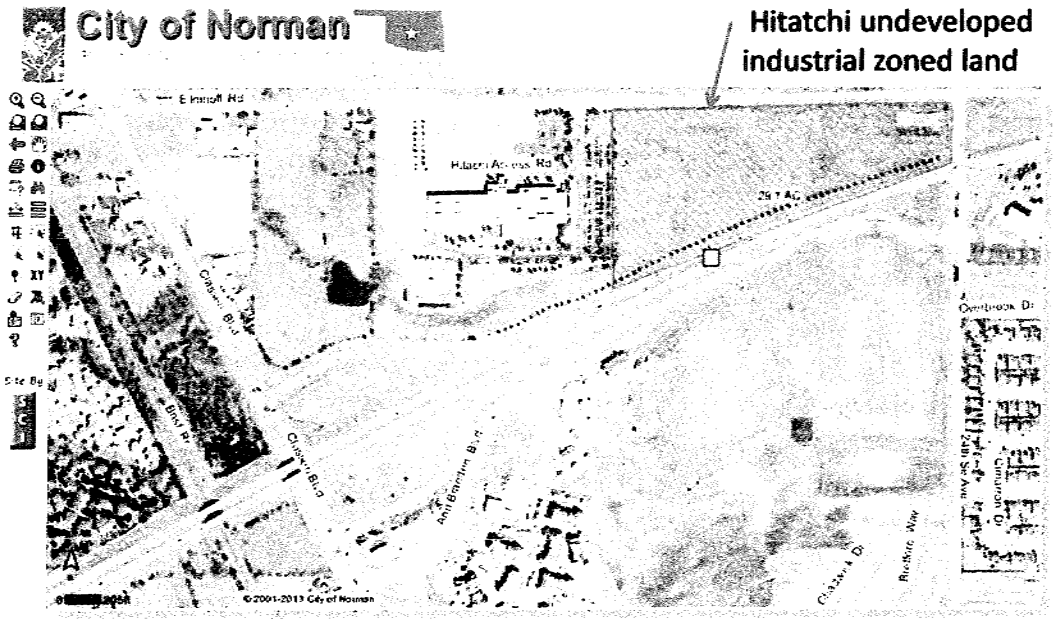
unequivocal NO. It is neither equitable nor appropriate that the family is being asked to try and force or persuade any adjacent property owner(s) to include their property along with the 18.5 acre tract before the18.5 acre tract can be sold and developed. Is the family going to be required by the city to get the adjacent commercial properties to also include their properties in any sale along with this 18.5 acre tract before the 18.5 acre tract can be sold, or to include Hitachi's property? How is such a financial burden or requirement reasonable or just?

My Aunt as executor has found a buyer for the 18.5 acre tract in the West Half of the East Half of the Northwest Quarter of Section 9, Township 8 North, Range 2 West of the Indian Meridian, who will develop the land in way that provides continuity with similar land development in the area and adjacent land use as summarized in the Aspen Heights project overview (see slide 16 of the overview)—my Aunt and Uncles residence, a multifamily residential PUD (Crimson Cottages), and multifamily residential apartment complex (Crimson Park Apartments) to the north and northwest, Oakhurst to the northeast, commercial property to the west surrounding highway 77 on both sides and the residential areas of the Commons, Hampton Woods, and Forest Pointe to the west of this. While the 2025 plan identifies this tract of land as future industrial, currently it is zoned agriculture (see Figure 2001-2013 current City of Norman zoning map below), the recent changes in economics of the area, and growth in the need and expansion of university housing, and development of adjacent land merit the land being rezoned to allow the cottage style student housing rather than industrial zoning.



As pointed out in the Aspen Heights project overview, the acreage identified in the 2025 plan for industrial use in the City of Norman is 5.56 times over the absorption rate (slide 23 "...,2025 planned 110 years quantity of industrial land"). Additionally, as pointed out the focus of industrial development for the city has shifted to the north (see slide 27) for various commuting and economic development reasons. Hitachi which moved to the adjacent property in 1986 only developed a small portion of their property and it was not until about 24 years after their initial build, in 2010 that they added on 200,000 square feet (4.6 acres) of warehouse and office space, which more than doubled their use of their

property[1]. This is on average a need of 0.19 acres of expansion per year for Hitatchi. They already own over 30 acres of undeveloped industrially zoned land that contains no development (see slide 30 of the Aspen Heights project overview and the City of Norman Figure below outlining about 30 acres to the east of existing buildings and parking), which means they have around 150 years worth of expansion space at their current build/expansion rate. Hitatchi will only buy the 18.5 acre tract if my Aunt and Uncle will include their property at lower than fair market value for a similar residential property with improvements, however, as indicated earlier the family in no way, shape or form is going to make the sale of my Aunt and Uncle's property a part of any land deal for the 18.5 acre tract. My Aunt as executor has been diligent at trying to find offers for the 18.5 acre tract that provides fair market value since my Grandmother passed away in 2002, which is over 12 years, but these have been few and far between and those viable offers which have gone forward have fallen through for economic reasons as indicated in her 4-18-13 letter.



From the discussions Hitatchi has had with my Aunt while they have said that the tract of land the family is trying to sale cannot be zoned other than for industrial for which it is down in the 2025 plan, Hitatchi does not believe they should be held to the same standard for their property. Hitatchi would plan on rezoning some of their currently zoned industrial property adjacent to their plant and warehouse to commercial to finance a build on our family's tract of land (see my Aunt's 4-18-13 letter). They too obviously believe that there is merit in not needing all the industrial area in the 2025 plan, but desire that they benefit from that fact rather than our family, especially my Aunt and Uncle. Commercial land value in this area is obviously at a premium. From advertisements the asking price for the undeveloped commercial zoned land at the corner of Classen Blvd and Imhoff Rd is 1.03 million dollars for 1.75 acres (equivalent to about $13.51 per square foot)[2]. I can see why Hitatchi would like to keep the family from rezoning our currently zoned agriculture land to industrial rather than residential so that they can try to force us to sale to them. If the family is denied rezoning to residential and Hitatchi later on changes part of their currently zoned industrial property to commercial, such an act would be arbitrary and capricious

[1] www.korteco.com/construction-projects/hitatchi-international-distribution-center
[2] http://www.loopnet.com/Listing/16665834/2721-Classen-Blvd-Norman-OK/

on the part of the city. Unlike Hitatchi, the family has no access to state employee taxes to use to develop this 18.5 acre tract, as Hitatchi had when they financed their 200,000 square foot expansion by the use of employees' state taxes[1], or access to state incentives like Hitatchi to make up for a difference in development of the family's 18.5 acre tract.

I believe the Aspen Heights Project Overview provides an in-depth account of the merits for rezoning the 18.5 acre tract to residential. In addition to the merits that are provided in that overview I believe there are some additional merits as discussed below.

I believe the Aspen Heights build of student housing provides an environmentally greener solution than similar builds that would have to occur further away from campus. First the build as proposed contains 58% green space, a higher than required city ordinance amount for multifamily housing. Second the University of Oklahoma South Campus is under 1 mile away (see Figure below), the intramural fields are a little over 1.25 miles. The closeness to campus means residents of the proposed Aspen Heights build can take advantage of being able to commute by bike to the University and to commercial properties along Classen Blvd. For example, the ENCOMPASS 2035 plan[3] calls for on-street bike routes for Imhoff Rd. from Classen Blvd. to 24th Ave. E and from Lindsey St., from 24th Ave. E to 36th Ave. E which links to other bike routes in- and on-route to campus. These are amenities that have or are being built to allow residents in the adjacent Crimson Cottage PUD and Crimson Park Apartment complex to commute to campus and the City of Norman. This is also another way that the proposed rezoning to allow student housing on this 18.5 acre tract is in-line with surrounding land uses and goals of the city transportation plan to improve the way people move around the city. But additionally this closeness to campus means that the commute to and from campus is reduced from similar builds that would have to occur further away. At 528 planned residents, this means a substantial reduction in commute time—and therefore less impact to city air quality and traffic congestion. For example, for every one mile taken off the road there is about a 1 pound decrease of air pollution[4,5]. If all the residents drove daily, just a 1 mile increase in distance of a similar build can mean an increase of around 385,440 pounds of air pollutants added annually to the city air.

I also believe this build would provide substantial revenue to the ward and city from sales taxes that would be collected from residents and/or their visiting relations using the adjacent commercial enterprises and hotel services. This build would aid in ensuring that the commercial corridor along Classen Blvd would have an additional sustaining use base, sustaining maintenance of commercial property values and the aesthetics of this corridor.

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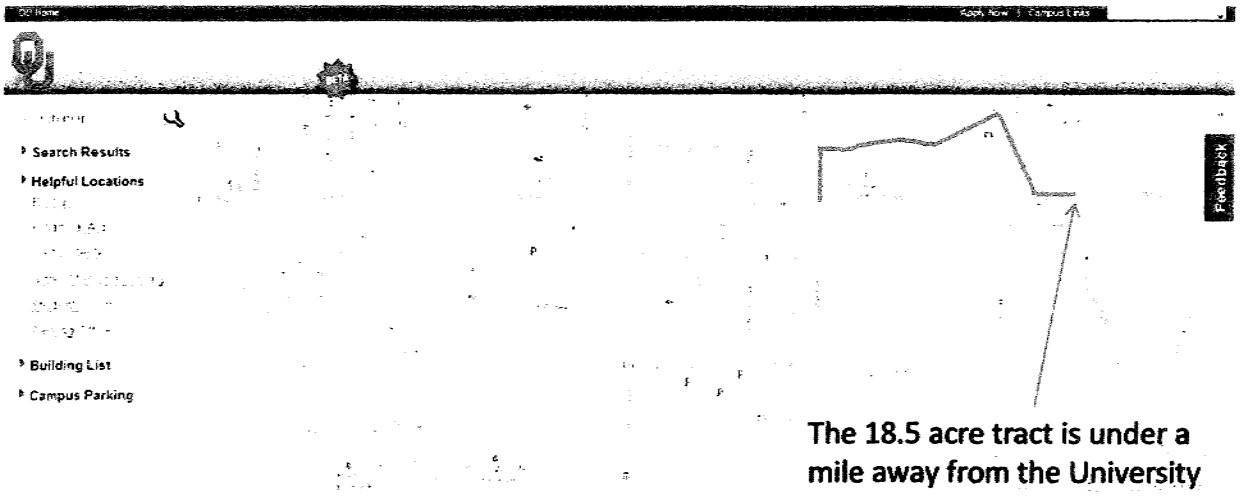
[3] http://www.acogok.org/Newsroom/Downloads11/Encompass2035DraftPlanSummary.pdf

[4] U.S. Department of Energy: Technical Guidelines Voluntary Reporting of Greenhouse Gases (1605(b)) Program. (March 2006).

[5] U.S. Environmental Protection Agency: Light-Duty Automotive Technology and Fuel Economy Trends: 1975 through 2007. (September 2007).



The 18.5 acre tract is under a mile away from the University of Oklahoma South Campus

Please approve the request to rezone the 18.5 acre tract from agriculture to multifamily residential. As presented above and in the Aspen Heights overview, rezoning to multifamily rather than industrial is merited.

Respectively,

Donna Randall

Donna Randall

City of Norman, OK

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

Master

File Number: PP-1213-16

File ID:	PP-1213-16	**Type:**	Preliminary Plat	**Status:**	Non-Consent Items
Version:	1	**Reference:**	Item No. 29	**In Control:**	City Council
Department:	Public Works Department	**Cost:**		**File Created:**	03/14/2013
File Name:	Aspen Heights Preliminary Plat			**Final Action:**	

Title: CONSIDERATION OF A PRELIMINARY PLAT FOR ASPEN HEIGHTS ADDITION, A PLANNED UNIT DEVELOPMENT. (GENERALLY LOCATED ON THE SOUTH SIDE OF IMHOFF ROAD APPROXIMATELY ONE-FOURTH MILE EAST OF CLASSEN BOULEVARD/HIGHWAY 77.

Notes: ACTION NEEDED: Motion to approve or reject the preliminary plat for Aspen Heights Addition, a Planned Unit Development.

ACTION TAKEN: _____

Agenda Date: 06/11/2013

Agenda Number: 29

Attachments: Text File Prelim Aspen, Attachment A.pdf, AspenHeights Location Map, Aspen Heights Preliminary Plat, Aspen Heights Prelim Plat Staff Report, Aspen Heights Trans Impacts (03-14-13), Aspen Heights Preliminary Site Plan, Greenbelt Comments Aspen Heights, Item 12c - Park Board Decision, 4-11-13 PC Minutes - Breckenridge, Request to Postpone Aspen, Support Letter from Imogene Tullius Randall

Project Manager: Ken Danner, Subdivision Manager

Entered by: rone.tromble@normanok.gov

Effective Date:

History of Legislative File

Ver-sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Planning Commission	04/11/2013	Recommended for Adoption at a subsequent City Council Meeting	City Council	05/28/2013		Fail
	Action Text:	Recommend adoption or Resolution No. R-1213-113, Ordinance No. O-1213-41, and approval of PP-1213-16, the Preliminary Plat for ASPEN HEIGHTS ADDITION, A Planned Unit Deveopment to the City Council.					
1	City Council	05/28/2013	Postponed				Pass
	Action Text:	A motion was made by Council Member Kovach, seconded by Council Member Spaulding, that this Preliminary Plat be Postponed . The motion carried by the following vote:					

Text of Legislative File PP-1213-16

body

BACKGROUND: This item is a preliminary plat for Aspen Heights Addition, a Planned Unit Development and is generally located on the south side of Imhoff Road and one-quarter mile east of Classen Boulevard. This property consists of approximately 18.9 acres on one (1) developable lot. The proposal includes multi-family apartments with approximately 150 units.

Planning Commission, at its meeting of April 11, 2013, on a vote of 4-4 made no recommendation to City Council amending the NORMAN 2025 Land Use and Transportation Plan from Industrial Designation to Medium Density Residential Designation and that this property be placed in the Planned Unit Development (PUD) and removed from A-2, Rural Agricultural Designation. Also, Planning Commission, at its meeting of April 11, 2013, on a vote of 4-4 made no recommendation to City Council regarding the preliminary plat for Aspen Heights Addition, a Planned Unit Development.

DISCUSSION: The site plan for the proposed Aspen Heights Addition involves the development of apartment units. The location of this project is proposed for the southeast corner of the intersection of Classen Boulevard and Imhoff Road. Primary access to the development will be from a single driveway along Imhoff Road. Based on analysis provided, 158 apartment units with 552 beds will generate approximately 1,851 trips per day or 217 PM peak hour trips. As such, the trip generation potential for this development is above the threshold for when a traffic impact study is required. The traffic capacity on the affected roadways exceeds the demand for existing and proposed trips as a result of this development. No negative traffic impacts are anticipated on these facilities. See Attachment A.

A traffic impact study was completed by Traffic Engineering Consultants and submitted for the subject development in March, 2013. The traffic study concluded that no off-site improvements are necessary in order to support the traffic that will be generated by the development as proposed. This development will add traffic to the improvements recently constructed by ODOT and the City at the Classen Boulevard intersection with Imhoff Road. A traffic impact fee on a per trip basis was previously calculated for improvements to the Classen Boulevard and Imhoff Road intersection with the Crimson Park Apartments TIA. These fees of $146.52 per PM peak hour trip are applicable to this development as well. From the traffic study, it is expected that 163 PM peak hour trips will utilize the Classen Boulevard intersection with Imhoff Road. This equates to $23,882.76 in traffic impact fees to be collected with the final plat for this development. Finally, the traffic impact study submitted for this development recommends that the proposed access to Imhoff Road align with the existing access to the Cottages of Norman driveway located on the north side of Imhoff Road across from this development.

Public improvements for this property consist of the following:

Fire Hydrants. Fire hydrants will be installed in accordance with approved plans. Their locations have been approved by the Fire Department.

Sanitary Sewers. Sanitary sewer mains will be installed in accordance with accepted plans and City and Oklahoma Department of Environmental Quality standards. The interior service lines will be privately maintained.

Sidewalks. Sidewalks will be constructed adjacent to Imhoff Road.

Storm Sewers. Storm sewers and appurtenant drainage structures will be installed in accordance with accepted plans and City drainage standards. Privately-maintained detention facility will be utilized.

Streets. Imhoff Road is existing.

Traffic Signal. Traffic impact fees were previously calculated for improvements to the Classen Boulevard intersection with Imhoff Road. These fees of $146.52 per PM peak hour trip are applicable to this development as well. From the traffic study, it is expected that 163 PM peak hour trips will utilize the Classen Boulevard intersection with Imhoff Road. This corresponds to $23,882.76 in traffic impact fees that should be collected

O-1213-41

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 PART OF THE WEST HALF OF THE EAST HALF OF THE NORTHWEST QUARTER OF SECTION 9, TOWNSHIP 8 NORTH, RANGE 2 WEST OF THE INDIAN MERIDIAN, NORMAN, CLEVELAND COUNTY, OKLAHOMA, IN THE PUD, PLANNED UNIT DEVELOPMENT DISTRICT, AND REMOVE SAME FROM THE A-2, RURAL AGRICULTURAL DISTRICT, OF SAID CITY; AND PROVIDING FOR THE SEVERABILITY THEREOF.
(South side of Imhoff Road approximately 900 feet east of Classen Boulevard)

§ 1. WHEREAS, Breckenridge Land Acquisition, L.P., 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, on a vote of 4-4, made no recommendation whether 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 remove the same from the A-2, Rural Agricultural District, to wit:

A part of the West Half (W1/2) of the East Half (E1/2) of the Northwest Quarter (NW1/4) of Section 9, Township 8 North, Range 2 West of the Indian Meridian, more particularly described as follows:
Beginning at the Northwest Corner of the said W1/2 E1/2 NW1/4, said point being 1319.11 feet N89°14'31"E of the Northeast corner of said NW1/4;
Thence S00°07'41"E on the West line of said W1/2 E1/2 NW1/4 for a distance of 1290.48 feet to a point on the North Right-of-Way line of State Highway No. 9;
Thence S27°35'00"E on said North Right-of-Way line for a distance of 218.30 feet;
Thence S72°35'00"E on said North Right-of-Way line for a distance of 101.80 feet;
Thence N62°25'00"E on said North Right-of-Way line for a distance of 274.00 feet;
Thence Northeasterly on said North Right-of-Way line, being a curve to the Right, having a radius of 403.00 feet, a chord bearing of N78°49'20"E for a curve distance of 235.50 feet;
Thence S84°07'00"E on said North Right-of-Way line for a distance of 12.30 feet;
Thence N00°06'41"W on the East line of the said W1/2 E1/2 NW1/4 for a distance of 925.05 feet;
Thence S89°14'31"W and parallel to the North line of said W1/2 E1/2 NW1/4 for a distance of 275.00 feet;
Thence N00°06'41"W and parallel to the said East line of the W1/2 E1/2 NW1/4 for a distance of 396.00 feet;
Thence S89°14'31"W on the North line of the said W1/2 E1/2 NW1/4 for a distance of 384.04 feet to the point of beginning, containing 18.52 acres, more or less.

§ 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

_____, 2013.

_____
(Mayor)

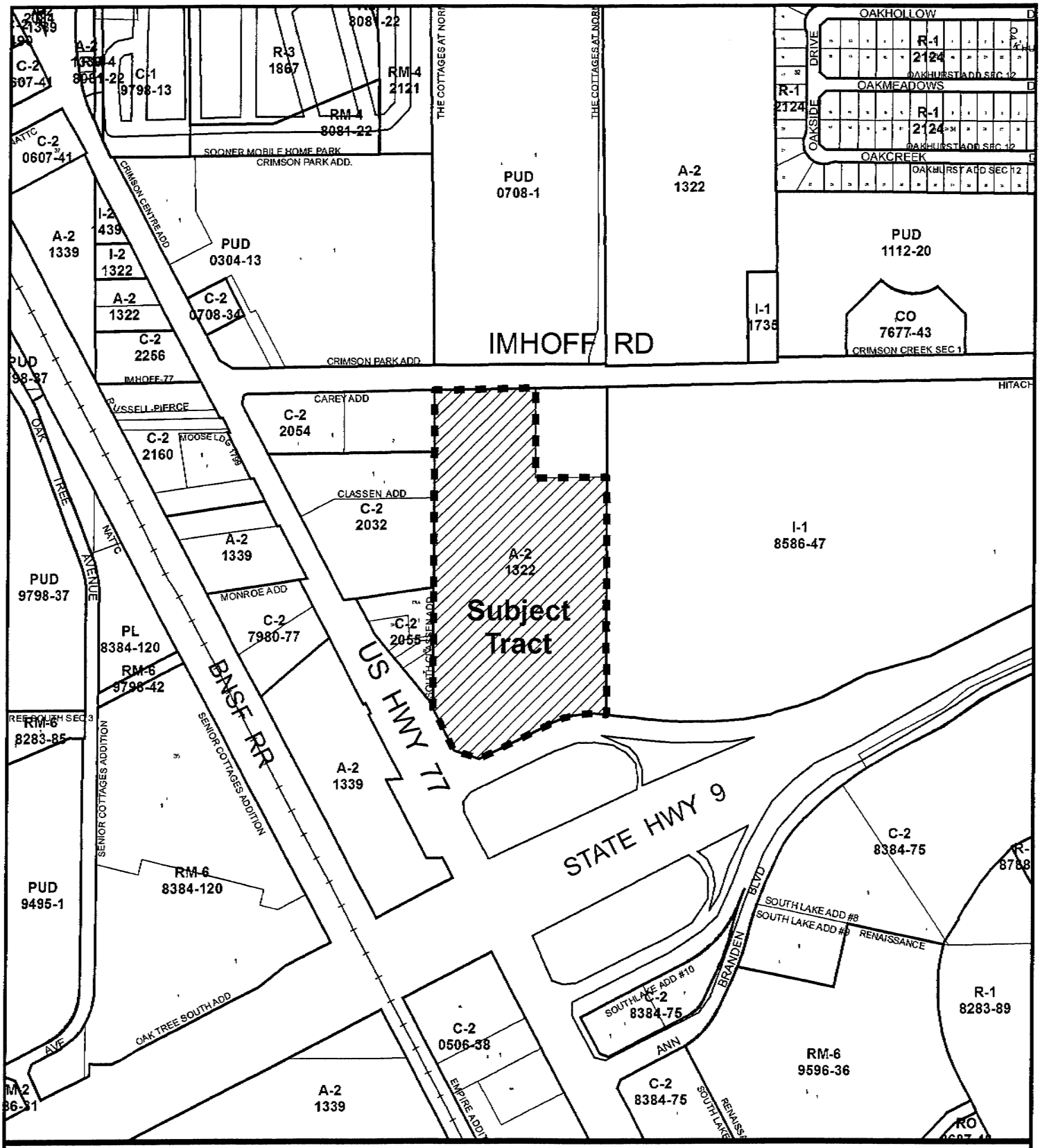
ATTEST:

_____
(City Clerk)

NOT ADOPTED this _____day of

_____, 2013.

_____
(Mayor)



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

February 12, 2013

0 250 500 Ft.

Subject Tract

Zoning

ASPEN HEIGHTS ADDITION

NORMAN, OKLAHOMA

OWNER: BRECKENRIDGE LAND ACQUISITION, LP

APPLICATION FOR 2025 PLAN CHANGE
PLANNED UNIT DEVELOPMENT
PRELIMINARY PLAT

Originally submitted on 11 March 2013

PREPARED BY:

THE RIEGER LAW GROUP
Attn: Sean Paul Rieger
S.P. Rieger, PLLC
136 Thompson Drive
Norman, Oklahoma 73069-5245

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I. INTRODUCTION

This ASPEN HEIGHTS ADDITION project (the "**Addition**") is proposed as a Planned Unit Development and Preliminary Plat of roughly 18.52 acres, in Ward 1 of the City of Norman (see attached **EXHIBIT A**). The Addition lies on the south side of Imhoff Road, between Classen Boulevard and 24th Ave. SE, in Norman, Oklahoma. The Addition will provide the development of multifamily, medium density residential units. The project is focused upon campus student housing, catering to students at the University of Oklahoma.

The Developer, Aspen Heights, is a national student housing developer and manager headquartered in Austin, Texas. Aspen Heights has reinvented the concept of student housing by building neighborhoods of American Craftsman-style homes with all of the amenities of a luxury apartment complex.

Aspen Heights' unique product includes residential buildings built in the American Craftsman style characterized by clean lines and quality materials. Aspen Heights' residences far exceed the prevailing standard in the student housing industry in their attention to detail, luxury finishes, amenities and size. Homes feature an open kitchen-den concept, large individual bedrooms with attached bathrooms and walk-in closets. Aspen Heights' neighborhoods typically feature resort-style pools, 24-hour fitness rooms, movie theaters, beach volleyball courts, running trails and more.

II. PROPERTY DESCRIPTON/GENERAL SITE CONDITIONS

A. Location

The Addition lies on the south side of Imhoff Road, between Classen Boulevard and 24th Ave. SE, in Norman, Oklahoma.

B. Existing Land Use and Zoning

The Subject Property is currently 2025 Planned for Industrial and is currently zoned A-2, Rural Agricultural District. The Property is currently undeveloped land, with Imhoff Road abutting the Property to the north and very similar student housing projects across Imhoff to the immediate north. To the west is C-2 General Commercial zoning, with occupied uses of a general contractor's office, a hotel, and auto repair businesses. To the east is the Hitachi manufacturing facility. To the south is the Highway 9 on and off ramps. No buildings or habitable structures exist within the Property being proposed under this PUD.

C. Elevation and Topography

The site is generally flat with very low slope topography. No portion of the site is in the FEMA 100-year flood plain.

D. Drainage

A Drainage Impact Analysis has been prepared to illustrate the detention requirements that are required and the solutions planned.

E. Utility Services

Many of the required utility systems for the project (including water, sewer, gas, telephone and electric) are currently located adjacent to, or in very near proximity to, the boundaries of the Property. Many of the services exist along the Imhoff Road arterial.

F. Fire Protection Services

Fire Protection services will be provided by the City of Norman Fire Department and by Owner provided building sprinkler systems if required by building codes in individual structures.

G. Traffic Circulation and Access

Primary vehicular access to the site will be provided by way of the Imhoff Road arterial, which borders the Property. The drives and access corridors within the Property will be private.

III. DEVELOPMENT PLAN AND DESIGN CONCEPT

The Addition is planned to accommodate medium density residential uses. The Exhibits attached hereto, and as submitted by the project Engineer, SMC Consulting Engineers, are incorporated herein by reference and further depict the development criteria.

A. Medium Density Residential District

The proposed improvements in the PUD are as planned on the attached Preliminary Site Development Plan, **EXHIBIT B** hereto.

1. Uses; Design

The purpose for the PUD is to extend the RM-6, Medium Density Apartment District, zoning provision and apply its provisions from the City of Norman zoning code, unless as amended herein (to the extent of any contradiction between the provisions of this PUD and the proposed designs and exhibits submitted with this PUD and the City Zoning

Ordinance, this PUD and its proposed designs and exhibits as submitted shall control):

a. The proposed intensity of uses shall be approved as put forth on attached **EXHIBIT C**.
b. Height: Structures may not exceed three stories, or forty five (45) feet, whichever is greater.
c. Density: The Addition may be developed to a density of up to a maximum of 9.2 units per acre. That figure is based on the preliminary plans, which include approximately 158 residential units over 18.9 acres, which is a planned density of 8.36 units per acre (9.2 being submitted to allow for up to a 10% overage as needed).
d. Impervious Area: the total amount of impervious area, including all building footprints and paved areas shall not cover more than sixty five (65) percent of lot area, or as necessary to accommodate the proposed Preliminary Site Development Plan as submitted herewith, whichever is greater.
e. Accessory Buildings: Accessory buildings such as, but not limited to, a common area clubhouse and related uses are allowed and may contain uses consistent with, but not limited to, office, fitness, residents' movie theater, game room, library, lounge, meeting room, swimming pool and accessory buildings, model unit, maintenance and equipment rooms, etc. Accessory buildings not exceed the height of the principal residential buildings and shall be in harmony with the adjacent buildings.
f. Athletic and recreational courts and facilities are allowed as support uses within the residential district.
g. All other minimum building setbacks shall be maintained as per the City Council approved Preliminary Site Development Plan, which is attached herewith and as shown on **EXHIBIT B.**

2. Parking

Parking may be accommodated by way of common area parking lots within the district, and/or by way of parallel parking along the private streets within this residential area. The areas allowing parallel parking will provide a 20' (twenty-foot) clear aisle for emergency vehicles. ~~Parking may be accommodated by way of common area parking lots within the district, and/or by way of parallel parking along the private streets within this residential area.~~

3. Dumpster and Trash Enclosures

A trash compactor and its enclosure may be located on site to facilitate resident trash removal. Any dumpster enclosure will be built of materials to be compatible with the building exteriors in the Addition. Location of

dumpsters and compacters will be as approved by the City of Norman Sanitation department. Dumpsters will be built to city standards.

B. Miscellaneous Development Criteria

1. Site Plan and Final Plat

The preliminary site development plan for the medium density residential areas currently submitted with this PUD shall be incorporated herein as an integral part of the PUD and the development of the property shall be substantially constructed as presented thereon, although the PUD may be further refined once final site development plans are submitted with final plat, subject to City Staff approval.

2. Amenities

Open space and green space areas are located throughout the Addition. Within the area of the Addition, open green space totals over approximately 10.94 acres, or over approximately 58% of the total site area. See **EXHIBIT D**.

3. Signage

All signage shall be in conformance with the City of Norman's sign codes, as amended from time to time, and comply with applicable district regulations.

Signs may be lit and landscaped with appropriate vegetation and planter boxes designed so as not to interfere with traffic sight lines.

4. Fencing; buffering

Fencing may be constructed at all perimeter areas of the Addition, and within the Addition, per the Developer's discretion. Construction material may be of masonry, pre-cast concrete, metal/iron, or wood, or any combination thereof, and other materials as compatible with the building structures. Fencing and landscaping shall be provided along the eastern boundary of the Addition in sufficient manner to secure and screen that edge condition. Fencing shall be provided along the west and south boundaries of the abutting residential use for screening, as such residential use abuts the Property on the northeast corner of the Property (the Todd family home).

5. Traffic access/circulation/parking and sidewalks

The access to the PUD will be from Imhoff Road. Developer reserves the option to provide gated access at Imhoff Road, subject to any such gated entry being designed per the City of Norman standards as required for emergency vehicle access and adequate traffic control. Landscape buffers will accommodate all City of Norman traffic division sight triangle requirements. All internal drives and streets will be private and will have adequate circulation provided for the fire department and City Waste Management Services.

All interior sidewalks will be at least four feet (4') wide and provide adequate access to the buildings along with all project amenities. A five-foot wide City sidewalk will be provided generally along Imhoff Road as it abuts the Addition, constructed to City of Norman Standards.

6. Lighting

All exterior lighting shall be installed in conformance with the City of Norman commercial outdoor lighting standards, as amended from time to time.

7. Landscaping

Landscaping shall be provided in conformity to City of Norman ordinances. The proposed Landscaping Plan is attached as **EXHIBIT B**.

8. Public Parkland

The Developer proposes fee in lieu of as the public park land solution. The residents of the Addition will have ample recreational opportunities and amenities within the gated Addition. Consequently, fee in lieu of will provide an opportunity for the City to apply additional funds to area parks.

EXHIBIT A

Proposed Preliminary Plat

(Full sized drawing submitted in separate copy to City Staff)

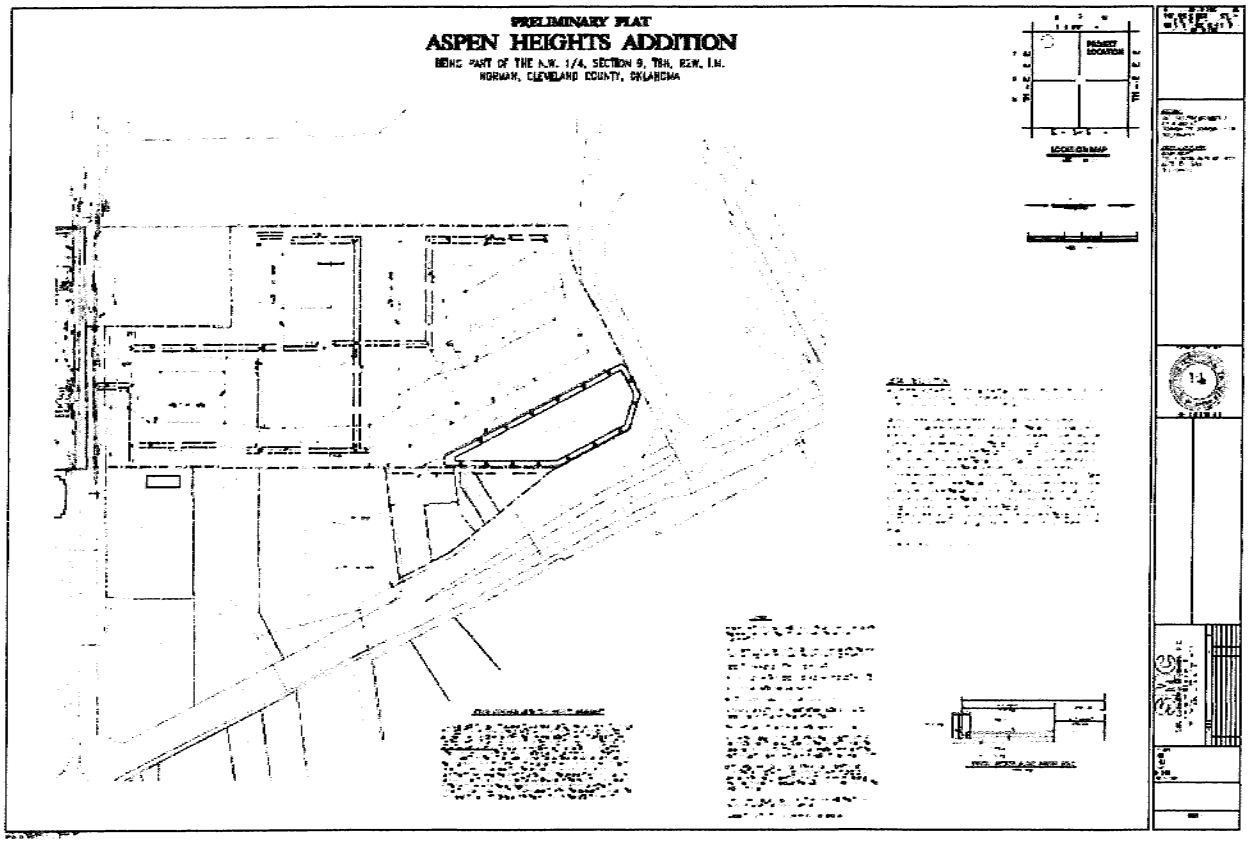


EXHIBIT B

Proposed Preliminary Site Development Plan and Landscape Plan
(Full sized drawing submitted in separate copy to City Staff)

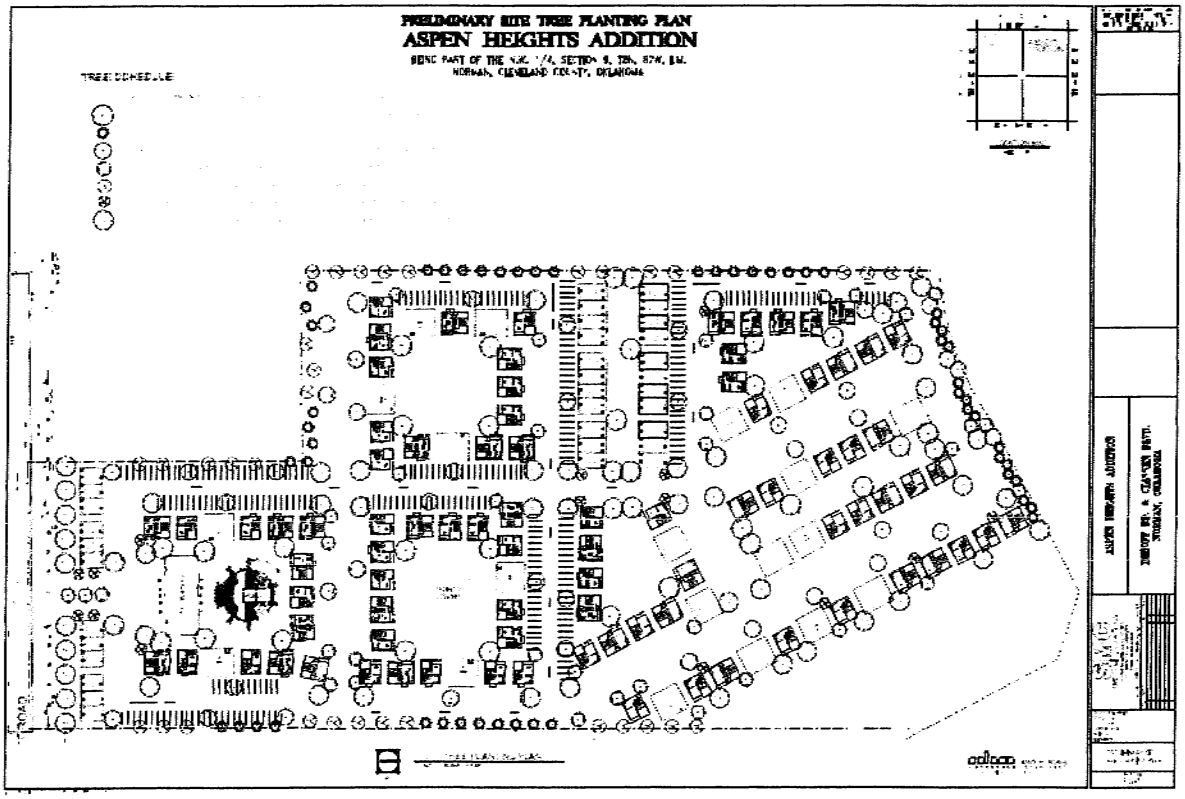


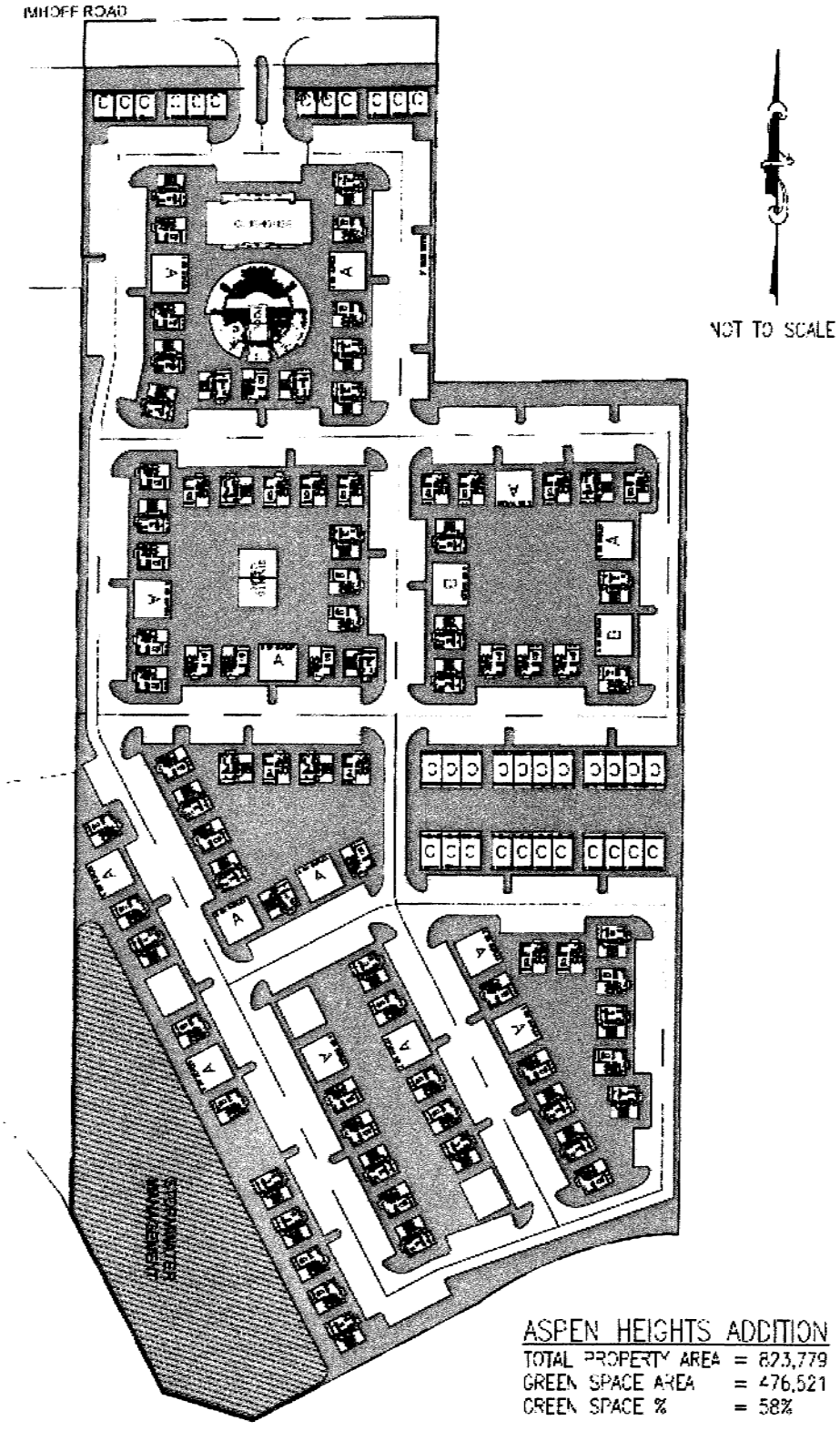
EXHIBIT C

Calculations of Intensity of Uses

TOTAL UNITS	158 UNITS
TOTAL BEDS	552 BEDS
GROSS SITE AREA	18.9 ACRES
GROSS DENSITY	8.36 DU/AC
GROSS DENSITY (BEDS)	29.2 BEDS/AC
NET SITE AREA EXCLUDES 33' ROW EASEMENT	18.6 ACRES
NET DENSITY	8.49 DU/AC
NET DENSITY (BEDS)	29.7 BEDS/AC
PARKING REQUIRED (CITY)	284 SPACES (1.80 SP/UN)
PARKING PROVIDED	700 SPACES (1.27 SP/BD)
FLOOR AREA RATIO ALLOWED	0.40
FLOOR AREA RATIO SHOWN	0.38
OPEN SPACE RATIO REQUIRED	1.80
OPEN SPACE RATIO PROVIDED	2.15
LIVABILITY SPACE RATIO REQUIRED	0.95
LIVABILITY SPACE RATIO PROVIDED	1.39
RECREATION SPACE RATIO REQUIRED	0.13
RECREATION SPACE RATIO PROVIDED	0.13
IMPERVIOUS COVER ALLOWED	12.3 ACRES (65%)
IMPERVIOUS COVER SHOWN	9.3 ACRES (49%)

EXHIBIT D

Proposed Open Space Areas



ORDINANCE NO. O-1213-41 ITEM NO. 12b

STAFF REPORT

GENERAL INFORMATION

APPLICANT	Breckenridge Land Acquisition, L.P.
REQUESTED ACTION	Rezoning to PUD, Planned Unit Development District
EXISTING ZONING	A-2, Rural Agricultural District
SURROUNDING ZONING	North: PUD, Multi-Family Planned Unit Development East: I-1, Light Industrial District South: State Hwy. 9 Right-of Way West: C-2, General Commercial District
LOCATION	South side of Imhoff Road approximately 900 feet east of Classen Boulevard
SIZE	18.52 acres
PURPOSE	Student Housing
EXISTING LAND USE	Vacant
SURROUNDING LAND USE	North: Residential East: Industrial South: Right-of-Way West: Commercial

SYNOPSIS: The applicant has submitted a request to rezone an existing property from A-2, Rural Agricultural District to PUD, Planned Unit Development for a student housing project. The tract currently has a single-family home on site but will be separated from this development as platting is completed. The land under review was set aside on the 2020 Plan and the 2025 Plan as industrial due to its close proximity and access to Highway 9, a major road, and the possibility of extending additional industrial use.

ANALYSIS: The particulars of this PUD include:

1. USE As proposed, the project will be a student housing development focusing on the University of Oklahoma students for their residents. The project will consist of 158 units and 552 beds, with associated amenities of a pool and clubhouse.

2. DESIGN: One entrance to the subdivision is proposed from Imhoff Road. There will be two and three-story buildings. These buildings are described as "American Craftsman-style" design. The landscaping shall be provided in conformity to the City of Norman Landscape Ordinance.

2. OPEN SPACE: There are open space and green space areas located throughout the development. The open space area totals over 10.94 acres or approximately 58%. A portion of the 10.94 acres is accounted for as a drainage pond.

3. PARKING: The parking is distributed throughout the development, in number of spaces that meet the city requirements.

4. LIGHTING: The lighting proposed for the site shall be installed in conformance with the City of Norman Commercial Outdoor Lighting Standards.

5. SIGNAGE: All signage shall be in conformance with the City of Norman's sign codes. The additional comment in the PUD stated "signs may be lit and landscaped with appropriate vegetation and planter boxes designed so as not to interfere with traffic sight lines."

6. FENCING: Fencing will be added to the northeast corner of the development to shield the existing residential home.

ISSUES:

- **OIL WELL** There is an existing well site located on this tract of land. The site development plan will have to be redesigned to meet the building setback requirements for that area.

OTHER AGENCY COMMENTS:

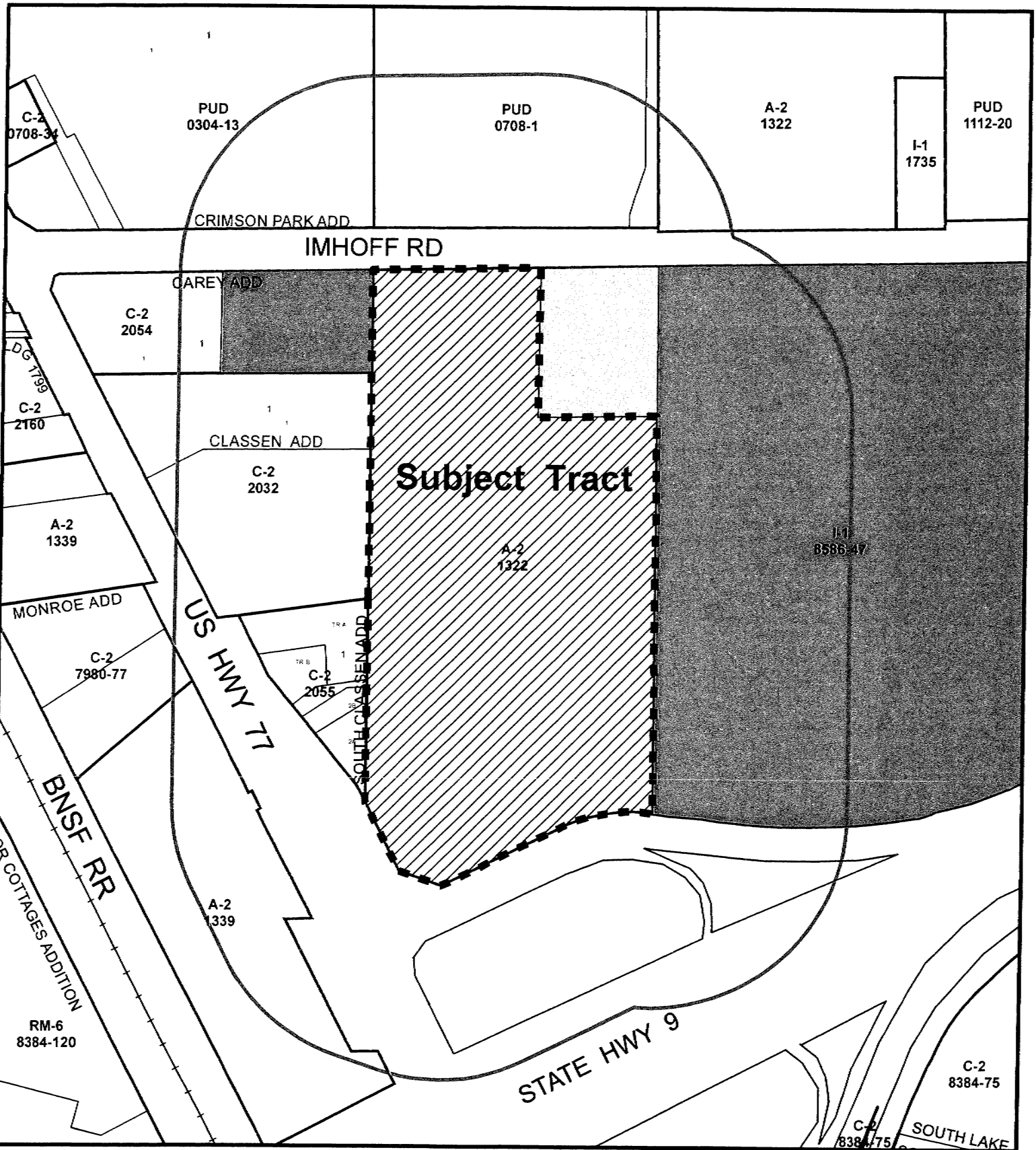
- **PARK BOARD** This application is moving forward without Parks Board decision as they meet after printing of the Planning Commission Packets.

- **PUBLIC WORKS** A Traffic Impact Study was submitted and reviewed by staff. Detention will be provided for storm water run-off. Water and sanitary sewer is available to the property. Interior sanitary sewer is private. Interior water lines will be installed per city standards to serve for fire protection.

STAFF RECOMMENDATION: The question is not whether the development itself has been correctly designed, but whether this is the appropriate location for a multi-family development. The impact a multi-family development can have on an existing industrial development and vice-versa can be problematic. The Hitachi plant is a 24-hour facility. The

noise and traffic impacts on a multi-family development can be challenging. The residential component added adjacent to an industrial use could register noise complaints causing industry to relocate to new locations due to constraints placed on them for noise violations. Typically, once a residential use is established adjacent to an industrial use noise and traffic become an issue to the adjacent residents.

In keeping with the goals of the 2025 Land Use and Transportation Plan to preserve industrially designated properties for future development, staff is does not support rezoning request ORDINANCE NO. O-1213-41.



Protest & Support Map

40.4% Protest Within Notification Area

6.0% Support Within Notification Area

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

N
W E
S

Scale: 1" = 300'

Subject Tract

Protest

Notification Area

Support

29-18

April 4, 2013

City Clerk of Norman Oklahoma
PO BOX 370
Norman, OK 73070

Re: Protest of Zoning Change by Breckenridge Land Acquisition, L.P. on Part of the West Half of the East Half of the Northwest Quarter of 9-8-2 (the "Property")

Dear Planning Commission:

As a concerned citizen, I hereby present this protest to the proposed zoning change.

The proposed change is not in accordance with the Norman 2025 Land Use and Transportation Plan (the "2025 Plan"). The 2025 Plan designates the Property for "Industrial" (I-2) zoning which is appropriate for the surrounding land use in this area. Allowing this zoning change will prevent the existing adjoining business from expanding which will be extremely detrimental to the economy of Norman.

Further, the proposed use for apartments will create an overabundance of apartment units in the area which will create vacancies. Vacant apartments will decrease surrounding residential property values. Vacant apartments also post a threat to the general welfare of the community.

The proposed zoning change will also create safety concerns due to the adverse increase in traffic which will be harmful and detrimental to the public welfare. Apartment use is not appropriate in this location.

The proposed zoning change is not within the harmony, spirit or intent of the 2025 Plan. Departing from the 2025 Plan for this Property will be detrimental to the economy, property values and safety of the citizens of Norman.

As a concerned citizen, I strongly urge the Planning Commission to deny this zoning change.

FILED IN THE OFFICE
OF THE CITY CLERK
ON 4-8-13

HITACHI
Inspire the Next

Hitachi Computer Products (America) Inc.
1800 East Imhoff Road, Norman, OK 73071-1202
Tel: 405-360-5500 Fax: 405-573-1299
www.hitachiomd.com

April 4, 2013

FILED IN THE OFFICE
OF THE CITY CLERK
ON 4-4-13

Norman Planning Commission
201-A West Gray Street
Norman, OK 73069
Attn: Secretary

Re: Application of Breckenridge Land Acquisition, L.P. to amend the Norman 2025 Plan and rezone property on south side of Imhoff Road, east of Classen Boulevard

Ladies and Gentlemen:

I am writing as President and on behalf of Hitachi Computer Products (America), Inc. with respect to the referenced application. Hitachi's property is immediately east of the referenced tract and is the location for Hitachi Computer Products (America), Inc. Manufacturing and HDS International Distribution Facility. This letter shall serve as Hitachi's formal protest of the Breckenridge application.

Hitachi located its plant in Norman in 1986. Since that time it has been a successful contributor to the Norman economy and has undertaken significant expansions of its plant in 1988, 1990 and 2010. When Hitachi located in Norman it did so in view of Norman's vision of creating a light industrial area along the Highway 9 corridor. That vision was to identify an area suitable for light industrial development where Norman could attract light industry users with similar and synergistic uses. Hitachi would have viewed its location differently had it understood that the contiguous light industrial area along Highway 9 would be divided into mixed uses.

The original vision of a light industry district has already been eroded by previous zoning changes. Hitachi is very concerned that if that vision is further eroded through the referenced application or others, Norman will suffer consequences detrimental to its citizens and to its economic growth. If, contrary to the original vision, the Highway 9 corridor is converted to a patchwork of multiple uses, light industry users interested in locating in Norman will be forced to locate elsewhere, probably close to non-industrial uses, thereby furthering the patchwork nature of Norman zoning. Just as home owners often prefer to live in neighborhoods among other home owners, industrial users prefer to be located among other industrial users. Shared expectations regarding land use enhance the attractiveness and value of a property to industrial users. The lack of large contiguous industrial spaces in Norman will make the city less attractive to Hitachi and other industrial users. The prospect of this result can be minimized by preserving the remaining undeveloped portions of the Highway 9 corridor for light industrial use.

In addition, Hitachi is concerned that the proposed development will lead to inevitable conflict with Hitachi's use of its current site. Hitachi last expanded its plant in 2010 and already is considering further expansion. One likely expansion will be expanding the current facility to Hitachi's west property line (the east property line of the proposed Breckenridge development). This development will include a building of approximately 50 feet in height, a fire lane west of the building, truck docks and a drive for employee access, all located as near as possible to the property line. Attendant to this development will be 24 hour a day truck and passenger vehicle traffic and truck dock operations. It is difficult to see how a multifamily residential development on the property to the west of this intense use could be designed to avoid conflict. That conflict is not beneficial to Hitachi, the City of Norman or residents of the proposed development.

For these reasons Hitachi strongly opposes the application and respectfully requests that the Planning Commission recommend disapproval.

Very truly yours,

George R. Wilson
President

G & G DEVELOPMENT, L.L.C.

1400 E. IMHOFF ROAD•NORMAN, OK 73071-4050•PHONE (405) 329-1460

April 8, 2013

Norman Planning Commission
201 West Gray, Bldg. A
Norman, OK 73069

RE: Zoning Request dated March 20, 2013
Breckenridge Land Acquisition, L.P.

To Whom It May Concern:

We received the legal notice that Breckenridge Land Acquisition, L.P., has submitted to the City of Norman for requested amendment of the NORMAN 2025 Land Use and Transportation Plan from Industrial Designation to Medium Density Residential Designation and rezoning from A-2, Rural Agricultural District, to PUD, Planned Unit Development District, for property generally located on the south side of Imhoff Road approximately 900 feet east of Classen Boulevard. As a property owner adjacent to the west side of the above property, we are protesting the approval of the application.

We bought and built our company businesses in what was an industrial area according to City of Norman land use plans. We feel the City of Norman continues to need industrial development in this area instead of more apartments which have already inundated this area to the north. If this application is approved, we would be almost totally surrounded by apartments which would bring more traffic issues along with people to what was to be an industrial area originally.

We have various plots of developed and undeveloped land in the area and are very interested in our community's growth and development pattern. Therefore, we strongly urge you to reject this application.

Sincerely,

Gail Armstrong
Property Owner

Gary Armstrong
Gary Armstrong
Property Owner

Encl.

FILED IN THE OFFICE
OF THE CITY CLERK
ON 4/8/13

Helen Todd
1600 Imhoff Road
Norman, Oklahoma 73069

FILED IN THE OFFICE
OF THE CITY CLERK
ON 4-8-13 TM

City of Norman
City of Norman City Council
City of Norman Planning Commission
City of Norman Planning & Community Development Department
Other Interested Parties
201 W Gray St, Bldg. A
PO Box 370
Norman, OK 73070

Re: Letter of March 20, 2013 concerning the Breckenridge Land Acquisition, LP and 18.5 acres in the West Half of the East Half of the Northwest Quarter of Section 9, Township 8 North, Range 2 West of the Indian Meridian.

Ladies and Gentlemen:

I am Helen Todd. My husband and I live at 1600 East Imhoff Road in Norman. This land mentioned in your March 20, 2013 letter has been a part our family's homestead going back to the 1920s. In fact, I was born on our family's homestead in December, 1930 and except for ten years after I got married, when I lived in Norman proper, I have always lived on this property. The house my husband and I live in today is located on roughly two and one-half acres in the northeast corner of the family land. The remaining balance of the family's land, having about eighteen and one-half acres, is a part of my mother's probate estate and I am the Personal Representative of her estate. My husband and I really want to live out our lives in our home. At the same time, I also have a responsibility to the devisees of my mother's estate and they would prefer to see the estate's part of the family land sold.

As the personal representative of my mother's estate, I offered the estate's part of the family land for sale. I negotiated with both Hitachi and then Breckenridge Land Acquisition LP. For the reasons set out below, I was unable to reach an agreement with Hitachi. I was able to reach an agreement with Breckenridge and Breckenridge will buy it from us if they can develop it as a cottage-style student housing project. I am writing this letter to urge the City of Norman to support and approve Breckenridge's requests to develop the eighteen and one-half acre part of the family's land as a cottage-style student housing project The following outlines my reasons and rationale for this support.

The land which is currently in question was owned by my parents since before 1930. This piece of property used to be much bigger. After Japan attacked Pearl Harbor in December 1941 and the USA went to war with Japan and Europe in World War 2, the Federal Government condemned over 20 acres of land from my parents. On this property, along with land which they condemned from others, they installed an auxiliary air base on which the pilots who were being trained on the North Base could practice landings as well as use for emergency purposes. After the War was over my parents were not allowed to buy the property back and it was later given to the University of Oklahoma to be used for landing field purposes only. The University later bought a

smaller piece of property Northeast of SE 24th and Imhoff and fixed up a dirt landing strip for emergency purposes, and then sold the Navy property to Hitachi. The home I was born in was actually on the property that is now owned by Hitachi.

During the years since my Mother's death I have been attempting to sell the remaining 18.5 acres of the family legacy. I have also watched how businesses and apartments have been built all around this area and the value of land has increased. Currently there are two sets of apartments located to the North of this property. That land was not zoned for that use, but the City of Norman land use plan was changed and it is now being used for that purpose. I feel like if other property in the same vicinity was treated this way then there should be equity and no reason why this property couldn't be zoned for similar non-industrial uses. Proceeds from the sale of the 18.5 acres homestead are to be divided between six heirs.

For over a year I worked with CBRE in Oklahoma City and Jemsite Development, LLC in North Carolina who were buying the property for Lowes to put in a store on the East side of Norman. Then due to the bad downturn in 2009 that did not come to fruition. They were going to ask that the property be zoned Commercial.

Then, I was contacted by NAI Sullivan Group and Hitachi Computer Products (America), Inc. about wanting the property. As it turned out, Hitachi would not buy the 18.5 acres unless my husband and I also sold them our home and 2.5 acres and moved out. Hitachi offered an acceptable price per acre for the 18.5 acres but wouldn't agree to pay us enough for our home to allow us to relocate to another comparable residence. Our house has a little over 1850 sq. feet of livable space, plus a storm cellar, water well, septic tank and laterals, and a large storage building that holds a motor home and pickup or tractor. The home also has all ash wood throughout, many built in cabinets, etc. It's not new but it our home and, if we had to move, we wanted to be able to buy something comparable. Hitachi refused to pay us for our buildings and improvements on the property. They would only pay us for the land. Hitachi also insisted on including in their agreement that they could take up to 18 months after the agreement to purchase was signed before they had to exercise the option to buy. Then within ninety days after they exercised the option the closure was to take place and we were to move. This meant that we were to give up our house, cellar, etc. without getting paid any more than the land price; but we were to, in ninety days after they decided to exercise the option, go and find and pay for another house of similar size and type to move into, that was still in a close proximity to central Norman, with a storm cellar or something similar, and have a new water well drilled, if permitted, and pay from our own pocket to have all of our 51 years of accumulation in this house moved by a moving van and then have all of the work of packing as well as unpacking. This is not personally feasible for us without getting paid for our improvements. Their comment, according to the real estate agent, was that they felt they had already paid enough for the house and buildings, etc. by just buying the land. He also advised us that the reason they wanted the 18 months to exercise the option to buy was so that they would have time to rezone from industrial to commercial and sell part of their existing property for commercial and to use the proceeds from that to pay for the 18.5 and 2.5 acres rather than use new investment money and save on taxes. There was an indication by the real estate agent that they would probably give us some time over the ninety days before we had to move out. We have no children, we are in our eighties, and we are not able to do some of the hard/heavy things we used to do. In order to deal with Hitachi we would have had to change our way of living personally and not be compensated for this change.

About the same time I was contacted by Breckenridge Land Acquisition, LP. Breckenridge also made a satisfactory offer for the 18.5 acre tract and Breckenridge has made a contract to buy it from us if they can develop it as a cottage-style student housing project. Breckenridge has also advised me that they would also like our home and 2.5 acres, but they have agreed to buy the land from the estate by itself without making me sell our house and move. They have advised me through their real estate agent that if and when we were ready to sell our house and land to let them know. So when we're ready, there might be a bid for our 2.5 acres from Breckenridge and there might not.

Hitachi is a huge international corporation which, according to its 2011 financial report, had total assets of over $110 BILLION, equity of more than $29 BILLION, and cash of more than $6 BILLION (copy attached). Had Hitachi been willing to either buy only the 18.5 acres or to compensate us for our home so that we could replace what we were losing and pay moving costs, etc., the story might be different—but they wouldn't. Instead they have chosen to fight the rezoning and our ability to sell to anyone else so that Hitachi will be positioned to be the only buyer.

We want to sell this land to Breckenridge and keep our home. Please approve the Breckenridge requests.

Respectfully,

Helen Todd

HELEN TODD

Helen Todd

HELEN TODD
For Georgie Tullius Estate

Olan Todd

OLAN TODD
For Olan Todd Rev Trust

SEAN PAUL RIEGER
ATTORNEY AT LAW • ARCHITECT
S.P. RIEGER PLLC
136 THOMPSON DRIVE
NORMAN, OKLAHOMA 73069-5245
E-MAIL: SP@RIEGERLLC.COM

TELEPHONE: 405.329.6070 FACSIMILE: 405.329.7103

28 May 2013

City of Norman
City Council
201 West Gray
Norman, OK 73069

RE: Aspen Heights; CC Agenda Items 51, 52, and 53

Dear Norman City Council,

I represent the Applicant in the above referenced project. This project is scheduled to be on final reading at the May 28, 2013 City Council meeting. Please accept this letter as our request to postpone the second reading hearing on these items. We request that the items be postponed and placed for second reading, final hearing, at the City Council meeting on June 11, 2013. We thank you for your assistance and consideration.

Very Truly Yours,
S. P. RIEGER PLLC

Sean Paul Rieger
Attorney at Law • Architect • Broker

Donna Randall (daughter of Imogene (Tullius) Randall)
2424 Oxford Street
Arlington, VA 22206
May 28, 203

City of Norman
City of Norman City Council
City of Norman Planning Commission
201 W. Gray St. Bldg. A
PO Box 370
Norman, OK 73070

FILED IN THE OFFICE
OF THE CITY CLERK
ON 5/28/13

Re: Breckenridge Land Acquisition, LP and 18.5 acres in the West Half of the East Half of the Northwest Quarter of Section 9, Township 8 North, Range 2 West of the Indian Meridian

Ladies and Gentlemen:

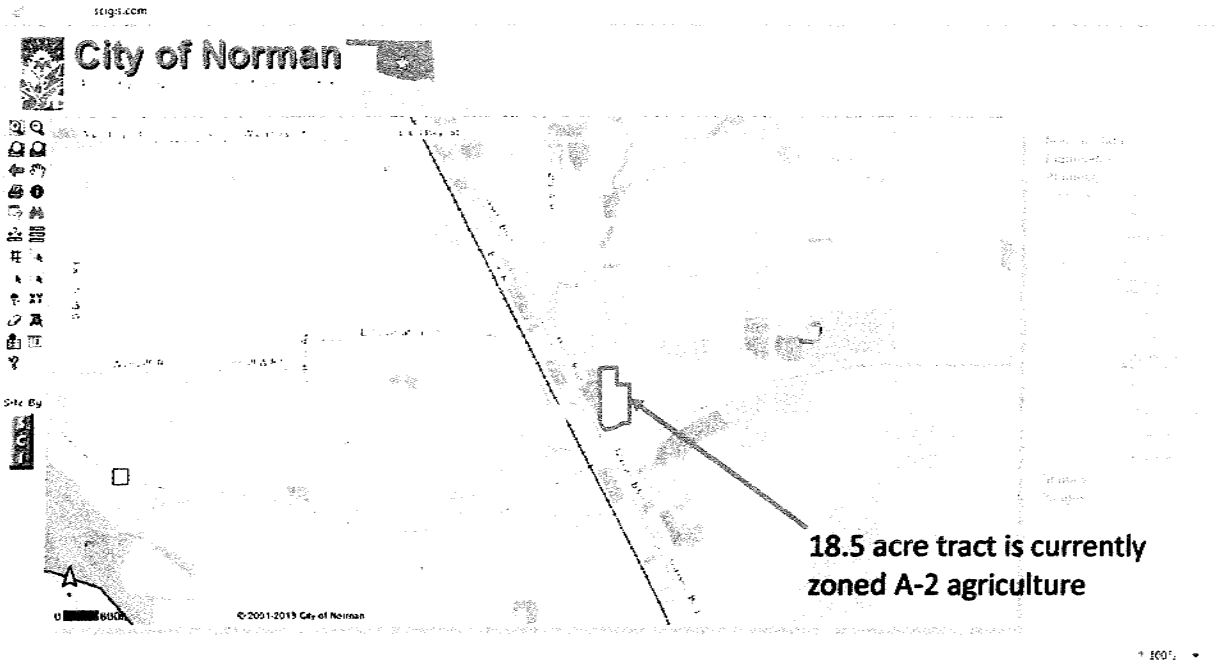
I am Donna Randall, daughter of Imogene (Tullius) Randall one of Georgie Tullius' heirs, and niece of Helen and Olan Todd of 1600 Imhoff Road, Norman, OK. I am writing this letter in support of my Aunt's position as executor of Georgie Tullius' estate to have the 18.5 acres in the West Half of the East Half of the Northwest Quarter of Section 9, Township 8 North, Range 2 West of the Indian Meridian rezoned to allow the family's land to be developed as a cottage-style student housing project. My Aunt and Uncle's property, which is adjacent to this land tract, is not part of said estate.

The sale and development of the 18.5 acres owned by the family must not be held hostage to Hitachi or other developers saying that my Aunt and Uncle are required to sell their own property as part of any deal or development. As indicated in my Aunt's letter filed in the office of city clerk on 4-18-13, they have lived in their home for more than fifty years. I have lived and visited with them in their home over those fifty years and have no plan to influence them to sell their property just so the adjacent family land can be sold. The position of my mom (Helen Todd's sister) and my siblings is also quite the reverse of Hitatchi's, we want my Aunt and Uncle to be able to live in their beloved home as long as they are able. Their home contains over 50 years of loving care and memories, and includes a backyard and garden on land not only my Aunt has cared for all her life but on land that was once also cared for by my grandparents. As stated in the 4-18-13 letter filed by my Aunt she was born in a house that used to exist where the Hitachi plant now resides, like my mother. I have pictures of my mom beside that house picking cotton and my Aunt Helen being held by my grandmother by the house. My Aunt and mom helped to farm the land there until WWII. My Aunt and Uncle designed and built their current house to enable them to live out their life there, including in-home care when the time comes. Our family wants them to continue to be able to go to bed in their bedroom, get up and go to their kitchen for their morning coffee, go and sit on the chairs in the backyard and sip a glass of wine like they have for over 50 years surrounded by the comforts called home. It was generous in the extreme that my Aunt and Uncle were willing to consider including their property to aid the family in selling the 18.5 acres, but this would have egregiously hurt the family ties and spirit that such an act of sacrifice was required on their part. The land my Aunt and Uncle own is not part of the family estate.

My Aunt and Uncle should not be penalized for my Aunt being executor of my grandmother Georgie Tullius' estate. If my mom or I were executors of the property such a request to include my Aunt and Uncle's property in any sale agreement of the 18.5 acre tract would have been an ardent and

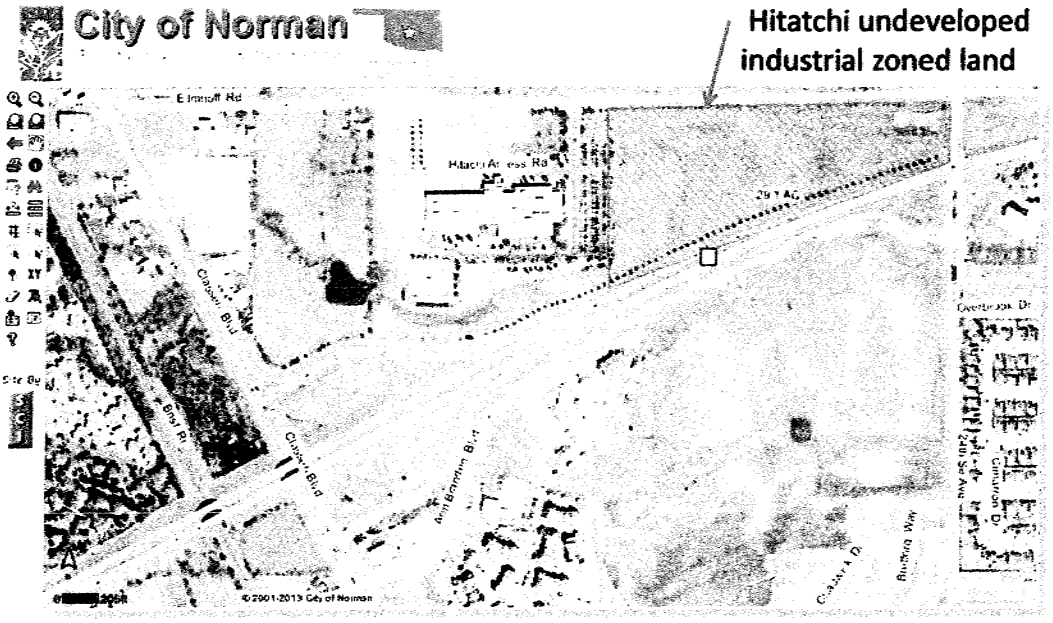
unequivocal NO. It is neither equitable nor appropriate that the family is being asked to try and force or persuade any adjacent property owner(s) to include their property along with the 18.5 acre tract before the18.5 acre tract can be sold and developed. Is the family going to be required by the city to get the adjacent commercial properties to also include their properties in any sale along with this 18.5 acre tract before the 18.5 acre tract can be sold, or to include Hitachi's property? How is such a financial burden or requirement reasonable or just?

My Aunt as executor has found a buyer for the 18.5 acre tract in the West Half of the East Half of the Northwest Quarter of Section 9, Township 8 North, Range 2 West of the Indian Meridian, who will develop the land in way that provides continuity with similar land development in the area and adjacent land use as summarized in the Aspen Heights project overview (see slide 16 of the overview)—my Aunt and Uncles residence, a multifamily residential PUD (Crimson Cottages), and multifamily residential apartment complex (Crimson Park Apartments) to the north and northwest, Oakhurst to the northeast, commercial property to the west surrounding highway 77 on both sides and the residential areas of the Commons, Hampton Woods, and Forest Pointe to the west of this. While the 2025 plan identifies this tract of land as future industrial, currently it is zoned agriculture (see Figure 2001-2013 current City of Norman zoning map below), the recent changes in economics of the area, and growth in the need and expansion of university housing, and development of adjacent land merit the land being rezoned to allow the cottage style student housing rather than industrial zoning.



As pointed out in the Aspen Heights project overview, the acreage identified in the 2025 plan for industrial use in the City of Norman is 5.56 times over the absorption rate (slide 23 "...,2025 planned 110 years quantity of industrial land"). Additionally, as pointed out the focus of industrial development for the city has shifted to the north (see slide 27) for various commuting and economic development reasons. Hitachi which moved to the adjacent property in 1986 only developed a small portion of their property and it was not until about 24 years after their initial build, in 2010 that they added on 200,000 square feet (4.6 acres) of warehouse and office space, which more than doubled their use of their

property[1]. This is on average a need of 0.19 acres of expansion per year for Hitatchi. They already own over 30 acres of undeveloped industrially zoned land that contains no development (see slide 30 of the Aspen Heights project overview and the City of Norman Figure below outlining about 30 acres to the east of existing buildings and parking), which means they have around 150 years worth of expansion space at their current build/expansion rate. Hitatchi will only buy the 18.5 acre tract if my Aunt and Uncle will include their property at lower than fair market value for a similar residential property with improvements, however, as indicated earlier the family in no way, shape or form is going to make the sale of my Aunt and Uncle's property a part of any land deal for the 18.5 acre tract. My Aunt as executor has been diligent at trying to find offers for the 18.5 acre tract that provides fair market value since my Grandmother passed away in 2002, which is over 12 years, but these have been few and far between and those viable offers which have gone forward have fallen through for economic reasons as indicated in her 4-18-13 letter.



From the discussions Hitatchi has had with my Aunt while they have said that the tract of land the family is trying to sale cannot be zoned other than for industrial for which it is down in the 2025 plan, Hitatchi does not believe they should be held to the same standard for their property. Hitatchi would plan on rezoning some of their currently zoned industrial property adjacent to their plant and warehouse to commercial to finance a build on our family's tract of land (see my Aunt's 4-18-13 letter). They too obviously believe that there is merit in not needing all the industrial area in the 2025 plan, but desire that they benefit from that fact rather than our family, especially my Aunt and Uncle. Commercial land value in this area is obviously at a premium. From advertisements the asking price for the undeveloped commercial zoned land at the corner of Classen Blvd and Imhoff Rd is 1.03 million dollars for 1.75 acres (equivalent to about $13.51 per square foot)[2]. I can see why Hitatchi would like to keep the family from rezoning our currently zoned agriculture land to industrial rather than residential so that they can try to force us to sale to them. If the family is denied rezoning to residential and Hitatchi later on changes part of their currently zoned industrial property to commercial, such an act would be arbitrary and capricious

[1] www.korteco.com/construction-projects/hitatchi-international-distribution-center
[2] http://www.loopnet.com/Listing/16665834/2721-Classen-Blvd-Norman-OK/

on the part of the city. Unlike Hitatchi, the family has no access to state employee taxes to use to develop this 18.5 acre tract, as Hitatchi had when they financed their 200,000 square foot expansion by the use of employees' state taxes[1], or access to state incentives like Hitatchi to make up for a difference in development of the family's 18.5 acre tract.

I believe the Aspen Heights Project Overview provides an in-depth account of the merits for rezoning the 18.5 acre tract to residential. In addition to the merits that are provided in that overview I believe there are some additional merits as discussed below.

I believe the Aspen Heights build of student housing provides an environmentally greener solution than similar builds that would have to occur further away from campus. First the build as proposed contains 58% green space, a higher than required city ordinance amount for multifamily housing. Second the University of Oklahoma South Campus is under 1 mile away (see Figure below), the intramural fields are a little over 1.25 miles. The closeness to campus means residents of the proposed Aspen Heights build can take advantage of being able to commute by bike to the University and to commercial properties along Classen Blvd. For example, the ENCOMPASS 2035 plan[3] calls for on-street bike routes for Imhoff Rd. from Classen Blvd. to 24th Ave. E and from Lindsey St., from 24th Ave. E to 36th Ave. E which links to other bike routes in- and on-route to campus. These are amenities that have or are being built to allow residents in the adjacent Crimson Cottage PUD and Crimson Park Apartment complex to commute to campus and the City of Norman. This is also another way that the proposed rezoning to allow student housing on this 18.5 acre tract is in-line with surrounding land uses and goals of the city transportation plan to improve the way people move around the city. But additionally this closeness to campus means that the commute to and from campus is reduced from similar builds that would have to occur further away. At 528 planned residents, this means a substantial reduction in commute time—and therefore less impact to city air quality and traffic congestion. For example, for every one mile taken off the road there is about a 1 pound decrease of air pollution[4,5]. If all the residents drove daily, just a 1 mile increase in distance of a similar build can mean an increase of around 385,440 pounds of air pollutants added annually to the city air.

I also believe this build would provide substantial revenue to the ward and city from sales taxes that would be collected from residents and/or their visiting relations using the adjacent commercial enterprises and hotel services. This build would aid in ensuring that the commercial corridor along Classen Blvd would have an additional sustaining use base, sustaining maintenance of commercial property values and the aesthetics of this corridor.

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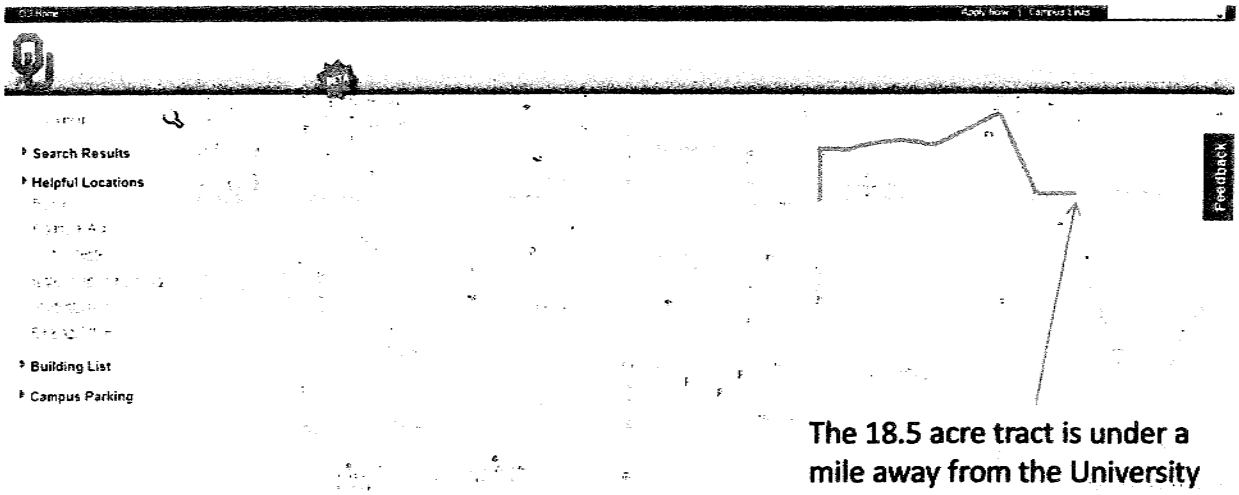
[3] http://www.acogok.org/Newsroom/Downloads11/Encompass2035DraftPlanSummary.pdf

[4] U.S. Department of Energy: Technical Guidelines Voluntary Reporting of Greenhouse Gases (1605(b)) Program. (March 2006).

[5] U.S. Environmental Protection Agency: Light-Duty Automotive Technology and Fuel Economy Trends: 1975 through 2007. (September 2007).



The 18.5 acre tract is under a mile away from the University of Oklahoma South Campus

Please approve the request to rezone the 18.5 acre tract from agriculture to multifamily residential. As presented above and in the Aspen Heights overview, rezoning to multifamily rather than industrial is merited.

Respectively,

Donna Randall

Donna Randall

City of Norman, OK

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

Master

File Number: R-1213-108

File ID:	R-1213-108	**Type:**	Resolution	**Status:**	Non-Consent Items
Version:	1	**Reference:**	Item No. 30	**In Control:**	City Council
Department:	Public Works Department	**Cost:**		**File Created:**	03/18/2013
File Name:	Cedar Lane Recoupment			**Final Action:**	

Title: RESOLUTION NO. R-1213-108: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, DECLARING A RECOUPMENT PROJECT FOR COSTS ASSOCIATED WITH IMPROVEMENTS ON CEDAR LANE ROAD, AN ARTERIAL ROAD, FROM 400 FEET WEST OF 12TH AVENUE S.E. TO 1/2 MILE EAST OF 24TH AVENUE S.E.

Notes: ACTION NEEDED: Adopt Resolution No. R-1213-108.

ACTION TAKEN: TK/DS

Agenda Date: 06/11/2013

Agenda Number: 30

Attachments: Text File R-1213-108, R-1213-108.pdf, Exhibit A, Map, Exhibit B, Recoupment List (5-16-2013)

Project Manager: Josh Malwick, Capital Projects Engineer

Entered by: pam.jones@normanok.gov

Effective Date:

History of Legislative File

Version:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	City Council	05/28/2013	Postponed				Pass
	Action Text:	A motion was made by Council Member Kovach, seconded by Council Member Spaulding, that this Resolution be postoned until June 11, 2013, motion carried by the following vote:					

Text of Legislative File R-1213-108

body

BACKGROUND: On February 8, 2011, City Council approved engineering services Contract No. K-1011-135 with Cardinal Engineering Inc. for the design of the Cedar Lane Road Widening Project. The Cedar Lane Road Widening Project involves the construction of a new four-lane roadway that will include five foot bike lines on each side of the road. The project will also include improvements to 12th Avenue SE and 24th Avenue SE as they approach Cedar Lane Road, improve the BNSF railroad crossing and resurface U.S. Highway 77 on the north and south sides of Cedar Lane Road. Signalization of the 12th Avenue SE and Cedar Lane Road intersection will also help relieve traffic congestion at peak travel times during the day.

On November 22, 2011, the Norman City Council approved programming Resolution No. R-1112-60 requesting federal funds to widen Cedar Lane Road. The 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 provide 80% of the project funding and to administer the construction with a 20% matching share from the City of Norman. In order to receive federal funding, the City of Norman was required to enter into an agreement with ODOT to complete the design, acquire all necessary rights-of-way and relocate utilities and encroachments, at the City's cost. This agreement was adopted by resolution.

On August 28, 2012, the citizens of Norman voted in favor of a Bond Issue to finance the local share of eight transportation/storm water improvement projects. Please see Attachment A for the list of the bond projects with their estimated cost. Attachment B is a map of the Bond Projects. One of the eight 2012 bond projects is the Cedar Lane Road Widening Project. As indicated in Attachment A the cost of the Cedar Lane Road Widening Project is projected to be approximately $9.8 million. The City's share, after projected Federal funds are acquired, is estimated to be approximately $3.6 million.

Currently, staff, along with Cardinal Engineering and ODOT, has been able to fulfill the requirements necessary to complete the environmental study and begin the process of right-of-way acquisition. The right of way acquisition costs included in the City's share of this project associated with undeveloped property is currently estimated to be approximately $800,000. Under City development regulations, improvement of arterial roadways is a cost normally paid by the developer when property adjoining the roadway is developed. However, in this instance, since the roadway is being improved prior to development of adjoining land, a mechanism to require the developer to pay the development costs that would normally be paid by the developer is applicable. Section 16-603 of the Norman Code, adopted by Council on February 11, 1997, established a recoupment process to recover costs associated with the widening of arterial streets. Recoupment will allow the City of Norman to recover funds used to purchase right-of-way. Recoupment will also allow the City to recover funds used to cover the cost of design, utility relocation, and construction to the extent that those costs are not paid from bonds or federal grants. This Recoupment ordinance applies to unplatted parcels along and adjacent to Cedar Lane Road.

DISCUSSION: There are thirteen (13) unplatted parcels along Cedar Lane Road; part of which will be needed as right-of-way for the project. Exhibit A is a map of the unplatted parcels and Exhibit B is a table of the recoupment parcels. By adopting Resolution No. R-1213-108, the City will be able to recover the appropriate costs for the Cedar Lane Road improvements when the parcel is platted and developed in the future. According to the City's Recoupment Ordinance, if any of the thirteen (13) parcels do not develop within 20 years, the recoupment fee is waived. If any of the parcels develop between years 15 and 20, then the Recoupment assessment will be reduced proportionately each year down to zero at the twentieth year.

All thirteen (113) property owners will be notified at least ten (10) days before Council considers adopting the recoupment resolution for the Cedar Lane Widening Project. If approved, the attached Resolution will be filed with Cleveland County to provide notice to all future property owners and their agents. When the Cedar Lane Road Widening Project is completed, another Resolution will be prepared for Council's consideration, indicating the actual cost of the project and the associated recoupment fee per parcel. Recoupment fees are collected by the City upon approval by Council of a final plat of the property that is developed after the initial recoupment resolution is adopted.

RECOMMENDATION: As outlined above, the Recoupment Resolution presented with this item is somewhat routine, as outlined in Section 16-603 of the Norman Code, to preserve the right of the City to collect normal arterial roadway development costs that would normally be paid by the property developer, if the unplatted property is developed over the next twenty years. Staff recommends that Council approve Resolution No. R-1213-108.

Resolution

R-1213-108

A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, DECLARING A RECOUPMENT PROJECT FOR COSTS ASSOCIATED WITH IMPROVEMENTS TO CEDAR LANE ROAD, AN ARTERIAL ROAD, FROM 400 FEET WEST OF 12th AVENUE SE TO 1/2 MILE EAST OF 24TH AVENUE SE.

§ 1. WHEREAS, the City Council of the City of Norman, Oklahoma, has identified a need for improvements to be made to Cedar Lane Road from 400 feet west of 12th Avenue SE to ½ mile east of 24th Avenue SE and to provide for the equitable distribution of the costs of said improvements which are more particularly hereinafter described; and

§ 2. WHEREAS, Sections 16-601 through 16-603 of Article VI, Chapter 16, of the Code of the City of Norman, provide for public improvements to streets, curbs, driveways and intersections, and

§ 3. WHEREAS, such improvements should be made and recoupment of all associated costs from the benefited abutting property be provided at the time the abutting property is developed.

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

§ 4. That a recoupment project is hereby declared and established for the purposes and at the locations specified on Cedar Lane Road from 400 feet west of 12th Avenue SE to ½ mile east of 24th Avenue SE, as more particularly described and defined in Exhibits "A" and "B" attached hereto and made a part thereof.

§ 5. Further, that the City has delineated the boundaries and scope of the project as shown in Exhibit "A", the map, and Exhibit "B", the list, prepared and made a part of this declaration, which together show all abutting properties subject to recoupment, be filed of record in the office of the City Clerk and in the office of County Clerk of Cleveland County giving notice of this recoupment project, all pursuant to Sections 16-601 through 16-603 of Article VI, Chapter 16, of the Code of the City of Norman.

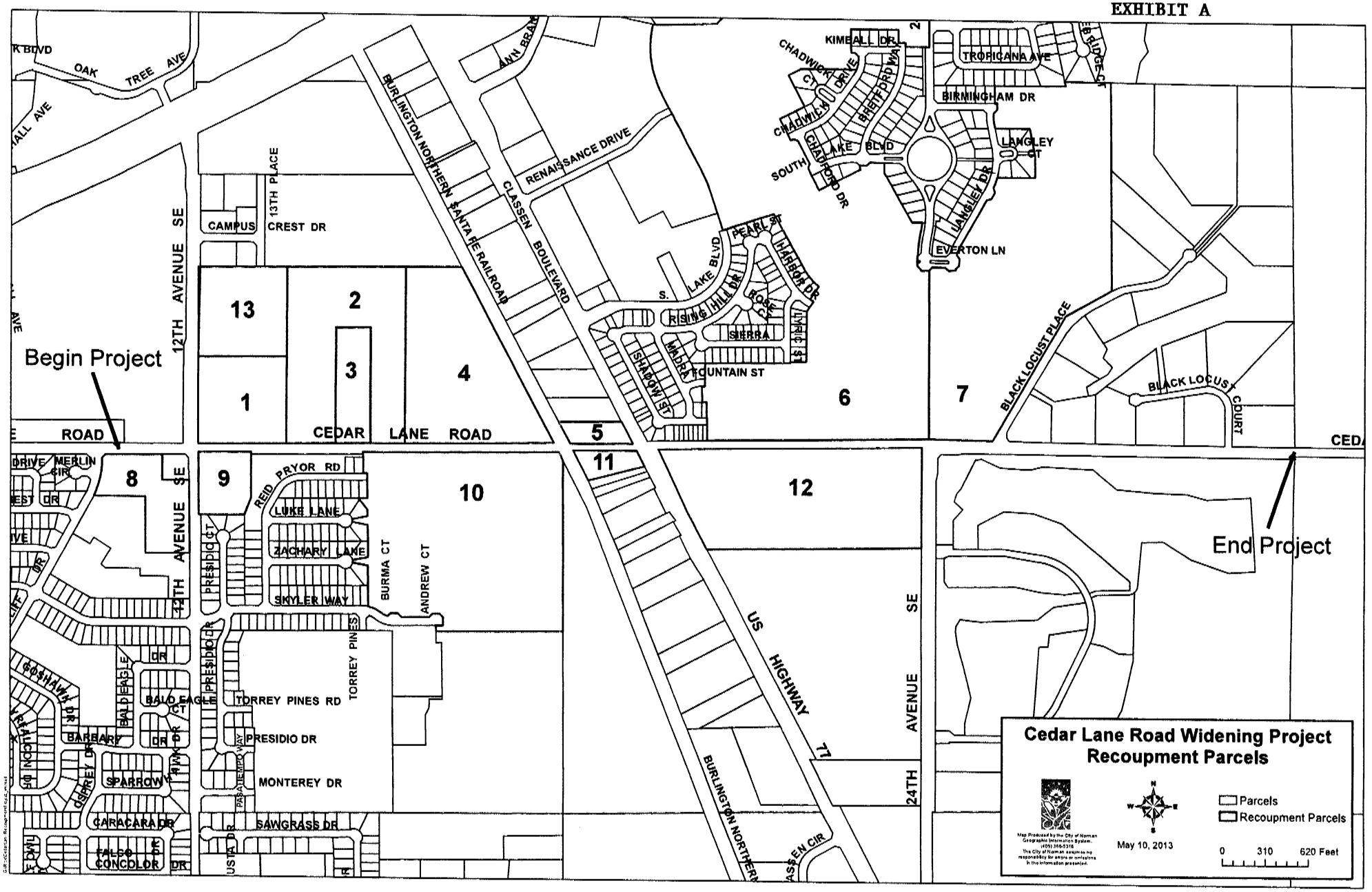
PASSED AND ADOPTED THIS_____ day of _____, 2013.

_____
Mayor

ATTEST:

_____
City Clerk

EXHIBIT A


Cedar Lane Road Widening Project
Recoupment Parcels
Parcels
Recoupment Parcels
May 10, 2013
0 310 620 Feet
Begin Project
End Project
CEDAR LANE ROAD
12TH AVENUE SE
24TH AVENUE SE
US HIGHWAY 77
BURLINGTON NORTHERN SANTA FE RAILROAD
CLASSEN BOULEVARD
RENAISSANCE DRIVE
13TH PLACE
CAMPUS CREST DR
OAK TREE AVE
KIMBALL DR
TROPICANA AVE
BIRMINGHAM DR
LANGLEY CT
LANGLEY DR
EVERTON LN
CHADWICK CT
CHADWICK DRIVE
BRETFORD WAY
SOUTH LAKE BLVD
CHADFORD DR
S. LAKE BLVD
PEARL ST
HARBOR DR
RISING HILL DR
ROSE CT
SIERRA
LYRIC ST
SHADOW ST
MADRA
FOUNTAIN ST
BLACK LOCUST PLACE
BLACK LOCUST COURT
REID PRYOR RD
LUKE LANE
ZACHARY LANE
SKYLER WAY
BURMA CT
ANDREW CT
TORREY PINES
TORREY PINES RD
PRESIDIO DR
MONTEREY DR
SAWGRASS DR
PASATIEMPO WAY
BALD EAGLE CT
BALD EAGLE DR
BARBARY DR
SPARROW
CARACARA DR
FALCO CONCOLOR DR
GOSHAWK DR
OSPREY DR
MERLIN CIR
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Recoupment Parcel	Owner	Legal Description
Parcel 1	Wiley R. Madole, & Barbara Sue Madole Madole Family Revocable Trust 1501 East Cedar Lane Norman, OK 73072	A tract of land located in the Southwest Quarter (SW/4), Section Nine (9), Township Eight North (T8N), Range Two West (R2W), of the Indian Meridian, Cleveland County, Oklahoma, more particularly described as follows: Commencing at the S.W. Corner of said Southwest Quarter (SW/4) for a point or place of beginning; Thence N00°15'19"E on the West Line of said Southwest Quarter (SW/4) for a distance of 657.47 feet; Thence N89°23'29"E for a distance of 663.06 feet; Thence S00°15'19"W for a distance of 657.47 feet; Thence S89°23'29"W for a distance of 663.06 feet to the point or place of beginning containing 10.0067 acres more or less.
Parcel 2	½ interest James Robert Armstrong Revocable Living Trust ½ interest Dorothy Inez Madole-Armstrong Revocable Living Trust 1401 Cedar Lane Drive Norman, OK 73072	A tract of land being in the SW/4 of Section 9, Township 8 North, Range 2 West of the I.M., being more particularly described as follows: Beginning at a point 663.06 feet N89°23'29"E of the Southwest Corner of the SW/4 of said Section 9, thence N00°15'19"E a distance of 1314.94 feet, thence N89°23'29"E a distance of 856.85 feet, thence S00°15'19"W a distance of 1314.94 feet, thence S89°23'29"W a distance of 856.85 feet to the Point or Place of Beginning, containing 25.8627 acres, more or less, less and except all of the oil, gas and other minerals lying in and under and that may be produced therefrom, also LESS AND EXCEPT 5 acres described as follows: Commencing at the Southwest Corner of said Section 9, thence N89°23'29"E, along the South Line of the Southwest Quarter of said Section 9, a distance of 1019.91 feet to the Point or Place of Beginning; thence N00°15'19"E and parallel to the West Line of the Southwest Quarter of said Section 9, a distance of 871.20 feet; thence N89°23'29"E and parallel to the South Line of the Southwest Quarter of said Section 9 a distance of 250.00 feet; thence S00°15'19"W and parallel to the West Line of the Southwest Quarter of said Section 9 a distance of 871.20 feet to the South Line of the Southwest Quarter of said Section 9; thence S89°23'29"W along the South Line of the Southwest Quarter of said Section 9 a distance of 250.00 feet to the Point or Place of Beginning.
Parcel 3	Christopher J. Armstrong 1451 E. Cedar Lane Norman, OK 73072	A part of the Southwest Quarter (SW/4) of Section Nine (9), Township Eight (8) North, Range Two (2) West of the Indian Meridian, to Norman, Cleveland County, Oklahoma, being more particularly described as follows: Commencing at the Southwest Corner of said Section Nine (9), thence North 89°23'29" East along the South Line of the Southwest Quarter of said Section Nine (9) a distance of 1019.91 feet to the Point or Place of Beginning; thence North 00°15'19" East and parallel to the West Line of the Southwest Quarter of said Section Nine (9), a distance of 871.20 feet; thence North 89°23'29" East and parallel to the South Line of the Southwest Quarter of said Section Nine (9) a distance of 250.00 feet; thence South 00°15'19" West and parallel to the West Line of the Southwest Quarter of said Section Nine (9) a distance of 871.20 feet to the South Line of the Southwest Quarter of said Section Nine (9); thence South 89°23'29" West along the South Line of the Southwest Quarter of said Section Nine (9) a distance of 250.00 feet to the Point or Place of Beginning.
Parcel 4	Wiley R. Madole, & Barbara Sue Madole Madole Family Revocable Trust 1501 East Cedar Lane Norman, OK 73072	A tract of land being in the Southwest Quarter (SW/4) of Section 9, Township 8 North, Range 2 West of the I.M., Cleveland County, Oklahoma, being more particularly described as follows: Beginning at a point 1519.91 feet N89°23'29"E of the Southwest Corner of the Southwest Quarter (SW/4) of said Section 9, thence N00°15'19"E a distance of 1314.94 feet, thence N89°23'29"E a distance of 518.96 feet, thence S27°44'11"E a distance of 1333.24 feet, thence S00°06'26"E a distance of 128.22 feet, thence S89°23'29"W a distance of 1145.59 feet to the point or place of beginning containing 26.0309 acres, more or less.
Parcel 5	III Moore Properties, LTD 103 Highland Dr. Brownsville, TX 78520	Part of the of the Southwest Quarter SW ¼ of the Southeast Quarter SE ¼ and Part of the Southeast Quarter SE ¼ of the Southwest Quarter SW ¼ of Section Nine (9), Township Eight (8) North, Range Two (2) West of the I.M. described as follows: BEGINNING at the intersection of the West right-of-way line of U.S. Highway 77 and the South Line of said Section, running thence West along said South Line to its intersection with the East right-of-way line of the AT & SF R.R., thence Northwesterly to a point on said East RR right-of-way that is 191 feet North of said South Section Line, measured at right angles to said South Section Line, thence East parallel to said South Section Line to the West right-of-way line of U.S. Highway 77, thence Southeasterly along said highway right-of-way to the place of beginning. (aka 3590 Classen)

Recoupment Parcel	Owner	Legal Description
Parcel 6	½ interest Anthony K. Mirzaie 2731 S. I-35 Service Rd Moore, OK 73160 ½ interest Sterling, Inc 770 W. Rock Creek Road Suite 103 Norman, OK 73069	A tract of land being a part of Section Nine (9), Township Eight (8) North, Range Two (2) West of the Indian Meridian, Norman, Cleveland County, Oklahoma, being more particularly described as follows: Point of beginning being the Southeast corner of the Southeast Quarter (SE/4) of said Section Nine (9), Thence S 89 degrees 08'24" W, a distance of 1600.38 feet, Thence N 00 degrees 50' 18" W, a distance of 214.85 feet (measured) (recorded N 00 degrees 51' 36" W, a distance of 215.00 feet), Thence S 88 degrees 59' 57" W, a distance of 6.69 feet (measured) (recorded S 89 degrees 08' 24" W, a distance of 6.73 feet), Thence N 00 degrees 50' 44" W, a distance of 115.02 feet (measured) (recorded N 00 degrees 51' 36" W, a distance of 115.00 feet), Thence S 89 degrees 24' 24" W a distance of 31.55 feet (measured) (recorded S 89 degrees 08' 24" W, a distance of 31.40 feet), Thence N 00 degrees 51' 36" W, a distance of 114.94 feet (measured) and (recorded) to a point of curvature, Thence on a curve to the right having a delta angle of 01 degrees 28' 41", a radius of 185.48 feet a chord distance of 4.78 feet, a chord bearing of N 88 degrees 24' 03" E, an arc distance of 4.78 feet, Thence N 89 degrees 08' 24" E, a distance of 20.51 feet, Thence N 00 degrees 46' 54" W, a distance of 164.89 feet (measured) (recorded N 00 degrees 51' 36" W, a distance of 165.00 feet), Thence N 89 degrees 07' 29" E, a distance of 616.60 feet (measured) (recorded N 89 degrees 08' 24" E, a distance of 616.61 feet), Thence N 00 degrees 09' 08" W, a distance of 8.16 feet (measured) (recorded N 00 degrees 03' 46" W, a distance of 8.16 feet), Thence S 89 degrees 59' 46" E, a distance of 114.73 feet (measured) (recorded N 89 degrees 56' 14" E, a distance of 115.00 feet), Thence N 00 degrees 02' 25" W, a distance of 362.08 feet (measured) (recorded N 00 03' 46" W, a distance of 362.05 feet), Thence N 31 degrees 32' 40" E, a distance of 87.66 feet (measured) (recorded N 31 degrees 33' 46" E, a distance of 87.67 feet) to a point of Curvature, Thence on a curve to the right having a delta angle of 03 degrees 51' 47", a radius of 444.00 feet a chord distance of 29.93 feet, a chord bearing of N 56 degrees 30' 21" W, an arc distance of 29.94 feet, Thence N 35 degrees 25' 40" E, a distance of 115.00 feet (measured) (recorded N 35 degrees 25' 33" a distance of 115.00 feet) to a point of curvature, Thence on a curve to the right having a delta angle of 25 degrees 16' 55" a radius of 329.00 feet, a chord distance of 144.00 feet, a chord bearing of N 41 degrees 55' 59" W, and arc distance of 145.17 feet, Thence N 29 degrees 17' 32" W, a distance of 466.34 feet, Thence S 71 degrees 20' 49" W, a distance of 389.95 feet, Thence N 18 degrees 39' 11" W, a distance of 305.00 feet to a point of curvature, Thence on a curve to the left a delta angle of 08 degrees 56' 00", a radius of 960.11 feet, a chord distance of 149.54 feet, a chord bearing of N 23 degrees 07' 11" W, and arc distance of 149.70 feet, Thence N 27 degrees 36' 11" W, a distance of 619.12 feet to a point of curvature, Thence on a curve to the right having a delta angle of 41 degrees 12' 50" a radius of 730.79 feet, a chord distance of 514.41 feet, a chord bearing N of 06 degrees 58' 46" W, and arc distance of 525.67 feet, Thence S 78 degrees 00' 00" E, a distance of 25.01 feet, Thence N 88 degrees 41'59" E, a distance of 436.43 feet to a point of curvature, Thence on a curve to the right having a delta angle of 26 degrees 36' 58" a radius of 305.79 feet, a chord distance of 140.78 feet, a chord bearing of N 48 degrees 39' 00" E, (recorded S 48 degrees 40' 01" W, 140.91 feet amended final plat of SOUTH LAKE ADDITION SECTION 7, Book 16, Page 56), an arc distance of 142.05 feet, Thence N 61 degrees 57' 29" E, a distance of 401.87 feet, Thence N 89 degrees 54' 14" E, a distance of 292.65 feet, Thence N 89 degrees 54' 14" E, a distance of 785.00 feet, Thence S 00 degrees 05' 46" E, a distance of 658.99 feet, Thence S 00 degrees 03' 46" E, a distance of 2654.65 feet to the point of beginning. Said tract contains 111.6980 acres. Less and Except: Those portions of St. James Park, Section 3 & St. James Park, Section 4 that lie within the above described tract.

Recoupment Parcel	Owner	Legal Description
Parcel 7	Heritage Fine Homes, Inc. 770 W. Rock Creek Road Suite 103 Norman, OK 73069	BEGINNING at the Southwest Corner of Section 10, T-8N, R-2-W, I.M., Thence N 0 03' 46" W a distance of 2654.52 feet; Thence S 89 27' 57" E a distance of 1306.08 feet; Thence S 0 21' 23" E a distance of 2651.23 feet; Thence N 89 37' 05" W a distance of 1319.64 feet, to the Point of Beginning. Less and Except: Those portions of St. James Park, Section 3 & St. James Park, Section 2 that lie within the above described tract. Less and Except: Those portions of Cedar Lake Estates that lie within the above described tract.
Parcel 8	Eaglecliff LTP 1320 N. Porter Norman, OK 73071	The Northeast Quarter (NE/4) of Section Seventeen (17), Township Eight (8) North, Range Two (2) West of the Indian Meridian, Norman, Cleveland County, Oklahoma. Less and Except: Eagle Cliff Addition, Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14 and associated parks dedicated to the City of Norman.
Parcel 9 & Parcel 10	Cedar Lane, LLC P.O. Box 5156 Norman, OK 73070	The Northwest Quarter (NW/4) of Section Sixteen (16), Township Eight (8) North, Range Two (2) West, of the Indian Meridian, LESS & EXCEPT the Southwest (SW/4) of said Northwest Quarter (NW/4) AND the West 100.00 feet of the Southeast Quarter (SE/4) of said Northwest Quarter (NW/4), containing 117 acres, more or less. Less and Except: Those portions of Cedar Lane Section 1 that lie within the above described tract.
Parcel 11	¾ interest Harold A. Henfling Theresa P. Henfling 3408 Madra Street Norman, OK 73071 Henfling Living Trust ¼ interest Patricia Keithley	A tract of land located in the Northeast Quarter (NE ¼) of Section Sixteen (16), Township Eight (8) North, Range Two (2) West of the Indian Meridian, Norman, Cleveland County, Oklahoma, described as follows: Commencing at the Northeast corner of said NE ¼ ; Thence S 89° 55' 08" W on the North line of said NE ¼ for a distance of 2133.12 feet to the point of beginning, said point being on the West Right-of-Way line of U.S. Highway No. 77; Thence S 89° 55' 08" W on the North line of said NE ¼ for a distance of 442.31 feet to a point on the East Right-of-Way line of the Burlington Northern-Santa Fe Railroad; Thence S 26° 57' 54" E on said East Right-of-Way for a distance of 35.54 feet; Thence Southeasterly on said Right-of-Way on a curve to the right, having a radius of 5,779.65 feet, a chord bearing of S 25° 49' 08" E for a curve distance of 231.26 feet; Thence N 76° 57' 00" E for a distance of 410.71 feet to a point on the West Right-of-Way line of U.S. Highway No. 77; Thence N 26° 48' 00" W on said West Right-of-Way line for a distance of 165.47 feet to the point of beginning, containing 1.97 acres more or less.
Parcel 12	½ interest Heritage Fine Homes, Inc. 770 W. Rock Creek Road Suite 103 Norman, OK 73069 ½ interest Anthony K. Mirzaie 2731 S. I-35 Service Rd Moore, OK 73160	The North 735.58 feet of the Northeast Quarter (NE/4) of Section Sixteen (16), Township Eight (8) North, Range Two (2) West of the Indian Meridian, Cleveland County, Oklahoma, lying East of U.S. Highway #77 Right-of-Way, also being described by Metes and Bounds as follows: Beginning at the Northeast Corner of said Northeast Quarter (NE/C NE/4), Thence S. 00 degrees 00'24" W. on the East Line of the Northeast Quarter (NE/4) of said Section 16 for a distance of 735.58 feet; Thence S. 89 degrees 08'24" W. for a distance of 1601.69 feet to a point on the East Right-of-Way line of U.S. Highway #77; Thence N. 25 degrees 40'38" W. on said Right-of-Way line for a distance of 1.11 feet; Thence N. 27 degrees 35'11" W. on said Right-of-Way line for a distance of 300.00 feet; Thence N. 25 degrees 10'37" W. on said Right-of-Way line for a distance of 511.96 feet to the point on the North line of the NE/4 of said Section 16, Thence N. 89 degrees 08'24" E. on said North line for a distance of 1959.02 feet to the point of beginning.

Recoupment Parcel	Owner	Legal Description
Parcel 13	Wiley R. Madole, & Barbara Sue Madole Madole Family Revocable Trust 1501 East Cedar Lane Norman, OK 73072	A tract of land located in the Southwest Quarter (SW/4), Section Nine (9), Township Eight North (T8N), Range Two West (R2W), of the Indian Meridian, Cleveland County, Oklahoma, more particularly described as follows: Commencing at the S.W. Corner of said Southwest Quarter (SW/4): Thence N00°15'19"E on the West Line of said Southwest Quarter (SW/4) for a distance of 657.47 feet to the point of beginning: Thence N00°15'19"E on said West Line for a distance of 657.47 feet; Thence N89°23'29"E for a distance of 663.06 feet; Thence S00°15'19"W for a distance of 657.47 feet; Thence S89°23'29"W for a distance of 663.06 feet to the point or place of beginning containing 10.0067 acres more or less.

Note: The above list Legal Descriptions are intended only to identify general parcels subject to financial recoupment of improvements associated with the reconstruction and widening of the Cedar Lane Project and associated intersection improvements and is not intended for any other boundary survey or subdivision of property.

City of Norman, OK

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

Master

File Number: R-1213-152

File ID:	R-1213-152	**Type:**	Resolution	**Status:**	Non-Consent Items
Version:	1	**Reference:**	Item No. 31	**In Control:**	City Council
Department:	Legal Department	**Cost:**		**File Created:**	06/04/2013
File Name:	Cedar Lane Acquisition			**Final Action:**	

Title: RESOLUTION NO. R-1213-152: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, DECLARING THE NECESSITY FOR ACQUIRING CERTAIN REAL PROPERTY, MORE PARTICULARLY HEREINAFTER DESCRIBED, ALL WITHIN THE CITY OF NORMAN, COUNTY OF CLEVELAND, STATE OF OKLAHOMA, FOR THE PURPOSE OF THE CEDAR LANE ROAD WIDENING PROJECT IN THE CITY OF NORMAN; DECLARING THE NECESSITY FOR ACQUIRING SAID PROPERTY FOR ROADWAY PURPOSES; AND DECLARING AN EMERGENCY.

Notes: ACTION NEEDED: Motion to adopt or reject Resolution No. R-1213-152.

ACTION TAKEN: _____

Agenda Date: 06/11/2013

Agenda Number: 31

Attachments: Attachment Cedar Lane Widening, R-1213-152, Parcels R-1213-152

Project Manager: Kathryn Walker, Assistant City Attorney

Entered by: kathryn.walker@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-1213-152

Body

BACKGROUND: On August 28, 2012, the City of Norman voters approved a $42.5 million bond project that includes eight major transportation/storm water projects. These eight projects are anticipated to cost $89 million with federal funds paying over 50% of the costs. The projects include:

- West Lindsey Street widening and storm water improvements (2016)
- 24th Avenue SE widening and new traffic signal (2017)
- 36th Avenue NW widening and 2 new traffic signals (2018)
- 12th Avenue SE widening and improved traffic signal at SH-9 (2015)
- Main Street Bridge replacement over Brookhaven Creek and storm water improvements (2014)
- Alameda Street widening (2015)
- Cedar Lane widening and new traffic signal (2013)
- Franklin Road Bridge replacement over Little River (2014)

The first planned project is the Cedar Lane Widening Project. This project is included in this year's Transportation Improvement Plan. If the City can finalize land acquisition, utility relocation and project design by August 2013, the City will receive approximately $6.2 million in federal funds for this project.

The Cedar Lane Widening Project requires the acquisition of forty-seven (47) easements from twenty (20) property owners. On May 14, 2013, Council accepted ten (10) easements representing seven (7) property owners. On May 28, 2013 City Council accepted 17 additional easements needed for the Project.

The May 28, 2013 agenda also included Resolution No. R-1213-108 declaring a recoupment project so that the City of Norman could recover right of way acquisition costs should recipient property owners decide to develop their property over the next 15-20 years. After a protest from some of the property owners along Cedar Lane, Council voted to delay action on Recoupment Resolution No. R-1213-108 until June 11, 2013.

Following Council's decision to delay action on the Recoupment Resolution, Mr. Harold Heiple, representative of the property owners of Cedar Lane Project Parcels 9.0, 9.1, 10.0, 10.1, 21.0, 21.1 and 21.2, asked Council to vote to reconsider its acceptance of the easements associated with those parcels because those parcels were donated to the City based on its plans to adopt a Recoupment Resolution for the Project. Although this reconsideration request was not approved by a majority of Council, Mr. Heiple has advised that with the possibility of there being no recoupment project, his clients no longer agree to the easement donations Council accepted.

As discussed with Council previously, acquisition of the easements in a timely fashion is critical for the City to be in a position to acquire federal funding for the Project. In order to meet the goal of completing the land acquisition for this project by August 31, 2013, the Legal Department has prepared Resolution R-12131-152 concerning the necessity of acquiring these parcels for the Cedar Lane Widening Project. This Resolution will authorize the City to initiate eminent domain proceedings. Mr. Heiple does not object to the eminent domain authorization in that there is no dispute that the easements are necessary for the public improvement project. The process will allow the City to acquire the easements even if the issue of valuation of or donation of the property is still pending.

DISCUSSION: The appraisals of the subject properties were conducted by an Oklahoma Department of Transportation (ODOT) Certified Appraiser. Following completion of the appraisal, Staff reviewed the appraisal to evaluate the appraisal in order to correct any deficiencies and to insure that the appraisals of the property are in order.

The basis of requiring an appraisal and a review appraisal is that it insures that the restrictions of the Fifth Amendment of the United States Constitution and the Constitution of the State of Oklahoma are met. The Fifth Amendment provides in part: ". . . nor shall private property be taken for public use without just compensation." Further, the Constitution of the State of Oklahoma provides: "Private property shall not be taken or damaged for public use without just compensation. Just compensation shall mean the value of the property taken, . . ."

Finally, 11 O.S. § 22-104 provides that "every municipality shall have a right to: . . . (3) exercise the right of eminent domain for any municipal purpose, . . ." Section 22-105 provides:

> Private property may be taken for public use, or for the purpose of giving a right-of-way or other privilege for any necessary purpose, in the manner provided by law; but in every case the municipality shall make adequate compensation to the person or persons whose property shall be taken or injured thereby as provided by law.

By requiring the appraisal and a review of the appraisal, it helps insure that the offer to the property owner is adequate. The Courts have viewed "just compensation" as the fair market value of the property taken. . . . fair market value . . . means money which [the] purchaser willing but not obligated to buy property would pay to the owner willing but not obligated to sell it." *Grand River Dam Authority v. Bonford*, 111 P.2d 182 (Okla. 1941).

The City of Norman, through its right-of-way agents, has been working with the property owners to address any concerns they might have. The written offer to the property owners were delivered by the City's right-of-way

agents, Smith Roberts Land Services in late March and early April. The property owners originally agreed to donate the property in recognition of the City's intention of declaring a recoupment project for the right of way costs. However, if the City does not declare a recoupment project, these property owners desire to continue negotiations for the purchase of the needed easements. Given the time frame and the uncertainty of the recoupment project, Staff decided to request permission to file condemnation on these additional parcels. The parcels affected by Resolution No. R-1213-152 are contained in the chart attached hereto as Attachment 1.

This Project is being conducted by the City in conjunction with the Federal Highway Administration ("FHWA") and ODOT. The City has: (1) followed both federal and state regulations concerning the acquisition of private property for this public project; (2) provided the property owners property rights information as required by the regulations; (3) conducted appraisals and review appraisals as required by the regulations; (4) provided the property owners with all requested information with respect to this Project and their property; (5) representatives of the City and City Staff have been available at all times to discuss any issue with the property owners; and (6) requested information from the property owners that would assist City Staff in resolving the issue of acquiring these properties.

The City must complete property acquisition for this project in August to take advantage of any available federal TIP funds. Although Staff desires to settle the acquisition process with the property owners, it is necessary to take the next step and file for condemnation to preserve the timeline of completion by August 31, 2013. Filing condemnation does not mean that efforts toward settlement will cease. It will ensure however, that the property is acquired in a timely fashion.

RECOMMENDATION: Based upon the above and foregoing, it is the recommendation of the City Attorney's Office that proposed Resolution No. R-1213-152 concerning the necessity of acquiring the tracts of property described in Attachment 1 to this memorandum and in the exhibits attached to the Resolution, and associated with the Cedar Lane Project and authorizing the filing of eminent domain proceedings for the acquisition thereof, be approved.

CEDAR LANE WIDENING PROJECT
Additional parcels identified for possible condemnation

Exhibit	Parcel No.	Property Owner(s)	Type of Easement
A	9.0	Sterling, Inc.	Public Roadway, Drainage and Utilities Easement
B	9.1		Utility Easement
C	10.0	Heritage Fine Homes, Inc.	Public Roadway, Drainage and Utilities Easement
D	10.1		Utility Easement
E	21.0	Heritage Fine Homes, Inc.	Public Roadway, Drainage and Utilities Easement
F	21.1		Temporary Construction Easement
G	21.2		Temporary Construction Easement

RESOLUTION NO. R-1213-152
Cedar Lane Acquisition of Additional Parcels

A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, DECLARING THE NECESSITY FOR ACQUIRING CERTAIN REAL PROPERTY, MORE PARTICULARLY HEREINAFTER DESCRIBED, ALL WITHIN THE CITY OF NORMAN, COUNTY OF CLEVELAND, STATE OF OKLAHOMA, FOR THE PURPOSE OF THE CEDAR LANE ROAD WIDENING PROJECT IN THE CITY OF NORMAN; DECLARING THE NECESSITY FOR ACQUIRING SAID PROPERTY FOR ROADWAY PURPOSES; AND DECLARING AN EMERGENCY.

§ 1. WHEREAS, the City of Norman has located and proposed a street widening project on Cedar Lane beginning in the vicinity of 12th Avenue SE and continuing to east of 24th Avenue SE; and

§ 2. WHEREAS, this project was approved by Council for the City of Norman by Resolution No. R-1112-60; and

§ 3. WHEREAS, the City of Norman has found it necessary to appropriate the hereinafter described tracts of land for the above-designated public purpose; and

§ 4. WHEREAS, the City of Norman made a diligent effort, in good faith, to acquire, by purchase, from the owners thereof, the tracts of land hereinafter described and the said owners have refused, and still refuse, to grant and convey to the City of Norman the lands necessary for purpose as aforesaid.

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

§ 5. That the acquisition and appropriation of the hereinafter described real estate is necessary for the Cedar Lane Widening project. The easements to be acquired are more particularly described in the attached Exhibits "A" thru "G".

§ 6. That the City of Norman has heretofore offered to the owners of said properties a fair, just and reasonable price for the purchase of said lands and that the said offers have been rejected and all negotiations and efforts to purchase the said real properties, by agreement, have failed; and

§ 7. That the City Attorney is hereby authorized and directed to institute eminent domain proceedings for condemnation of the hereinabove described real properties for the public purposes as heretofore stated; and

§ 8. That an emergency exists for the preservation of public peace, health, safety and welfare, by reason whereof this Resolution shall take effect immediately from and after its adoption and approval.

PASSED AND ADOPTED this 11th day of June, 2013.

_____
Mayor

ATTEST:

_____
City Clerk

Exhibit A
Parcel 9.0

A strip, piece, or parcel of land lying in the Southeast Quarter (SE 1/4) of Section 9, Township 8 North, Range 2 West of the Indian Meridian, Cleveland County, Oklahoma. Said parcel of land being more particularly described as follows:

BEGINNING at the Southeast corner of said SE ¼, THENCE South 89°06'58" West along the South line of said SE 1/4, a distance of 1600.38 feet, THENCE North 00°53'02" West to the Southeast corner of Lot 44, Block 1 of South Lake Addition Section 2 an addition to the City of Norman a distance of 50.00 feet, THENCE North 89°06'58" East parallel with the South line of said SE 1/4, a distance of 1601.07 feet to a on the point East line of said SE 1/4, THENCE South 00°05'19" East along said East line, a distance of 50.00 feet to the POINT OF BEGINNING Containing 27,216.26 sq. ft. or 0.62 acres, more or less, of new Roadway Easement, the remaining area included in the above description being right-of-way occupied by the present roadway.

Exhibit B
Parcel 9.1

A strip, piece, or parcel of land lying in the Southeast Quarter (SE 1/4) of Section 9, Township 8 North, Range 2 West of the Indian Meridian, Cleveland County, Oklahoma. Said parcel of land being more particularly described as follows:

COMMENCING at the Southeast corner of said SE ¼, THENCE North 00°05'19" West along the East line of said SE 1/4, a distance of 50.00 feet to the POINT OF BEGINNING, THENCE South 89°06'58" West parallel with the South line of said SE 1/4, a distance of 1601.07 feet to the Southeast corner of Lot 44, Block 1 of South Lake Addition Section 2 an addition to the City of Norman, THENCE North 00°53'02" West along the East line said of Lot 44, a distance of 5.00 feet, THENCE North 89°06'58" East parallel with the South line of said SE 1/4, a distance of 1601.14 feet to a point on the East line of said SE 1/4, THENCE South 00°05'19" East along said East line, a distance of 5.00 feet to the POINT OF BEGINNING, Containing 8005.54 sq. ft. or 0.18 acres, more or less.

Exhibit C
Parcel 10.0

A strip, piece, or parcel of land lying in the Southwest Quarter (SW 1/4) of Section 10, Township 8 North, Range 2 West of the Indian Meridian, Cleveland County, Oklahoma. Said parcel of land being more particularly described as follows:

BEGINNING at the Southwest corner of said SW ¼, THENCE North 00°05'19" West along the West line of said SW 1/4, a distance of 50.00 feet, THENCE South 89°38'21" East parallel with the South line of said SW 1/4, a distance of 450.41 feet, THENCE North 70°00'32" East a distance of 19.58 feet, THENCE South 29°58'43" West a distance of 27.39 feet, THENCE South 00°21'39" West a distance of 33.00 feet to a point on the South line of said SW ¼, THENCE North 89°38'21" West along said South line, a distance of 454.84 feet to the POINT OF BEGINNING. Containing 7869.30 sq. ft. or 0.18 acres, more or less, of new Roadway Easement, the remaining area included in the above description being right-of-way occupied by the present roadway.

Exhibit D
Parcel 10.1

A strip, piece, or parcel of land lying in the Southwest Quarter (SW 1/4) of Section 10, Township 8 North, Range 2 West of the Indian Meridian, Cleveland County, Oklahoma. Said parcel of land being more particularly described as follows:

COMMENCING at the Southwest corner of said SW ¼, THENCE North 00°05'19" West along the West line of said SW 1/4, a distance of 50.00 feet to the POINT OF BEGINNING, THENCE continuing North 00°05'19" West along said West line, a distance of 5.00 feet, THENCE South 89°38'21" East parallel with the South line of said SW 1/4, a distance of 463.93 feet, THENCE South 70°00'32" West a distance of 14.37 feet, THENCE North 89°38'21" West parallel with the South line of said SW 1/4, a distance of 450.41 feet to the POINT OF BEGINNING. Containing 2285.84 sq. ft. or 0.05 acres, more or less.

Exhibit E
Parcel 21.0

A strip, piece, or parcel of land lying in the Northeast Quarter (NE 1/4) of Section 16, Township 8 North, Range 2 West of the Indian Meridian, Cleveland County, Oklahoma. Said parcel of land being more particularly described as follows:

BEGINNING at the Northeast corner of said NE ¼, THENCE South 00°00'52" East along the East line of said NE 1/4, a distance of 432.70 feet, THENCE South 89°59'08" West a distance of 50.00 feet, THENCE North 00°00'52" West parallel with the East line of said NE 1/4, a distance of 182.19 feet, THENCE North 11°21'52" West a distance of 50.81 feet, THENCE North 00°00'52" West parallel with the East line of said NE 1/4, a distance of 114.93 feet, THENCE North 45°37'50" West a distance of 49.06 feet, THENCE South 89°06'58" West parallel with the North line of said NE 1/4, a distance of 1410.38 feet, THENCE South 83°03'13" West a distance of 94.69 feet, THENCE South 89°06'58" West parallel with the North line of said NE 1/4, a distance of 306.54 feet, THENCE South 31°57'25" West a distance of 27.12 feet to a point on the Easterly Right-of-Way line of the Oklahoma State Highway 77, THENCE North 25°12'08" West along the Easterly Right-of-Way line of the Oklahoma State Highway 77, a distance of 90.84 feet, THENCE North 89°06'58" East along North line of said NE 1/4, a distance of 1959.02 feet to the POINT OF BEGINNING. Containing 45359.72 sq. ft. or 1.04 acres, more or less, of new Roadway Easement, the remaining area included in the above description being right-of-way occupied by the present roadway

Exhibit F
Parcel 21.1

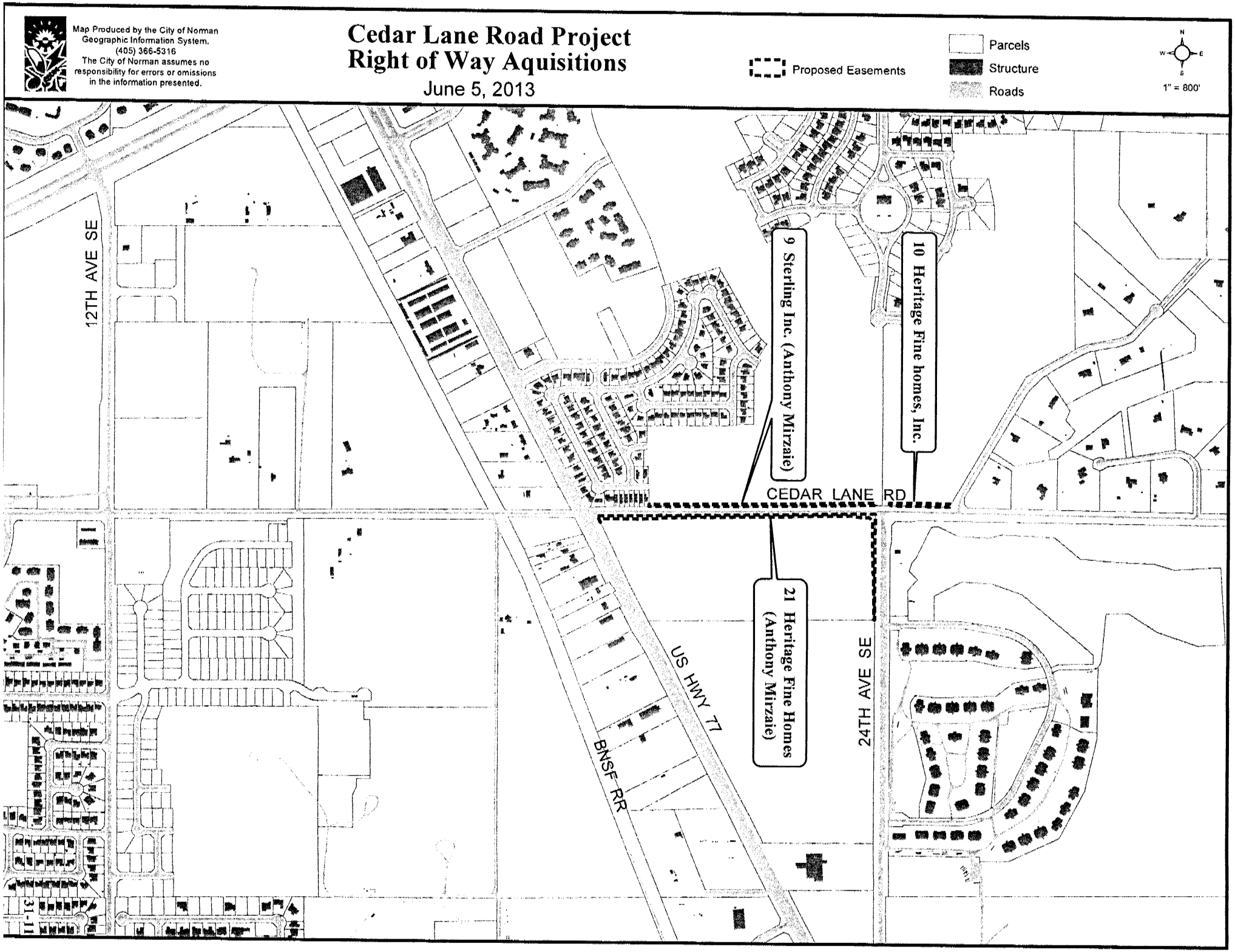
A strip, piece, or parcel of land lying in the Northeast Quarter (NE 1/4) of Section 16, Township 8 North, Range 2 West of the Indian Meridian, Cleveland County, Oklahoma. Said parcel of land being more particularly described as follows:

COMMENCING at the Northeast corner of said NE 1/4 of said Section 16, THENCE South 89°06'58" West along the North line of said NE 1/4, a distance of 95.83 feet, THENCE South 00°53'02" East a distance of 50.00 feet to the POINT OF BEGINNING, THENCE South 45°37'50" East a distance of 14.08 feet, THENCE South 89°06'58" West parallel with the North line of said NE 1/4, a distance of 100.00 feet, THENCE North 00°53'02" West a distance of 10.00 feet, THENCE North 89°06'58" East parallel with the North line of said NE 1/4, a distance of 90.09 feet to the POINT OF BEGINNING. Containing 950.44 sq. ft. or 0.02 acres, more or less.

Exhibit G
Parcel 21.2

A strip, piece, or parcel of land lying in the Northeast Quarter (NE 1/4) of Section 16, Township 8 North, Range 2 West of the Indian Meridian, Cleveland County, Oklahoma. Said parcel of land being more particularly described as follows:

COMMENCING at the Northeast corner of said NE 1/4 of said Section 16, THENCE South 00°00'52" East along the East line of said NE 1/4, a distance of 200.69 feet, THENCE South 89°59'08" West a distance of 60.00 feet to the POINT OF BEGINNING, THENCE South 11°21'52" East a distance of 50.81 feet, THENCE South 00°00'52" East parallel with the East line of said NE 1/4, a distance of 171.49 feet, THENCE South 89°59'08" West a distance of 10.00 feet, THENCE North 00°00'52" West parallel with the East line of said NE 1/4, a distance of 221.31 feet, to the POINT OF BEGINNING. Containing 1963.99 sq. ft. or 0.05 acres, more or less.


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.
Cedar Lane Road Project
Right of Way Aquisitions
June 5, 2013
Proposed Easements
Parcels
Structure
Roads
N
W
E
S
1" = 800'
12TH AVE SE
9 Sterling Inc. (Anthony Mirzaie)
10 Heritage Fine homes, Inc.
CEDAR LANE RD
21 Heritage Fine Homes (Anthony Mirzaie)
US HWY 77
BNSF RR
24TH AVE SE