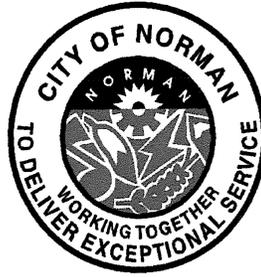


City of Norman, OK

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



Meeting Agenda

Tuesday, January 11, 2011

6:30 PM

Municipal Building Council Chambers

City Council

*Mayor Cindy Rosenthal
Council Member Alan Atkins
Council Member Tom Kovach
Council Member Hal Ezzell
Council Member Carol Dillingham
Council Member Rachel Butler
Council Member Jim Griffith
Council Member Doug Cubberley
Council Member Dan Quinn*

*City Council, Norman Utilities Authority, Norman Municipal Authority, and Norman
Tax Increment Finance Authority Agenda*

1 Roll Call**2 Pledge of Allegiance****3 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 14 be placed on the consent docket.

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

ACTION TAKEN:

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

ACTION TAKEN:

4 **GID-1011-8** CONSIDERATION OF APPROVAL OF THE MINUTES AS FOLLOWS:

CITY COUNCIL STUDY SESSION MINUTES OF DECEMBER 21, 2010
CITY COUNCIL CONFERENCE MINUTES OF DECEMBER 28, 2010
CITY COUNCIL SPECIAL SESSION MINUTES OF DECEMBER 28, 2010
CITY COUNCIL MINUTES OF DECEMBER 28, 2010
NORMAN UTILITIES AUTHORITY MINUTES OF DECEMBER 28, 2010
NORMAN MUNICIPAL AUTHORITY MINUTES OF DECEMBER 28, 2010
NORMAN TAX INCREMENT FINANCE AUTHORITY MINUTES OF DECEMBER 28, 2010

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

ACTION TAKEN: _____

Attachments: December 28 Conference Minutes
 December 28 Special Session Minutes
 December 28 CC Minutes

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

ACTION NEEDED: Motion to Introduce and adopt Ordinance No. O-1011-5 upon First Reading by title.

ACTION TAKEN: _____

Attachments: O-1011-5 Local Preference-Anno
 O-1011-5 Local Preference-Clean
 Pert Excerpts Finance 6-16-10
 Pert Exc Finance 7-21-10
 Pert Exc Finance 10-20-10

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

ACTION NEEDED: Motion to introduce and adopt Ordinance No. O-1011-29 upon First Reading by title.

ACTION TAKEN: _____

Attachments: O-1011-29 TGV
 Site Plan - TGV Rev.
 Location Map - TGV
 Staff Report TGV
 Elevation - TGV
 Applicant Letter - TGV
 Pre-Development Summary - TGV
 12-9-10 Minutes - TGV

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

ACTION NEEDED: Motion to introduce and adopt Ordinance No. O-1011-30 upon First Reading by Title.

ACTION TAKEN: _____

Attachments: O-1011-30

Exhibit A - Preliminary Site Plan

Location Map - Sigma Nu

Staff Report O-1011-30

Pre-Development - Sigma Nu

12-9-10 Minutes - Sigma Norman

8 BID-1011-48 CONSIDERATION AND AWARDING OF BID NO. 1011-48 FOR THE PURCHASE OF ASPHALT CONCRETE, SUPERPAVE ASPHALT, EMULSIFIED ASPHALT, AND CONTAINER PATCH MIX FOR THE STREET MAINTENANCE DIVISION

- 1. ASPHALT CONCRETE - TYPE C, ZONES 1-5 AND BATCH PLANT
- 2. ASPHALT CONCRETE - TYPE B, ZONES 1-5 AND BATCH PLANT
- 3. SUPERPAVE ASPHALT - TYPE S-3, ZONES 1-5 AND BATCH PLANT
- 4. SUPERPAVE ASPHALT - TYPE S-4, ZONES 1-5 AND BATCH PLANT
- 5. SUPERPAVE ASPHALT - TYPE S-5, ZONES 1-5 AND BATCH PLANT
- 6. EMULSIFIED ASPHALT, TYPE SS-1 OR EQUAL
 - A. DELIVERED AND APPLIED
 - B. PICKUP AT PLANT
- 7. CONTAINER PATCH MIX
 - A. PICKUP AT PLANT (1) 50 POUNDS AND (2) 35 POUNDS
 - B. BULK PICKUP AT PLANT
 - C. BULK DELIVERED

ACTION NEEDED: Motion to accept or reject all bids meeting specifications on Section 1, Zones 1, 2, 3, and 4 and Batch Plant, and all Zones of Sections 2, 3, 4, and 5; and, if accepted, award the bid to Paving Materials, Inc., as the lowest and best bidder meeting specifications, Haskell Lemon Construction Company as the first alternate bidder, and T.J. Campbell Construction Company as the second alternate bidder.

ACTION TAKEN: _____

ACTION NEEDED: Motion to accept or reject all bids meeting specifications on Section 1, Zone 5; and, if accepted, award the bid to Haskell Lemon Construction Company as the lowest and best bidder meeting specifications and Paving Materials, Inc., as the alternate bidder.

ACTION TAKEN: _____

ACTION NEEDED: Motion to accept or reject all bids meeting specifications on Section 6(a); and, if accepted, award the bid to Haskell Lemon Construction Company as the lowest and best bidder meeting specifications and Paving Materials, Inc., as the alternate bidder.

ACTION TAKEN: _____

ACTION NEEDED: Motion to accept or reject all bids meeting specifications on Section 6(b); and, if accepted, award the bid to Vance Brothers, Inc., as the lowest and best bidder meeting specifications, Haskell Lemon Construction Company as the first alternate bidder, and Paving Materials, Inc., as the second alternate bidder

ACTION TAKEN: _____

ACTION NEEDED: Motion to accept or reject the bid as meeting specifications on Section 7; and, if accepted, award the bid to Paving Maintenance Supply, Inc., as the lowest and best bidder meeting specifications.

ACTION TAKEN: _____

Attachments: Bid tab - asphalt

- 9 **FP-1011-18** CONSIDERATION OF A FINAL SITE DEVELOPMENT PLAN AND FINAL PLAT FOR UNIVERSITY NORTH PARK ADDITION, SECTION V, A PLANNED UNIT DEVELOPMENT, AND ACCEPTANCE OF PUBLIC DEDICATIONS CONTAINED THEREIN.

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

ACTION TAKEN: _____

- Attachments:** UNP 5- Location Map
 UNP 5 -Staff Report
 UNP 5 - Revised Preliminary Plat
 UNP 5 - Final Site Development Plan (submitted to PC)
 UNP 5- Final Plat (submitted to PC)
 Proposed Final Plat UNP Section 5
 Proposed Final Site Development Plan

- 10 **K-0910-104** CHANGE ORDER NO. TWO TO CONTRACT NO. K-0910-104: BY
 CHG #2 AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND SUN
 CONSTRUCTION SERVICES, INC., DECREASING THE CONTRACT
 AMOUNT BY \$712.41 FOR THE MUNICIPAL BUILDING C
 RENOVATION PROJECT AND FINAL ACCEPTANCE OF THE
 PROJECT.

ACTION NEEDED: Motion to approve or reject Change Order No. Two to Contract No. K-0910-104 decreasing the contract amount by \$712.41; and, if approved, authorize the execution thereof, accept the project, and direct final payment in the amount of \$49,958.44 to Sun Construction Services, Inc.

ACTION TAKEN: _____

- Attachments:** Change Order #2 K-0910-104

- 11 K-1011-129 CONTRACT NO. K-1011-129: A CONTRACT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND REPUBLIC BANK TO SUBORDINATE A LIEN REGARDING FUNDS FROM THE HOME PARTNERSHIP PROGRAM FOR PROPERTY LOCATED AT 2026 ALLENHURST STREET.

ACTION TAKEN: Motion to approve or reject Contract No. K-1011-129 with Republic Bank; and, if approved, authorize the execution thereof.

ACTION TAKEN: _____

Attachments: K-1011-129

- 12 CJ-2010-512BH CONSIDERATION OF A RECOMMENDATION FROM THE CITY ATTORNEY THAT THE CITY COUNCIL APPROVE A SETTLEMENT OF JACLYNN REYNOLDS VS. THE CITY OF NORMAN, CLEVELAND COUNTY DISTRICT COURT CASE NO. CJ-2010-512BH, IN THE AMOUNT OF \$79,900.

ACTION NEEDED: Motion to approve or reject the City Attorney's recommendation; and, if approved, authorize the City Attorney's Office to effectuate the settlement in the amount of \$79,900.

ACTION TAKEN: _____

- 13 R-1011-77 RESOLUTION NO. R-1011-77: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, APPROPRIATING \$7,438 FROM THE GENERAL FUND BALANCE AND TRANSFERRING \$10,197 FROM A PARK MAINTENANCE SERVICE EQUIPMENT ACCOUNT TO REPLACE UNIT 471 FOR THE PARK MAINTENANCE DIVISION.

ACTION NEEDED: Motion to adopt or reject Resolution No. R-1011-77.

ACTION TAKEN: _____

Attachments: R-1011-77

14 P-1011-8 PROCLAMATION NO. P-1011-8: A PROCLAMATION OF THE MAYOR OF THE CITY OF NORMAN, OKLAHOMA, PROCLAIMING THE CENTENNIAL OBSERVANCE AND CELEBRATION OF KAPPA ALPHA PSI FRATERNITY, INC., DURING THE MONTH OF JANUARY, 2011, IN THE CITY OF NORMAN.

ACTION NEEDED: Motion to acknowledge receipt of Proclamation No. P-1011-8 proclaiming the Centennial observance and celebration of Kappa Alpha Psi Fraternity, Inc., during the month of January, 2011, in the City of Norman and direct the filing thereof.

ACTION TAKEN: _____

Attachments: Kappa Alpha Psi Fraternaty Celebration

Non-Consent Items

- 15 **O-1011-13** ORDINANCE NO. O-1011-13: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 460 OF CHAPTER 22 OF THE CODE OF THE CITY OF NORMAN SO AS TO GRANT SPECIAL USE FOR A ROOMING OR BOARDING HOUSE IN THE R-3, MULTI-FAMILY DWELLING DISTRICT, FOR A TRACT OF LAND LYING WITHIN LOTS 4 AND 5, BLOCK 2, LARSH'S UNIVERSITY ADDITION TO NORMAN, CLEVELAND COUNTY, OKLAHOMA; AND PROVIDING FOR THE SEVERABILITY THEREOF. (708 DEBARR AVENUE)

ACTION NEEDED: Motion to adopt or reject Ordinance No. O-1011-13 upon Second Reading section by section.

ACTION TAKEN: _____

ACTION NEEDED: Motion to adopt or reject Ordinance No. O-1011-13 upon Final Reading as a whole.

ACTION TAKEN: _____

Attachments: O-1011-13
 Location Map
 Staff Report
 Pre-Development Summary
 Project Description.pdf
 Aerial photo.pdf
 Protest Map-Letter
 PC Minutes - Kipbert

16 O-1011-34 ORDINANCE NO. O-1011-34: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING ARTICLE XI OF CHAPTER 20 TO PROVIDE FOR REGULATION RELATED TO A FLASHING YELLOW ARROW TRAFFIC SIGNAL INDICATION; AND PROVIDING FOR THE SEVERABILITY THEREOF.

ACTION NEEDED: Motion to adopt Ordinance No. O-1011-34 upon Second Reading section by section.

ACTION TAKEN: _____

ACTION NEEDED: Motion to adopt Ordinance No. O-1011-34 upon Final Reading as a whole.

ACTION TAKEN: _____

- Attachments: [O-1011-34 clean](#)
[O-1011-34 Annotated](#)
[Pert Exc 10-28-10 Transportation Comm Minutes](#)
[December 14 Conference Minutes](#)

17 O-1011-36 ORDINANCE NO. O-1011-36: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 20-607 OF CHAPTER 20 OF THE CODE OF THE CITY OF NORMAN CHANGING THE AGE OF CHILDREN REQUIRED TO BE PROTECTED BY A CHILD PASSENGER RESTRAINT SYSTEM; AND PROVIDING FOR THE SEVERABILITY THEREOF.

ACTION NEEDED: Motion to adopt Ordinance No. O-1011-36 upon Second Reading section by section.

ACTION TAKEN: _____

ACTION NEEDED: Motion to adopt Ordinance No. O-1011-36 upon Final Reading as a while.

ACTION TAKEN: _____

- Attachments: [O-1011-36 annotated](#)
[O-1011-36 clean](#)

18 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.

- 19 GID-1011-9 CONSIDERATION OF ADJOURNING INTO AN EXECUTIVE SESSION AS AUTHORIZED BY OKLAHOMA STATUTES TITLE 25 §307(B)(4) IN ORDER TO DISCUSS WORKERS' COMPENSATION COURT CASE NOS. WCC-2008-06751K; WCC-2009-14997H; AND WCC-2010-05927L, JIMMY O'NEAL VS. THE CITY OF NORMAN AND AS AUTHORIZED BY OKLAHOMA STATUTES TITLE 25 §307(B)(2) TO DISCUSS NEGOTIATIONS CONCERNING EMPLOYEES AND REPRESENTATIVES OF EMPLOYEE GROUPS.

INFORMATION: Pursuant to 25 O.S., Section 307(B)(4), allows confidential communications between a public body and its attorney concerning a pending investigation, claim, or action if the public body, with the advice of its attorney, determines that disclosure will seriously impair the ability of the public body to process the claim or conduct a pending investigation, litigation, or proceeding in the public interest and Title 25 §307(B)(2) allows discussion of negotiations concerning employees and representatives of employee groups. Thereupon, this item is submitted for City Council's consideration.

ACTION NEEDED: Motion to adjourn out of the Council meeting and convene into an Executive Session in order to discuss Workers' Compensation Court Case Nos. WCC-2008-06751K; WCC-2009-14997H; and WCC-2010-05927L, Jimmy O'Neal vs. the City of Norman, and as authorized by Oklahoma Statutes Title 25 §307(B)(2) to discuss negotiations concerning employees and representatives of employee groups.

ACTION TAKEN: _____

ACTION NEEDED: Motion to adjourn out of Executive Session and reconvene the Council Meeting.

ACTION TAKEN: _____

20 Adjournment



CITY COUNCIL AGENDA JANUARY 11, 2011

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

Item No. 4

Text File Number: GID-1011-8

Introduced: 12/27/2010 by Brenda Hall, City Clerk

Current Status: Consent Item

Version: 1

Matter Type: Minutes

Title

CONSIDERATION OF APPROVAL OF THE MINUTES AS FOLLOWS:

CITY COUNCIL STUDY SESSION MINUTES OF DECEMBER 21, 2010
CITY COUNCIL CONFERENCE MINUTES OF DECEMBER 28, 2010
CITY COUNCIL SPECIAL SESSION MINUTES OF DECEMBER 28, 2010
CITY COUNCIL MINUTES OF DECEMBER 28, 2010
NORMAN UTILITIES AUTHORITY MINUTES OF DECEMBER 28, 2010
NORMAN MUNICIPAL AUTHORITY MINUTES OF DECEMBER 28, 2010
NORMAN TAX INCREMENT FINANCE AUTHORITY MINUTES OF
DECEMBER 28, 2010

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: _____

COUNCIL STUDY SESSION MINUTES

December 21, 2010

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 21st day of December, 2010, and notice and agenda of the meeting were posted at the Municipal Building at 201 West Gray, and the Norman Public Library at 225 North Webster 48 hours prior to the beginning of the meeting.

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

ABSENT: Councilmembers Butler & Ezzell

PRESENTATION FROM DON WOOD, EXECUTIVE DIRECTOR FOR THE NORMAN ECONOMIC DEVELOPMENT COALITION, REGARDING THE QUALITY JOBS INCENTIVE PROVISION PROVIDED UNDER STATE STATUTES, AND STAFF PRESENTATION REGARDING FUTURE DEVELOPMENT INCENTIVES OFFERED BY OTHER CITIES.

Mr. Don Wood, Norman Economic Development Coalition (NEDC) Director, said Council requested basic information about the Oklahoma Quality Jobs Bill (OQJ) and how it works in order to help determine what is viewed as a quality job moving forward in the University North Park area. He said the OQJ Program was passed in the late 1980's, during some pretty tough economic times when the State of Oklahoma (State) looked at the costs associated with unemployed person(s) in the State. The thought was it would be good for the State to invest money in assisting companies to locate to Oklahoma and help create job(s) for those companies.

Mr. Wood said the OQJ Program gives qualifying enrolled companies quarterly cash rebates of up to five percent (5%) of taxable wages for up to ten years. He said new legislation in 2005 allowed companies in the program who expand again to receive up to 6% wage rebates on meeting certain criteria.

To qualify for the OQJ Program, companies must meet the following eligibility requirements:

- ✓ New payroll investment of \$2.5 million or more for manufacturers and certain service companies, either new to the state or additional jobs for an existing company within three years; a lower payroll threshold is available to businesses in certain industries or as a result of location in targeted areas;
- ✓ **High impact programs:** lowers annualized payroll threshold to \$1 million for businesses that produce new direct jobs to the State that are equal to or greater than one percent (1%) of the total labor force of the county in which they locate; payout is 2.5% of taxable wages for up to six years;
- ✓ **Small employer program:** allows qualifying small businesses of 90 employees or less to receive up to a five percent (5%) cash-back incentive for up to seven years to locate or expand in Oklahoma; and
- ✓ Companies must meet minimum wage and health coverage requirements.

Mr. Wood said the 21st Century Quality Jobs Program was an addition made to the OQJ Program last year and targeted high paying jobs of \$94,000 annually. He said qualifying companies may be eligible for up to twice the net benefit rate of the OQJ program, or 10% of the taxable payroll of these new jobs, to be paid in cash on a quarterly basis and the program can last up to 10 years. The 21st Century OQJ Program eligibility requirements include: must be a qualifying basic industry; a minimum of 10 new direct jobs with three years to "ramp up" to this level of jobs; and companies must meet minimum wage and health coverage requirements.

An example of a OQJ Program is if a company created 250 jobs with an average annual salary of \$50,000, the company would be entitled to quarterly cash rebates up to five percent (5%) taxable wages for up to 10 years. Mr. Wood said cash rebates are paid quarterly based on the unemployment forms filed with the State and there are no conditions on how the company desires to spend the money. He said the cash back rebate is taxable income back to the company.

Mr. Wood said there was concern expressed by local developers and realtors that the Norman Economic Development Coalition (NEDC) would turn the market upside down by creating sites at the University North Park Corporate Centre (UNPCC) that could be offered at below market rates to potential employers and particularly existing companies within the community. He agreed that would have been an unfair balance to the community and said NEDC sought to keep the balance, still giving companies incentives to develop in the UNPCC and create jobs within the community. Mr. Wood said NEDC targeted high-paying jobs and provided a brief overview of the UNPCC. He said UNPCC will be a 60-acre office park built in two phases. He said it would be 900,000 total square feet of Class A office space with water features and will include both new and existing/expanding companies.

The incentive program was to facilitate the attraction of high-impact employers who provide high-paying jobs and to retain existing Norman employers that create high-quality jobs. NEDC will sell lots in the UNPCC for the construction of an owner-occupied building and will offer cash rebates or deep discounts based upon the economic impact of jobs created by those employers attracted or retained.

Criteria for sales in the UNPCC are as follows:

- Existing Norman employers are eligible to purchase a site at incentive pricing if they plan to create significant new job growth over the next two to five years equal to at least 35% of the current level of employment;
- New employers are eligible to purchase a site at incentive pricing if the jobs created exceed 150% of the average county per capita income (\$23,339) with a benefit package that includes employer contributed health insurance; and
- Sites will not be sold for speculation or for the development of general offices for lease to the open market.

Mr. Wood said *existing* companies must provide a business plan demonstrating reasonable prospect of creating new jobs that within five years, employee count exceeds current employee count by 35%. He said if an existing Norman business vacates an existing building they must provide documented evidence that reflects at the end of its current lease or landlord does not object to early termination, the additional office space needed is not available at the existing location, and must certify that they are at risk to relocate out of Norman or the jobs created will not be in Norman unless a site is available.

Mr. Wood provided a chart reflecting a new job incentive table demonstrating salaries from the minimum based salary of \$35,000 to \$85,000+ and the percentages/rebates paid back to companies annually. Mr. Wood said NEDC looked at selling site(s) to potential customer(s) at the full retail price of \$16.00 per square foot, or \$3 million for a UNPCC site. He said the discount would be approximately \$7.00 per square foot, or \$1.2 million and that money would be rebated back to customer based on the new job incentive table formula. He said the higher paying salary would receive a higher paying rebate until they reached the full discounted price.

Mr. Wood said this formula was prepared a couple of years ago before the economic downturn and whether NEDC would stay with this policy is up for negotiation. He said the concept is not to create an environment that generates hardships within the community by other developers/builders that are trying to build office projects. Mr. Wood clarified the salaries reflected on the new job incentive table are actual monies paid to the employee and does not include any additional benefits to the employee. He said the rebate money paid to the companies is not TIF money, instead it is strictly that incremental speculative value that is added onto the site/lot that is above the cost and the difference between NEDC cost(s) and the actual market full appraised value of the site/lot. He said NEDC is not offering this in order to make a profit but only to break even and offer incentive pricing to potential companies, whether they are new or expanding. The problematic part of this equation is the company would need to borrow the full \$3 million and then be repaid the money through rebates and Mr. Wood said whether or not this will be practical in today's market will simply be a "wait and see" issue. He highlighted the potential economic impact of the UNPCC as follows:

- 200 employees x \$50,000 annual salary x 2.65% = \$265,000 for ten year total of \$2,650,000
- 400 employees x \$50,000 annual salary x 2.65% = \$530,000 for ten year total of \$5,300,000
- 200 employees x \$75,000 annual salary x 2.85% = \$427,500 for ten year total of \$4,275,000

He said some companies could earn back the rebate(s) in as little as two or three years, paid back on a quarterly basis.

Mr. Wood said further potential economic impact of the UNPCC with the expansion of eight existing companies with 35% job expansion (or 62 jobs) would create 496 new jobs or \$25 million in new payroll. If six new companies located to Norman and created 240 jobs each, they would create a total of 1,444 new jobs to the Norman area or \$72 million in new payroll. Mr. Wood said \$50,000 annually is the benchmark for new jobs under both the expansion company and new company scenarios and \$97 million in direct new payroll generates \$1,350,500 in new sales tax dollars to Norman. NEDC is targeting job companies that have a need to hire college graduates. He said Norman has a great supply of college graduates and 80% indicated (through surveys) that they preferred to stay in Norman. He said that is a top selling point to potential companies; to be able to hire the best and brightest college graduates who can afford to live in Norman and have a high quality of life, rather than move away.

Councilmember Dillingham asked if there is any industry standard on the \$1.35 million in new sales tax as to what the collateral ripple effect would be in terms of additional new jobs created, i.e., more jobs within UNPCC can cause other small businesses in the area to locate to Norman to serve those citizens who now live and work in the area. Mr. Wood said quality jobs has been looked at extensively and brought a lot of new dollars to the state. He said UNPCC Project impact can be broken down into three categories:

- Capital Investment: 75,000 square feet office building valued at \$15,000,000
- Job Creation: 300 jobs at \$50,000 per year results in \$15,000,000 in new yearly payroll, every new job creates 2.5 indirect jobs, and 750 jobs at \$20,000 per year results in \$15,000,000 in new yearly payroll
- Real Estate Impact: 100 new homes at \$200,000 and 100 new ad valorem taxpayers on new and used homes

Mr. Wood said the Norman Ad Valorem Taxes annually generated \$150,000 for Building Ad Valorem, \$200,000 for New Home Ad Valorem, and \$100,000 for Other Ad Valorem for a total of \$450,000 which over ten years would generate \$4.5 million. He said Norman Sales Tax generated a one time \$262,500 for new office buildings, a one time \$350,000 for new homes, \$183,750 annually for new jobs (35% x 3 ½ cents), and \$131,250 annually for induced jobs (25% x 3 ½ cents) for a ten year total of \$3,762,500.

Mr. Wood said the total return on investment reflecting ten year totals are as follows:

• Building Ad Valorem	\$1,500,000
• Residential Ad Valorem	\$3,000,000
• New Construction Sales Tax – Office	\$ 262,500
• New Construction Sales Tax – Residential	\$ 350,000
• Sales Tax from New Jobs	\$1,837,500
• Sales Tax from Induced Jobs	<u>\$1,312,500</u>
TOTAL	\$8,252,500

Mr. Wood said sales tax from new jobs would generate \$183,750 annually and sales tax from induced jobs would generate \$131,250 annually. He said Norman's investment in job creation would be \$1 million versus \$8,262,500 in revenues to school systems; city sales tax; and to ad valorem taxes. He said what NEDC is creating a base of new jobs in the Norman community that will in turn create sales tax and ad valorem revenues and Councilmember Dillingham agreed.

Ms. Kathryn Walker, Assistant City Attorney, highlighted local incentives other cities in Oklahoma are doing to recruit businesses to their area. She said of the top five cities in Oklahoma, only one - Oklahoma City (OKC), sets a minimum threshold for local incentives for quality jobs.

OKC has a Strategic Investment Program (SIP) that began in 2007 when the voters approved the issuance of General Obligation (GO) Bonds of \$75 million and use of a discretionary "deal closing" fund designed to entice companies looking to expand or locate in OKC. The company must meet or exceed OKC's average annual wage or minimum of \$32,000 if in a Enterprise Zone, have a new net payroll of at least \$1.75 million, at least 50 new employees, and have

health insurance for full time employees; 50% paid by employer. Mr. Wood said when Boeing was looking at coming to OKC, the State eliminated the aerospace workers tax credit which was \$4 million and he felt had Oklahoma City not offered incentives Boeing would not have come to Oklahoma.

The City of Tulsa (Tulsa) does not have a mechanism for cash payments like OKC, but has a 50-60 year program of purchasing or trading for industrial land via bond issues. The citizens have been very supportive of the program and Tulsa can offer incentives in the form of low cost leases. Tulsa owns over five million square feet of office space near the airport, which has proven to be very beneficial in their relationship with American Airlines. Tulsa also does some financing through a trust for equipment as a tax benefit to companies. Tulsa does not have standards based on salaries but instead on a head-count basis, i.e., how many new jobs will be coming to their city.

The City of Lawton/Fort Sill operates through Comanche County Industrial Authority (CCIA) and has a county wide tax for incentive purposes. Incentives are based on number of jobs, and the amount of pay and benefits, but have no minimum threshold. Lawton/Fort Sill uses a economic forecasting tool (REMI Model) to predict return on investment (ROI) to determine appropriate amount of incentive and before presenting to CCIA.

The City of Broken Arrow does not have any local incentive program but recently created a TIF to provide incentives to FlightSafety International - which employs over 600 jobs and is their largest private employer – to ensure the company would remain in their city. The TIF created provided \$7.5 million for FlightSafety International to expand and they are currently breaking ground on a \$40+ million facility.

Mr. Wood provided background information on the PETCO Project that Norman was recently recruiting and he said PETCO would have created 400 jobs with annual salaries of \$57,000 ~~annual salaries~~ and over a ten years and was an \$11.6 million project. He said the Texas Governor has a closing fund in Texas and wrote a check for \$3.1 million using taxpayer funds, as well as funds from training and other sources. Mr. Wood said PETCO bought a 114,000 square foot facility in San Antonio, Texas and Texas agreed to take the property off the tax roles for ten years. He said Norman has not entertained the notion of taking property off tax roles and Mr. Ellis said property within a TIF District is required by statute to have a fee in lieu of property tax. Mr. Ellis said taking property off tax roles would only be an option for areas outside the TIF District.

Councilmember Kovach asked if there is any discussion on partnering with Cleveland County and Mr. Wood said NEDC has spoken to the County on becoming a fifth partner of NEDC and have asked if they would provide the \$50,000 funding to pay the Oklahoma City Partnership Program for everyone within the County. He said there has not been discussion about a County-wide ad valorem or sales tax issue and NEDC has tried to stay away from sales tax as it's the City's primary source of revenue, so to look at trying to carve out a portion of the City's revenue has not been viable. Mayor Rosenthal said it is important to remember south OKC and Moore each having interest in economic development, therefore Norman is not the only city in Cleveland County that would be interested in partnerships with the County which makes this issue even more complicated.

Mayor Rosenthal said a lesson learned in competing for the PETCO Project is that each employer/company will be different and to a certain extent Norman will need flexibility in order to address what the potential employer/company situation might be. She asked if the NEDC Plan presented today could change to allow flexibility to compete for future companies and Mr. Wood said Norman does need to have flexibility. He said the State is looking at having some type of closing fund such as the one Texas used in order to close the PETCO Project. He said Arkansas and New Mexico also have closing funds and the perception the closing funds create is a valuable part of the recruiting process. Mr. Wood said one option might be if the City could figure out of way to advance some of the quality jobs money because the cash flow is important to the company. He said some companies may feel the lot/site is more important, so the site could possibly be discounted, whereas relocation costs may be the issue for other companies. Councilmember Kovach asked if that meant lowering the standards on the type of job and/or salary and Mr. Wood said no, the focus is quality jobs because those jobs create a lot more income within the community.

Items submitted for the record

1. Memorandum dated December 16, 2010, Ms. Kathryn L. Walker, Assistant City Attorney, through Mr. Jeff H. Bryant, City Attorney, to Honorable Mayor and Council Members
2. PowerPoint presentation entitled, "Quality Jobs and Economic Development Incentives in University North Park"

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

Mr. Anthony Francisco, Finance Director, said the concept of refinancing the outstanding debt for University North Park Tax Increment Finance (UNPTIF) District has been discussed on several occasions since the original financing and the original financing terms were established as an interim financing tool. He said a variety of incentives were built into the original financing to encourage the City to refinance at better terms in the future and he felt the time to do so is now. Mr. Francisco introduced Mr. Rick Smith, Municipal Finance Services, (MFS) Inc., who highlighted a proposed refinancing of the 2009 Note.

Mr. Smith said MFS, Inc., solicited proposals and interest from financial institutions and banks approximately a year and half ago for the original financing plan. He said at that time the UNPTIF was still in the development process and cash flows were present, but it was not to the point where private financing was an option, therefore the City entered into an agreement with OU Foundation. Mr. Smith said the UNPTIF District has grown and changed over the past 18 months in terms of more stores, more cash flows, and different trends and said the UNPTIF revenue being generated seems to be very positive, not only for the sales tax but for the property taxes associated with the various businesses located in the UNPTIF District as well.

Mr. Smith said MFS, Inc. will contact various financial institutions, local Norman banks, and specific Tulsa and Oklahoma City banks and request they prepare a financing proposal that would be brought back to Council for consideration in late January 2011.

Mr. Smith said Mr. Nate Ellis, Public Law Finance Group, has been involved in the preparation of the refinancing proposal and gave a brief historical summary of all sales tax revenues coming into the UNPTIF over the last three years. This information reflects the total sales tax revenues, allocation figures, the UNPTIF District financing percentage, and the amount that goes toward economic development under the UNPTIF Project Plan. Mr. Smith pointed out the numbers were further broken down according to the last twelve months, last six months, and last three months periods which help to get an idea of the trends and factors any seasonal changes into the retail activity equation. He said the sales tax to the UNPTIF District was \$2,097,039 over the last twelve months, \$2,039,460 over the last six months, and \$1,998,416 over the last three months.

Mr. Smith said as part of the agreement under the UNPTIF Project Plan the City's overall sales tax growth had to achieve a certain growth factor in order for 100% of the revenues to go toward the UNPTIF. Based upon the City's sales tax collections last year it was calculated at 90%, since the City's sales tax growth was not to the benchmark that it needed to be, and the balance was returned to the City's General Fund. Mr. Smith said that was a safeguard put into the UNPTIF Project Plan to maintain the City's General Fund; therefore, the adjusted amount for TIF pledging or collateral purposes going forward is \$1,893,102 averaged over the previous twelve months, \$1,841,123 averaged over the previous six months, and \$1,804,070 averaged over the previous three months.

Mr. Smith presented information to distinguish the trend for sales tax revenues in the UNPTIF District over the last two years. He said it is encouraging to see sales taxes are up from the reported \$1,376,034 a couple of years ago to \$2,097,039 and felt it is due to the additional stores and retail activity. This will be very important when presenting financing options to banks to show there is certainly an upward trend in terms of total sales tax.

Mr. Smith said there are additional stores coming online the Council may or may not be aware of and said a developer representative announced at a recent meeting a 20,000 square foot shopping center/strip will be built on the e4-5side of

24th Avenue NW, just north of Robinson Street, with Zio's Restaurant being the main tenant. He said the shopping center/strip will also include a Game Stop and a family photography store and said there are seven different retail outlets in the shopping center/strip and six are already under lease. Mr. Smith said Panda Express will build a new restaurant on the west side of 24th Avenue NW, north of Mount Williams Drive and another development just east of Cheddars Restaurant is also under contract. He said Metro Shoes moved to the vacant Athletic Village location doubling their floor space and a dental business will be moving into the old Metro Shoes location. He said the UNPTIF District appears to have had an escalation in recent months in the interest and activity.

The net assessed valuation for the UNPTIF District was established in 2006 at \$905,000 and Mr. Smith provided the incremental values for 2007-08 at \$1,615,900; 2008-09 at \$5,583,539; 2009-10 at \$12,143,163; and 2010-11 at \$13,870,339. He said the figures jumped a great deal between 2008 and 2009 primarily because of the Embassy Suites Hotel and Conference Centre which accounted for between \$5.5 and \$6 million. Mr. Smith said if you take the net assessed valuation for 2010-11, apply the 113.09 millage rate (\$1/\$1,000) for the county, school, city, etc., the total ad valorem revenues are \$1,568,597 and 50% would be paid back to the UNPTIF District amounting to \$784,298.

A summary of the 2009 Taxable Revenue Note terms was provided to Council and reflected the financing amount at \$14,560,000 with a closing date of June 30, 2009, has a variable rate which changes every six months on March 1, and September 1. Mr. Smith said the principal payments would commence September 1, 2011, and the Norman Authority (Authority) has been paying only the interest on the note. He said to date \$197,000 has been paid in interest and a principal payment was deferred until September, 2011. He said at that time the principal payment due will be approximately \$400,000 in addition to the interest. The amount drawn down would be \$5,839,454 which includes \$50,000 to be advanced, the amount not drawn will be \$8,720,546, with a maturity date of September 1, 2028, a 19 plus year term. Mr. Smith said a \$1.5 million reserve fund was established as part of this note stating the City would make two separate \$750,000 installments; the first installment of \$750,000 has been paid and the second installment of \$750,000 is due September 2011. He said there were also payments to the developer under this note and all those payments have been satisfied.

Mr. Smith said the concept is to structure the UNPTIF Refinancing Project so it will generate a lot of interest from various banks and in order to do so, MFS, Inc., recommends the City continue doing a variable rate note. He said the note would be similar to what is in place now, but the new note would be a tax exempt financing with a bank opposed to the taxable financing done with the OU Foundation. Mr. Smith presented an estimated debt service schedule at a four percent rate to Council. He said since this would be a tax exempt note, the expectation is banks would bid as a percentage of London Inter-Bank Offered Rate (LIBOR) and the information presented illustrates the rate being an estimated variable tax-exempt rate based on 65% of a six month LIBOR plus 125 basis points. Mr. Smith said the UNPTIF Refinancing Project proposal would finance \$10,415,000, would pay off the UNPTIF Foundation 2009 Note, and release the City from the note indenture, and the non-surviving restrictions and covenants that were entered into with OU Foundation. He said the proposal would move the intersection work at Rock Creek and 24th Avenue NW forward, which would bid in January 2011, and is estimated to be completed in June or early July, 2011. He said other street and road improvements included in the proposal are the Rock Creek/24th NW Intersection, I-35/Robinson Interchange (NE) quadrant, Frontage Road-Conference Drive, and the design work on the west side I-35.

The City would continue to draw down the funds on the UNPTIF Refinancing Project as needed to move forward with the project(s). Mr. Smith said some of the projects would be sooner than others, but most would be completed within the next three years. He presented an estimated interest during drawdown phase with drawdown term of 36 months and a final advance date of February 1, 2014.

Mr. Smith presented information regarding the cash flow and coverage for existing stores only in the UNPTIF and said it compares the UNPTIF revenue cash flow with the debt payments. The schedule, based upon the estimated debt payments each year along with the \$2.6 million ad valorem and sales tax revenues, reflects the debt coverage will be approximately 2.8 for a 15 year term. Mr. Smith said the 2011 Note would cut off ⁴⁻⁶ two years of the existing 2009 Note. He said the debt coverage is fairly strong, nearly three times the debt, but he felt

the bank(s) would look at that figure favorably and it will also allow the City the ability in two or three years to possibly implement supplemental or additional financing for other priority projects.

Mr. Smith provided charts reflecting the LIBOR rates from January 2000, through November 2010, and a LIBOR and loan rate calculation to give Council a sense of changes in the LIBOR and how it would impact the loan rate. He said the LIBOR rate today is .46, therefore if the City were to established this rate today, using the LIBOR formula; it would be around 1.5%. Mr. Smith said it would not stay at that level, but initially the City would have lower debt payments and increased debt coverage to an excess of three times. He provided a chart reflecting estimated interest rates at 1.55%, 4.00%, and 6.00% to demonstrate the difference in debt payments and debt coverage. Again, this type of structure will enhance the number of bank(s) that have an interest in providing the refinance and give the City flexibility in being able to pay down on the note.

Mr. Smith mentioned Councilmember Cubberley asked about fixed rates scenarios and although fixed rates are very good at this time, bank(s) have very prohibitive pre-payment provisions on fixed rates refinancing. He said there would most likely be a non pre-payment period of at least eight to ten years and a number of bank(s) may require no pre-payment capability on the note.

Councilmember Kovach asked Mr. Smith to elaborate as to what point it would be prudent for the City to start paying down the principal and Mr. Smith said it is key to the interest rate. He said if the interest rate should start accelerating and escalating to a level where the debt coverage becomes very narrow in terms of revenues available to make debt payments, MFS, Inc., may advise the City to use some of the excess cash or other UNPTIF revenues to pay the note down. Mr. Smith said the City should look at the interest rate fluctuation and other projects, i.e., street projects, Legacy Park, infrastructure, etc., that may develop every six months or on an annual basis.

Mr. Francisco said the City will request the bank(s) to provide at two proposals; fixed rate and variable rate. He said the City does want to maintain flexibility as it will be very important moving forward, either to pay down debt and/or to do other projects. Mr. Francisco said once proposals are received from the bank(s), Staff will recommend a good proposal, whether fixed or variable.

Councilmember Cubberley asked Staff to elaborate on the borrowing structure and why it does not include other road improvements and Mr. Francisco said the highest priority projects were identified in Development Agreement No. 4; therefore, in the UNPTIF Refinancing 2011 Note, only those highest priority projects established by those development agreement(s) were included. He said by maintaining flexibility going forward, if Council desired to accelerate the frontage road or construction of the west side improvements, they would have the flexibility to do so. Mr. Ellis said when doing a tax exempt financing, at the time of the debt issuance, the City must be certified that it reasonable expects to be able to expend 85% of the proceeds within three years which is a hard and fast rule for the Internal Revenue Service (IRS).

Councilmember Kovach asked if the revenues are in excess of what is negotiated with the bank(s), what kind of options would Council have with the excess. Would the revenues have to stay in the UNPTIF or could revenues be used for other financial emergencies. Mr. Francisco said the revenues will be TIF revenues and would have to be expended on a TIF project.

Mayor Rosenthal said the terms are much more favorable for the new financing and provides the City more flexibility than the Foundation note. It offers the capability of lowering the interest payments and will enable the I-35 Interchange Project to move forward in order to match Association of Central Oklahoma Governments (ACOG) funding. Mayor Rosenthal said the question of using only ad valorem revenues to finance and move some of the projects forward has been asked many times and Mr. Smith said using only ad valorem revenues is not appropriate. He said the mix of ad valorem and sales tax revenues are important and are about one-third to two-third respectfully. He said the ad valorem revenues would not support this or any similar financing. 4-7

Councilmember Cubberley asked when the Robinson/I-35 NE ramp would be done and Mr. Shawn O'Leary, Director of Public Works, said the project should bid late summer or early fall and construction would begin shortly thereafter.

Mr. Francisco said Staff will forward the proposal to bank(s) before the end of the calendar year and should get back any bids in mid January 2011. He said Staff plans to have as an item on the January 25, 2011, agenda for Council consideration.

Items submitted for the record

1. Norman Tax Increment Finance Authority, Proposed Refinancing of 2009 Note to Fund Additional Projects, dated December 20, 2010, presented by Municipal Finance Services, Inc.

The meeting adjourned at 6:43 p.m.

ATTEST:

City Clerk

Mayor

COUNCIL CONFERENCE MINUTES

December 28, 2010

The City Council of the City of Norman, Cleveland County, State of Oklahoma, met in a conference at 5:30 p.m. in the Municipal Building Conference Room on the 28th day of December, 2010, and notice and agenda of the meeting were posted at the Municipal Building at 201 West Gray, and the Norman Public Library at 225 North Webster 48 hours prior to the beginning of the meeting.

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

ABSENT: None

DISCUSSION REGARDING CHANGE ORDER NO. ONE TO CONTRACT NO. K-1011-80 BY AND BETWEEN THE CITY OF NORMAN AND SCHAFFNER-VALOUCH CONTRACTOR, INC., INCREASING THE CONTRACT AMOUNT BY \$3,877 FOR THE MUNICIPAL BUILDING B LIGHTING REPLACEMENT PROJECT AND FINAL ACCEPTANCE OF THE CONTRACT.

Ms. Brenda Hall, City Clerk, said in its meeting of October 12, 2010, City Council approved Contract No. K-1011-80 with Schaffner-Valouch Contractor, Inc., for the Municipal Building B Lighting Replacement Project. The contract included replacing 363 lighting fixtures installed when the building was constructed and the new light bulbs use 30% less energy. She said Change Order No. One in the amount of \$3,877 reconciles the as-bid quantities to as-installed quantities as well as accounts for additional wall pack units installed at some of the outside employee entrance areas for enhanced safety purposes. The wall pack units are shielded fixtures that are in compliance with current fixtures being considered in the latest draft of the proposed lighting ordinance. The project qualifies for an energy rebate under OG&E's Lighting Rebate Program that provides rebates for replacing old inefficient light fixtures with more energy efficient light fixtures and this project is eligible for a rebate in the amount of \$2,960. The project has been completed, inspected, and complies with all City Codes and specifications outlined in the original contract.

Items submitted for the record

1. Text File No. K-1011-80, CHG #1 dated December 14, 2010, from Brenda Hall, City Clerk
2. Change Order No. One to Contract No. K-1011-80

FOLLOW-UP TO THE 2010 RESIDENTIAL COLLECTIONS OPERATIONS REVIEW PREPARED BY R.W. BECK COMPANY AS IT RELATES TO ALLEYWAY COLLECTION.

Mr. Ken Komiske, Director of Utilities, said R.W. Beck Company is a nationwide organization that reviews engineering aspects and are noted for sanitation collection service reviews. He said in 2010, R.W. Beck was contracted to review the City of Norman's residential collection operation services and found the City has a well run system that will only increase its operational efficiencies by implementing their recommendation to reduce or eliminate alley pickup.

Mr. Komiske said in the "how to" books of Public Administration, the point of collection can play a major role in reducing collection costs and pickup from the curb is by far the most economical practice. He said Staff has driven through the alley pickup areas in the City and approximately 1,100 residences would have to change the location of their polycart pickup to the street, if eliminating alley pickups is the direction Council decides to take. He presented an overview of alley pickup locations throughout the City and said, in some areas, polycarts are placed in the alleys while others are placed in the street, which doubles the sanitation's driving route.

Mr. Komiske said, over the years, sanitation trucks have gotten larger to carry a higher volumes of trash decreasing the number of trips to the Transfer Station. He said the larger heavier trucks make it difficult to maneuver in alleys and can cause damage to the alley roadway.

Mr. Scottie Williams, Utilities Superintendent, said a main concern for trucks navigating through alleys are avoiding power lines and gas meters. Mr. Komiske said if changing an area to street side pickup is not possible due to problems such as vehicles parking on the street or the condition of the street, Staff would suggest residents place polycarts on the side of the alley where there are no power line poles.

Mr. Komiske said the City could test a specific area where streets would lend themselves to being polycart available and conduct public meetings for residents input and feedback.

Councilmember Kovach asked if Staff had any idea of the depth of the backyards and whether or not citizens have access to the alley. He said when the City changed the regulation on mowing public right-of-ways, some citizens did not have gates for access to mow their section of property. Mr. Komiske said there are a very few number of houses that cannot access the street and those residences may have to install a gate to access the street. He said another issue is that citizens with alley polycart placement generally leave the polycarts in the alley instead of moving them back to house side.

Councilmember Dillingham suggested choosing a trial test area where streets are easily accessed. She said the bigger issue will be educating alley users to change to the street location because the alley is the easier access. She felt this would also allow Council more time to decide if this would be a good change and what to do in areas where there are a lot of vehicles parked along the streets. Councilmember Cubberley said some cities do not allow parking on the street on sanitation pickup days and that could be a course of action that Norman could consider as well and Councilmember Kovach agreed. Councilmember Kovach felt the City should be consistent and ban street parking on sanitation pickup days. He also felt safety of employees is a huge issue as well in eliminating the alley service. Councilmember Atkins asked what the efficiency gains would be by eliminating alley pickup and Mr. Komiske said the study did not specify a number, just recommended increasing the number of pickups per hour, which is slowed by alley pickups. He said the City would save 17% to 18% of driving time and duplicating routes. Councilmember Kovach asked Staff to get information on alley repair costs and the savings of eliminating alley pickups.

Mayor Rosenthal suggested informing citizens in the targeted areas, by written notice, about the recommended changes then hold a public neighborhood meeting regarding the course of action and help them through the process of change. She said, during these meetings, the City could reiterate the requirement of returning polycarts to the side of the house. Councilmembers were all in agreement for Staff to choose a test area and begin with notifications and public meetings.

Items submitted for the record

1. PowerPoint presentation entitled, "Improving Efficiencies in the Sanitation Division Alley Polycart Service"

The meeting adjourned at 5:56 p.m.

ATTEST:

City Clerk

Mayor

CITY COUNCIL SPECIAL SESSION MINUTES

December 28, 2010

The City Council of the City of Norman, Cleveland County, State of Oklahoma, met in Special Session at 5:57 p.m. in the Municipal Building Conference Room on the 28th day of December, 2010, and notice and agenda of the meeting were posted in the Municipal Building at 201 West Gray and the Norman Public Library at 225 North Webster 24 hours prior to the beginning of the meeting.

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

ABSENT: None

Item 1, being:

CONSIDERATION OF ADJOURNING INTO AN EXECUTIVE SESSION AS AUTHORIZED BY OKLAHOMA STATUTES TITLE 25 § 307(B)(4) TO DISCUSS POSSIBLE SETTLEMENT OF JACLYNN REYNOLDS VS. THE CITY OF NORMAN, CLEVELAND COUNTY CASE NO. CJ-2010-512BH.

Councilmember Kovach moved that the City Council Special Session be adjourned out of and an Executive Session be convened into in order to discuss possible settlement of Jaclynn Reynolds vs. the City of Norman, Cleveland County Case No. CJ-2010-512BH, which motion was duly seconded by Councilmember Atkins; and the question being upon adjourning out of the City Council Special Session and convening into an Executive Session in order to discuss possible settlement of Jaclynn Reynolds vs. the City of Norman, Cleveland County Case No. CJ-2010-512BH, a vote was taken with the following result:

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

NAYES: None

The Mayor declared the motion carried and the City Council Special Session adjourned out of; and an Executive Session was convened into in order to discuss possible settlement of Jaclynn Reynolds vs. the City of Norman, Cleveland County Case No. CJ-2010-512BH.

The City Council adjourned into Executive Session at 5:58 p.m. Mr. Jeff Bryant, City Attorney; Mr. Blaine Nice, Assistant City Attorney; and Ms. Rebecca Frazier, Assistant City Attorney, were in attendance at the Executive Session.

Mayor Rosenthal acknowledged return to Open Session.

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

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

NAYES: None

The Mayor declared the motion carried and the City Council Special Session was reconvened at 6:11 p.m.

The Mayor said possible settlement of Jaclynn Reynolds vs. the City of Norman, Cleveland County Case No. CJ-2010-512BH was discussed in Executive Session. No action was taken and no votes were cast.

* * * * *

ADJOURNMENT

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

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

NAYES: None

The Mayor declared the motion carried and the meeting was adjourned at 6:12 p.m.

ATTEST:

City Clerk

Mayor

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

December 28, 2010

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 December, 2010, at 6:30 p.m., and notice and agenda of the meeting were posted at the Municipal Building at 201 West Gray and at the Norman Public Library at 225 North Webster 24 hours prior to the beginning of the meeting.

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

ABSENT: None

The Pledge of Allegiance was led by Mayor Rosenthal.

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Item 3, being:

PRESENTATION OF ACCREDITATION TO THE CITY OF NORMAN BY MR. GEORGE R. CROMBIE, PRESIDENT OF THE AMERICAN PUBLIC WORKS ASSOCIATION.

Ms. Jackie Crumrine, Training and Development Manager, congratulated the City of Norman, provided highlights of the accreditation process, and introduced Mr. George R. Crombie, President of the American Public Works Association. Mr. Crombie recognized the City of Norman for attaining accreditation and presented awards to Mr. Shawn O'Leary, Director of Public Works; Mr. Jud Foster, Director of Parks and Recreation; Mr. Ken Komiske, Director of Utilities; and Mayor Rosenthal.

Items submitted for the record

1. Text File No. TMP-117 dated December 21, 2010
2. Press Release dated December 16, 2010, from Laura Bynum, APWA Media Relations/Communications Manager, American Public Works Association

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Item 4, being:

CONSENT DOCKET

Councilmember Kovach moved that Item 5 through Item 17 be placed on the consent docket by unanimous vote, which motion was duly seconded by Councilmember Atkins; and the question being upon the placement on the consent docket by unanimous vote of Item 5 through Item 17, a vote was taken with the following result:

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

NAYES: None

The Mayor declared the motion carried and Item 5 through Item 17 were placed on the consent docket by unanimous vote.

* * * * *

Item 5, being:

APPROVAL OF THE MINUTES AS FOLLOWS:

- CITY COUNCIL FINANCE COMMITTEE MINUTES OF NOVEMBER 17, 2010
- CITY COUNCIL FINANCE COMMITTEE MINUTES OF DECEMBER 1, 2010
- CITY COUNCIL STUDY SESSION MINUTES OF DECEMBER 7, 2010
- CITY COUNCIL CONFERENCE MINUTES OF DECEMBER 14, 2010
- CITY COUNCIL MINUTES OF DECEMBER 14, 2010
- NORMAN UTILITIES AUTHORITY MINUTES OF DECEMBER 14, 2010
- NORMAN MUNICIPAL AUTHORITY MINUTES OF DECEMBER 14, 2010
- NORMAN TAX INCREMENT FINANCE AUTHORITY MINUTES OF DECEMBER 14, 2010

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 Atkins;

Items submitted for the record

1. Text File No. GID-1011-7 dated December 13, 2010, by Brenda Hall, City Clerk
2. City Council Finance Committee minutes of November 17, 2010
3. City Council Finance Committee minutes of December 1, 2010
4. City Council Study Session minutes of December 7, 2010
5. City Council Conference minutes of December 14, 2010
6. City Council minutes of December 14, 2010
7. Norman Utilities Authority minutes of December 14, 2010
8. Norman Municipal Authority minutes of December 14, 2010
9. Norman Tax Increment Finance Authority minutes of December 14, 2010

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

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

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Item 6, being:

CONSIDERATION OF ORDINANCE NO. O-1011-34 UPON FIRST READING BY TITLE: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING ARTICLE XI OF CHAPTER 20 TO PROVIDE FOR REGULATION RELATED TO A FLASHING YELLOW ARROW TRAFFIC SIGNAL INDICATION; AND PROVIDING FOR THE SEVERABILITY THEREOF.

Councilmember Kovach moved that Ordinance No. O-1011-34 be Introduced and adopted upon First Reading by Title, which motion was duly seconded by Councilmember Atkins;

Items submitted for the record

1. Text File No. O-1011-34 dated December 16, 2010, by David Riesland, Traffic Engineer
2. Ordinance No. O-1011-34
3. Legislatively notated copy of Ordinance No. O-1011-34
4. Pertinent excerpts from Transportation Committee minutes of October 28, 2010
5. City Council Conference minutes of December 14, 2010

Item 6, continued:

and the question being upon the Introduction and adoption of Ordinance No. O-1011-34 upon First Reading by title, a vote was taken with the following result:

YEAS:	Councilmembers Atkins, Butler, Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal
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NAYES:	None
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The Mayor declared the motion carried and Ordinance No. O-1011-34 was Introduced, read, and adopted upon First Reading by title.

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Item 7, being:

CONSIDERATION OF ORDINANCE NO. O-1011-36 UPON FIRST READING BY TITLE: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 20-607 OF CHAPTER 20 OF THE CODE OF THE CITY OF NORMAN CHANGING THE AGE OF CHILDREN REQUIRED TO BE PROTECTED BY A CHILD PASSENGER RESTRAINT SYSTEM; AND PROVIDING FOR THE SEVERABILITY THEREOF.

Councilmember Kovach moved that Ordinance No. O-1011-36 be Introduced and adopted upon First Reading by Title, which motion was duly seconded by Councilmember Atkins;

Items submitted for the record

1. Text File No. O-1011-36 dated December 9, 2010, by Jeanne Snider, Assistant City Attorney
2. Ordinance No. O-1011-36
3. Legislatively notated copy of Ordinance No. O-1011-36

and the question being upon the Introduction and adoption of Ordinance No. O-1011-36 upon First Reading by title, a vote was taken with the following result:

YEAS:	Councilmembers Atkins, Butler, Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal
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NAYES:	None
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The Mayor declared the motion carried and Ordinance No. O-1011-36 was Introduced, read, and adopted upon First Reading by title.

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Item 8, being:

SUBMISSION OF ACKNOWLEDGING RECEIPT OF THE FINANCE DIRECTOR'S INVESTMENT REPORT AS OF NOVEMBER 30, 2010, 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 Atkins;

Items submitted for the record

1. Text File No. RPT-1011-25 dated December 2, 2010, by Anthony Francisco, Finance Director
2. Finance Director's Investment Report as of November 30, 2010

Item 8, continued:

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

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

NAYES: None

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

* * * * *

Item 9, being:

SUBMISSION OF ACKNOWLEDGING RECEIPT OF THE MONTHLY DEPARTMENTAL REPORTS FOR THE MONTH OF NOVEMBER, 2010, 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 Atkins;

Items submitted for the record

1. Text File No. RPT-1011-26 dated December 2, 2010, by Carol Coles, Administrative Assistant
2. Monthly Departmental Reports for the month of November, 2010

Participants in discussion

1. Mr. Anthony Francisco, Finance Director

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

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

NAYES: None

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

* * * * *

Item 10, being:

SUBMISSION AND ACKNOWLEDGING RECEIPT OF REPORTS ENTITLED "COMPREHENSIVE ANNUAL FINANCIAL REPORT FOR FISCAL YEAR ENDED JUNE 30, 2010," AS PREPARED BY THE CITY OF NORMAN FINANCE DEPARTMENT; AND "THE CITY OF NORMAN SINGLE AUDIT REPORT FOR THE YEAR ENDED JUNE 30, 2010," AND "NORMAN TAX INCREMENT FINANCE AUTHORITY FINANCIAL STATEMENT FOR THE YEAR ENDED JUNE 30, 2010" AS PREPARED BY THE FIRM OF COLE AND REED, P. C., FOR THE CITY OF NORMAN, OKLAHOMA, NORMAN UTILITIES AUTHORITY, NORMAN MUNICIPAL AUTHORITY, AND NORMAN TAX INCREMENT FINANCE AUTHORITY.

Acting as the City Council, Norman Utilities Authority, Norman Municipal Authority, and Norman Tax Increment Finance Authority, Councilmember Kovach moved that receipt of the reports be acknowledged and the filing thereof be directed, which motion was duly seconded by Councilmember Atkins;

Item 10, continued:

Items submitted for the record

1. Text File No. RPT-1011-23 dated November 17, 2010, by Clint Mercer, Chief Accountant
2. Letter dated December 16, 2010 from Cole and Reed, P.C., to Audit Committee
3. Comprehensive Annual Financial Report for the City of Norman, Oklahoma, Fiscal Year Ended June 30, 2010, prepared by the City of Norman Finance Department
4. Single Audit Reports, the City of Norman, Oklahoma, as of June 30, 2010, prepared by Cole and Reed, P.C., Certificate Public Accountants
5. "Norman Tax Increment Finance Authority Financial Statement, FYE June 30, 2010" prepared by Cole and Reed, P.C., Certified Public Accountants

Participants in discussion

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

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

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

NAYES: None

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

* * * * *

Item 11, being:

CONSIDERATION OF AWARDING OF BID NO. 1011-9, APPROVAL OF CONTRACT NO. K-1011-42 WITH OIL CAPITAL ELECTRIC, L.L.C., IN THE AMOUNT OF \$2,305,000, PERFORMANCE BOND NO. B-1011-11, STATUTORY BOND NO. B-1011-12, AND MAINTENANCE BOND NO. MB-1011-6 FOR THE WASTEWATER TREATMENT PLANT ENERGY AND SUPERVISORY CONTROL AND DATA ACQUISITION (SCADA) IMPROVEMENTS PROJECT AND BUDGET APPROPRIATION.

Acting as the Norman Utilities Authority, Trustee Kovach moved that all bids meeting specifications be accepted; the bid in the amount of \$2,305,000 be awarded to Oil Capital Electric, L.L.C., as the lowest and best bidder meeting specifications; Contract No. K-1011-42 and the performance, statutory, and maintenance bonds be approved; execution of the contract and the Norman Utilities Authority as part of the contract to pay subcontractors for equipment and supplies in an approximate amount of \$2,305,000 for the Wastewater Treatment Plant Energy and SCADA Improvements Project be authorized; the filing of the bonds be directed; and \$889,611 be appropriated from the Wastewater Fund Balance (032-0000-253.00-00) to Project No. WW0043, WWTP Aeration Basin Blower, Construction (032-9911-432.61-01), \$254,826, and Project No. WW0052, WWTP SCADA Improvements, Construction (032-9911-432.61-01), \$634,785, which motion was duly seconded by Trustee Atkins;

Items submitted for the record

1. Text File No. K-1011-42 dated November 19, 2010, by Charlie Thomas, Capital Projects Engineer, with Table 1, Current Funding, and Table 2, Transfers
2. Letter dated October 25, 2010, from Michael J. Graves, Project Manager, Garver, L.L.C., to Mr. Charlie Thomas, City of Norman
3. Contract No. K-1011-42
4. Performance Bond No. B-1011-11
5. Statutory Bond No. B-1011-12
6. Maintenance Bond No. MB-1011-6
7. Purchase Requisition No. 0000180129 dated December 8, 2010, in the amount of \$2,305,000 to Oil Capital Electric, L.L.C.

Item 11, continued:

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

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

NAYES: None

The Chairman declared the motion carried and all bids meeting specifications accepted; the bid in the amount of \$2,305,000 was awarded to Oil Capital Electric, L.L.C., as the lowest and best bidder meeting specifications; Contract No. K-1011-42 and the performance, statutory, and maintenance bonds were approved; execution of the contract and the Norman Utilities Authority as part of the contract to pay subcontractors for equipment and supplies in an approximate amount of \$2,305,000 for the Wastewater Treatment Plant Energy and SCADA Improvements Project were authorized; the filing of the bonds was directed; \$889,611 was appropriated from the Wastewater Fund Balance (032-0000-253.00-00) to Project No. WW0043, WWTP Aeration Basin Blower, Construction (032-9911-432.61-01), \$254,826, and Project No. WW0052, WWTP SCADA Improvements, Construction (032-9911-432.61-01), \$634,785.

* * * * *

Item 12, being:

LIMITED LICENSE NO. LL-1011-8: LIMITED LICENSE TO PLACE FOUR (4) GROUND BANNERS WITHIN THE PUBLIC RIGHTS-OF-WAY PURSUANT TO A REQUEST FROM THE FIREHOUSE ART CENTER FOR THE CHOCOLATE FESTIVAL.

Councilmember Kovach moved that Limited License No. LL-1011-8 to place four (4) ground banners within the public rights-of-way pursuant to a request from the Firehouse Art Center for the Chocolate Festival be approved and the issuance thereof be authorized, which motion was duly seconded by Councilmember Atkins;

Items submitted for the record

1. Text File No. LL-1011-8 dated December 7, 2010, by Wayne Stenis, Planner II
2. Application for Limited License for four signs dated December 1, 2010, from the Firehouse Art Center
3. Rendering of sign
4. Limited License No. LL-1011-8

and the question being upon approving Limited License No. LL-1011-8 to place four (4) ground banners within the public rights-of-way pursuant to a request from the Firehouse Art Center for the Chocolate Festival and upon the subsequent authorization, a vote was taken with the following result:

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

NAYES: None

The Mayor declared the motion carried and Limited License No. LL-1011-8 to place four (4) ground banners within the public rights-of-way pursuant to a request from the Firehouse Art Center for the Chocolate Festival approved; and the issuance thereof was authorized.

* * * * *

Item 13, being:

SPECIAL CLAIM NO. SC-1011-5: A CLAIM IN THE AMOUNT OF \$1,743.86 SUBMITTED BY SOUTHWESTERN BELL TELEPHONE COMPANY D/B/A AT&T OKLAHOMA FOR DAMAGES INCURRED TO A TELEPHONE CABLE BY WATER LINE MAINTENANCE EMPLOYEES AT 1801 DELANCEY DRIVE.

Councilmember Kovach moved that Special Claim No. SC-1011-5 be approved and payment in the amount of \$1,743.86 be directed contingent upon obtaining a Release and Covenant Not to Sue from Southwestern Bell Telephone Company d/b/a AT&T Oklahoma, which motion was duly seconded by Councilmember Atkins;

Items submitted for the record

1. Text File No. SC-1011-5 dated December 13, by Jeanne Snider, Assistant City Attorney
2. Memorandum dated October 29, 2010, from Brenda Hall, City Clerk, to Ken Komiske, Director of Utilities, and Jeff Bryant, City Attorney
3. Memorandum dated December 7, 2010, from Brenda Hall, City Clerk, to Jeff Bryant, City Attorney
4. Special Claim No. SC-1011-5, Tort Claim Voucher, dated October 26, 2010, from Southwestern Bell Telephone Company d/b/a AT&T Oklahoma, in an undetermined amount
5. Special Claim No. SC-1011-5, Claim for Damages, dated December 2, 2010, in the amount of \$1,743.86 from Southwestern Bell Telephone Company d/b/a AT&T Oklahoma

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

YEAS:	Councilmembers Atkins, Butler, Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal
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NAYES:	None
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The Mayor declared the motion carried and Special Claim No. SC-1011-5 approved; and payment in the amount of \$1,743.86 was directed contingent upon obtaining a Release and Covenant Not to Sue from Southwestern Bell Telephone Company d/b/a AT&T Oklahoma.

* * * * *

Item 14, being:

AMENDMENT NO. ONE TO CONTRACT NO. K-0708-108: BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND BECK DISASTER RECOVERY, INC., EXTENDING THE CONTRACT UNTIL DECEMBER 27, 2011, FOR DISASTER MANAGEMENT AND RECOVERY PROFESSIONAL SERVICES.

Councilmember Kovach moved that Amendment No. One to Contract No. K-0708-108 with Beck Disaster Recovery, Inc., extending the contract until December 27, 2011, be approved and the execution thereof be authorized, which motion was duly seconded by Councilmember Atkins;

Items submitted for the record

1. Text File No. K-0708-108, Amendment No. One, dated December 13, 2010, by Bob Hanger, Stormwater Engineer
2. Amendment No. One to Contract No. K-0708-108
3. Contract No. K-0708-108 with Exhibit A, Scope of Services; Exhibit B, Hourly Labor Rates; and Certification

and the question being upon approving Amendment No. One to Contract No. K-0708-108 with Beck Disaster Recovery, Inc., extending the contract until December 27, 2011, and upon the subsequent authorization, a vote was taken with the following result:

YEAS:	Councilmembers Atkins, Butler, Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal
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NAYES:	None
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The Mayor declared the motion carried and Amendment No. One to Contract No. K-0708-108 with Beck Disaster Recovery, Inc., extending the contract until December 27, 2011, approved; and the execution thereof was authorized.

* * * * *

Item 15, being:

AMENDMENT NO. ONE TO CONTRACT NO. K-0910-53: BY AND BETWEEN THE NORMAN UTILITIES AUTHORITY AND GARVER, L.L.C., INCREASING THE CONTRACT AMOUNT BY \$49,700 TO PROVIDE ADDITIONAL ENGINEERING DESIGN SERVICES FOR THE WASTEWATER TREATMENT PLANT ENERGY AND SUPERVISORY CONTROL AND DATA ACQUISITION (SCADA) IMPROVEMENTS PROJECT.

Acting as the Norman Utilities Authority, Trustee Kovach moved that Amendment No. One to Contract No. K-0910-53 with Garver, L.L.C., increasing the contract amount by \$49,700 be approved and the execution thereof be authorized, which motion was duly seconded by Trustee Atkins;

Items submitted for the record

1. Text File No. K-0910-53, Amendment No. One, dated December 2, 2010, by Charlie Thomas, Capital Projects Engineer
2. Amendment No. One to Contract No. K-0910-53
3. Purchase Order No. 178731 dated October 2, 2009, in the amount of \$364,000 to Garver Engineers, L.L.C., adding Amendment No. One in the amount of \$49,700 for a total contract price of \$413,700

and the question being upon approving Amendment No. One to Contract No. K-0910-53 with Garver, L.L.C., increasing the contract amount by \$49,700 and upon the subsequent authorization, a vote was taken with the following result:

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

NAYES: None

The Chairman declared the motion carried and Amendment No. One to Contract No. K-0910-53 with Garver, L.L.C., increasing the contract amount by \$49,700 approved; and the execution thereof was authorized.

* * * * *

Item 16, being:

CHANGE ORDER NO. ONE TO CONTRACT NO. K-1011-80: BY AND BETWEEN THE CITY OF NORMAN AND SCHAFFNER-VALOUCH CONTRACTOR, INC., INCREASING THE CONTRACT AMOUNT BY \$3,877 FOR THE MUNICIPAL BUILDING B LIGHTING REPLACEMENT PROJECT AND FINAL ACCEPTANCE OF THE CONTRACT.

Councilmember Kovach moved that Change Order No. One to Contract No. K-1011-80 with Schaffner-Valouch Contractor, Inc., increasing the contract amount by \$3,877 be approved; the execution thereof be authorized; the project be accepted; and final payment in the amount of \$8,428.50 to Schaffner-Valouch Contractor, Inc., be directed, which motion was duly seconded by Councilmember Atkins;

Items submitted for the record

1. Text File No. K-1011-80, Change Order No. One, dated December 14, 2010, by Brenda Hall, City Clerk
2. Change Order No. One to Contract No. K-1011-80
3. Purchase Order No. 192358 dated September 30, 2010, in the amount of \$45,515 to Schaffner-Valouch Contractor, Inc., subtracting payments totaling \$40,963.50 and adding Change Order No. One in the amount of \$3,877 leaving a balance of \$8,428.50

and the question being upon approving Change Order No. One to Contract No. K-1011-80 with Schaffner-Valouch Contractor, Inc., increasing the contract amount by \$3,877 and upon the subsequent authorization, acceptance, and directive, a vote was taken with the following result:

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

NAYES: None

The Mayor declared the motion carried and Change Order No. One to Contract No. K-1011-80 with Schaffner-Valouch Contractor, Inc., increasing the contract amount by \$3,877 approved; the execution thereof was authorized, the project was accepted, and final payment in the amount of \$8,428.50 to Schaffner-Valouch Contractor, Inc., was directed.

* * * * *

Item 17, being:

RESOLUTION NO. R-1011-75: A RESOLUTION OF THE NORMAN UTILITIES AUTHORITY APPROPRIATING \$114,466 FROM THE WASTEWATER FUND BALANCE TO PAY FOR REIMBURSABLE ELECTRICAL MODIFICATIONS IN CONNECTION WITH THE WASTEWATER TREATMENT PLANT SUPERVISORY CONTROL AND DATA ACQUISITION (SCADA) ENERGY PROJECT.

Acting as the Norman Utilities Authority, Trustee Kovach moved that Resolution No. R-1011-75 be adopted, which motion was duly seconded by Trustee Atkins;

Items submitted for the record

- 1. Text File No. R-1011-75 dated December 13, 2010, by Charlie Thomas, Capital Projects Engineer
- 2. Resolution No. R-1011-75

and the question being upon adopting Resolution No. R-1011-75, a vote was taken with the following result:

YEAS:	Trustees Atkins, Butler, Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Chairman Rosenthal
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NAYES:	None
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The Chairman declared the motion carried and Resolution No. R-1011-75 was adopted.

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Item 18, being:

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

Item 18 was withdrawn at the request of Staff.

* * * * *

Item 19, being:

ORDINANCE NO. ZO-0910-3: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, CLOSING ALLEY EASEMENTS ADJACENT TO LOT 1A, BLOCK 1, STATE UNIVERSITY ADDITION TO THE CITY OF NORMAN, CLEVELAND COUNTY, OKLAHOMA; AND PROVIDING FOR THE SEVERABILITY THEREOF. (715 MONNETT AVENUE)

Ordinance No. ZO-0910-3 having been Introduced and adopted upon First Reading by title in City Council's meeting of December 14, 2010, Councilmember Dillingham moved that Ordinance No. ZO-0910-3 be adopted upon Second Reading section by section, which motion was duly seconded by Councilmember Butler;

Items submitted for the record

- 1. Text File No. ZO-0910-3 dated May 18, 2010, by Doug Koscinski, Current Planning Manager
- 2. Ordinance No. ZO-0910-3
- 3. Location map
- 4. Staff Report dated November 18, 2010, recommending approval
- 5. Site plan
- 6. Memorandum dated May 6, 2010, from Brenda Hall, City Clerk, to Doug Koscinski, Planning Manager; Jeff Bryant, City Attorney; Ken Komiske, Director of Utilities; and Ken Danner, Development Coordinator

Item 19, continued:

Items submitted for the record, continued

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

Participants in discussion

1. Mr. Rudy Khouri, 3219 Willow Rock Drive, applicant

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

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

NAYES: None

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

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

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

NAYES: None

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

* * * * *

Item 20, being:

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

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

Items submitted for the record

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

Item 20, continued:

Items submitted for the record, continued:

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

Participants in discussion

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

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

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

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

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

* * * * *

Item 21, being:

RESOLUTION NO. R-1011-66: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING THE NORMAN 2025 LAND USE AND TRANSPORTATION PLAN, **LAND USE PLAN AMENDMENT NO. LUP-1011-4**, SO AS TO PLACE LOTS 21-24, BLOCK 20 OF ORIGINAL TOWN OF NORMAN, NORMAN, CLEVELAND COUNTY, OKLAHOMA, IN THE COMMERCIAL DESIGNATION AND REMOVE THE SAME FROM THE LOW DENSITY RESIDENTIAL DESIGNATION FOR THE HEREINAFTER DESCRIBED PROPERTY. (316 AND 322 EAST DAWS STREET)

Councilmember Ezzell moved that Resolution No. R-1011-66, Land Use Plan Amendment No. LUP-1011-4, be adopted and the NORMAN 2025 Land Use and Transportation Plan be amended according thereto, which motion was duly seconded by Councilmember Quinn;

Items submitted for the record

1. Text File No. R-1011-66 dated November 10, 2010, by Doug Kosciński, Current Planning Manager
2. Resolution No. R-1011-66, Land Use Plan Amendment No. LUP-1011-4
3. Location map
4. Staff Report dated November 18, 2010, recommending approval
5. Pertinent excerpts from Planning Commission minutes of November 18, 2010

Participants in discussion

1. Mr. Bill Swain, Cardinal Engineering, 3220 Bart Conner Drive, engineer representing the applicant
2. Mr. Roger Gallagher, 1522 East Boyd Street, asked questions

and the question being upon adopting Resolution No. R-1011-66, Land Use Plan Amendment No. LUP-1011-4, and upon the subsequent amendment, a vote was taken with the following result:

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

NAYES: None

The Mayor declared the motion carried and Resolution No. R-1011-66, Land Use Plan Amendment No. LUP-1011-4, adopted; and the NORMAN 2025 Land Use and Transportation Plan was amended according thereto.

* * * * *

Item 22, being:

ORDINANCE NO. O-1011-25: 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 21-24, BLOCK 20 OF ORIGINAL TOWN OF NORMAN, CLEVELAND COUNTY, OKLAHOMA, IN THE C-2, GENERAL COMMERCIAL DISTRICT, AND REMOVE THE SAME FROM THE R-3, MULTI-FAMILY DWELLING DISTRICT, OF SAID CITY; AND PROVIDING FOR THE SEVERABILITY THEREOF. (316 AND 322 EAST DAWS STREET).

Ordinance No. O-1011-25 having been Introduced and adopted upon First Reading by title in City Council's meeting of December 14, 2010, Councilmember Ezzell moved that Ordinance No. O-1011-25 be adopted upon Second Reading section by section, which motion was duly seconded by Councilmember Dillingham;

Items submitted for the record

1. Text File No. O-1011-25 dated October 15, 2010, by Doug Kosciński, Current Planning Manager
2. Ordinance No. O-1011-25 with Exhibit A, Site Plan
3. Location map
4. Staff report dated November 18, 2010, recommending approval
5. Pertinent excerpts from Planning Commission minutes of November 18, 2010

Item 22, continued:

and the question being upon adopting Ordinance No. O-1011-25 upon Second Reading section by section, a vote was taken with the following result:

YEAS:	Councilmembers Atkins, Butler, Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal
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NAYES:	None
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The Mayor declared the motion carried and Ordinance No. O-1011-25 was adopted upon Second Reading section by section.

Thereupon, Councilmember Dillingham moved that Ordinance No. O-1011-25 be adopted upon Final Reading as a whole, which motion was duly seconded by Councilmember Ezzell; and the question being upon adopting Ordinance No. O-1011-25 upon Final Reading as a whole, the roll was called with the following result:

YEAS:	Councilmembers Atkins, Butler, Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal
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NAYES:	None
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The Mayor declared the motion carried and Ordinance No. O-1011-25 was adopted upon Final Reading as a whole.

* * * * *

Item 23, being:

ORDINANCE NO. O-1011-23: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 19-302 OF CHAPTER 19 OF THE CODE OF THE CITY OF NORMAN SO AS TO REQUIRE A GREENBELT ENHANCEMENT STATEMENT BE SUBMITTED WITH EACH APPLICATION FOR A PREDEVELOPMENT MEETING; AND PROVIDING FOR THE SEVERABILITY THEREOF.

Ordinance No. O-1011-23 having been Introduced and adopted upon First Reading by title in City Council's meeting of December 14, 2010, Councilmember Butler moved that Ordinance No. O-1011-23 be adopted upon Second Reading section by section, which motion was duly seconded by Councilmember Quinn;

- Items submitted for the record
1. Text File No. O-1011-23 dated October 8, 2010, by Kathryn Walker, Assistant City Attorney II
 2. Ordinance No. O-1011-23
 3. Legislatively notated copy of Ordinance No. O-1011-23
 4. Pertinent excerpts from Planning Commission minutes of November 18, 2010
 5. City Council Study Session minutes of August 17, 2010

- Participants in discussion
1. Ms. Susan Connors, Director of Planning and Community Development

and the question being upon adopting Ordinance No. O-1011-23 upon Second Reading section by section, a vote was taken with the following result:

YEAS:	Councilmembers Atkins, Butler, Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal
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NAYES:	None
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The Mayor declared the motion carried and Ordinance No. O-1011-23 was adopted upon Second Reading section by section.

Item 23, continued:

Thereupon, Councilmember Butler moved that Ordinance No. O-1011-23 be adopted upon Final Reading as a whole, which motion was duly seconded by Councilmember Griffith; and the question being upon adopting Ordinance No. O-1011-23 upon Final Reading as a whole, the roll was called with the following result:

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

NAYES: None

The Mayor declared the motion carried and Ordinance No. O-1011-23 was adopted upon Final Reading as a whole.

* * * * *

Item 24, being:

ORDINANCE NO. O-1011-24: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 22:442.1(2) OF CHAPTER 22 OF THE CODE OF THE CITY OF NORMAN SO AS TO REQUIRE A GREENBELT ENHANCEMENT STATEMENT BE SUBMITTED WITH EACH APPLICATION FOR A PREDEVELOPMENT MEETING; AND PROVIDING FOR THE SEVERABILITY THEREOF

Ordinance No. O-1011-24 having been Introduced and adopted upon First Reading by title in City Council's meeting of December 14, 2010, Councilmember Kovach moved that Ordinance No. O-1011-24 be adopted upon Second Reading section by section, which motion was duly seconded by Councilmember Butler;

Items submitted for the record

1. Text File No. O-1011-24 dated October 8, 2010, by Kathryn Walker, Assistant City Attorney II
2. Ordinance No. O-1011-24
3. Legislatively notated copy of Ordinance No. O-1011-24
4. Pertinent excerpts from Planning Commission minutes of November 18, 2010
5. City Council Study Session minutes of August 17, 2010

and the question being upon adopting Ordinance No. O-1011-24 upon Second Reading section by section, a vote was taken with the following result:

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

NAYES: None

The Mayor declared the motion carried and Ordinance No. O-1011-24 was adopted upon Second Reading section by section.

Thereupon, Councilmember Kovach moved that Ordinance No. O-1011-24 be adopted upon Final Reading as a whole, which motion was duly seconded by Councilmember Atkins; and the question being upon adopting Ordinance No. O-1011-24 upon Final Reading as a whole, the roll was called with the following result:

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

NAYES: None

The Mayor declared the motion carried and Ordinance No. O-1011-24 was adopted upon Final Reading as a whole.

* * * * *

Item 25, being:

ORDINANCE NO. O-1011-31: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING ARTICLE II, SECTION 2 OF THE CHARTER OF THE CITY OF NORMAN WHICH RELATES TO CANDIDATE QUALIFICATIONS FOR THE OFFICE OF COUNCILMEMBERS AND THE MAYOR; ARTICLE VIII, SECTION 2 OF THE CHARTER OF THE CITY OF NORMAN WHICH RELATES TO THE USE OF CERTAIN PARK LAND FEES; ARTICLE IX, SECTIONS 2, 3, 4 AND 5, OF THE CHARTER OF THE CITY OF NORMAN WHICH RELATES TO THE CITY OF NORMAN'S INVOLVEMENT WITH THE NORMAN REGIONAL HEALTH SYSTEM; AND PROVIDING FOR THE SEVERABILITY THEREOF.

Ordinance No. O-1011-31 having been Introduced and adopted upon First Reading by title in City Council's meeting of December 14, 2010, Councilmember Kovach moved that Ordinance No. O-1011-31, as amended, be adopted upon Second Reading section by section, which motion was duly seconded by Councilmember Atkins;

Items submitted for the record

1. Text File No. O-1011-31 dated November 29, 2010, by Rebecca Frazier, Assistant City Attorney
2. Ordinance No. O-1011-31
3. Legislatively notated copy of Ordinance No. O-1011-31
4. City Council Study Session minutes of November 16, 2010
5. Ordinance No. O-1011-31, as amended
6. Legislatively notated copy of Ordinance No. O-1011-31, as amended

Participants in discussion

1. Ms. Rebecca Frazier, Assistant City Attorney
2. Mr. Jim Stanley, 3922 Pine Tree Circle, asked questions
3. Mr. Jud Foster, Director of Parks and Recreation

Thereupon, Councilmember Dillingham moved that Ordinance No. O-1011-31 be amended as follows:

ORDINANCE NO. O-1011-31: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING ARTICLE II, SECTION 2 OF THE CHARTER OF THE CITY OF NORMAN WHICH RELATES TO CANDIDATE QUALIFICATIONS FOR THE OFFICE OF COUNCILMEMBERS AND THE MAYOR; ARTICLE VIII, SECTION 2 OF THE CHARTER OF THE CITY OF NORMAN WHICH RELATES TO THE USE OF CERTAIN PARK LAND FEES; ARTICLE IX, SECTIONS 1, 2, 3, 4 AND 5, OF THE CHARTER OF THE CITY OF NORMAN WHICH RELATES TO THE CITY OF NORMAN'S INVOLVEMENT WITH THE NORMAN REGIONAL HEALTH SYSTEM; AND PROVIDING FOR THE SEVERABILITY THEREOF.

which motion was duly seconded by Councilmember Kovach; and the question upon amending Ordinance No. O-1011-31 as stated above, a vote was taken with the following result:

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

The Mayor declared the motion carried and Ordinance No. O-1011-31 was amended as stated above.

and the question being upon adopting Ordinance No. O-1011-31, as amended, upon Second Reading section by section, a vote was taken with the following result:

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

The Mayor declared the motion carried and Ordinance No. O-1011-31, as amended, was adopted upon Second Reading section by section.

Item 25, continued:

Thereupon, Councilmember Dillingham moved that Ordinance No. O-1011-31, as amended, be adopted upon Final Reading as a whole, which motion was duly seconded by Councilmember Ezzell; and the question being upon adopting Ordinance No. O-1011-31, as amended, upon Final Reading as a whole, the roll was called with the following result:

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

The Mayor declared the motion carried and Ordinance No. O-1011-31, as amended, was adopted upon Final Reading as a whole.

* * * * *

Item 26, being:

ORDINANCE NO. O-1011-32: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AUTHORIZING THE CALLING AND HOLDING OF A SPECIAL ELECTION IN THE CITY OF NORMAN, COUNTY OF CLEVELAND, STATE OF OKLAHOMA, ON THE 1ST DAY OF MARCH, 2011, FOR THE PURPOSE OF SUBMITTING TO THE REGISTERED VOTERS OF THE CITY OF NORMAN AMENDMENTS TO ARTICLE II, SECTION 2 OF THE CHARTER OF THE CITY OF NORMAN WHICH RELATES TO MAYORAL AND COUNCIL CANDIDATE QUALIFICATIONS; ARTICLE VIII, SECTION 2 OF THE CHARTER OF THE CITY OF NORMAN WHICH RELATES TO THE USE OF CERTAIN PARK LAND FEES; ARTICLE IX, SECTIONS 2, 3, 4 AND 5, OF THE CHARTER OF THE CITY OF NORMAN WHICH RELATES TO THE CITY OF NORMAN'S INVOLVEMENT WITH THE NORMAN REGIONAL HEALTH SYSTEM; AND PROVIDING FOR THE SEVERABILITY THEREOF.

Ordinance No. O-1011-32 having been Introduced and adopted upon First Reading by title in City Council's meeting of December 14, 2010, Councilmember Kovach moved that Ordinance No. O-1011-32, as amended, be adopted upon Second Reading section by section, which motion was duly seconded by Councilmember Atkins;

Items submitted for the record

1. Text File No. O-1011-32 dated November 30, 2010, by Rebecca Frazier, Assistant City Attorney
2. Ordinance No. O-1011-32
3. Special Election Proclamation and Notice of Election
4. City Council Study Session minutes of November 16, 2010
5. Ordinance No. O-101132, as amended
6. Special Election Proclamation and Notice of Election, as amended

Councilmember Dillingham moved that Ordinance No. O-1011-32 be amended as follows:

ORDINANCE NO. O-1011-32: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AUTHORIZING THE CALLING AND HOLDING OF A SPECIAL ELECTION IN THE CITY OF NORMAN, COUNTY OF CLEVELAND, STATE OF OKLAHOMA, ON THE 1ST DAY OF MARCH, 2011, FOR THE PURPOSE OF SUBMITTING TO THE REGISTERED VOTERS OF THE CITY OF NORMAN AMENDMENTS TO ARTICLE II, SECTION 2 OF THE CHARTER OF THE CITY OF NORMAN WHICH RELATES TO MAYORAL AND COUNCIL CANDIDATE QUALIFICATIONS; ARTICLE VIII, SECTION 2 OF THE CHARTER OF THE CITY OF NORMAN WHICH RELATES TO THE USE OF CERTAIN PARK LAND FEES; ARTICLE IX, SECTIONS 1, 2, 3, 4 AND 5, OF THE CHARTER OF THE CITY OF NORMAN WHICH RELATES TO THE CITY OF NORMAN'S INVOLVEMENT WITH THE NORMAN REGIONAL HEALTH SYSTEM; AND PROVIDING FOR THE SEVERABILITY THEREOF.

which motion was duly seconded by Councilmember Kovach; and the question upon amending Ordinance No. O-1011-32 as stated above, a vote was taken with the following result:

Item 26, continued:

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

NAYES: None

The Mayor declared the motion carried and Ordinance No. O-1011-32 was amended as stated above.

and the question being upon adopting Ordinance No. O-1011-32, as amended, upon Second Reading section by section, a vote was taken with the following result:

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

NAYES: None

The Mayor declared the motion carried and Ordinance No. O-1011-32, as amended, was adopted upon Second Reading section by section.

Thereupon, Councilmember Dillingham moved that Ordinance No. O-1011-32, as amended, be adopted upon Final Reading as a whole, which motion was duly seconded by Councilmember Kovach; and the question being upon adopting Ordinance No. O-1011-32, as amended, upon Final Reading as a whole, the roll was called with the following result:

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

NAYES: None

The Mayor declared the motion carried and Ordinance No. O-1011-32, as amended, was adopted upon Final Reading as a whole.

* * * * *

Item 27, being:

RESOLUTION NO. R-1011-73: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, GIVING THE SECRETARY OF THE CLEVELAND COUNTY ELECTION BOARD NOTICE OF A SPECIAL ELECTION TO BE HELD ON MARCH 1, 2011, REGARDING PROPOSED CHARTER AMENDMENTS.

Councilmember Atkins moved that Resolution No. R-1011-73 be adopted, which motion was duly seconded by Councilmember Kovach;

Items submitted for the record

1. Text File No. R-1011-73 dated December 2, 2010, by Brenda Hall, City Clerk
2. Resolution No. R-1011-73 with attached Ordinance No. O-1011-32, as amended

and the question being upon adopting Resolution No. R-1011-73, a vote was taken with the following result:

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

NAYES: None

The Mayor declared the motion carried and Resolution No. R-1011-73 was adopted.

* * * * *

Item 28, being:

ORDINANCE NO. O-1011-37: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 21-111 OF CHAPTER 21 OF THE CODE OF ORDINANCES OF THE CITY OF NORMAN, OKLAHOMA, CONTINGENT ON VOTER APPROVAL OF ORDINANCE NO. O-1011-38, BY INCREASING RESIDENTIAL SANITATION RATES BY AN ADDITIONAL TWO DOLLARS AND FIFTY CENTS (\$2.50) PER MONTH WHILE MAINTAINING A TWENTY-FIVE PERCENT (25%) REDUCTION FOR LOW INCOME RESIDENTIAL USERS; AND INCREASING ALL RATES FOR COMMERCIAL USERS OF THE SANITATION SERVICE BY SEVENTEEN POINT TWO PERCENT (17.2%); PROVIDING FOR AN EFFECTIVE DATE FOR SAID INCREASE SUBJECT TO VOTER APPROVAL; AND PROVIDING FOR THE SEVERABILITY THEREOF.

Ordinance No. O-1011-37 having been Introduced and adopted upon First Reading by title in City Council's meeting of December 14, 2010, Councilmember Quinn moved that Ordinance No. O-1011-37 be adopted upon Second Reading section by section, which motion was duly seconded by Councilmember Butler;

Items submitted for the record

1. Text File No. O-1011-37 dated December 8, 2010, by Kathryn Walker, Assistant City Attorney II
2. Ordinance No. O-1011-37
3. Legislatively notated copy of Ordinance No. O-1011-37
4. City Council Study Session minutes of December 7, 2010

Participants in discussion

1. Mr. Ken Komiske, Director of Utilities
2. Ms. J.C. Crosbee, 204 Mountain Oaks Drive, asked questions
3. Mr. Leonard Youngblood, 3201 Swan Hollow Drive, made comments
4. Mr. Bobby Stevens, 3801 108th Avenue S.E., asked questions
5. Mr. Jim Stanley, 3922 Pine Tree Circle, asked questions
6. Mr. Roger Gallagher, 1522 East Boyd Street, made comments
7. Ms. Sylvia Martin, Post Office Box 430, made comments

and the question being upon adopting Ordinance No. O-1011-37 upon Second Reading section by section, a vote was taken with the following result:

YEAS:	Councilmembers Atkins, Butler, Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal
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NAYES:	None
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The Mayor declared the motion carried and Ordinance No. O-1011-37 was adopted upon Second Reading section by section.

Thereupon, Councilmember Griffith moved that Ordinance No. O-1011-37 be adopted upon Final Reading as a whole, which motion was duly seconded by Councilmember Cubberley; and the question being upon adopting Ordinance No. O-1011-37 upon Final Reading as a whole, the roll was called with the following result:

YEAS:	Councilmembers Atkins, Butler, Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal
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NAYES:	None
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The Mayor declared the motion carried and Ordinance No. O-1011-37 was adopted upon Final Reading as a whole.

* * * * *

Item 29, being:

ORDINANCE NO. O-1011-38: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AUTHORIZING THE CALLING AND HOLDING OF A SPECIAL ELECTION IN SAID CITY OF NORMAN, STATE OF OKLAHOMA, (THE CITY), ON THE 1st DAY OF MARCH 2011, FOR THE PURPOSE OF SUBMITTING TO THE REGISTERED, QUALIFIED ELECTORS OF SAID CITY THE QUESTION OF APPROVING OR REJECTING ORDINANCE NO. O-1011-37 WHICH ORDINANCE AMENDS SECTION 21-111 OF CHAPTER 21 OF THE CODE OF ORDINANCES OF THE CITY OF NORMAN, OKLAHOMA, BY INCREASING THE RATES FOR ALL RESIDENTIAL USERS OF THE SANITATION SERVICE AN ADDITIONAL TWO DOLLARS AND FIFTY CENTS (\$2.50) PER MONTH WHILE MAINTAINING A TWENTY-FIVE PERCENT (25%) REDUCTION FOR LOW INCOME RESIDENTIAL USERS; AND INCREASING ALL RATES FOR COMMERCIAL USERS OF THE SANITATION SERVICE BY SEVENTEEN POINT TWO PERCENT (17.2 %); PROVIDING AN EFFECTIVE DATE FOR SAID INCREASE SUBJECT TO VOTER APPROVAL; AND PROVIDING FOR THE SEVERABILITY THEREOF.

Ordinance No. O-1011-38 having been Introduced and adopted upon First Reading by title in City Council's meeting of December 14, 2010, Councilmember Atkins moved that Ordinance No. O-1011-38 be adopted upon Second Reading section by section, which motion was duly seconded by Councilmember Quinn;

Items submitted for the record

1. Text File No. O-1011-38 dated December 8, 2010, by Kathryn Walker, Assistant City Attorney II
2. Ordinance No. O-1011-38
3. Special Election Proclamation and Notice of Election
4. City Council Study Session minutes of December 7, 2010

and the question being upon adopting Ordinance No. O-1011-38 upon Second Reading section by section, a vote was taken with the following result:

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

NAYES: None

The Mayor declared the motion carried and Ordinance No. O-1011-38 was adopted upon Second Reading section by section.

Thereupon, Councilmember Dillingham moved that Ordinance No. O-1011-38 be adopted upon Final Reading as a whole, which motion was duly seconded by Councilmember Cubberley; and the question being upon adopting Ordinance No. O-1011-38 upon Final Reading as a whole, the roll was called with the following result:

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

NAYES: None

The Mayor declared the motion carried and Ordinance No. O-1011-38 was adopted upon Final Reading as a whole.

* * * * *

Item 30, being:

RESOLUTION NO. R-1011-76: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, GIVING THE SECRETARY OF THE CLEVELAND COUNTY ELECTION BOARD NOTICE OF A SPECIAL ELECTION TO BE HELD ON MARCH 1, 2011, REGARDING A PROPOSED INCREASE IN SANITATION RATES.

Councilmember Kovach moved that Resolution No. R-1011-76 be adopted, which motion was duly seconded by Councilmember Griffith;

Items submitted for the record

1. Text File No. R-1011-76 dated December 20, 2010, by Brenda Hall, City Clerk
2. Resolution No. R-1011-76 with attached Ordinance No. O-1011-38

and the question being upon adopting Resolution No. R-1011-76, a vote was taken with the following result:

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

NAYES: None

The Mayor declared the motion carried and Resolution No. R-1011-76 was adopted.

* * * * *

MISCELLANEOUS DISCUSSION

Chromium Six Water Issue. Ms. J.C. Crosbee, 204 Mountain Oaks Drive, said waiting a year or more for the Environmental Protection Agency (EPA) to redo guidelines on Chromium Six was not acceptable because Chromium 6 is a health risk to pregnant women, children, and senior citizens. She said Norman was rated one of the best cities in the country and receiving bad national publicity was bad for business, growth, and home values. She said a scientist in California suggested reverse osmosis systems be installed in homes and such installation could cost hundreds of dollars. She said the overall level of chromium in Norman was not the issue. An increase of Chromium 6 is generally produced by industrial processes and could not just be blamed on the Garber Wellington Aquifer from the Tinker-Oklahoma City area. She said there were three schools in Norman at the Max Westheimer Field for advanced metal smith and machinist training during World War II and the Korean War and the EPA listed two Superfund toxic sites in Norman on the south end of Jenkins Avenue and this should be investigated. She said Norman should be proactive as they were when the water wells were abandoned that contained too much arsenic. She said we do not know from where or how many samples were taken and that every well and Lake Thunderbird should be retested. She said the Environmental Working Group that made the report should be contacted again to find out how many samples were done and to reschedule a retest now, specifically for Chromium 6. She said if a person signs up on the Environmental Working Group site for email alerts, they will receive the president's email address. Since our levels of Chromium 6 are the highest of 35 cities, Norman must insist that the EPA work with Norman first. She said she contacted EPA and received information about the contact person, Mr. Robert Houston, the Water Enforcer Coordinator for Region 6, Oklahoma, telephone number 214-665-8565. She said those offices are closed until after the New Year.

Mayor Rosenthal thanked Ms. Crosbee and reported that the City sent a letter and an email to the Environmental Working Group requesting detailed information about the various tests, where they were held, and how they were held and to date, no response had been received. She asked the Utilities Department to address some of the questions raised about Chromium 6 and said the City takes this issue very seriously and is being very vigilant about this process. The regulatory process is a process that is science based and unfolds over months and years and the City will continue to be proactive. She said she and the City Manager had discussed appointing a Chromium 6 working group comprised of senior management, three members of Council, and representatives associated with the University of Oklahoma with expertise in chemistry, geology, public health, and water systems. She said regular updates are provided on the City's web page including the fact that we have tried to be in contact with the Environmental Working Group.

Miscellaneous Discussion, continued:

Chromium Six Water Issue, continued. Mr. Ken Komiske, Director of Utilities, said Norman has one of the oldest unlined landfills which has been tested and documented by the United States Geological Survey (USGS) by utilizing over 1,000 monitoring wells around the site. He said the USGS has been very satisfied with the findings and the results prove there is absolutely no contamination of the Garber Wellington Aquifer. He said the EPA, the Association of Central Oklahoma Governments (ACOG), and USGS have confirmed that the City's water is many thousands of years old, contains chromium which is a naturally occurring element, and is being watched very closely. He said EPA's limit for Chromium 6 is 100 parts per billion and all of our wells test between 10-80 parts per billion of total Chromium, not Chromium 6. He said the this has been brought to the City's, EPA's, and the Oklahoma Department of Environmental Quality's (ODEQ) attention that these types of studies are based on exposure to Chromium 6 for a lifetime or over 40 years before there are hazardous effects. He said the City is working with the state and federal governments and the local committee is being appointed by the Mayor to keep abreast of changes that might occur to allow us to be proactive to the regulations as they change. Right now, we are meeting all the regulations. He said the website was updated this morning and updates will be provided on a regular basis. He said he awaits the requested information from the Environmental Working Group.

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Highway Nine Maintenance. Mr. Bobby Stevens, 3801 108th Avenue S.E., said he thought funding had been included in the budget for mowing and maintenance of Highway 9 and asked if the maintenance included installing signs on Highway 9. He said there were only three deer signs on Highway 9 and felt there should be more.

*

Sinkholes on Gray Street. Mr. Bobby Stevens, 3801 108th Avenue S.E., said drainage grates in two of the three lanes on Gray Street have sunk down and if a vehicle drives into one, it could cause damage to the vehicle. He said this was also a safety issue because vehicles drive around the grates to keep from hitting them. He asked when this problem could be fixed.

*

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

*

Greenbelt Ordinances. Councilmember Griffith acknowledged the Greenbelt Commission, the development community, City Council, and Staff for working together on the two Greenbelt Ordinances adopted this evening. He said one of his biggest concerns is preserving the beauty of northeast Norman and felt this was a big step.

*

Happy New Year. Councilmembers Griffith and Atkins and Mayor Rosenthal wished everyone a safe and Happy New Year.

*

Accreditation. Councilmember Butler congratulated Shawn O'Leary, Director of Public Works, and all of Staff that worked so diligently to attain accreditation.

*

Budget Issues. Councilmember Kovach said it had been mentioned that the City spent more in 2010 than we took in and part of that overspending was the \$3,000,000 allocated for Fire Station No. Eight out of the Public Safety Sales Tax Fund which was at that time in the General Fund. He said Council is comprised of nine very committed part time volunteers who are often criticized for spending and sometimes it is not a complete picture. He said the Comprehensive Annual Financial Report (CAFR) is done to provide a complete report of the finances. He thanked Councilmember Ezzell for insisting on waiting on actual numbers before making decisions about employment and levels of service. He said the City has the lowest staffing ratio of the 17 comparable cities, and if hours and people are cut, levels of service will go down. He said because of good fortune and good planning, we have seen the numbers which are \$4,000,000 better than anticipated and he hoped to continue looking at ways to cut expenditures. He wanted everyone to be aware of the new influx of money that was not budgeted and the implications having a little flexibility could have in saving a lot of turmoil in the future.

Miscellaneous Discussion, continued:

Budget Issues, continued. Councilmember Ezzell said Mr. Francisco had been asked about deficiencies in the Audit Report but he would like clarification that the Single Audit Report was a separate document from the audit report on the Comprehensive Annual Finance Report. Mr. Francisco said this was correct and he had tried to specify that the Single Audit Report pertains to grant money the City receives. Councilmember Ezzell asked if the Comprehensive Annual Financial Report (CAFR) could be described as the true picture between the budget and what actually occurs after the close of the fiscal year and after everything has been reconciled. Mr. Francisco said yes, the CAFR compares where we started on June 30th and provides a snapshot of where we are throughout the year whereas the budget is a forward-looking plan. Councilmember Ezzell said our budget year closes on June 30th and audit work starts on July 1st, and asked when the CAFR comes out every year. Mr. Francisco said the CAFR is required by law to be done by the end of each calendar year and is on the agenda at this time each year. Councilmember Ezzell asked if the audit report attached to the front of the CAFR is an unqualified audit report. Mr. Francisco said that was correct and that Cole and Reed, our external auditor, reviews the financial statements prepared by the City and issues its unqualified opinion that the financial statements fairly represent the financial condition of the City as of June 30, 2010. Councilmember Ezzell asked if the positive variance noted on Page 63 in the amount of \$4 million means that although we had \$4 million more than originally anticipated that does not mean we don't still have a deficit, it is just that a smaller deficit. Mr. Francisco said that is correct. Councilmember Ezzell asked if there would be any modification of the FYE 2011 Budget to reflect the reduction of the deficit. Mr. Francisco said no but there would be mid-year revisions based on the actual figures and on what has happened to date during the fiscal year. He said it is Council's discretion on whether they want to actually amend the budget.

*

Sanitation Rate Election. Councilmember Ezzell said he disagreed with Mr. Youngblood's comments this evening about the sanitation rate election although he is certainly entitled to his opinion with regards to replacement of the Council. He said it was an inaccurate statement to say the issues are being pushed forward on the March ballot as some sort of smokescreen or distraction because it was to be voted on at the same time as the Council election. He said anybody who had been through this process would clearly understand that a Council that was worried about re-election would not be bringing the Sanitation Rate increase forward on the same ballot for their re-election. He said if this was something that was being driven politically, the sanitation rate increase would be placed on a different ballot after the Council election.

*

Disposal of Christmas Trees. Mayor Rosenthal reminded citizens that the Sanitation Division will be picking up Christmas trees as part of the regular yard waste pickup schedule which will be in the second week of January beginning January 10th.

*

Holiday Sanitation Schedule. Mayor Rosenthal said sanitation and recycling pickups are on the regular schedule for the New Year holiday. She said extra trash bags of Christmas debris may be placed next to the polycarts and the Sanitation crews will pick it up.

* * * * *

ADJOURNMENT

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

YEAS:	Councilmembers Atkins, Butler, Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal
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NAYES:	None
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The Mayor declared the motion carried and the meeting was adjourned at 8:43 p.m.

ATTEST:



CITY COUNCIL AGENDA JANUARY 11, 2011

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

Item No. 5

Text File Number: O-1011-5

Introduced: 12/28/2010 by Blaine Nice, Assistant City Attorney

Current Status: Consent Item

Version: 1

Matter Type: Ordinance

Title

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

ACTION NEEDED: Motion to Introduce and adopt Ordinance No. O-1011-5 upon First Reading by title.

ACTION TAKEN: _____

Body

BACKGROUND: The City of Norman Finance Committee has reviewed and discussed Chapter 8 of the City Code concerning competitive bidding. That review has included a series of discussions about the possibility of adding a preference for local bidders, only in the case of tied bids, in order to encourage local business participation in the City of Normans purchase of goods and services. At their June 16, 2010 meeting, the Finance Committee reviewed information and ordinances concerning local purchasing preferences used by other cities within Oklahoma. At their October 20, 2010 meeting, the Committee considered a draft amendment to Chapter 8, Section 8-205. That draft amendment adds language to Chapter 8, Section 8-205 to give preference to vendors maintaining offices in, and being citizen taxpayers of the City of Norman in the case of tied low bids. After discussing the mechanics of the proposed Ordinance, the Committee directed Staff to also prepare a proposed Resolution for their consideration. That draft Resolution tracks the proposed Ordinance amendment as well as some of the concepts endorsed by City Council when Council adopted Resolution R-0910-114 that expresses support for small and local businesses. As a result, at their December 15, 2010 meeting, the Committee requested Staff move forward with both the attached proposed Ordinance amendment and the proposed Resolution dealing with local preference for purchasing of goods and services.

DISCUSSION: The attached proposed Ordinance amendment amends Chapter 8, Sec. 8-205(f) to give preference to vendors maintaining an office in and being citizens of the City of Norman in the case of a tied low bid. This proposed amendment is the result of discussions between the City Council Finance Committee, City Staff, and local merchants about the merits of exercising a local preference when the City purchases goods or services.

In conjunction with the proposed Ordinance amendment, City Staff will forward to City Council, at the same City Council meeting that the proposed Ordinance is scheduled for 2nd reading, a proposed Resolution which directs the City of Norman to give preference to local merchants or vendors in the case of substantially equivalent bids. It also directs Staff to include information to Council and the trustees of City authorities about the billing and mailing addresses of all approved bidders for bid award items to be considered by Council. The Resolution also directs Staff to encourage bid submissions and request for proposal responses from local vendors to the greatest practical extent.

STAFF RECOMMENDATION: Based upon the above and foregoing discussion, it is the Staff recommendation that Ordinance #O-1011-5 be adopted.

AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA AMENDING ARTICLE II, SECTION 8-205(F) OF CHAPTER 8 OF THE CODE OF THE CITY OF NORMAN PROVIDING FOR PREFERENCE TO LOCAL VENDORS IN THE CASE OF A TIE BID; AND PROVIDING FOR THE SEVERABILITY THEREOF.

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

§ 1. That Article II, Section 8-205 of Chapter 8 of the Code of the City of Norman shall be amended to read as follows:

Sec. 8-205. Competitive bidding procedures.

* * *

(f) In the event of advantageous tie bids, purchase may be made from one of those tying, giving preference to vendors maintaining offices in and being citizen taxpayers of the City of Norman, or the purchase may be divided among those so tying.

* * *

§ 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 _____, 2010.

NOT ADOPTED this _____ day
of _____, 2010.

Cindy Rosenthal, Mayor

Cindy Rosenthal, Mayor

ATTEST:

Brenda Hall, City Clerk

AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA AMENDING ARTICLE II, SECTION 8-205(F) OF CHAPTER 8 OF THE CODE OF THE CITY OF NORMAN PROVIDING FOR PREFERENCE TO LOCAL VENDORS IN THE CASE OF A TIE BID; AND PROVIDING FOR THE SEVERABILITY THEREOF.

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

§ 1. That Article II, Section 8-205 of Chapter 8 of the Code of the City of Norman shall be amended to read as follows:

Sec. 8-205. Competitive bidding procedures.

* * *

(f) In the event of advantageous tie bids, purchase may be made from one of those tying, giving preference to vendors maintaining offices in and being citizen taxpayers of the City of Norman, or the purchase may be divided among those so tying.

* * *

§ 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 _____, 2010.

NOT ADOPTED this _____ day
of _____, 2010.

Cindy Rosenthal, Mayor

Cindy Rosenthal, Mayor

ATTEST:

Brenda Hall, City Clerk

Newt Mitchell - against paid parking, mainly residents parking on Main Street

Scott Blair – against paid parking, too – the lot has helped – need to get downtown employees to park there – believes use of lot will decrease with a pay system. Not against lease parking for landlords or employees.

Downtown has lost many businesses, both retail and professional, over the years due to lack of parking space for customers.

Cubberley – need increased enforcement on Main Street.

Tom Sherman – need more parking downtown. Lot needs added value to be able to charge for parking such as cover for parking lot. Parking situation will be worse with Vista building reopening.

Rosenthal – get businesses to lease there. Hold off on pay-by-space system. Is there a better way than chalking to enforce downtown parking?

Cubberley – new technology might require Parking Ordinance change.

Ezzell – parking lot needs to be gated, if paid option is used.

Items submitted for the record

1. PowerPoint Presentation – Public Works Department / Traffic Division

DISCUSSION REGARDING A LOCAL PURCHASING PREFERENCE ORDINANCE

- City of Norman Code – ‘purchases most advantageous to City’ is current wording. Currently no local merchant preference.
- “Local” is hard to define.
- Lawton has the best definition of “local vendor”.
- NGIP(National Institute of Governmental Purchasing) strongly discourages local preference - discourages competition – pay more for the same thing
- Staff does not recommend getting extra credit but okay with tie bids.

Ezzell – against the word “primary”, liked State Statute wording – reciprocity alt. Should consider reciprocity.

Dillingham – agrees with reciprocity.

Oklahoma City – unwritten policy (3 – 5%). Anthony Francisco – Silver Star successfully bids and if we up their bid 3 – 5 %.

City – draft ordinance with middle ground.

Dillingham – don’t define percent.

Ezzell – wants reciprocity charge and wants more on City of Moore information. Define ‘same in price and same in quality’.

Cubberley – reciprocity and ties, check if local businesses are disadvantaged in other cities.

Dillingham – how will reciprocity harm or help local businesses?

Rosenthal – follow-up with Oklahoma City purchasing act.

Ezzell – likes Moore ordinance.

Cubberley – come back in 1 – 2 months with requested information.

Items submitted for the record

1. Memo to Steve Lewis from Anthony Francisco, Finance Director, Fred Duke, Procurement Analyst and Blaine Nice, Assistant City Attorney III
2. Enrolled Senate Bill No. 1714 amending 74 O.S. 2001, Section 85.17A
3. Copy of article in Norman Transcript, June 15, 2010, from Tulsa World newspaper

DISCUSSION REGARDING FYE 2011 BUDGET FOLLOW-UP

No discussion on this item.

DISCUSSION REGARDING THE REVENUE / EXPENDITURE REPORT

- General Fund 8% below trend in sales tax collection
- Collections up last two months but trend is still bad
- New revenues in FYE 11 – some start in July, some start immediately
- Labor negotiation status update – 1st in July
- FEMA reimbursement for May 10th storm - City's cost will be less than \$100,000 out-of-pocket after reimbursement

Items submitted for the record

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

DISCUSSION REGARDING REPORT ON OPEN POSITIONS

No discussion on Open Positions report

Items submitted for the record

1. City of Norman/Human Resources Department Recruitment and Selection Report dated June 6, 2010

The meeting adjourned at 6:45 p.m.

ATTEST:

City Clerk

Mayor

FINANCE COMMITTEE MINUTES

July 21, 2010

The City Council Finance Committee of the City of Norman, Cleveland County, State of Oklahoma, met at 5:30 p.m. in the Municipal Building Study Session Room on the 21st day of July, 2010, and notice and agenda of the meeting were posted in the Municipal Building at 201 West Gray and the Norman Public Library at 225 North Webster 48 hours prior to the beginning of the meeting.

PRESENT: Members Dillingham, Ezzell, Quinn, and Chair Cubberley

ABSENT: None

OTHERS PRESENT: Al Atkins, Council Member
Jim Griffith, Council Member
Steve Lewis, City Manager
Anthony Francisco, Finance Director
Suzanne Krohmer, Budget Manager
Blaine Nice, Assistant City Attorney III
Fred Duke, Procurement Analyst

DISCUSSION REGARDING A LOCAL PURCHASING PREFERENCE ORDINANCE

Anthony Francisco made presentation.

- Discussed 7-9-10 memo regarding reciprocity concept/policy
- Proposed ordinance change language regarding tie bids
- Beyond the local preference, could go against or limit competitive bidding advantages/concepts
- Downsides/disadvantages of local preference will be presented to full Council in study session or conference.
- Dillingham agrees with changes
- Quinn – tie bid, local preference concept makes sense
- Recommend move forward to Council – ordinance change

Items submitted for the record

1. Memo to Steve Lewis from Anthony Francisco, Finance Director, and Fred Duke, Procurement Analyst dated July 9, 2010
2. Memo to Steve Lewis from Anthony Francisco, Finance Director, Fred Duke, Procurement Analyst and Blaine Nice, Assistant City Attorney III dated June 10, 2010
3. Enrolled Senate Bill No. 1714 amending 74 O.S. 2001, Section 85.17A
4. Copy of article in Norman Transcript, June 15, 2010, from Tulsa World newspaper

DISCUSSION REGARDING PLANNING FOR FYE 2012 BUDGET

Anthony Francisco made presentation.

- FYE 10 audit will come in November and ‘truing up’ of FYE 10 figures
- Cubberley - to get to a net zero number for FYE 12, need a 10% increase in revenues

FINANCE COMMITTEE MINUTES

October 20, 2010

The City Council Finance Committee of the City of Norman, Cleveland County, State of Oklahoma, met at 5:30 p.m. in the Municipal Building Study Session Room on the 20th day of October 2010, and notice and agenda of the meeting were posted in the Municipal Building at 201 West Gray and the Norman Public Library at 225 North Webster 48 hours prior to the beginning of the meeting.

PRESENT: Members Dillingham, Ezzell, and Chair Cubberley

ABSENT: Member Quinn

OTHERS PRESENT: Al Atkins, Council Member
Jim Griffith, Council Member
Steve Lewis, City Manager
Anthony Francisco, Finance Director
Suzanne Krohmer, Budget Manager
Ken Komiske, Utilities Director
Shawn O'Leary, Public Works Director
Blaine Nice, Assistant City Attorney III
Ed Copelin
Tom Sherman, Chamber President
Fred Walden
Mark Campbell

DISCUSSION REGARDING LOCAL PURCHASING PREFERENCE ORDINANCE

- In City Codes, Section 8, Council approves all contracts over \$25,000
- Phone bids may be taken for \$25,000 to \$50,000
- Must have 3 bids in writing over \$50,000
- Exemptions for items provided by another governmental agency, professional services
- Exemption on items purchased under State contract price
- Goal is to purchase at lowest and best price – lowest bid
- Detrimental to City to have local preference – our research shows
- Will add language to Code to preference for local vendors for “tied” bids
- Language from Oklahoma Statutes
- Ed Copelin – City of Oklahoma City has “beat by 5%” to override local vendor preference
- “Andersonville Study” – impact of local business vs. chain stores
- Tom Sherman – Local preference, not necessarily for a “tie” but a dollar range or within \$60,000 / \$100 difference
- Ezzell – Worried about punitive retribution, have policy or resolution instead of ordinance on supporting local business
- Dillingham – supports local preference resolution against percentages and look at on an individual basis
- Griffith – Within .5% to 1% wants “tie” definition

- Discussed at length what constitutes local business and how you determine
- Can bid forms have a place to designate “local business” and “taxpayer to City of Norman”
- Cubberley – Draft resolution favoring local businesses and come back in November meeting for further discussion

Items submitted for the record

1. Proposed City Ordinance O1011-5
2. The Andersonville Study of Retail Economics, October 2004, Andersonville Development Corporation
3. The Benefits of Doing Business Locally, American Independent Alliance
4. Independent Businesses, Unite!, Institute for Local Self-Reliance
5. Homegrown Economics, American Independent Business Alliance
6. Buying Local is All it's Cracked Up to be and More, Dave Parsons, Iowa City Press-Citizen

DISCUSSION REGARDING MUNICIPAL FINANCE SERIES

Committee commended Suzanne Krohmer for presentations.

DISCUSSION REGARDING COUNCIL SERVICE PRIORITIZATION SURVEY RESULTS

- Cubberley – Use survey results for FYE 12 Budget preparations
- Look at areas for reductions and fee revenue increases
- Already have increased majority of revenues/fees possible
- Approximately \$40,000 new revenue from Municipal Court collections
- Warrant officer paid approximately \$2 to \$3 thousand a week
- Look at Traffic Engineer, calming projects
- Use results in Municipal Finance Series presentation
- Ezzell – More strategic look at all services City is providing – permanent realignment of service model
- Cubberley – Put operation of Westwood Golf Course out to bid, one bid with Pro Shop specs and one bid without Pro Shop specs, and/or a separate bid for pro shop operations, come up with RFP for the process
- If we cut social services agency funding, make it known in advance
- Have Council change policies on funding of agencies/utilities – give as much notice as possible
- Dillingham – CDBG services – duplication of grants, should not be repeated
- Rec centers need to be kept open and not raise fees as this benefits many young people in the community
- Change in any policies regarding non-profit agency funding will be discussed in November meeting



CITY COUNCIL AGENDA JANUARY 11, 2011

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

Item No. 6

Text File Number: O-1011-29

Introduced: 11/16/2010 by Doug Koscinski, Current Planning Mgr

Current Status: Consent Item

Version: 1

Matter Type: Zoning Ordinance

Title

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

ACTION NEEDED: Motion to introduce and adopt Ordinance No. O-1011-29 upon First Reading by title.

ACTION TAKEN: _____

Body

BACKGROUND. TGV Investments II, L.L.C. requests amendment of the NORMAN 2025 Land Use and Transportation Plan (LUP-1011-3) from Office Designation to Commercial Designation for property located at 231 East Robinson Street. The applicant has also requested rezoning from O-1, Office Institutional District, to C-2, General Commercial District. The applicant is seeking to relocate an existing Norman business onto this site. This tract has been vacant and was rezoned for office use in 2002 to provide a buffer between the commercial businesses to the west and nearby residences. The Porter Avenue Corridor Plan identified several locations, including this one, as appropriate for future commercial use if certain criteria could be followed which mitigated off-site impacts on nearby residences. The proposed use is a retail business which sells and fabricates signs and is similar to many office businesses, and should not have major impacts on the surrounding area.

DISCUSSION. At their meeting of December 9, 2010, the Planning Commission, by a vote of 9-0, supported this request and recommended adoption of this Resolution and Ordinance. No protests were filed on this request.

STAFF RECOMMENDATION: Staff recommends approval of this Resolution and Ordinance, and submits this First Reading item for City Council's consideration and action.

O-1011-29

AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 460 OF CHAPTER 22 OF THE CODE OF THE CITY OF NORMAN SO AS TO PLACE LOT 1, LESS THE SOUTH 22 FEET, BLOCK 13, TULL'S ADDITION, SECTION 1, TO THE CITY OF NORMAN, CLEVELAND COUNTY, OKLAHOMA, IN THE C-2, GENERAL COMMERCIAL DISTRICT, AND REMOVE THE SAME FROM THE O-1, OFFICE INSTITUTIONAL DISTRICT, OF SAID CITY; AND PROVIDING FOR THE SEVERABILITY THEREOF. (231 EAST ROBINSON STREET).

- § 1. WHEREAS, TGV Investments II, L.L.C., the owner of the hereinafter described property, has made application to have the same placed in the C-2, General Commercial District, and to have the same removed from the O-1, Office Institutional District; and
- § 2. WHEREAS, said application has been referred to the Planning Commission of said City and said body has, after conducting a public hearing as required by law, considered the same and recommended that the same should be granted and an ordinance adopted to effect and accomplish such rezoning; and
- § 3. WHEREAS, the City Council of the City of Norman, Oklahoma, has thereafter considered said application and has determined that said application should be granted and an ordinance adopted to effect and accomplish such rezoning.

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

- § 4. That Section 460 of Chapter 22 of the Code of the City of Norman, Oklahoma, is hereby amended so as to place the following described property in the C-2, General Commercial District, and to remove the same from the O-1, Office Institutional District, to wit:

Lot 1, less the south 22 feet, Block 13, TULL'S ADDITION, SECTION 1,
to the City of Norman, Cleveland County, Okahoma.

Said tract of land being 0.29 acres, more or less

- § 5. Further, pursuant to the provisions of Section 22:434.1 of the Code of the City of Norman, as amended, the following condition is hereby attached to the zoning of the tract:
 - a. The site shall be developed in accordance with the Site Plan (Exhibit A) approved December 9, 2010, and supporting documentation submitted by the applicant and approved by the Planning Commission.

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

ADOPTED this _____ day of

_____, 2009.

Mayor

NOT ADOPTED this _____ day of

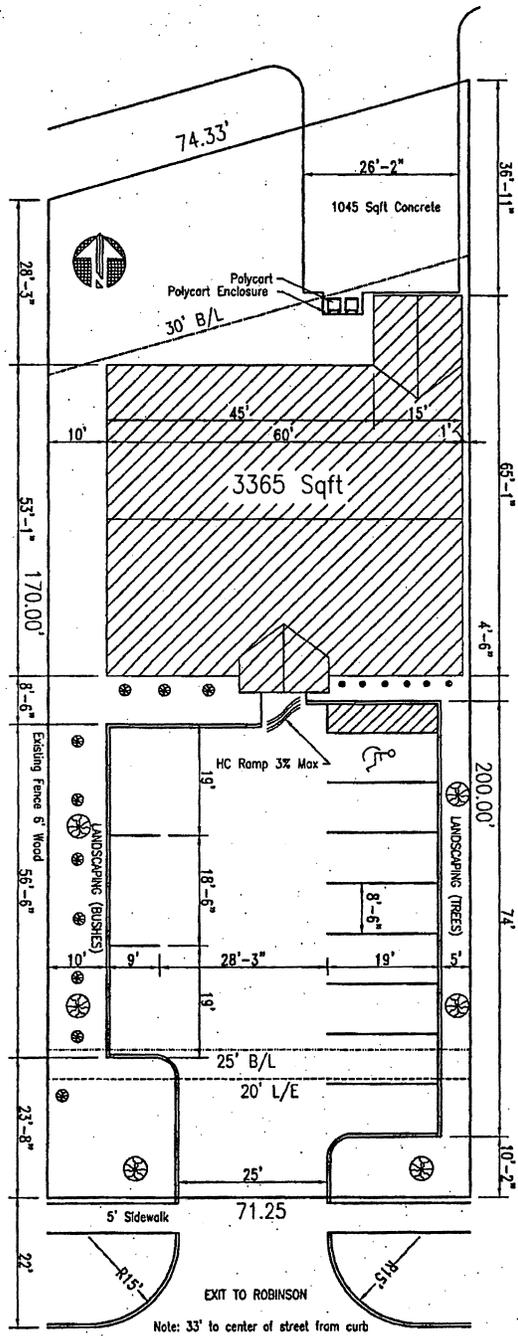
_____, 2009.

Mayor

ATTEST:

City Clerk

Other Drawings/GENE'S SIGNS NOW BUILDING SITE PLAN



i **IDEAL HOMES**
"Building Affordable Homes Today and Tomorrow"

1320 N. PORTER
 NORMAN, OK 73071
 (405) 344-1152
 (800) 682-2763

PLAN NAME: SIGNS NOW	
PLAN NUMBER:	ELEVATION:

NOTES:

Sheet Title: SITE PLAN	
Date: 12/2/10	Scale: 1"=20'

DRAWN BY: Joey
Sheet No. 1

ORDINANCE NO. O-1011-29

ITEM NO. 7b

STAFF REPORT

GENERAL INFORMATION

APPLICANT	TGV Investments II, L.L.C.
REQUESTED ACTION	Rezoning to C-2, General Commercial District
EXISTING ZONING	O-1, Office Institutional District
SURROUNDING ZONING	North: R-1, Single Family East: C-2, General Commercial South: R-3, Multi-Family West: R-1, Single Family
LOCATION	231 West Robinson Street
SIZE	0.29 acres, more or less
PURPOSE	Retail Business
EXISTING LAND USE	Vacant
SURROUNDING LAND USE	North: Single-Family Dwellings East: Fast Food Restaurants South: Single-Family Dwelling West: Single-Family Dwellings
LAND USE PLAN DESIGNATION	Office

SYNOPSIS: The applicant has submitted a rezoning request to C-2, General Commercial District, which is the same as the commercial designation on the abutting property. A new, single-story building would be constructed which will be residential in appearance (masonry exterior with a pitched roof). A garage door with driveway access will be located on the north side of the building, which will access Dale Street. A small parking area will be constructed in front of the building, and will be accessed from Robinson Street.

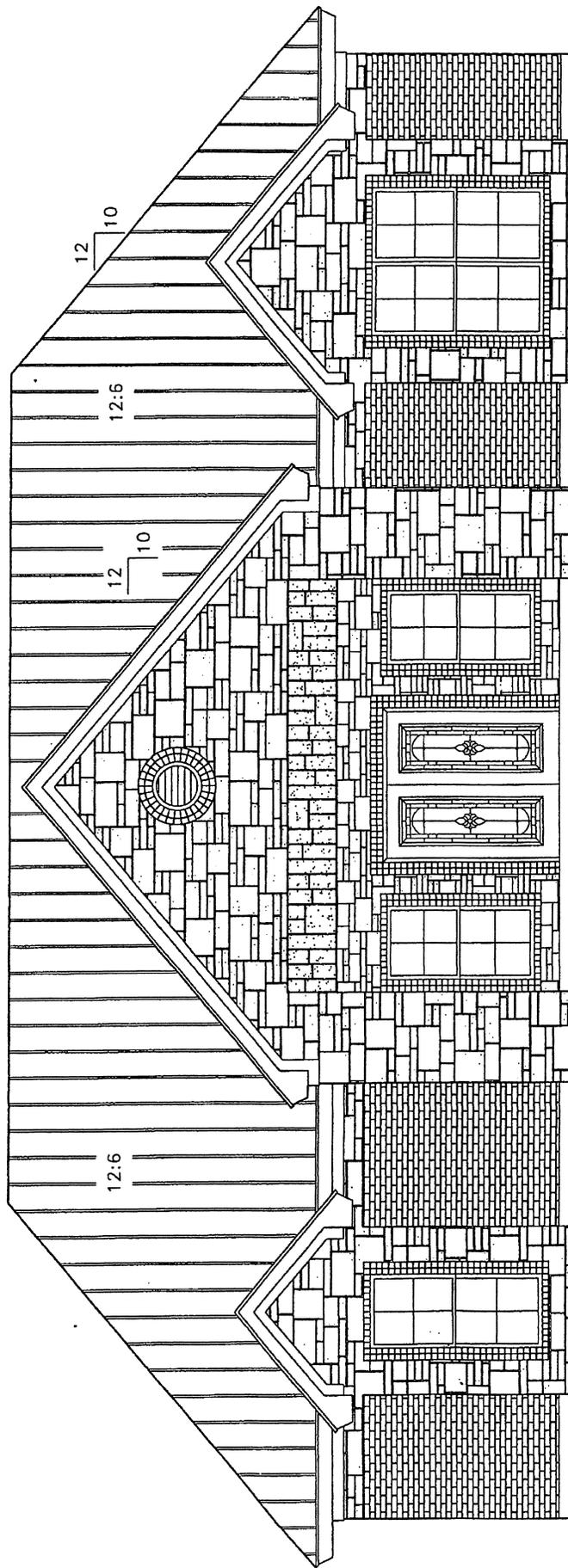
ANALYSIS: The previous item was a plan amendment to Commercial Designation, which is supported by the Porter Avenue Corridor Plan. This lot lies within the Zoning Overlay District that was established to regulate development within the Porter area. There are three basic criteria which must be followed when commercial development occurs next to existing residential development.

1. A low masonry wall must be erected as a permanent barrier to future commercial expansion. The Zoning Overlay District requires that a wall, ranging in size from four feet at the north property line to six feet at the south line, be constructed of appropriate masonry material. If the wall is constructed of the same masonry materials chosen for the principal structure, it would enhance the overall appearance of the site.
2. All lighting must be controlled to minimize spillover onto any abutting property by utilizing full cut-off fixtures that are shielded to minimize impacts. No lighting specifications were submitted, but the agent for the applicant indicates they will fully comply with all ZOD requirements.
3. A ten foot landscape buffer will be installed between the business and the west property line. A final landscape plan will accompany a future building permit request, and will meet all ordinance requirements.

OTHER AGENCY COMMENTS:

- **PARK BOARD** Commercial uses do not require the dedication of any public park land.
- **PUBLIC WORKS** This lot was included in the Tull's First Addition plat, which was filed in 1947. Other than incidental public improvements, no new plat is required.

STAFF RECOMMENDATION The applicant has expressed willingness to comply with all of the conditions expressed in the Zoning Overlay District, although the preliminary site plan does not detail each of those requirements. With the understanding that all such conditions will be met, staff is able to support this rezoning request.



PROPOSED ELEV. 3

I:/Other Drawings/GENE>Signs Now building.dwg

SCALE: 1/4" = 1'-0"

9/16/10

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

8 November 2010

City of Norman
Planning Department
201 West Gray St.
Norman, OK 73069

RE: 231 East Robinson; Rezoning; 2025 Plan Change

Dear City of Norman,

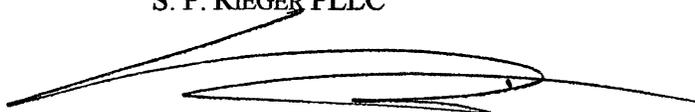
On behalf of the Applicant, TGV Investments II, L.L.C., we submit the attached applications for Rezoning and 2025 Plan Change as they relate to an existing platted lot located at 231 East Robinson in Norman, Oklahoma.

The existing property is a vacant lot that sits in between a residential district and much more intense restaurant uses. These applications are being submitted to allow for the construction of a small commercial building of roughly 3,300 SF, which will be owned and operated by a small retail sign business - a Signs Now business to be relocated from 211 24th Ave. NW. The business has a light volume of traffic and the property would be constructed carefully to be in harmony with nearby residential uses. It is indeed a great use to form the step down buffer between the much more intense restaurants to the east, and the the residential to the west.

In further support of this proposal is the Porter Avenue Study, which included this site within the commercial district of the Plan. The Applicant agrees to comply with the buffering mechanisms put forth in the Porter Avenue Plan in order to carefully protect the neighborhood to the west.

This sign business looks forward to owning and operating its own property and being a great neighbor. Therefore, we respectfully request the City to approve the accompanying applications. Thank you very much for your time, consideration and assistance.

Very Truly Yours,
S. P. RIEGER PLLC



Sean Paul Rieger
Attorney at Law • Architect

Applicant	TGV Investments II, LLC
Location	231 East Robinson
Case Number	PD 10-20
Time	6:00—6:30 PM

Attendee	Stakeholder	Address	Phone
Michael Hughes	Applicant	Signs Now 2276 W Main Street	321-2224
Sean Rieger	Applicant's attorney	136 Thompson Drive	329-6070
Susan Atkinson	City facilitator		366-5392
Doug Koscinski	City Advisor		366-5437
Leah Messner	City Attorney's office		366-7748

Application Summary. Applicant's are seeking to rezone the property to C-2, General Commercial, and amend the *Norman 2025 Land Use Plan* from Office to Commercial in order to build a small sign business. The current zoning is O-1.

Applicant's Opportunity. The applicant owns a sign company located elsewhere in Norman and seeks to relocate the business to a new building on this site. His proposed design for the commercial building would be a residential style, masonry-fronted building as required by Code in order to provide a transition from the more intensive fast-food commercial land uses to the east and the residential uses to the west.

The business would have eight employees with no more than two or three customers in the shop at any given time. Both employee and customer parking are proposed for the front. The shop would be operating during business hours only, M-F.

The applicant's business is what is regarded as a "clean shop," meaning there is no sign fabrication with toxic materials or requiring heavy equipment. The shop primarily uses digital ink jet printing techniques. Though the company does sell lighted signage, there would be no lighted signage fabricated on site.

The site has rear access from Dale Street, from which deliveries will be made and launched.

Porter Corridor Zoning Overlay District. This site falls within the Porter Corridor Zoning Overlay District which means that there is a requirement for 20' pole height with downcast fixtures for parking lot lighting, and that a 4' -6' buffer wall with 10' landscape buffer must be constructed immediately adjacent to residential property.

Neighbors' Comments.

There were no neighbors in attendance.

Item No. 7a, being:

R-1011-65 – TGV INVESTMENTS II, L.L.C. REQUESTS AMENDMENT OF THE NORMAN 2025 LAND USE AND TRANSPORTATION PLAN (LUP-1011-3) FROM OFFICE DESIGNATION TO COMMERCIAL DESIGNATION FOR PROPERTY LOCATED AT 231 EAST ROBINSON STREET.

ITEMS SUBMITTED FOR THE RECORD:

1. NORMAN 2025 Land Use Map
2. Staff Report

and Item No. 7b, being:

O-1011-29 – TGV INVESTMENTS II, L.L.C. REQUESTS REZONING FROM O-1, OFFICE INSTITUTIONAL DISTRICT, TO C-2, GENERAL COMMERCIAL DISTRICT, FOR PROPERTY LOCATED AT 231 EAST ROBINSON STREET.

ITEMS SUBMITTED FOR THE RECORD:

1. Location Map
2. Staff Report
3. Site Plan
4. Proposed Building Elevation
5. Applicant's letter
6. Pre-Development Summary

PRESENTATION BY STAFF:

1. Mr. Koscinski reported that the property is currently designated for office use, and it was originally the buffer area between the commercial area and the nearby residential uses. The recently adopted Porter Avenue Corridor Plan identified this area as eligible for commercial use if certain conditions could be met. The companion rezoning request would change the zoning from office to general commercial, which is what is located to the east. The tract is currently vacant and has been vacant since it was platted decades ago. To the north is an older single-family neighborhood. There is a single-family home directly to the west of the tract. The applicant proposes to build a handsome building which would make an acceptable transition. It would be a single-story building. The zoning overlay district requires a masonry wall along the west boundary, and there is a letter indicating the applicant's intent to comply with all the requirements of the zoning overlay district. There will be landscaping. The business will be a sign shop, working mainly with graphics. There were no filed protests on these items.

2. Ms. Pailes wondered about the impact of truck traffic to the rear of the business. Mr. Koscinski explained that they don't really have a loading dock; it is more of an overhead door.

3. Mr. McCarty asked about the possibility of connecting the front drive and the back driveway. Mr. Koscinski indicated that would require a smaller building than what has been proposed. With the current site plan, they would lose parking spaces and would have to intrude into the 10' landscape buffer.

4. Chairman Trachtenberg asked if there was concern about a curb cut that close to the corner. Mr. Koscinski indicated the concern is with the impacts on traffic, which

will mainly be a problem for people getting into and out of the site. The property was previously approved for a curb cut.

5. Chairman Trachtenberg asked whether there was consideration for moving parking from the front of the building to the back. Mr. Koscinski indicated that pushing the building to the front would not match the other commercial uses in the area, and would force all of the traffic to the residential Dale Street.

PRESENTATION BY THE APPLICANT:

1. Sean Rieger, 136 Thompson Drive, represented the applicant. The business will be Signs Now, which is an existing business on 24th Avenue N.W. The business is really a walk-in retail sign shop, not a fabricating sign shop. The focus was to keep customer activity in front on Robinson Street and away from Dale Street. The back drive is really not a loading dock. This business occasionally wraps vehicles and must have a place to pull the vehicle inside out of the wind; the rear garage will serve that purpose. He noted that there were no protests on this application, and nobody attended the Pre-Development meeting.

2. Mr. Knotts asked if Signs Now will be the only occupants of the building. Mr. Rieger responded affirmatively. The site is very small. Their current location is about 2,500 sq. ft. and they need a little bit larger area for their operation.

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:

Jim Gasaway moved to recommend approval of Resolution No. R-1011-65, Ordinance No. O-1011-29, the Site Plan and accompanying documentation, to the City Council. Curtis McCarty seconded the motion.

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

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

Recording Secretary Roné Tromble announced that the motion, to recommend approval of Resolution No. R-1011-65, Ordinance No. O-1011-29, the Site Plan and accompanying documentation, to the City Council, passed by a vote of 9-0.

* * *



CITY COUNCIL AGENDA JANUARY 11, 2011

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

Item No. 7

Text File Number: O-1011-30

Introduced: 11/16/2010 by Doug Koscinski, Current Planning Mgr

Current Status: Consent Item

Version: 1

Matter Type: Zoning Ordinance

Title

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

ACTION NEEDED: Motion to introduce and adopt Ordinance No. O-1011-30 upon First Reading by Title.

ACTION TAKEN: _____

Body

BACKGROUND. Sigma Norman, L.L.C. requests rezoning from R-3, Multi-Family Dwelling District, to RM-6, Medium Density Apartment District, with Special Use for Fraternity Houses on property located at 1300 South College Avenue. The property owner has submitted a proposal to demolish the existing 20,000 square foot fraternity structure, subdivide the lot into two parcels, and construct a new fraternity building on each lot. New fraternity use can only be authorized by the approval of a Special Use, which must be accompanied by a specific site plan. This area is generally known as the “south Greek” area and has historically been used for fraternity/sorority use. The applicant has requested RM-6 zoning, which is more “performance based” than the older R-3 designation. The regulations of this district will limit the total amount of building on both lots to approximately 40,000 square feet, much higher than the preliminary layout which indicates less than 20,000 square feet. This area is designated for High Density residential use on the 2025 Plan. Both R-3 and RM-6 are appropriate zoning categories within that designation.

DISCUSSION: At their meeting of December 9, 2010, the Planning Commission, by a vote of 9-0, supported this request and recommended adoption of this Ordinance. No protests were filed on this request.

STAFF RECOMMENDATION: Staff recommends approval of this Ordinance, and submits this First Reading item for City Council’s consideration and action.

AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 460 OF CHAPTER 22 OF THE CODE OF THE CITY OF NORMAN SO AS TO PLACE A TRACT OF LAND LYING WITHIN THE NORTHEAST QUARTER OF SECTION 6, TOWNSHIP 8 NORTH, RANGE 2 WEST OF THE INDIAN MERIDIAN, NORMAN, CLEVELAND COUNTY, OKLAHOMA, IN THE RM-6, MEDIUM DENSITY APARTMENT DISTRICT, AND REMOVE THE SAME FROM THE R-3, MULTI-FAMILY DWELLING DISTRICT, AND GRANT SPECIAL USE FOR FRATERNITY HOUSES; AND PROVIDING FOR THE SEVERABILITY THEREOF. (1300 SOUTH COLLEGE AVENUE)

- § 1. WHEREAS, Sigma Norman, L.L.C., the owner of the hereinafter described property, has made application to have the same placed in the RM-6, Medium Density Apartment District, and to have the same removed from the R-3, Multi-Family Dwelling District; and
- § 2. WHEREAS, Sigma Norman, L.L.C., has made application for Special Use for Fraternity Houses in the RM-6, Medium Density Apartment District; and
- § 3. WHEREAS, said application has been referred to the Planning Commission of said City and said body has, after conducting a public hearing as required by law, considered the same and recommended that the same should be granted and an ordinance adopted to effect and accomplish such special use; and
- § 4. WHEREAS, the City Council of the City of Norman, Oklahoma, has thereafter considered said application and has determined that said application should be granted and an ordinance adopted to effect and accomplish such special use.

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

- § 5. That Section 460 of Chapter 22 of the Code of the City of Norman, Oklahoma, is hereby amended so as to place the following described property in the RM-6, Medium Density Apartment District, and to remove the same from the R-3, Multi-Family Dwelling District, and to grant Special Use for Fraternity Houses, to wit:

Part of the Northeast Quarter (NE/4) of Section Six (6), Township Eight (8) North, Range Two (2) West of the Indian Meridian, Cleveland County, Oklahoma, being more particularly described as follows: Beginning at a point 2,337.5 feet West and 1,585 feet South of the Northeast Corner of said Northeast Quarter (NE/4); Thence South 356.92 feet; Thence West 277.5 feet; Thence North 356.92 feet; Thence East 277.50 feet to the Place of Beginning. Said tract contains 2.26 acres, more or less.

§ 6. Further, pursuant to the provisions of Section 22:434.1 of the Code of the City of Norman, as amended, the following conditions are hereby attached to the zoning of the tract:

a. The site shall be developed in accordance with the Site Plan (Exhibit A), approved December 9, 2010, and supporting documentation submitted by the applicant and approved by the Planning Commission.

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

ADOPTED this _____ day of _____, 2011.

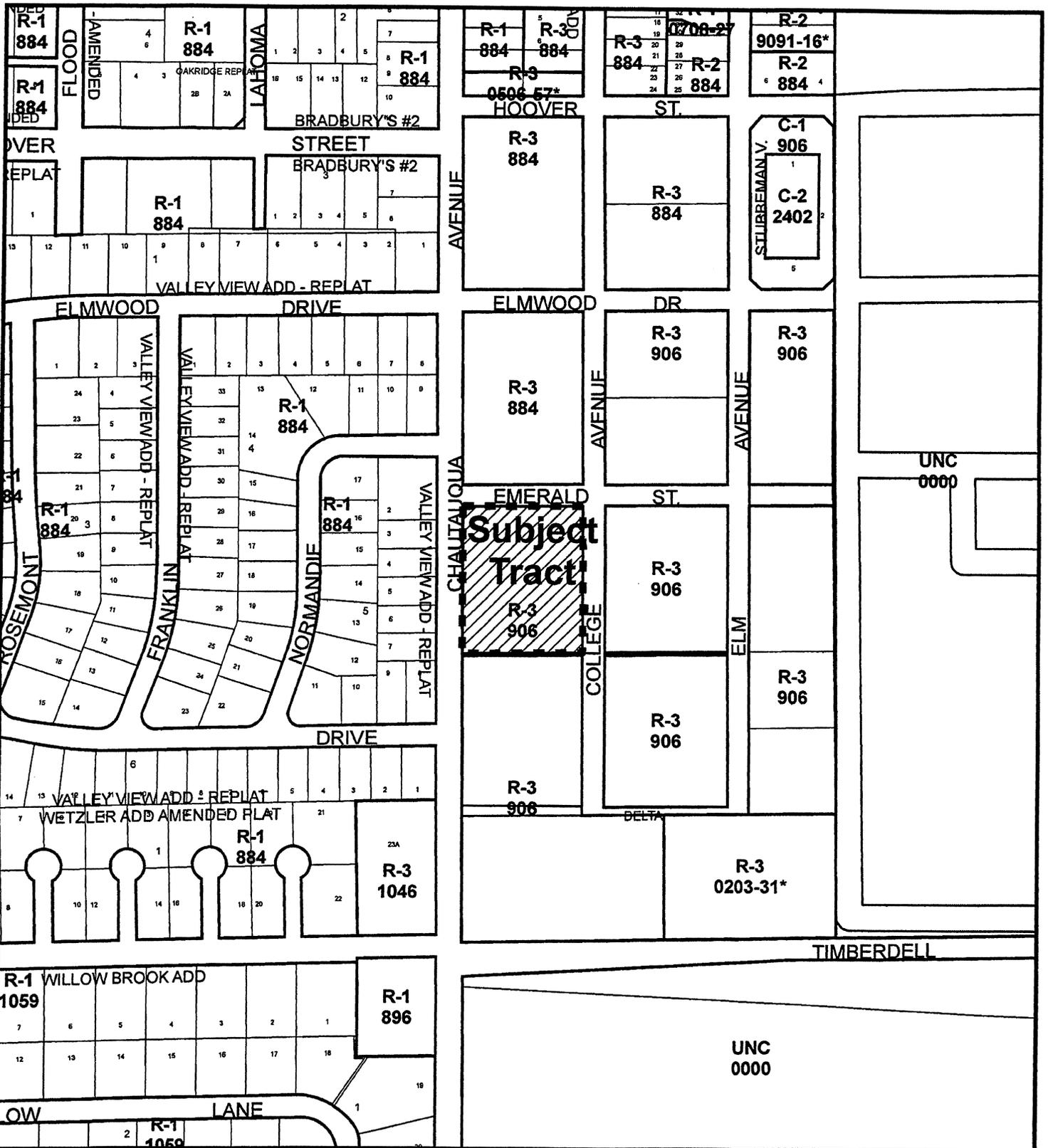
NOT ADOPTED this _____ day of _____, 2011.

(Mayor)

(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.



PP-1011-9
 Preliminary Plat
SIGMA NU ADDITION

O-1011-30
 Rezoning/Special Use for Fraternity
 Houses
1300 South College Avenue

Owner/Developer: Sigma Norman, LLC

ORDINANCE NO. O-1011-30

ITEM NO. 8a

STAFF REPORT

GENERAL INFORMATION

APPLICANT	Sigma Norman, L.L.C.
REQUESTED ACTION	Rezoning to RM-6, Medium Density Apartment District, with Special Use for Fraternity Houses
EXISTING ZONING	R-3, Multi-Family
SURROUNDING ZONING	North: R-3, Multi-Family East: R-3, Multi-Family South: R-3, Multi-Family West: R-1, Single Family
LOCATION	1300 South College Avenue
SIZE	2.26 acres, more or less
PURPOSE	Two Fraternity Houses
EXISTING LAND USE	One Fraternity House
SURROUNDING LAND USE	North: Fraternity House East: Fraternity House South: Fraternity House West: Single Family Dwellings
LAND USE PLAN DESIGNATION	High Density Residential
GROWTH AREA DESIGNATION	Current Urban Service Area

SYNOPSIS: The property owner has submitted a proposal to demolish the existing 20,000 square foot fraternity structure, subdivide the lot into two parcels, and construct a new fraternity building on each lot. New fraternity use can only be authorized by the approval of a Special Use, which must be accompanied by a specific site plan.

ANALYSIS: This area is generally known as the "south greek" area, and has historically been used for fraternity/sorority use. The area is currently zoned R-3, an older multi-family designation that used to allow fraternities and sororities by right. In 1996, the zoning ordinance was modified to require that new fraternal uses must be authorized by a specific Special Use that is reviewed by the Planning Commission, and restricted that usage to both R-3 and RM-6 districts. The applicant has requested RM-6 zoning, which is more "performance based" than the older R-3 designation. The regulations of this district will limit the total amount of building on both lots to approximately 40,000 square feet, much higher than the preliminary layout which indicates less than 20,000 square feet.

ALTERNATIVES/ISSUES:

- **IMPACTS** The existing 20,000 square foot building accommodates 68 persons. One of the new buildings will again house the Sigma Nu fraternity, but in a modern building that will accommodate approximately forty men. The second lot will be sold to the Alpha Tau Omega fraternity, who will construct a new building that will also house about forty men. No impacts are expected on the existing fraternities and sororities that abut this parcel. Single-family homes lie across Chautauqua Avenue, and should not be impacted more than they are today.
- **PARKING** New parking will be installed which is adequate for the size of the new structures, and meets all screening and landscaping requirements based on a preliminary review. That parking will occur at the rear of each tract, near the single-family dwellings, which could be adversely affected by poorly aimed parking lot lights. Staff would suggest that full cut-off fixtures be installed, and shielding added to minimize any light spillover onto abutting properties.
- **SITE PLAN** The Site Plan indicates that the front entrances of the proposed structures will be oriented towards College Avenue, with parking and dumpsters at the rear, adjacent to Chautauqua Avenue. The plan indicates a masonry wall and landscaping to mitigate the appearance of those areas.

OTHER AGENCY COMMENTS:

- **PARK BOARD** As the density of these projects will increase beyond what currently exists, the Park Board has recommended a fee in lieu of land dedication.
- **PUBLIC WORKS** The Traffic Engineer has reviewed and concurred with the location and layout of the driveways that access the proposed sites.

STAFF RECOMMENDATION: This area is designated for High Density residential use on the 2025 Plan. Both R-3 and RM-6 are appropriate in that designation. Staff supports this request for a Special Use, which simply replaces one older structure with two smaller, more modern buildings, and upgrades the lot with screening and landscaping that were not initially required. Staff recommends approval of this Special Use.

Applicant	Sigma Norman LLC
Location	1300 S College Avenue
Case Number	PD 10-19
Time	5:30-6:00 PM

Attendee	Stakeholder	Address	Phone
Michael Grant	applicant	114 E Sheridan, Suite 102 OKC 73104	840-4357
Tom McCaleb	Applicant's engineer	SMC Engineering OKC	232-7715
Mark Krittenbrink	Applicant's architect	301 W. Boyd Street	579-7883
Sean Rieger	Applicant's attorney	136 Thompson Drive	329-6070
Jane Hudson	City facilitator		366-5344
Ken Danner	City Advisor		366-5458
Blaine Nice	City Attorney's office		366-5427

Application Summary. Applicants are seeking to subdivide their existing lot into two parcels. They are seeking a Preliminary Plat, a Special Use Permit for a fraternity house, and to rezone the parcels from R-3 to RM-2. The current *Norman 2025 Land Use Plan* designation is Multi-Family Residential.

Applicant's Opportunity. The Sigma Nu Fraternity seeks to subdivide their existing, unplatted, 2.27-acre parcel into two equal lots, building themselves a new chapter house on the north lot and selling the south lot to the Alpha Tau Omega Fraternity.

Both structures would be oriented towards the east. Both will be three stories tall and accommodate up to 40 beds. There would be a single shared access drive off of Chautauqua Avenue which would reduce the existing curb cuts from two to one. Circular drives are planned for the east sides of both buildings. Site access would also include two drives off Emerald Street and three drives off College Avenue.

Neighbors' Comments.
There were no neighbors in attendance.

Item No. 8a, being:

O-1011-30 – SIGMA NORMAN, L.L.C. REQUESTS REZONING FROM R-3, MULTI-FAMILY DWELLING DISTRICT, TO RM-6, MEDIUM DENSITY APARTMENT DISTRICT, WITH SPECIAL USE FOR FRATERNITY HOUSES ON PROPERTY LOCATED AT 1300 SOUTH COLLEGE AVENUE.

ITEMS SUBMITTED FOR THE RECORD:

1. Location Map
2. Staff Report
3. Preliminary Site Plan
4. Pre-Development Summary

and

Item No. 8b, being:

PP-1011-9 – CONSIDERATION OF A PRELIMINARY PLAT SUBMITTED BY SIGMA NORMAN, L.L.C. (SMC CONSULTING ENGINEERS, P.C.) FOR SIGMA NU ADDITION, GENERALLY LOCATED AT THE SOUTHWEST CORNER OF COLLEGE AVENUE AND EMERALD WAY.

ITEMS SUBMITTED FOR THE RECORD:

1. Location Map
2. Preliminary Plat
3. Staff Report
4. Preliminary Site Plan

PRESENTATION BY STAFF:

1. Mr. Koscinski reported that the tract is in the south Greek area. The existing building is boarded up, but is about 20,000 sq. ft. and used to house approximately 68 fraternity members. They want to demolish the entire site, plat it into two new tracts, and there will be two new fraternities. There are other fraternities and sororities in the area. There are single-family homes to the west. Fraternity uses now require a special use, and the applicant has opted for RM-6 zoning. The proposal is for two smaller, multi-story fraternity houses. They will be oriented primarily to the east, with parking to the west. A wall and some additional landscaping will be required. The new buildings will each house approximately 40 people. There were no filed protests on this request.

2. Mr. McCarty asked about the "potential detention pond." Mr. Koscinski indicated that the City Engineer has been in discussions with the applicant about whether they would rather have something other than the detention pond.

PRESENTATION BY THE APPLICANT:

1. Sean Rieger, 136 Thompson Drive, represented the applicant. This is really a clean-up zoning in a lot of ways. None of these properties were ever platted; the legal description of this property is a metes and bounds survey. Chautauqua Avenue currently has two curb cuts, and there will be only one for the new development. There will also be a screening wall along Chautauqua with some nice landscaping. The density is not much of an increase; the current building has an occupancy of about 70. The proposal is for two buildings with an occupancy of 40 each. There are some really beautiful structures to the north and the east, and this will help beautify the area. The buildings will be nicely oriented toward campus.

2. Tom McCaleb, SMC Consulting Engineers, is the engineer for the applicant. When the drainage report was done, it looked at three different scenarios to take care of storm water. This area has already been developed quite a bit. The study indicated a 2.35 cfs increase in runoff from the site. The options were to do a treatment similar to Trailwoods Addition, a detention pond as shown on the site plan, or to pay a fee in lieu of detention. The City Engineer thinks the fee is the best option, and the detention pond will not be built.

3. Mr. Knotts asked about the circle drive at the corner. Mr. McCaleb responded that the City's traffic engineer reviewed it and approved it. Mr. Knotts expressed concern about the potential for accidents at this location. It will provide a cut-through at the corner. Mr. McCaleb indicated that parking spaces on the circle drive will be for temporary use of visitors, rather than permanent parking spaces for occupants of the building. He noted the one driveway off Chautauqua to serve both facilities, and the location of the dumpsters at that driveway to satisfy the Sanitation Department with one pick-up location.

4. Mr. Rieger stated that they very consciously kept the traffic from the parking lots to the west, rather than connecting to College Avenue on the east. The parking lots really are not very large. There will probably be very minimal traffic on the circular drives.

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:

Curtis McCarty moved to recommend approval of Ordinance No. O-1011-30, the Site Development Plan and accompanying documentation, and recommend approval of the Preliminary Plat for SIGMA NU ADDITION to the City Council. Diana Hartley seconded the motion.

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

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

Recording Secretary Roné Tromble announced that the motion, to recommend approval of Ordinance No. O-1011-30, the Site Development Plan and accompanying documentation, and recommend approval of the Preliminary Plat for SIGMA NU ADDITION to the City Council, passed by a vote of 8-1.

* * *



**CITY COUNCIL AGENDA
JANUARY 11, 2011**

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

Item No. 8

File Number: BID-1011-48

Introduced: 12/27/2010 by Greg Hall, Street Superintendent

Current Status: Consent Item

Version: 1

Matter Type: Bid

Title

CONSIDERATION AND AWARDED OF BID NO. 1011-48 FOR THE PURCHASE OF ASPHALT CONCRETE, SUPERPAVE ASPHALT, EMULSIFIED ASPHALT, AND CONTAINER PATCH MIX FOR THE STREET MAINTENANCE DIVISION

1. ASPHALT CONCRETE - TYPE C, ZONES 1-5 AND BATCH PLANT
2. ASPHALT CONCRETE - TYPE B, ZONES 1-5 AND BATCH PLANT
3. SUPERPAVE ASPHALT - TYPE S-3, ZONES 1-5 AND BATCH PLANT
4. SUPERPAVE ASPHALT - TYPE S-4, ZONES 1-5 AND BATCH PLANT
5. SUPERPAVE ASPHALT - TYPE S-5, ZONES 1-5 AND BATCH PLANT
6. EMULSIFIED ASPHALT, TYPE SS-1 OR EQUAL
 - A. DELIVERED AND APPLIED
 - B. PICKUP AT PLANT
7. CONTAINER PATCH MIX
 - A. PICKUP AT PLANT (1) 50 POUNDS AND (2) 35 POUNDS
 - B. BULK PICKUP AT PLANT
 - C. BULK DELIVERED

ACTION NEEDED: Motion to accept or reject all bids meeting specifications on Section 1, Zones 1, 2, 3, and 4 and Batch Plant, and all Zones of Sections 2, 3, 4, and 5; and, if accepted, award the bid to Paving Materials, Inc., as the lowest and best bidder meeting specifications, Haskell Lemon Construction Company as the first alternate bidder, and T.J. Campbell Construction Company as the second alternate bidder.

ACTION TAKEN: _____

ACTION NEEDED: Motion to accept or reject all bids meeting specifications on Section 1, Zone 5; and, if accepted, award the bid to Haskell Lemon Construction Company as the lowest and best bidder meeting specifications and Paving Materials, Inc., as the alternate bidder.

ACTION TAKEN: _____

ACTION NEEDED: Motion to accept or reject all bids meeting specifications on Section 6(a); and, if accepted, award the bid to Haskell Lemon Construction Company as the lowest and best bidder meeting specifications and Paving Materials, Inc., as the alternate bidder.

ACTION TAKEN: _____

ACTION NEEDED: Motion to accept or reject all bids meeting specifications on Section 6(b); and, if accepted, award the bid to Vance Brothers, Inc., as the lowest and best bidder meeting specifications, Haskell Lemon Construction Company as the first alternate bidder, and Paving Materials, Inc., as the second alternate bidder

ACTION TAKEN: _____

ACTION NEEDED: Motion to accept or reject the bid as meeting specifications on Section 7; and, if accepted, award the bid to Paving Maintenance Supply, Inc., as the lowest and best bidder meeting specifications.

ACTION TAKEN: _____

Body

BACKGROUND: The City of Norman's Street Maintenance Program utilizes the following asphalt materials:

1. Asphaltic Concrete, Type C is material used for pothole patching in the asphalt maintenance program.
2. Asphaltic Concrete, Type B is a base/surface course material with an aggregate gradation or blend of the mix containing larger aggregate. This asphalt material has better qualities of compressive strength and increased shear resistance, and it can be used either as a base material or as pavement surface course material.
3. Superpave Type S-3, S-4 and S-5 is a base/surface course material with an aggregate gradation or blend of the mix containing larger aggregate with added modified polymers. These modified asphalt materials have qualities of compressive strength and increased shear resistance, and are used either as a base material or as pavement surface course material, per City of Norman Standard Specifications for paving of streets.
4. Emulsified Asphalt, Type SS-1 is for tack coat application on existing pavement surfaces and prime coat application on non-cohesive soil subgrade.
5. Container Patch Mix - Densely graded cold patch mix for pothole patching. For surface course asphaltic concrete mix, use insoluble asphalt cement, for base courses, use binder asphalt cement.

With the exception of Emulsified Asphalt and Container Patch Mix all other materials are hot mix-hot applied and they are bid on the basis of dollars per ton delivered to the job site. These bid prices are adjusted for zone delivery as follows:

Zone Delivery of Asphalt Materials

ZONE 1 - Centerline of U.S. Interstate Highway No. 35 to western City Limits.

ZONE 2 - South right-of-way line of Robinson Street to northern City limits, centerline U.S. Interstate Highway No. 35 to right-of-way of 60th Avenue East.

ZONE 3 - South right-of-way line of Alameda Street to northern City limits, east right-of-way line of 60th Avenue East to eastern City limits.

ZONE 4 - South right-of-way line of Alameda Street to southern City limits, east right-of-way line of 60th Avenue East to eastern City limits.

ZONE 5 - South right-of-way line of Robinson Street to southern City limits, centerline U.S. Interstate Highway No. 35 to right-of-way line of 60th Avenue East.

Zone delivery bid prices have been specified since FYE 1985 and this method has resulted in more competitive bid prices.

As compared to the December, 2008 bids for this same material, the current low bid prices are 10-20% less per ton of material. These reduced prices appear to be the result of the current lower market rates for crude oil.

DISCUSSION: Bid Number 1011-48 was opened on December 2, 2010, for asphalt materials. Funding for these materials is available in the General Fund and Capital Fund accounts listed below. Container Patch Mix is a cold patch material that is utilized during times of inclement weather or emergency situations to make immediate repairs to failed pavement when hot mix asphalts are not available.

Bid term is for two (2) years commencing February 1, 2011 with adjustments in material price to be updated every four (4) months as outlined in the schedule below or until 30 days after notice has been given by the City of Norman of its desire to terminate the contract. The four (4) month price updating was implemented due to the constant fluctuation of the price of oil and discussion with the material suppliers. The suppliers could not give a single annual bid price that was not high due to this uncertainty. This method will ensure the best unit price based on current markets. The lowest unit price received for the four (4) month period will be the first call for material.

FUNDING SOURCES:

Street Division

Asphalt/Asphalt Materials (010-5021-431.33-02) \$238,209

Storm Water Division

Asphalt/Asphalt Materials (010-5022-431.33-02) \$42,500

Capital Improvement Projects FYE 2011

Rural Roads Improvement (Bond) (050-9371-431.63-01) \$200,000
Asphalt Pavement Maintenance (050-9511-431.63-01) \$1,342,195
Asphalt Paver Patching (050-9692-431.63-01) \$480,220
Force Account Drainage Materials (050-9906-451.63-01) \$272,230
Rural Road Improvements (050-9696-431.63-01) \$478,095

ADJUSTMENT SCHEDULE DATES:

February 1, 2011
May 31, 2011
June 1, 2011
September 30, 2011
October 1, 2011
January 31, 2012
February 1, 2012
May 31, 2012
June 1, 2012
September 30, 2012
October 1, 2012
January 31, 2013

RECOMMENDATION: Staff recommends Bid Number 1011-48 be awarded to the low bidder as shown in the bid tabulation. It is further recommended that the bid be awarded to a first alternate and a second alternate, when applicable so that the material will be available when the primary bidder cannot deliver it. It is also recommended that the single bid for Container Patch Mix materials be awarded due to the important nature of the material and only two vendors are known to specialize in this product. One bidder did not respond to the bid request.

BID TABULATION Bid 1011-48 -- Bid Opening December 02, 2010	Paving Materials, Inc., Moore, Oklahoma	T. J. Campbell Asphalt Co., Oklahoma City, Oklahoma	Hashell Lemon Construction Co., Oklahoma City, Oklahoma and Plant in Norman, Oklahoma	Vance Oil Co., Oklahoma City, Oklahoma	Logan County Asphalt, Guthrie, Oklahoma	Paving Maintenance Supply, Inc., Edmond, Oklahoma
Section I - Asphalt Concrete, Type C						
Zone 1	\$ 40.90	\$ 50.83	\$ 43.40	No Bid	No Response	No Bid
Zone 2	\$ 41.17	\$ 50.41	\$ 43.35	No Bid	No Response	No Bid
Zone 3	\$ 42.28	\$ 52.10	\$ 44.30	No Bid	No Response	No Bid
Zone 4	\$ 42.15	\$ 52.27	\$ 43.75	No Bid	No Response	No Bid
Zone 5	\$ 43.37	\$ 51.11	\$ 43.10	No Bid	No Response	No Bid
Batch Plant	\$ 37.45	\$ 45.15	\$ 40.00	No Bid	No Response	No Bid
Section II -- Asphalt Concrete, Type B						
Zone 1	\$ 40.45	\$ 50.83	\$ 43.40	No Bid	No Response	No Bid
Zone 2	\$ 40.72	\$ 50.41	\$ 43.35	No Bid	No Response	No Bid
Zone 3	\$ 41.83	\$ 52.10	\$ 44.30	No Bid	No Response	No Bid
Zone 4	\$ 41.70	\$ 52.27	\$ 43.75	No Bid	No Response	No Bid
Zone 5	\$ 42.92	\$ 51.11	\$ 43.10	No Bid	No Response	No Bid
Batch Plant	\$ 37.00	\$ 45.15	\$ 40.00	No Bid	No Response	No Bid
Section III - Superpave Asphalt Type - S-3						
Zone 1	\$ 36.15	\$ 50.18	\$ 41.40	No Bid	No Response	No Bid
Zone 2	\$ 36.42	\$ 49.76	\$ 41.35	No Bid	No Response	No Bid
Zone 3	\$ 37.53	\$ 51.45	\$ 42.30	No Bid	No Response	No Bid
Zone 4	\$ 37.40	\$ 51.62	\$ 41.75	No Bid	No Response	No Bid
Zone 5	\$ 38.62	\$ 50.46	\$ 41.10	No Bid	No Response	No Bid
Batch Plant	\$ 32.70	\$ 44.50	\$ 38.00	No Bid	No Response	No Bid
Section IV -- Superpave Asphalt Type - S4						
Zone 1	\$ 40.10	\$ 55.43	\$ 44.40	No Bid	No Response	No Bid
Zone 2	\$ 40.37	\$ 55.01	\$ 44.35	No Bid	No Response	No Bid
Zone 3	\$ 41.48	\$ 56.70	\$ 45.30	No Bid	No Response	No Bid
Zone 4	\$ 41.35	\$ 56.87	\$ 44.75	No Bid	No Response	No Bid
Zone 5	\$ 42.57	\$ 55.71	\$ 44.10	No Bid	No Response	No Bid
Batch Plant	\$ 36.65	\$ 49.75	\$ 41.00	No Bid	No Response	No Bid
Section V -- Superpave Asphalt Type - S5						
Zone 1	\$ 41.35	\$ 64.28	\$ 45.40	No Bid	No Response	No Bid
Zone 2	\$ 41.62	\$ 63.86	\$ 45.35	No Bid	No Response	No Bid
Zone 3	\$ 42.73	\$ 65.55	\$ 46.30	No Bid	No Response	No Bid
Zone 4	\$ 42.60	\$ 65.72	\$ 45.75	No Bid	No Response	No Bid
Zone 5	\$ 43.82	\$ 64.56	\$ 45.10	No Bid	No Response	No Bid
Batch Plant	\$ 37.90	\$ 58.60	\$ 42.00	No Bid	No Response	No Bid

BID TABULATION Bid 1011-48 -- Bid Opening December 02, 2010		Paving Materials, Inc., Moore, Oklahoma	T. J. Campbell Asphalt Co., Oklahoma City, Oklahoma	Haskell Lemon Construction Co., Oklahoma City, Oklahoma and Plant in Norman, Oklahoma	Vance Oil Co., Oklahoma City, Oklahoma	Logan County Asphalt, Guthrie, Oklahoma	Paving Maintenance Supply, Inc., Edmond, Oklahoma
Section VI -- Emulsified Asphalt, SS-1 or Equal							
A. Delivered and Applied	\$ 4.50	No Bid	\$	3.00	No Bid	No Response	No Bid
B. Pickup at plant	\$ 3.00	No Bid	\$	2.50	\$ 2.00	No Response	No Bid
Section VII -- Container Patch Mix							
A. Pickup at plant	No Bid	No Bid	No Bid	No Bid	No Bid	No Response	\$ 7.79/ per bag
(Less than 50 containers/bags)							
B. 50 LB Bags (One or more pallets) Delivered to	No Bid	No Bid	No Bid	No Bid	No Bid	No Response	9.19/per bag (60 Bags per pallet)
668 E. Lindsey Norman, OK 73039							
C. Bulk	No Bid	No Bid	No Bid	No Bid	No Bid	No Response	\$89.00/per ton
Pickup at plant							
D. Bulk delivered to	No Bid	No Bid	No Bid	No Bid	No Bid	No Response	\$99.40/per ton
668 E. Lindsey Norman, OK 73069							
(14 ton minimum)							

BID TABULATION Bid 1011-48 -- Bid Opening December 02, 2010	Paving Materials, Inc., Moore, Oklahoma	T. J. Campbell Asphalt Co., Oklahoma City, Oklahoma	Haskell Lemon Construction Co., Oklahoma City, Oklahoma and Plant in Norman, Oklahoma	Vance Oil Co., Oklahoma City, Oklahoma	Logan County Asphalt, Guthrie, Oklahoma	Paving Maintenance Supply, Inc., Edmond, Oklahoma
RECOMMENDATION: Bid Number 1011-48 be awarded as follows:						
Section I, Zones 1, 2, 3, 4 and Batch Plant						
Paving Materials, Inc., Lowest Bidder						
Haskell Lemon Construction Co., First Alternate bidder						
Section I, Zone 5						
T. J. Campbell Construction Co., Second alternate bidder						
Haskell Lemon Construction Co., Lowest bidder						
Paving Materials, Inc., First Alternate bidder						
Sections II, III, IV and V						
Paving Materials, Inc., Lowest Bidder						
Haskell Lemon Construction Co., First Alternate bidder						
T. J. Campbell Construction Co., Second alternate bidder						
RECOMMENDATION: Bid 1011-48 Section VI be awarded as follows:						
Section VIA.						
Haskell Lemon Construction Co., Lowest bidder						
Paving Materials, Inc., Alternate bidder						
Section VIB.						
Vance Oil Co., Lowest bidder						
Haskell Lemon Construction Co., First Alternate bidder						
Paving Materials, Inc., Second Alternate bidder						
RECOMMENDATION: Bid 1011-48 Section VII be awarded as follows:						
Section VII A., B., C. and D.						
Paving Maintenance Supply, Inc. Only bidder						



CITY COUNCIL AGENDA JANUARY 11, 2011

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

Text File No. 9

Text File Number: FP-1011-18

Introduced: 12/30/2010 by Ken Danner, Development Manager

Current Status: Consent Item

Version: 1

Matter Type: Final Plat

Title

CONSIDERATION OF A FINAL SITE DEVELOPMENT PLAN AND FINAL PLAT FOR UNIVERSITY NORTH PARK ADDITION, SECTION V, A PLANNED UNIT DEVELOPMENT, AND ACCEPTANCE OF PUBLIC DEDICATIONS CONTAINED THEREIN.

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

ACTION TAKEN: _____

Body

BACKGROUND: This item is a final plat for University North Park Addition, Section V, a Planned Unit Development, and is located north of West Robinson Street and east of 24th Avenue NW. This property consists of ten (10) acres and five (5) commercial lots zoned as a Planned Unit Development. The final site development plan indicates Lot 3, Block 1 and Lot 1, Block 2 are proposed as possible banks; Lot 2, Block 1, appears to be a restaurant and the remaining lots as retail shops.

Planning Commission, at its meeting of August 13, 2009, approved the final plat for University North Park Addition, Section V, a Planned Unit Development.

DISCUSSION: Construction plans have been reviewed for the required public improvements for this property. The public improvements consist of paving, drainage, sanitary sewer, and water.

RECOMMENDATION: The proposed final site development plan and final plat have had changes since the Planning Commission meeting. The new proposal creates five (5) lots instead of six (6) lots as previously submitted. The proposed drive approaches have not changed. The overall concept has not changed. Based upon the above information, staff recommends approval of the final site development plan and final plat and the filing thereof subject to the City Development Committee's acceptance of required public improvements and authorization for the the Mayor to sign the final plat,

FINAL PLAT

ITEM NO. 7

STAFF REPORT

ITEM: Consideration of a FINAL PLAT FOR UNIVERSITY NORTH PARK ADDITION, SECTION V, A PLANNED UNIT DEVELOPMENT.

LOCATION: Generally located on the east side of 24th Avenue NW approximately ¼ mile north of West Robinson Street.

INFORMATION:

1. Owners. University Town Center, L.L.C.
2. Developer. University Town Center, L.L.C.
3. Engineer. SMC Consulting Engineers, P.C.

HISTORY:

1. December 19, 1961. Planning Commission recommended to City Council that this property be placed in A-2 zoning classification.
2. January 23, 1962. City Council adopted Ordinance No. 1339 placing a portion of this property in I-1 and removing it from A-2 zoning classification.
3. September 15, 1964. Planning Commission, on a vote of 9-0, recommended to City Council that a portion of this property be placed in I-1 and removed from A-2 zoning classification.
4. September 22, 1964. City Council adopted Ordinance No. 1686 placing a portion of this property in I-1, and removing it from A-2 zoning classification.
5. July 11, 2002. Planning Commission, on a vote of 5-0-2, recommended to City Council that the NORMAN 2020 Land Use and Transportation Plan be amended by designating this property as a Special Planning Area Designation and changing it from Industrial Designation.

HISTORY (con't):

6. July 11, 2002. Planning Commission, on a vote of 5-0-2, recommended to City Council that this property be placed in the PUD, Planned Unit Development and removed from I-1 and A-2 zoning classification.
7. July 11, 2002. Planning Commission, on a vote of 5-0-2, recommended to City Council that the preliminary plat for University North Park Addition, a Planned Unit Development be approved.
8. August 13, 2002. City Council amended the NORMAN 2020 Land Use and Transportation Plan designating this property as a Special Planning Area.
9. August 13, 2002. City Council adopted Ordinance No. O-0203-2 placing this property in the PUD, Planned Unit Development, and removing it from I-1 and A-2 zoning classification. The approval included the preliminary plat for University North Park Addition.
10. September 14, 2006. Planning Commission, on a vote of 7-0, recommended to City Council the amending of the Planned Unit Development Narrative.
11. September 14, 2006. Planning Commission, on a vote of 7-0, recommended to City Council that the preliminary plat for University North Park Addition, a Planned Unit Development be approved.
12. October 24, 2006. City Council postponed indefinitely Ordinance No. O-0607-13, amending the Planned Unit Development Narrative and Site Development Plan for University North Park Addition, a Planned Unit Development.
13. October 24, 2006. City Council postponed indefinitely the revised Preliminary Plat for University North Park Addition, a Planned Unit Development.
14. December 12, 2006. City Council approved Ordinance No. O-0607-13 amending the Planned Unit Development Narrative and Site Development Plan and approved the revised Preliminary Plat for University North Park Addition, a Planned Unit Development.
15. June 14, 2007. Planning Commission, on a vote of 6-0, approved the final plat for University North Park Addition, Section V, a Planned Unit Development.
16. June 14, 2009. The approval of University North Park Addition, Section V, a Planned Unit Development became null and void.

IMPROVEMENT PROGRAM:

1. Fire Hydrants. Fire hydrants will be installed in accordance with approved plans. Their locations have been approved by the Fire Department.
2. Permanent Markers. Permanent markers will be installed prior to the filing of the final plat.
3. Sanitary Sewers. Sanitary sewer mains will be installed in accordance with approved plans and City and State Department of Environmental Quality standards.
4. Sidewalks. Sidewalks are existing adjacent to 24th Avenue NW. However, modifications will be made to sidewalks with street modifications. Sidewalks will be installed adjacent to Mount Williams Drive.
5. Storm Sewers. Stormwater and appurtenant drainage structures will be installed in accordance with approved plans and City drainage standards. Several privately-maintained detention ponds have been installed prior to releasing stormwater into Merkle Creek.
6. Streets. West Robinson Street is existing. Modifications will be made to 24th Avenue NW. Mount Williams Drive will be constructed in accordance with approved plans and City paving standards.
7. Water Mains. Water mains will be installed in accordance with approved plans and City and State 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 street rights-of-way are dedicated to the City on the final plat.

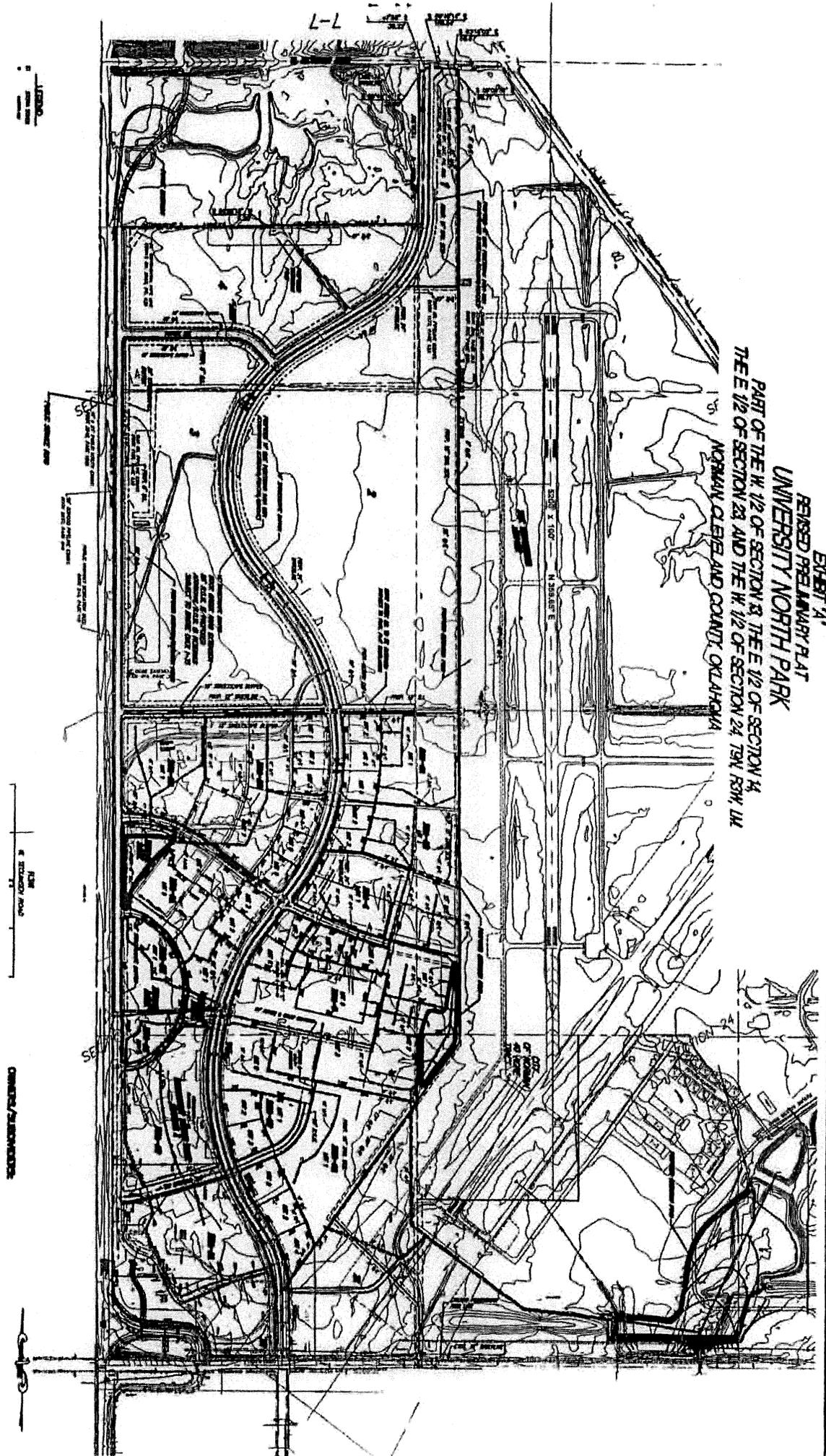
SUPPLEMENTAL MATERIAL: Copies of a location map, preliminary plat, final site development plan and final plat are included in the Agenda Book.

STAFF COMMENTS AND RECOMMENDATION: The developer has done an excellent job of reducing the number of drives on 24th Avenue NW with this site plan and final plat. Thereby, there are fewer conflicts with Legacy Trail. The overall boundary has been reduced from the original submittal of the final plat in June 14, 2007. Staff recommends approval of the final site development plan and approval of the final plat for University North Park Addition, Section V, a Planned Unit Development.

ACTION NEEDED: Approve or disapprove the Final Plat for University North Park Addition, Section V, a Planned Unit Development.

ACTION TAKEN: _____

SHEET 14
 REISED PRELIMINARY PLAT
 UNIVERSITY NORTH PARK
 PART OF THE W. 1/2 OF SECTION 13, THE E. 1/2 OF SECTION 14,
 THE E. 1/2 OF SECTION 23, AND THE W. 1/2 OF SECTION 24, T9N, R3W, 11E
 NOWAY, CLATSOP AND COUNTY, OREGON



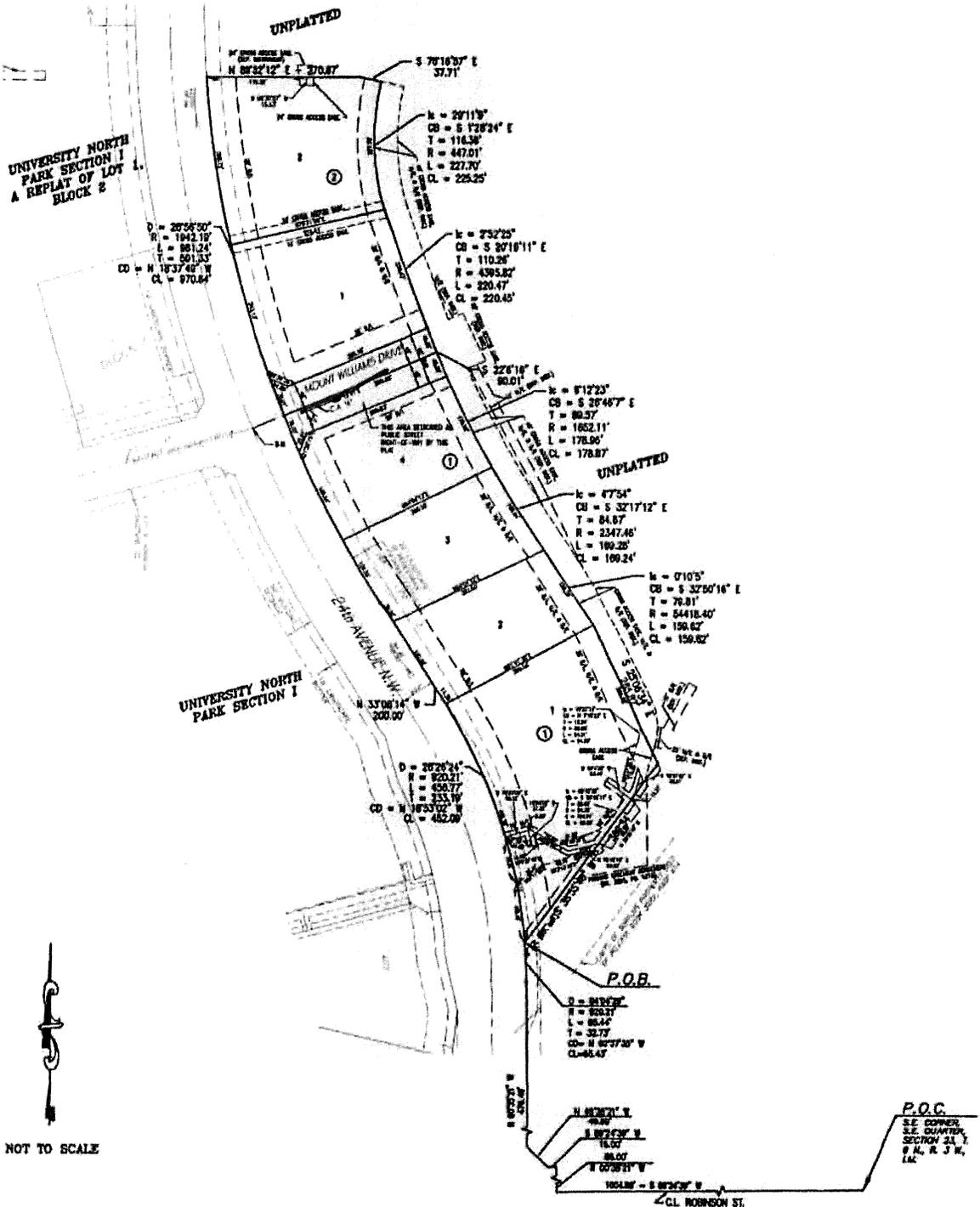
LEGEND
 1/4" = 100'

NAME
 OF SECTION ROAD

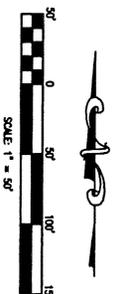
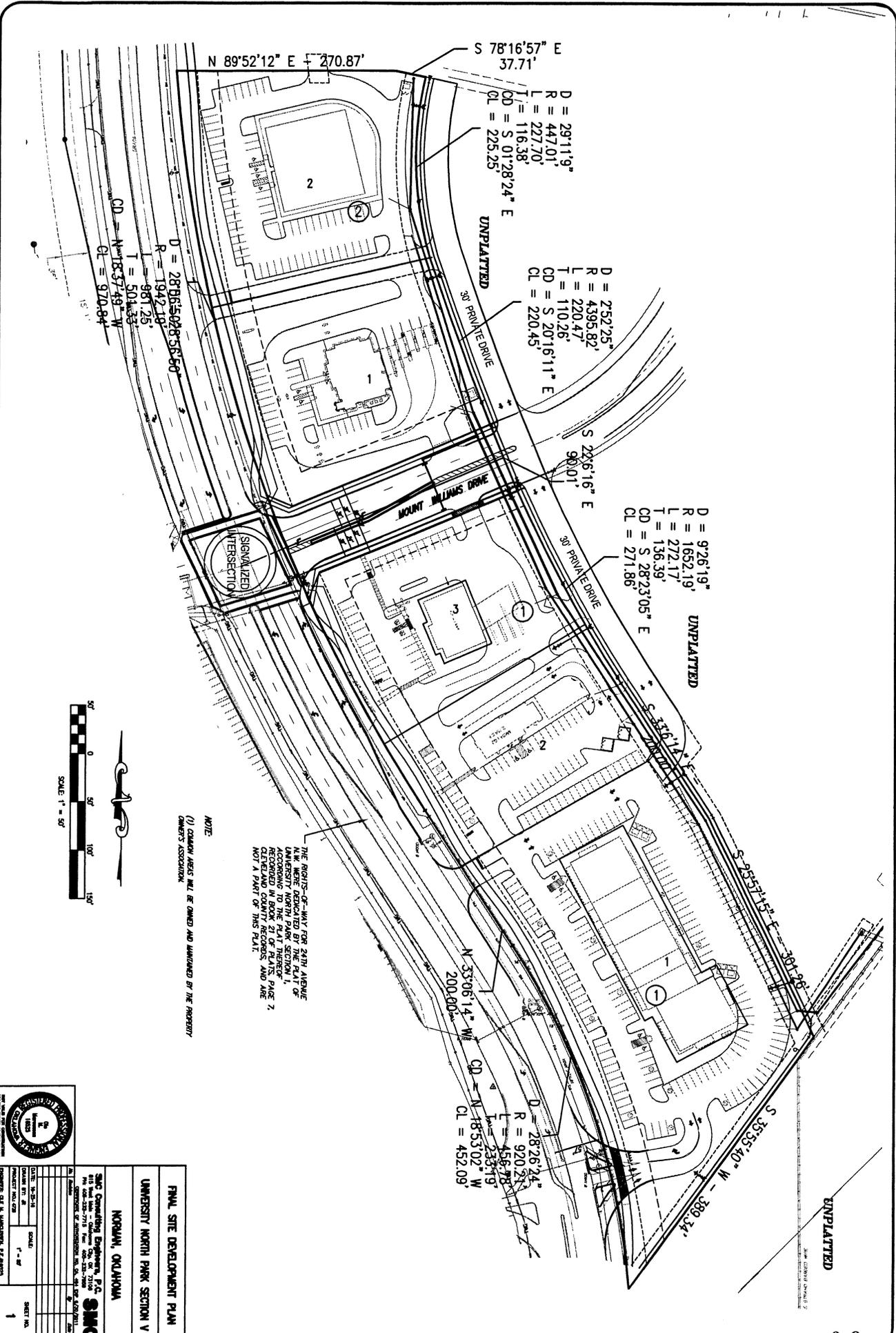
COMMENTS/REMARKS

FINAL PLAT UNIVERSITY NORTH PARK SECTION V

A PLANNED UNIT DEVELOPMENT
A PART OF THE S.E. 1/4 OF SECTION 23, T 9 N, R 3 W, INDIAN MERIDIAN
NORMAN, CLEVELAND COUNTY, OKLAHOMA



Proposed Final Site Development Plan



NOTE:
 (1) DRAINAGE LINES WILL BE OWNED AND MAINTAINED BY THE PROPERTY OWNER'S ASSOCIATION.

THE PORTION OF 4417 9TH AVENUE N.W. HEREIN DESIGNATED FOR FINAL PLAT OF UNIVERSITY NORTH PARK SECTION 1, ACCORDING TO THE PLAT THEREOF, CLEVELAND COUNTY RECORDS, AND PAGE NOT A PART OF THIS PLAT.

SMC Consulting Engineers, P.C. 815 West Main - Oklahoma City, OK 73106 Phone: (405) 233-7778 Fax: (405) 233-7888 www.smc-engineers.com	
FINAL SITE DEVELOPMENT PLAN UNIVERSITY NORTH PARK SECTION V NORMAN, OKLAHOMA	
DATE: 10-23-20	SCALE: 1" = 50'
DRAWN BY: JF	CHECKED: JF
PROJECT NO.: 129	SHEET NO.: 1
ENGINEER: C.E. H. WASHINGTON, P.E. (1053)	

Item No. 2, being:
CONSENT DOCKET.

Chairman Gasaway announced that the Consent Docket is designed to allow the Planning Commission to approve a number of items by one motion and vote. He read the items recommended for inclusion on the Consent Docket, as follows:

Item No. 3, being:
APPROVAL OF THE JULY 9, 2009 REGULAR SESSION MINUTES AND JULY 30, 2009 STUDY SESSION MINUTES.

Item No. 4, being:
CONSIDERATION OF A FINAL PLAT SUBMITTED BY HIGHLAND HILLS, L.L.C. (SMC CONSULTING ENGINEERS, P.C.) FOR HIGHLAND VILLAGE ADDITION, SECTION 2, GENERALLY LOCATED ON THE WEST SIDE OF NORTH PORTER AVENUE APPROXIMATELY ½ MILE NORTH OF WEST ROCK CREEK ROAD.

Item No. 5, being:
CONSIDERATION OF A FINAL PLAT SUBMITTED BY UTC II, L.L.C. (SMC CONSULTING ENGINEERS, P.C.) FOR A REPLAT OF A REPLAT OF UNIVERSITY NORTH PARK SECTION III, GENERALLY LOCATED ON THE WEST SIDE OF 24TH AVENUE N.W. APPROXIMATELY ½ MILE NORTH OF ROBINSON STREET.

Item No. 6, being:
CONSIDERATION OF A FINAL PLAT SUBMITTED BY UNIVERSITY TOWN CENTER, L.L.C. (SMC CONSULTING ENGINEERS, P.C.) FOR A REPLAT OF UNIVERSITY NORTH PARK SECTION IV, GENERALLY LOCATED ON THE WEST SIDE OF 24TH AVENUE N.W. APPROXIMATELY ½ MILE NORTH OF ROBINSON STREET.

Item No. 7, being:
CONSIDERATION OF A FINAL PLAT SUBMITTED BY UNIVERSITY TOWN CENTER, L.L.C. (SMC CONSULTING ENGINEERS, P.C.) FOR UNIVERSITY NORTH PARK SECTION V, GENERALLY LOCATED ON THE EAST SIDE OF 24TH AVENUE N.W. APPROXIMATELY ¼ MILE NORTH OF ROBINSON STREET.

Item No. 8, being:
CONSIDERATION OF A FINAL PLAT SUBMITTED BY SASSAN MOGHADAM (SMC CONSULTING ENGINEERS, P.C.) FOR WINDSTONE ADDITION, SECTION 2, LOCATED AT THE NORTHWEST CORNER OF ROCK CREEK ROAD AND 12TH AVENUE N.E.

*

Chairman Gasaway asked if any member of the Planning Commission wished to remove any item from the Consent Docket. There being none, he asked whether anyone in the audience wished to remove any item from the Consent Docket. There being none, he turned to the Planning Commission for discussion.

Ed Adwon moved to place Item Nos. 3 through 8 on the Consent Docket and approve by one unanimous vote. Zev Trachtenberg seconded the motion.

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

YEAS	Ed Adwon, Jim Gasaway, Chris Lewis, Paul Minnis, Roberta Pailes, Andy Sherrer, Zev Trachtenberg
NAYES	None
MEMBERS ABSENT	Tom Knotts, Curtis McCarty

Recording Secretary Roné Tromble announced that the motion, to place Item Nos. 3 through 8 on the Consent Docket and approve by one unanimous vote, passed by a vote of 7-0.

* * *



CITY COUNCIL AGENDA JANUARY 11, 2011

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

Item No. 10

Text File Number: K-0910-104 CHG #2

Introduced: 12/30/2010 by Patrick Copeland, Dev. Services Mgr

Current Status: Consent Item

Version: 1

Matter Type: Contract

Title

CHANGE ORDER NO. TWO TO CONTRACT NO. K-0910-104: BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND SUN CONSTRUCTION SERVICES, INC., DECREASING THE CONTRACT AMOUNT BY \$712.41 FOR THE MUNICIPAL BUILDING C RENOVATION PROJECT AND FINAL ACCEPTANCE OF THE PROJECT.

ACTION NEEDED: Motion to approve or reject Change Order No. Two to Contract No. K-0910-104 decreasing the contract amount by \$712.41; and, if approved, authorize the execution thereof, accept the project, and direct final payment in the amount of \$49,958.44 to Sun Construction Services, Inc.

ACTION TAKEN: _____

Body

BACKGROUND: On October 27, 2009, City Council approved Contract No. K-0910-104 and Change Order No. One totaling \$888,672.50 with Sun Construction Services, Inc. for New Mechanical Systems, New Roofing, and Office Renovations for Building C of the Municipal Complex. The work under that contract is nearing completion.

DISCUSSION: The McKinney Partnership was employed under Contract No. K-0708-25 in 2007 to conduct an assessment and prepare architectural plans and specifications for the replacement of the mechanical system and a new roof for Building C. At that time, the replacement of the mechanical system, new roof and carpeting were all that were included in the scope of work.

During the course of the assessment associated with development of those plans, it was determined that a few items of concern were noted that had not been contemplated in the original contract for architectural service. To properly address those items, the scope of work was amended to address two additional areas of concern. The key elements identified in the expanded scope were attributable to two concerns:

Human Resources Offices: in addition to increased requirements for protection of employee medical information due to Health Insurance Portability and Accountability Act (HIPPA) regulations and the need to have the ability to discuss confidential issues with staff, concerns were expressed about the lack of adequate privacy and security to properly protect all information (such as personnel records/files, medical information, credit and financial information, oral and electronic communications, alcohol and drug abuse testing, treatments, etc. and union activities including negotiations, consultations, etc.) from both

internal and external access. In order to address these concerns, several office walls needed to be constructed to create a more secure Human Resources area in a portion of the space already occupied by these employees; and

Information Systems Computer Room: the computer uses and needs for the city have continued to increase each year. The most recent additions to the systems had stretched the electrical and air conditioning systems in this area to the limits of their capacity. In order to address those issues, the bid documents were written to include replacement air conditioning for the central computer room, including back up redundancy in the event of primary system failure. These changes are designed to insure uninterrupted computer operations for all critical functions, including police and fire. Additional wiring was also included to distribute the larger loads so that the building system is capable of proper operations, including when the generator is activated.

Although providing solutions for these two additional needs increased the cost of the project, it was logical to include those items in the major system renovations for the building along with the other planned improvements.

Bids for construction were opened on September 29, 2009. Five bids were received with the base bids ranging from \$882,865 to \$1,011,400. One alternate for painting the common areas was included with prices ranging from \$5,361 to \$9,200. The McKinney Partnership reviewed all bids with staff and recommended that the City enter a contract with Sun Construction Services, Inc. from Noble, Oklahoma for the base bid (\$882,865) and alternate number one (\$5,361) for a total bid of \$888,226.

Subsequent to the bid, but prior to contract signing, staff identified five areas where the proposed flooring should be changed to a different material. Staff negotiated those requested changes with Sun Construction Services for an additional \$446.50. Those changes were included in Change Order Number 1 and resulted in a total contract obligation including Change Order Number 1 of \$888,672.50, which was approved by the City Council on October 27, 2009. A Notice to Proceed was issued on November 4, 2009.

During the course of construction/renovation, several minor items were identified that required amendments to the contract. Each of these changes required decisions quickly to avoid construction delays, so Change Order amounts were determined and the changes implemented in anticipation of bringing Change Orders forward towards the end of the project or at such time as a major change was required. Those changes, a summary of the work involved, which are all part of Change Order No. Two are listed as follows:

Task #1 - change wall heights in several places due to existing structural elements and add insulation - (\$ 697.44)

Task #2 - delete sheetrock above ceiling and extend walls to roof deck - \$29.63

Task #3 - delete carpeting and add tile, add electrical and phone/data outlets - \$163.00

Task #4 - adjust height of wing wall and observation window - \$332.00

Task #5 - remove existing wall carpet, float and repair walls, and additional painting - \$389.00

Task #6 - modify approved control system for HVAC system and include Buildings 201 and A - \$0.00

Task #7 - add painting of file room on south end of building and IS break room - \$335.00

Task #8 - add floor prep, 5 electrical disconnects, extra labor for boiler, carpet for tile swap, relocate conduit and reframe mechanical screen to allow door to remain; and clean stained carpet - \$4,248.40

Task #9 - remove Halon fire alarm connection, extra electrical and unit cost adjustments - (\$5,512.00)

A copy of Change Order No. Two with detailed tasks is included. The net change associated with these Tasks, if approved, is a cost reduction of \$712.41, resulting in a final amended contract amount of \$887,960.09.

Installation of all equipment and software associated with this contract and final tuning of the controls system is now complete. Final turnover of the completed project is anticipated before the end of January.

Payments for the work under this contract in the amount of \$838,001.65 have been made thus far. One final payment in the amount of \$49,958.44 is yet to be made. Upon approval of these change orders and authorization from the City Attorney, the final payment of \$49,958.44 can be made.

RECOMMENDATION. Staff and the consultants, through The McKinney Partnership, recommend approval of Change Order No. Two to Contract K-0910-104 resulting in a contract reduction of \$712.41, final acceptance of the project, and final payment in the amount of \$49,958.44 to Sun Construction Services, Inc.

TASK #1

AIA[®] Document G701[™] – 2001

Change Order

PROJECT (Name and address): City of Norman 201 W. Gray Street Norman, Oklahoma 73069 Attn: Cindy Rosenthal	CHANGE ORDER NUMBER: 002 DATE: November 19, 2009	OWNER: <input checked="" type="checkbox"/> ARCHITECT: <input checked="" type="checkbox"/> CONTRACTOR: <input checked="" type="checkbox"/> FIELD: <input type="checkbox"/> OTHER: <input type="checkbox"/>
TO CONTRACTOR (Name and address): Sun Construction Services, Inc. 1000 South Main Street P.O. Box 1289 Noble, Oklahoma 73068 Attn: Don Cretsinger	ARCHITECT'S PROJECT NUMBER: CM049306 CONTRACT DATE: October 12, 2009 CONTRACT FOR: General Construction	

THE CONTRACT IS CHANGED AS FOLLOWS:

(Include, where applicable, any undisputed amount attributable to previously executed Construction Change Directives)

1. Change wall height around Office 100, Office 101 and Office 102 to 9'6" AFF. Add fiberglass batt insulation around the perimeter walls above ceiling.
2. Extend existing wall between Conference Room 111 and Application Room 110 to bottom of deck.

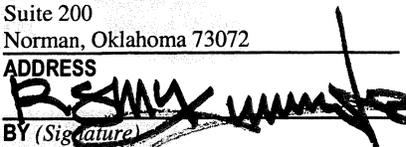
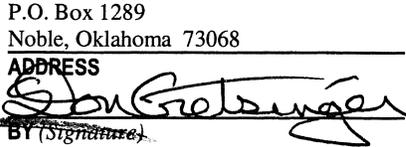
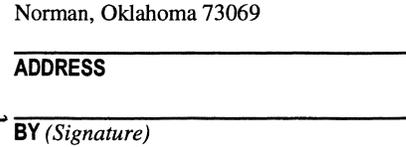
The original Contract Sum was	\$	888,226.00
The net change by previously authorized Change Orders	\$	446.50
The Contract Sum prior to this Change Order was	\$	888,672.50
The Contract Sum will be decreased by this Change Order in the amount of	\$	697.44
The new Contract Sum including this Change Order will be	\$	887,975.10

The Contract Time will be unchanged by Zero (0) days.

The date of Substantial Completion as of the date of this Change Order therefore is 180 days from the date notice to proceed.

NOTE: This Change Order does not include changes in the Contract Sum, Contract Time or Guaranteed Maximum Price which have been authorized by Construction Change Directive until the cost and time have been agreed upon by both the Owner and Contractor, in which case a Change Order is executed to supersede the Construction Change Directive.

NOT VALID UNTIL SIGNED BY THE ARCHITECT, CONTRACTOR AND OWNER.

<u>The McKinney Partnership Architects</u> ARCHITECT (Firm name)	<u>Sin Construction Services, Inc.</u> CONTRACTOR (Firm name)	<u>City of Norman</u> OWNER (Firm name)
3600 W. Main Street Suite 200 Norman, Oklahoma 73072 ADDRESS	1000 South Main Street P.O. Box 1289 Noble, Oklahoma 73068 ADDRESS	201 W. Gray Street Norman, Oklahoma 73069 ADDRESS
 BY (Signature)	 BY (Signature)	 BY (Signature)
Richard S. McKinney, Jr., AIA (Typed name)	Don Cretsinger (Typed name)	Cindy Rosenthal (Typed name)
November 19, 2009 DATE	November 19, 2009 DATE	November 19, 2009 DATE

APPROVED BY CITY OF NORMAN LEGAL DEPARTMENT
BY:  DATE: 11/19/09

TASK #2

 **AIA® Document G701™ – 2001**

Change Order

PROJECT (Name and address): City of Norman 201 W. Gray Street Norman, Oklahoma 73069 Attn: Cindy Rosenthal	CHANGE ORDER NUMBER: 003 DATE: December 2, 2009	OWNER: <input checked="" type="checkbox"/> ARCHITECT: <input checked="" type="checkbox"/> CONTRACTOR: <input checked="" type="checkbox"/> FIELD: <input type="checkbox"/> OTHER: <input type="checkbox"/>
TO CONTRACTOR (Name and address): Sun Construction Services, Inc. 1000 South Main Street P.O. Box 1289 Noble, Oklahoma 73068 Attn: Don Cretsinger	ARCHITECT'S PROJECT NUMBER: CM049306 CONTRACT DATE: October 12, 2009 CONTRACT FOR: General Construction	

THE CONTRACT IS CHANGED AS FOLLOWS:

(Include, where applicable, any undisputed amount attributable to previously executed Construction Change Directives)

- Delete gwb on inside of IS Computer room 200 at new extended walls to deck.
- extyend existing wall to deck at west end of IS Computer Room 200 with GWB on exterior side of wall only.

The original Contract Sum was	\$	888,226.00
The net change by previously authorized Change Orders	\$	-250.94
The Contract Sum prior to this Change Order was	\$	887,975.10
The Contract Sum will be increased by this Change Order in the amount of	\$	29.63
The new Contract Sum including this Change Order will be	\$	888,004.70

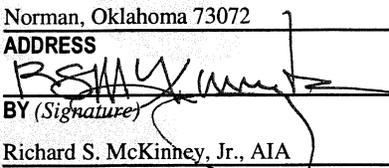
The Contract Time will be unchanged by Zero (0) days.

The date of Substantial Completion as of the date of this Change Order therefore is 180 days from the date notice to proceed.

NOTE: This Change Order does not include changes in the Contract Sum, Contract Time or Guaranteed Maximum Price which have been authorized by Construction Change Directive until the cost and time have been agreed upon by both the Owner and Contractor, in which case a Change Order is executed to supersede the Construction Change Directive.

NOT VALID UNTIL SIGNED BY THE ARCHITECT, CONTRACTOR AND OWNER.

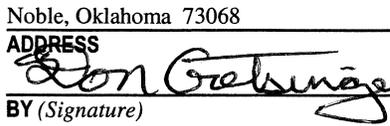
The McKinney Partnership Architects
ARCHITECT (Firm name)

3600 W. Main Street
Suite 200
Norman, Oklahoma 73072
ADDRESS

BY (Signature)

Richard S. McKinney, Jr., AIA
(Typed name)

November 19, 2009
DATE

Sin Construction Services, Inc.
CONTRACTOR (Firm name)

1000 South Main Street
P.O. Box 1289
Noble, Oklahoma 73068
ADDRESS

BY (Signature)

Don Cretsinger
(Typed name)

November 19, 2009
DATE 12/8/09

City of Norman
OWNER (Firm name)

201 W. Gray Street
Norman, Oklahoma 73069
ADDRESS

BY (Signature)

Cindy Rosenthal
(Typed name)

November 19, 2009
DATE

APPROVED BY CITY OF NORMAN LEGAL DEPARTMENT
BY  DATE 12/30/09

TASK #3

AIA[®] Document G701™ – 2001

Change Order

PROJECT (Name and address): City of Norman 201 W. Gray Street Norman, Oklahoma 73069 Attn: Cindy Rosenthal	CHANGE ORDER NUMBER: 004 DATE: December 14, 2009	OWNER: <input checked="" type="checkbox"/> ARCHITECT: <input checked="" type="checkbox"/> CONTRACTOR: <input checked="" type="checkbox"/> FIELD: <input type="checkbox"/> OTHER: <input type="checkbox"/>
TO CONTRACTOR (Name and address): Sun Construction Services, Inc. 1000 South Main Street P.O. Box 1289 Noble, Oklahoma 73068 Attn: Don Cretsinger	ARCHITECT'S PROJECT NUMBER: CM049306 CONTRACT DATE: October 12, 2009 CONTRACT FOR: General Construction	

THE CONTRACT IS CHANGED AS FOLLOWS:

(Include, where applicable, any undisputed amount attributable to previously executed Construction Change Directives)

- 1.Delete 150 sqft carpeting in Break/Storage 112 and add 150 sqft VCT.
- 2.Delete 206 sqft carpeting in Kitchen and add 206 sqft VCT.
- 3.Delete 119 sqft carpeting at Break #1 and add 119 sqft VCT.
- 4.Add (2) electric outlets at Break/Storage 112.
- 5.Add (1) phone/data outlet at Corridor 107.

The original Contract Sum was	\$ 888,226.00
The net change by previously authorized Change Orders	\$ -221.31
The Contract Sum prior to this Change Order was	\$ 888,004.70
The Contract Sum will be increased by this Change Order in the amount of	\$ 163.00
The new Contract Sum including this Change Order will be	\$ 888,167.70

The Contract Time will be unchanged by Zero (0) days.

The date of Substantial Completion as of the date of this Change Order therefore is 180 days from the date notice to proceed.

NOTE: This Change Order does not include changes in the Contract Sum, Contract Time or Guaranteed Maximum Price which have been authorized by Construction Change Directive until the cost and time have been agreed upon by both the Owner and Contractor, in which case a Change Order is executed to supersede the Construction Change Directive.

NOT VALID UNTIL SIGNED BY THE ARCHITECT, CONTRACTOR AND OWNER.

<u>The McKinney Partnership Architects</u> ARCHITECT (Firm name)	<u>Sun Construction Services, Inc.</u> CONTRACTOR (Firm name)	<u>City of Norman</u> OWNER (Firm name)
3600 W. Main Street Suite 200 Norman, Oklahoma 73072 ADDRESS	1000 South Main Street P.O. Box 1289 Noble, Oklahoma 73068 ADDRESS	201 W. Gray Street Norman, Oklahoma 73069 ADDRESS
 BY (Signature)	 BY (Signature)	 BY (Signature)
Richard S. McKinney, Jr., AIA <i>(Typed name)</i>	Don Cretsinger <i>(Typed name)</i>	Cindy Rosenthal <i>(Typed name)</i>
December 14, 2009 DATE	December 14, 2009 DATE	December 14, 2009 DATE

APPROVED BY CITY OF NORMAN LEGAL DEPARTMENT
BY DATE 12/30/09

TASK #4

 **AIA** Document G701™ – 2001

Change Order

PROJECT (Name and address):	CHANGE ORDER NUMBER: 005	OWNER: <input checked="" type="checkbox"/>
City of Norman	DATE: December 15, 2009	ARCHITECT: <input checked="" type="checkbox"/>
201 W. Gray Street		CONTRACTOR: <input checked="" type="checkbox"/>
Norman, Oklahoma 73069		FIELD: <input type="checkbox"/>
Attn: Cindy Rosenthal	ARCHITECT'S PROJECT NUMBER: CM049306	OTHER: <input type="checkbox"/>
TO CONTRACTOR (Name and address):	CONTRACT DATE: October 12, 2009	
Sun Construction Services, Inc.	CONTRACT FOR: General Construction	
1000 South Main Street		
P.O. Box 1289		
Noble, Oklahoma 73068		
Attn: Don Cretsinger		

THE CONTRACT IS CHANGED AS FOLLOWS:

(Include, where applicable, any undisputed amount attributable to previously executed Construction Change Directives)

1. Lower wing wall between Office 100 and 101 to 3'6" – refer to SK#6.
2. Lower aluminum store front in Office 100 to 4'-1 1/4" above finished floor – refer to SK#7..

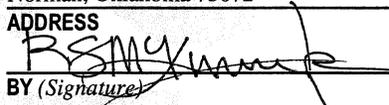
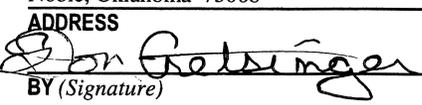
The original Contract Sum was	\$	888,226.00
The net change by previously authorized Change Orders	\$	-58.31
The Contract Sum prior to this Change Order was	\$	888,167.70
The Contract Sum will be increased by this Change Order in the amount of	\$	332.00
The new Contract Sum including this Change Order will be	\$	888,499.70

The Contract Time will be unchanged by Zero (0) days.

The date of Substantial Completion as of the date of this Change Order therefore is 180 days from the date notice to proceed.

NOTE: This Change Order does not include changes in the Contract Sum, Contract Time or Guaranteed Maximum Price which have been authorized by Construction Change Directive until the cost and time have been agreed upon by both the Owner and Contractor, in which case a Change Order is executed to supersede the Construction Change Directive.

NOT VALID UNTIL SIGNED BY THE ARCHITECT, CONTRACTOR AND OWNER.

<u>The McKinney Partnership Architects</u>	<u>Sun Construction Services, Inc.</u>	<u>City of Norman</u>
ARCHITECT (Firm name)	CONTRACTOR (Firm name)	OWNER (Firm name)
3600 W. Main Street	1000 South Main Street	201 W. Gray Street
Suite 200	P.O. Box 1289	Norman, Oklahoma 73069
Norman, Oklahoma 73072	Noble, Oklahoma 73068	
ADDRESS	ADDRESS	ADDRESS
		
BY (Signature)	BY (Signature)	BY (Signature)
Richard S. McKinney, Jr., AIA	Don Cretsinger	Cindy Rosenthal
(Typed name)	(Typed name)	(Typed name)
December 15, 2009	December 15, 2009	December 15, 2009
DATE	DATE	DATE

APPROVED BY CITY OF NORMAN LEGAL DEPARTMENT
BY  DATE 12/15/09

TASK #5

 **AIA** Document G701™ – 2001

Change Order

PROJECT (Name and address): City of Norman 201 W. Gray Street Norman, Oklahoma 73069 Attn: Cindy Rosenthal	CHANGE ORDER NUMBER: 006 DATE: January 26, 2010	OWNER: <input checked="" type="checkbox"/> ARCHITECT: <input checked="" type="checkbox"/> CONTRACTOR: <input checked="" type="checkbox"/> FIELD: <input type="checkbox"/> OTHER: <input type="checkbox"/>
TO CONTRACTOR (Name and address): Sun Construction Services, Inc. 1000 South Main Street P.O. Box 1289 Noble, Oklahoma 73068 Attn: Don Cretsinger	ARCHITECT'S PROJECT NUMBER: CM049306 CONTRACT DATE: October 12, 2009 CONTRACT FOR: General Construction	

THE CONTRACT IS CHANGED AS FOLLOWS:

(Include, where applicable, any undisputed amount attributable to previously executed Construction Change Directives)

1. Remove existing wall fabric and float and repair walls
2. Paint printer room.

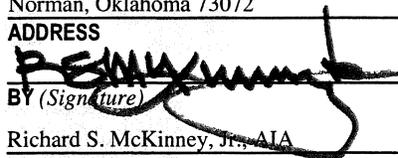
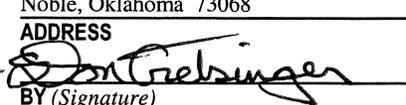
The original Contract Sum was	\$	888,226.00
The net change by previously authorized Change Orders	\$	273.69
The Contract Sum prior to this Change Order was	\$	888,499.70
The Contract Sum will be increased by this Change Order in the amount of	\$	389.00
The new Contract Sum including this Change Order will be	\$	888,888.70

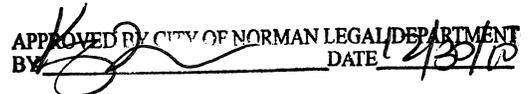
The Contract Time will be unchanged by Zero (0) days.

The date of Substantial Completion as of the date of this Change Order therefore is 180 days from the date notice to proceed.

NOTE: This Change Order does not include changes in the Contract Sum, Contract Time or Guaranteed Maximum Price which have been authorized by Construction Change Directive until the cost and time have been agreed upon by both the Owner and Contractor, in which case a Change Order is executed to supersede the Construction Change Directive.

NOT VALID UNTIL SIGNED BY THE ARCHITECT, CONTRACTOR AND OWNER.

<u>The McKinney Partnership Architects</u> ARCHITECT (Firm name)	<u>Sun Construction Services, Inc.</u> CONTRACTOR (Firm name)	<u>City of Norman</u> OWNER (Firm name)
3600 W. Main Street Suite 200 Norman, Oklahoma 73072 ADDRESS	1000 South Main Street P.O. Box 1289 Noble, Oklahoma 73068 ADDRESS	201 W. Gray Street Norman, Oklahoma 73069 ADDRESS
 BY (Signature)	 BY (Signature)	 BY (Signature)
Richard S. McKinney, Jr., AIA (Typed name)	Don Cretsinger (Typed name)	Cindy Rosenthal (Typed name)
January 26, 2010 DATE	January 26, 2010 DATE	January 26, 2010 DATE

APPROVED BY CITY OF NORMAN LEGAL DEPARTMENT
BY  DATE 1/26/10

TASK #6

 **Document G701™ – 2001**

Change Order

PROJECT (Name and address): City of Norman 201 W. Gray Street Norman, Oklahoma 73069 Attn: Cindy Rosenthal	CHANGE ORDER NUMBER: ,007 DATE: March, 05,2010	OWNER: <input checked="" type="checkbox"/> ARCHITECT: <input checked="" type="checkbox"/> CONTRACTOR: <input checked="" type="checkbox"/> FIELD: <input type="checkbox"/> OTHER: <input type="checkbox"/>
TO CONTRACTOR (Name and address): Sun Construction Services, Inc. 1000 South Main Street P.O. Box 1289 Noble, Oklahoma 73068 Attn: Don Cretsinger	ARCHITECT'S PROJECT NUMBER: CM049306 CONTRACT DATE: October 12, 2009 CONTRACT FOR: General Construction	

THE CONTRACT IS CHANGED AS FOLLOWS:

(Include, where applicable, any undisputed amount attributable to previously executed Construction Change Directives)

The following equipment will be included in the Control System above and beyond the original scope of work at Building A and Building 201:

- Building 201 – The existing Trane Summit ABS system will be integrated into the new ALC system provided with Building C. Includes: (4) AHU's, (1) Boiler and pump system, (1) Chiller and pump system, (37) VAV boxes and reheat. This integration will consist of a complete change out of DDC controllers for all Trane components and replacing with new ALC controllers and router. We will use the existing communication wiring, low voltage power, sensors, transmitters, actuators, control valves, reheat valves and VAV boxes.
- Building A – The existing Johnson BAS system to be integrated into the new ALC system provided with the Building C. Includes: (5) AHU's, (1) Boiler and pump system, (1) chiller and pump system, (37) VAV boxes and reheat. This integration will include a building level router with N2 bus communication driver to provide owner monitoring and adjustment of set points through the existing Johnson Controls DDC equipment.
- One year parts and labor warranty from date of beneficial use by owner.
- Owner Training
- Changes to the components of the system:
 - o Operating System – Windows 7 in lieu of submitted OS
 - o Memory – 4GB in lieu of 3GB
 - o Monitors – 22" in lieu of 20"
 - o Security Software – by owner
 - o Hardware Support Services CS 2.0 – 3-5 year parts in lieu of 1 year
 - o Per owner request – exclude Cat5 wiring and has requested that ES2 utilize the existing fiber infrastructure

The original Contract Sum was	\$ 888,226.00
The net change by previously authorized Change Orders	\$ 662.69
The Contract Sum prior to this Change Order was	\$ 888,888.70
The Contract Sum will be increased by this Change Order in the amount of	\$ 0.00
The new Contract Sum including this Change Order will be	\$ 888,888.70

The Contract Time will be unchanged by Zero (0) days.

The date of Substantial Completion as of the date of this Change Order therefore is 180 days from the date notice to proceed.

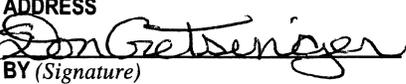
NOTE: This Change Order does not include changes in the Contract Sum, Contract Time or Guaranteed Maximum Price which have been authorized by Construction Change Directive until the cost and time have been agreed upon by both the Owner and Contractor, in which case a Change Order is executed to supersede the Construction Change Directive.

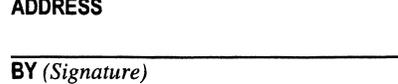
TASK #6

NOT VALID UNTIL SIGNED BY THE ARCHITECT, CONTRACTOR AND OWNER.

The McKinney Partnership Architects
ARCHITECT (*Firm name*)
3600 W. Main Street
Suite 200
Norman, Oklahoma 73072
ADDRESS

BY (*Signature*)
Richard S. McKinney, Jr., AIA
(Typed name)
Marh 05,2010
DATE

Sun Construction Services, Inc.
CONTRACTOR (*Firm name*)
1000 South Main Street
P.O. Box 1289
Noble, Oklahoma 73068
ADDRESS

BY (*Signature*)
Don Cretsinger
(Typed name)
March 05, 2010
DATE

City of Norman
OWNER (*Firm name*)
201 W. Gray Street
Norman, Oklahoma 73069
ADDRESS

BY (*Signature*)
Cindy Rosenthal
(Typed name)
Marh 05, 2010
DATE

APPROVED BY CITY OF NORMAN LEGAL DEPARTMENT
BY  DATE 7/31/10

TASK #7

AIA[®] Document G701[™] – 2001

Change Order

PROJECT (Name and address): City of Norman 201 W. Gray Street Norman, Oklahoma 73069 Attn: Cindy Rosenthal	CHANGE ORDER NUMBER: 008 DATE: April 16, 2010	OWNER: <input checked="" type="checkbox"/> ARCHITECT: <input checked="" type="checkbox"/> CONTRACTOR: <input checked="" type="checkbox"/> FIELD: <input type="checkbox"/> OTHER: <input type="checkbox"/>
TO CONTRACTOR (Name and address): Sun Construction Services, Inc. 1000 South Main Street P.O. Box 1289 Noble, Oklahoma 73068 Attn: Don Cretsinger	ARCHITECT'S PROJECT NUMBER: CM049306 CONTRACT DATE: October 12, 2009 CONTRACT FOR: General Construction	

THE CONTRACT IS CHANGED AS FOLLOWS:

(Include, where applicable, any undisputed amount attributable to previously executed Construction Change Directives)

Labor and material to paint The File room at the south end of building and the Break room outside of the IS Room

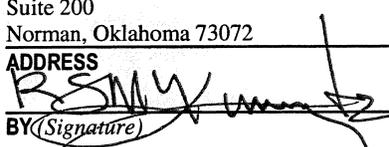
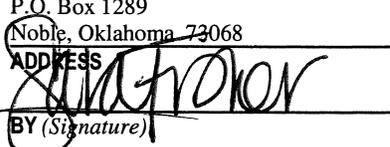
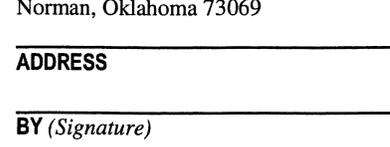
The original Contract Sum was	\$ 888,226.00
The net change by previously authorized Change Orders	\$ 662.69
The Contract Sum prior to this Change Order was	\$ 888,888.70
The Contract Sum will be increased by this Change Order in the amount of	\$ 335.00
The new Contract Sum including this Change Order will be	\$ 889,223.70

The Contract Time will be unchanged by Zero (0) days.

The date of Substantial Completion as of the date of this Change Order therefore is 180 days from the date notice to proceed.

NOTE: This Change Order does not include changes in the Contract Sum, Contract Time or Guaranteed Maximum Price which have been authorized by Construction Change Directive until the cost and time have been agreed upon by both the Owner and Contractor, in which case a Change Order is executed to supersede the Construction Change Directive.

NOT VALID UNTIL SIGNED BY THE ARCHITECT, CONTRACTOR AND OWNER.

<u>The McKinney Partnership Architects</u> ARCHITECT (Firm name)	<u>Sun Construction Services, Inc.</u> CONTRACTOR (Firm name)	<u>City of Norman</u> OWNER (Firm name)
3600 W. Main Street Suite 200 Norman, Oklahoma 73072	1000 South Main Street P.O. Box 1289 Noble, Oklahoma 73068	201 W. Gray Street Norman, Oklahoma 73069
ADDRESS	ADDRESS	ADDRESS
 BY (Signature)	 BY (Signature)	 BY (Signature)
Richard S. McKinney, Jr., AIA (Typed name)	Don Cretsinger (Typed name)	Cindy Rosenthal (Typed name)
April 16, 2010 DATE	April 16, 2010 DATE	April 16, 2010 DATE

APPROVED BY CITY OF NORMAN LEGAL DEPARTMENT
BY  DATE 12/29/10

TASK #8

 **AIA** Document G701™ – 2001

Change Order

PROJECT (Name and address): City of Norman 201 W. Gray Street Norman, Oklahoma 73069 Attn: Cindy Rosenthal	CHANGE ORDER NUMBER: ,009 DATE: June, 29,2010	OWNER: <input checked="" type="checkbox"/> ARCHITECT: <input checked="" type="checkbox"/> CONTRACTOR: <input checked="" type="checkbox"/> FIELD: <input type="checkbox"/> OTHER: <input type="checkbox"/>
TO CONTRACTOR (Name and address): Sun Construction Services, Inc. 1000 South Main Street P.O. Box 1289 Noble, Oklahoma 73068 Attn: Don Cretsinger	ARCHITECT'S PROJECT NUMBER: CM049306 CONTRACT DATE: October 12, 2009 CONTRACT FOR: General Construction	

THE CONTRACT IS CHANGED AS FOLLOWS:

(Include, where applicable, any undisputed amount attributable to previously executed Construction Change Directives)

Change Order Request #1	floor prep for expansion joints	\$1,094.40
Change Order Request #4	Materials for (5) disconnects, fuses, secondary conductors and misc. mounting hardware for (5) RTUs	\$1,550.00
Change Order Request #5	Labor and Material for electrical work for the Boiler system	\$1,141.00
Change Order Request #6	VCT in Meter rearing room \$410. carpet to remain in file room (\$306.00) SCSI adjustment (\$ 104.00).	\$0.00
Change Order Request #7	Door to Is to remain (\$411.00) relocate conduit and reframe meechanical screen to allow access to RTU's \$524.	\$113.00
Change Order request #8	Clean entire West/Northwest corridor where paint was spilled by City employee.	\$350.00
Total Change Order Request		\$4,248.40

The original Contract Sum was	\$ 888,226.00
The net change by previously authorized Change Orders	\$ 997.69
The Contract Sum prior to this Change Order was	\$ 889,223.69
The Contract Sum will be increased by this Change Order in the amount of	\$ 4,248.40
The new Contract Sum including this Change Order will be	\$ 893,472.09

The Contract Time will be unchanged by Zero (0) days.

The date of Substantial Completion as of the date of this Change Order therefore is 180 days from the date notice to proceed.

NOTE: This Change Order does not include changes in the Contract Sum, Contract Time or Guaranteed Maximum Price which have been authorized by Construction Change Directive until the cost and time have been agreed upon by both the Owner and Contractor, in which case a Change Order is executed to supersede the Construction Change Directive.

TASK #9

 **AIA** Document G701™ – 2001

Change Order

PROJECT (Name and address): City of Norman 201 W. Gray Street Norman, Oklahoma 73069 Attn: Cindy Rosenthal	CHANGE ORDER NUMBER: ,010 DATE: September.10,2010	OWNER: <input checked="" type="checkbox"/> ARCHITECT: <input checked="" type="checkbox"/> CONTRACTOR: <input checked="" type="checkbox"/> FIELD: <input type="checkbox"/> OTHER: <input type="checkbox"/>
TO CONTRACTOR (Name and address): Sun Construction Services, Inc. 1000 South Main Street P.O. Box 1289 Noble, Oklahoma 73068 Attn: Don Cretsinger	ARCHITECT'S PROJECT NUMBER: CM049306 CONTRACT DATE: October 12, 2009 CONTRACT FOR: General Construction	

THE CONTRACT IS CHANGED AS FOLLOWS:

(Include, where applicable, any undisputed amount attributable to previously executed Construction Change Directives)

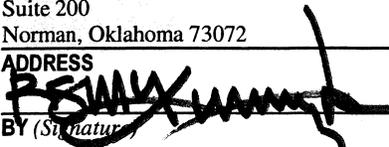
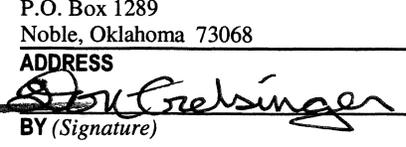
Change Order Request #9 Remove the fire alarm connection in the IS room from the lighting circuit and relocate it to its own designated circuit.	\$165.00
Change Order Request # 10 Unit Cost Adjustments	(\$6,222.00)
Change Order Request # 11 Labor and material required to install a neutral wire from the emergency generator terminal to the ATS panel and install a neutral wire from the MDP to the ATS panel. Once this is complete, relocate the exit light circuit conductors from the MDP to a spare breaker in the ATS panel	\$545.00
Total Change Order Request	(\$5512.00)

The original Contract Sum was	\$	888,226.00
The net change by previously authorized Change Orders	\$	5,246.09
The Contract Sum prior to this Change Order was	\$	893,472.09
The Contract Sum will be decreased by this Change Order in the amount of	\$	5,512.00
The new Contract Sum including this Change Order will be	\$	887,960.09

The Contract Time will be unchanged by Zero (0) days.
The date of Substantial Completion as of the date of this Change Order therefore is 180 days from the date notice to proceed.

NOTE: This Change Order does not include changes in the Contract Sum, Contract Time or Guaranteed Maximum Price which have been authorized by Construction Change Directive until the cost and time have been agreed upon by both the Owner and Contractor, in which case a Change Order is executed to supersede the Construction Change Directive.

NOT VALID UNTIL SIGNED BY THE ARCHITECT, CONTRACTOR AND OWNER.

<u>The McKinney Partnership Architects</u> ARCHITECT (Firm name) 3600 W. Main Street Suite 200 Norman, Oklahoma 73072 ADDRESS  BY (Signature) Richard S. McKinney, Jr., AIA (Typed name) September 10,2010 DATE	<u>Sun Construction Services, Inc.</u> CONTRACTOR (Firm name) 1000 South Main Street P.O. Box 1289 Noble, Oklahoma 73068 ADDRESS  BY (Signature) Don Cretsinger (Typed name) September 10, 2010 DATE	<u>City of Norman</u> OWNER (Firm name) 201 W. Gray Street Norman, Oklahoma 73069 ADDRESS BY (Signature) Cindy Rosenthal (Typed name) September 10, 2010 DATE
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User Notes:

APPROVED BY CITY OF NORMAN LEGAL DEPARTMENT
BY  DATE 12/30/10

(3531622192)
10-11



CITY COUNCIL AGENDA JANUARY 11, 2011

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

Item No. 11

Text File Number: K-1011-129

Introduced: 12/28/2010 by Linda Price, Revitalization Manager

Current Status: Consent Item

Version: 1

Matter Type: Contract

Title

CONTRACT NO. K-1011-129: A CONTRACT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND REPUBLIC BANK TO SUBORDINATE A LIEN REGARDING FUNDS FROM THE HOME PARTNERSHIP PROGRAM FOR PROPERTY LOCATED AT 2026 ALLENHURST STREET.

ACTION TAKEN: Motion to approve or reject Contract No. K-1011-129 with Republic Bank; and, if approved, authorize the execution thereof.

ACTION TAKEN: _____

Body

BACKGROUND: In July 2007 the City of Norman HOME Partnership Program provided \$5,000 as downpayment assistance to Toni Johnson for the purchase of a home at 2026 Allenhurst Street as a part of the NCRC Homebuyer Program. The NCRC Homebuyer Program is operated in conjunction with the Norman Community Reinvestment Council (NCRC), a 501 (c)(3) corporation that is comprised of Norman banking institutions providing assistance to lower income citizens of Norman. Over four hundred fifty (450) such loans have been made since the program was initiated in 1995 to provide down payment assistance and closing costs to income-qualified Norman citizens in the purchase of their first home.

As a condition of funding, a lien was placed on the property and was filed as a subordinate mortgage to the primary mortgage on the property. Any modification of the primary mortgage requires resubordination of the lien. The program does not require repayment of the loan as long as the applicant maintains their home as their primary residence for five years; and at the end of five years the subordinate mortgage is released.

DISCUSSION: Approval of the request for subordination of the lien on 2026 Allenhurst Street would allow the owner to secure a loan to refinance the primary mortgage that will provide a lower interest rate (3.75% from 6.75%) and to reduce the loan term from 30 years to 15 years. Documentation from Republic Bank and Trust including a Certification of Mortgage Loan Refinancing, Good Faith Estimate, and a Truth in Lending Disclosure Statement are attached. The Subordination Agreement that will be filed with the new primary loan is also attached. In accord with the adopted City of Norman Housing Handbook, these documents prove that all funds will be used for the refinancing of the home, with no funds going toward payment of debt.

Subordination of the lien would assist in making more money available for the upkeep of the property. The City would maintain a second position on the property. Additionally, the request meets the requirements of our policy to subordinate only for the purposes of lowering payments or improving the home, and the terms and conditions of program participation as described in the subordinate mortgage executed in July 2007 will not be modified.

RECOMMENDATION: Approval of Contract No. K-1011-129 for subordination of the lien on 2026 Allenhurst Street is recommended. Subordination of liens in the HOME Partnership Program is allowed by the Department of Housing & Urban Development and is consistent with program goals.

SUBORDINATION AGREEMENT

Know All Men By These Presents:

That, for and in consideration of the sum of one dollar (\$1.00) and other good and valuable considerations, in hand paid, receipt of which are hereby acknowledged, THE CITY OF NORMAN, an Oklahoma Municipal Corporation, the undersigned, has agreed, and by these present, does agree with Toni Johnson that the lien of a certain mortgage to Republic Bank, from said Toni Johnson,

Dated the _____ day of _____, _____, and recorded in Book _____ at Pages _____ of the records of Cleveland County, Oklahoma, upon the following described real property, to-wit:

Lot 4, Block 11, in Block Oakhurst Addition Section 4 to Norman, Cleveland County, Oklahoma according to the recorded plat thereof. 2026 Allenhurst.

Shall be prior and superior lien upon said property to the lien of that certain Mortgage on said real property, from said Toni Johnson to THE CITY OF NORMAN, dated July 27, 2007 and recorded in Book 4376 at Pages 426-433 of the records of Cleveland County, Oklahoma, and such priority shall be accorded said first above described mortgage, notwithstanding that said mortgage was dated and recorded subsequent to the date and recordation of the said second above described mortgage. If superior mortgage is renewed, extended or assigned, it is still the intent that this Subordination Agreement be enforced.

SIGNED AND AGREED TO THIS 29th DAY OF December, 2010.

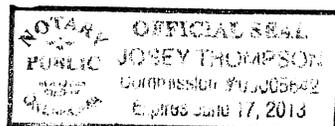
By: Toni Johnson
Toni M. Johnson

State of Oklahoma
County of Cleveland

This instrument was acknowledged before me on the 29th day of December, 2010.

My commission expires: June 17, 2013

[Signature]
Notary Public



SIGNED AND AGREED TO THIS _____ DAY OF _____, 2010.

THE CITY OF NORMAN, OKLAHOMA

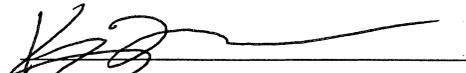
BY: _____

Cindy S. Rosenthal, Mayor

ATTEST:

Brenda Hall, City Clerk

Approved as to form and legality this
30 day of December, 2010.



City Attorney's Office

State of Oklahoma
County of Cleveland

On this _____ day of _____, 2010, before me, the undersigned, a Notary Public, personally appeared Cindy S. Rosenthal, Mayor for THE CITY OF NORMAN, OKLAHOMA, who executed the foregoing document as his voluntary act and deed of such corporation for the uses and purposes therein set forth.

My commission expires: _____

Notary Public



CITY COUNCIL AGENDA JANUARY 11, 2011

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

Item No. 12

Text File Number: CJ-2010-512BH

Introduced: 12/29/2010 by Jeff Bryant, City Attorney

Current Status: Consent Item

Version: 1

Matter Type: Settlement

Title

CONSIDERATION OF A RECOMMENDATION FROM THE CITY ATTORNEY THAT THE CITY COUNCIL APPROVE A SETTLEMENT OF JACLYNN REYNOLDS VS. THE CITY OF NORMAN, CLEVELAND COUNTY DISTRICT COURT CASE NO. CJ-2010-512BH, IN THE AMOUNT OF \$79,900.

ACTION NEEDED: Motion to approve or reject the City Attorney's recommendation; and, if approved, authorize the City Attorney's Office to effectuate the settlement in the amount of \$79,900.

ACTION TAKEN: _____

Body

BACKGROUND: Jaclynn Reynolds ("Plaintiff") filed *Reynolds v. City of Norman* Case No. CJ-2010-512 BH on March 15, 2010 in Cleveland County District Court. This is a personal injury claim wherein Ms. Reynolds alleged that on June 26, 2009 she was injured after stumbling on an uneven portion of the sidewalk in the City of Norman.

A judge trial was held on October 29, 2010 and the trial court ruled in favor of the Plaintiff. The Plaintiff was awarded \$95,940.02 which included costs and prejudgment interest. While the City has initiated the appeal process, Plaintiff's attorney has offered a settlement in the amount of \$79,900 plus costs for a total settlement of \$81,909.53. The points of litigation and the proposed settlement were discussed by City Council in several Executive Sessions, most recently on December 28, 2010. In accordance with that most recent discussion, this item is being presented to City Council for consideration at this time.

DISCUSSION AND RECOMMENDATION: The merits of the settlement proposal were discussed in Executive Session and more detail is also provided in a separate Privileged and Confidential memo provided to Council. Pursuant to discussions in Executive Session this matter is being forwarded for consideration and approval by City Council. If approved, the City Attorney's office will reduce the settlement amount to judgment in accordance with 51 O.S. §159 and 62 O.S. §362. The settlement amount will then be placed on the property tax rolls for collection over the next three years.



City of Norman, OK

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

Item No. 13

Text File Number: R-1011-77

Introduced: 12/28/2010 by Mike White, Fleet Superintendent

Current Status: Consent Item

Version: 2

Matter Type: Resolution

Title

RESOLUTION NO. R-1011-77: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, APPROPRIATING \$7,438 FROM THE GENERAL FUND BALANCE AND TRANSFERRING \$10,197 FROM A PARK MAINTENANCE SERVICE EQUIPMENT ACCOUNT TO REPLACE UNIT 471 FOR THE PARK MAINTENANCE DIVISION.

ACTION NEEDED: Motion to adopt or reject Resolution No. R-1011-77.

ACTION TAKEN: _____

Body

BACKGROUND: Unit 471, a 2001 ½-ton CNG pickup, was originally assigned to the Forestry Division. Since the Forester position has been vacant the vehicle has been used for general park maintenance service work.

DISCUSSION: On 18 August 2010, Unit 471 was totaled in an accident on Hwy 77 North. The citizen who caused the accident was ticketed and their insurance company has sent verification that the vehicle had been declared “a total loss” and will be sending a check in the amount of \$7,438.70 for damages. When the reimbursement is received, it will be receipted into Revenue Account - Misc. Risk Management (#010-0000-367.1264).

Additionally, a savings of \$11,437.36 has occurred from the purchase of Unit 430, a backhoe for the Parks Maintenance Division. The Fleet Management Division has estimated the replacement cost for another ½-ton CNG vehicle to be approximately \$32,000. The replacement cost for the same vehicle without CNG equipment is estimated to be \$17,634. Given the current available funding, we are not able to recommend replacement with CNG equipment.

At this time we would like to request that funding be appropriated and transferred to replace Unit 471.

RECOMMENDATION: It is recommended that an appropriation be approved as follows to purchase a ½-ton pickup to replace Unit 471:

Appropriate \$7,438 from the General Fund Balance (Acct. #010-0000-253.2000) to Forestry Division -Truck (Acct. #010-7071-452.5003).

Transfer \$10,196 from Parks Maintenance Division - Backhoe (Acct. #010-7010-452.5008) to Forestry Division - Truck (Acct. #010-7071-452.5003).

Resolution

R-1011-77

A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, APPROPRIATING \$7,438 FROM THE GENERAL FUND BALANCE AND TRANSFERRING \$10,197 FROM A PARK MAINTENANCE EQUIPMENT ACCOUNT TO REPLACE A WRECKED VEHICLE FOR THE PARK MAINTENANCE DIVISION.

- § 1. WHEREAS, Unit 471, a 2001 ½-ton Compressed Natural Gas (CNG) pickup was originally assigned to the Forestry Division and when the Forester position became vacant, it was used for general park maintenance service work; and
- § 2. WHEREAS, on August 18, 2010, the pickup was totaled in an accident, the citizen who caused the accident was cited, and their insurance company has sent verification that the truck is a total loss and will be sending the City a check in the amount of \$7,438.70; and
- § 3. WHEREAS, the Fleet Management Division has estimated the replacement costs for another ½-ton CNG vehicle to be approximately \$32,000 and the replacement cost for the same vehicle without CNG equipment is estimated to be \$17,634.

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

- § 4. That the following appropriation and transfer be made in order to replace Unit 471 as stated above:

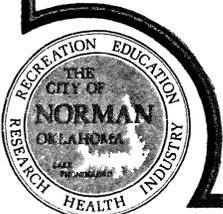
Account Name	Losing Account	Gaining Account	Amount
Forestry Division – Truck	010-0000-253.20.00	010-7071-452.50-03	\$ 7,438
Forestry Division – Truck	010-7010-452.50-08	010-7071-452.50-03	\$10,196

PASSED AND ADOPTED this 11th day of January, 2011.

Mayor

ATTEST:

City Clerk





**CITY COUNCIL AGENDA
JANUARY 11, 2011**

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

Item No. 14

File Number: P-1011-8

Introduced: 12/28/2010

Current Status: Consent Item

Version: 1

Matter Type: Proclamation

Title

PROCLAMATION NO. P-1011-8: A PROCLAMATION OF THE MAYOR OF THE CITY OF NORMAN, OKLAHOMA, PROCLAIMING THE CENTENNIAL OBSERVANCE AND CELEBRATION OF KAPPA ALPHA PSI FRATERNITY, INC., DURING THE MONTH OF JANUARY, 2011, IN THE CITY OF NORMAN.

ACTION NEEDED: Motion to acknowledge receipt of Proclamation No. P-1011-8 proclaiming the Centennial observance and celebration of Kappa Alpha Psi Fraternity, Inc., during the month of January, 2011, in the City of Norman and direct the filing thereof.

ACTION TAKEN: _____

A PROCLAMATION OF THE MAYOR OF THE CITY OF NORMAN, OKLAHOMA, PROCLAIMING THE CENTENNIAL OBSERVANCE AND CELEBRATION OF KAPPA ALPHA PSI FRATERNITY, INC., DURING THE MONTH OF JANUARY, 2011, IN THE CITY OF NORMAN.

- § 1. WHEREAS, Kappa Alpha Psi Fraternity is an organization dedicated to “uniting college men of culture, patriotism, and honor in a bond of fraternity”; and
- § 2. WHEREAS, Kappa Alpha Psi was founded as Kappa Alpha Nu Fraternity at Indiana University, Bloomington, Indiana, on January 5, 1911; and
- § 3. WHEREAS, on May 15, 1911, Kappa Alpha Nu was incorporated under the laws of the state of Indiana, becoming the first historically African-American Fraternal Organization to be professionally incorporated; and
- § 4. WHEREAS, Kappa Alpha Psi Fraternity has survived and prospered for over 100 years with over 150,000 members being actively represented in every state of the United States and in many nations abroad; and
- § 5. WHEREAS, Kappa Alpha Psi Fraternity has as its Fundamental Purpose, Achievement in Every Field of Human Endeavor, sponsoring many national and international service projects; and
- § 6. WHEREAS, Kappa Alpha Psi is represented in Norman with active chapters at the University of Oklahoma, the Zeta Omega Chapter, and the Norman Alumni Chapter; and
- § 7. WHEREAS, Kappa Alpha Psi Fraternity will celebrate its Centennial Anniversary with activities at the Fraternity’s International Headquarters in Philadelphia, Pennsylvania, on January 6-9, 2011, and at its bi-annual Conclave in Indianapolis, Indiana, in the summer of 2011; and
- § 8. WHEREAS, Kappa Alpha Psi member, Civil rights Activist, Norman Human Rights Award Recipient, Author and University of Oklahoma Liberal Arts Dean and David Ross Boyd Professor Emeritus, Dr. George Henderson will deliver a keynote address at the Oklahoma Statewide Centennial Founder’s Day Celebration on January 15, 2011.

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

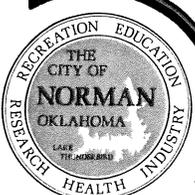
- § 9. Encourage all Norman citizens to join in the Centennial Observance and Celebration of Kappa Alpha Psi Fraternity, Inc., during the month of January, 2011, and throughout the Fraternity’s Centennial Year and in the honor of hosting the Oklahoma Founder’s Day Celebration in the City of Norman.

PASSED AND APPROVED this 11th day of January, 2011.

Mayor

ATTEST:

City Clerk





CITY COUNCIL AGENDA JANUARY 11, 2011

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

Item No. 15

Text File Number: O-1011-13

Introduced: 9/20/2010 by Doug Koscinski, Current Planning Mgr

Current Status: Non-Consent Items

Version: 1

Matter Type: Zoning Ordinance

Title

ORDINANCE NO. O-1011-13: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 460 OF CHAPTER 22 OF THE CODE OF THE CITY OF NORMAN SO AS TO GRANT SPECIAL USE FOR A ROOMING OR BOARDING HOUSE IN THE R-3, MULTI-FAMILY DWELLING DISTRICT, FOR A TRACT OF LAND LYING WITHIN LOTS 4 AND 5, BLOCK 2, LARSH'S UNIVERSITY ADDITION TO NORMAN, CLEVELAND COUNTY, OKLAHOMA; AND PROVIDING FOR THE SEVERABILITY THEREOF. (708 DEBARR AVENUE)

ACTION NEEDED: Motion to adopt or reject Ordinance No. O-1011-13 upon Second Reading section by section.

ACTION TAKEN: _____

ACTION NEEDED: Motion to adopt or reject Ordinance No. O-1011-13 upon Final Reading as a whole.

ACTION TAKEN: _____

Body

BACKGROUND: A "rooming house" is defined in the Zoning Ordinance as "a residential building other than a hotel, where for compensation and on a monthly or longer basis, rooms are provided to more than two persons who are not members of the resident manager's family." Prior to 1996, rooming houses were automatically allowed by right in most multi-family zoning categories. In 1996, the City of Norman required all new rooming or boarding houses to be rezoned as a Special Use to ensure compliance with several code requirements, with parking and lot size the main criteria that would control the size of the use. The allowed occupancy for new rooming houses is limited by the size of the lot (five thousand square feet of lot area for the basic use, plus two thousand square feet of lot for each additional occupant) as well as the provision of 1.8 parking spaces per allowed occupant (in this case fourteen spaces). Once approved, an annual license could be issued by the Code Compliance Division after an on-site inspection was performed. All existing rooming houses were issued a license to operate whether they complied with the new requirements or not, in effect placing them into a grandfathered status, provided they applied for and kept an annual license active. At that time, this structure was used by the Women's Resource Center as a temporary shelter for abused women, and a license was issued to operate as a rooming house. They sold the premises to a new owner, who has since resold it to the current owners, who have operated it as a rooming house since they purchased it in 2005.

DISCUSSION: The current owners were not aware of the license requirement and have operated without a license since 2005. In order for staff to issue that license, they must seek, and be approved as, a Special Use which authorizes the site to be used for a rooming house. The structure has eight bedrooms, and the owner would like to be approved for eight occupants. The owners have researched historic Sanborn maps, which indicate that the structure was originally built in 1918 as a sorority house, and operated as such for a long period of time. The Women's Resource Center acquired the property in the 1970s, and operated it as a rooming house and shelter until it was sold.

At the Planning Commission meeting of October 14, 2010, one protest was filed by an abutting neighbor, who expressed concerns about visitor parking at the subject tract. The Planning Commission attached a condition to the Special Use that required five additional parking spaces be added off the rear alley, which the applicants agreed to install.

RECOMMENDATION: Although the lot size cannot be increased to comply with the new standard, an increase in the amount of parking will allow the eight occupants and any visitors adequate room to park without neighborhood impacts. With the condition that additional parking be installed, the Planning Commission unanimously recommended that this Special Use be granted. Staff supports this request because it simply re-institutes a previous land use, and recommends approval of this Special Use.

AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 460 OF CHAPTER 22 OF THE CODE OF THE CITY OF NORMAN SO AS TO GRANT SPECIAL USE FOR A ROOMING OR BOARDING HOUSE IN THE R-3, MULTI-FAMILY DWELLING DISTRICT, FOR A TRACT OF LAND LYING WITHIN LOTS 4 AND 5, BLOCK 2, LARSH'S UNIVERSITY ADDITION TO NORMAN, CLEVELAND COUNTY, OKLAHOMA; AND PROVIDING FOR THE SEVERABILITY THEREOF. (708 DEBARR AVENUE)

- § 1. WHEREAS, Kipbert Properties, L.L.C., the owner of the hereinafter described property, has made application for Special Use for a Rooming or Boarding House in 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, considered the same and recommended that the same should be granted and an ordinance adopted to effect and accomplish such special use; and
- § 3. WHEREAS, the City Council of the City of Norman, Oklahoma, has thereafter considered said application and has determined that said application should be granted and an ordinance adopted to effect and accomplish such special use.

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

- § 4. That Section 460 of Chapter 22 of the Code of the City of Norman, Oklahoma, is hereby amended so as to grant Special Use for a Rooming or Boarding House in the R-3, Multi-Family Dwelling District, to wit:

Lots Four (4) and Five (5), Block Two (2) of LARSH'S UNIVERSITY ADDITION, to Norman, Cleveland County, Oklahoma. (708 DeBarr Avenue)

- § 5. Further, pursuant to the provisions of Section 22:434.1 of the Code of the City of Norman, as amended, the following condition is hereby attached to the zoning of the tract:
 - a. Five additional parking spaces will be installed at the rear of the lot.

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

ADOPTED this _____ day of _____, 2010.

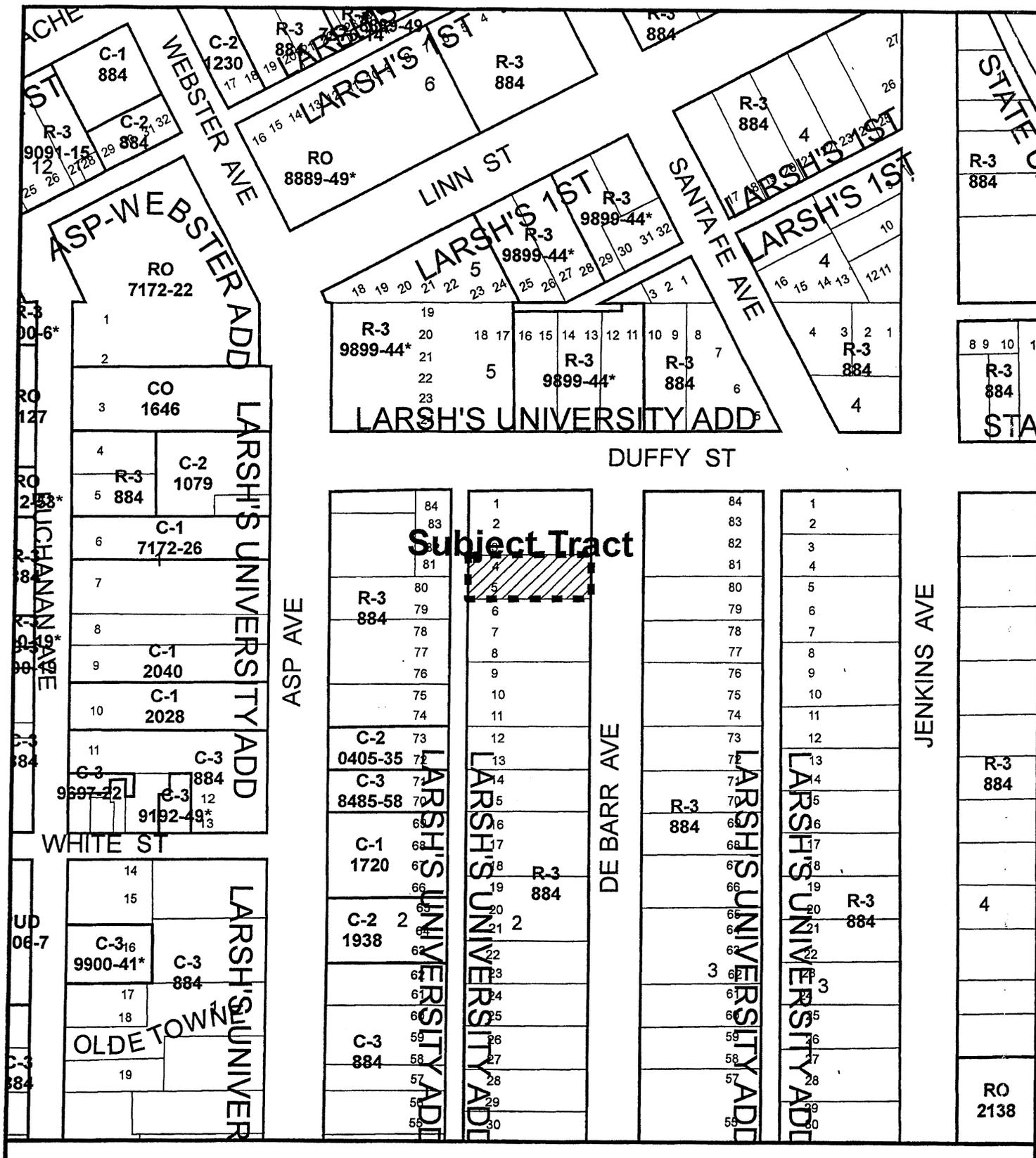
NOT ADOPTED this _____ day of _____, 2010.

(Mayor)

(Mayor)

ATTEST:

(City Clerk)



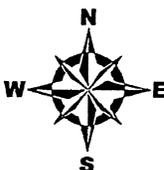
Location Map

O-1011-13
 Special Use for a Rooming or Boarding House
 708 DeBarr Avenue

Applicant: Kipbert Properties, L.L.C.



Map Produced by the City of Norman
 Geographic Information System.
 (405) 366-5436
 The City of Norman assumes no
 responsibility for errors or omissions
 in the information presented.



ORDINANCE NO. O-1011-13

ITEM NO. 7

STAFF REPORT

GENERAL INFORMATION

APPLICANT	Kipbert Properties, L.L.C.
REQUESTED ACTION	Special Use for a Rooming or Boarding House
EXISTING ZONING	R-3, Multi-Family Dwelling District
SURROUNDING ZONING	North: R-3 East: R-3 South: R-3 West: R-3
LOCATION	708 DeBarr Avenue
LOT SIZE	7000 square feet
PURPOSE	Rooming House
EXISTING LAND USE	Rooming House, with expired license
SURROUNDING LAND USE	North: four-plex East: vacant South: multi-family West: multi-family
LAND USE PLAN DESIGNATION	High Density Residential
GROWTH AREA DESIGNATION	Current Urban Service Area

SYNOPSIS: The applicant has requested that a Special Use be granted to authorize the continued use of this property as a Rooming/Boarding House. The home is currently occupied by eight women, who are members of a sorority.

ANALYSIS: In 1996, the City of Norman amended the zoning ordinance to require that all new rooming or boarding houses be authorized by the issuance of a Special Use to ensure compliance with several code requirements. At that time, all existing rooming houses were "grandfathered" provided they applied for and kept an annual license active. At that time, this structure was used by the Women's Resource Center as a temporary shelter for abused women, and a license was issued to operate as a rooming house. They sold the premises to a new owner, who has since resold it to the current owners, who have operated it as a rooming house since they purchased it in 2005. Unfortunately, the owners were not aware of the license requirement and have operated without that approval since 2005. The applicants have researched historic Sanborn maps which reveal that the structure was originally built in 1918 as a sorority house, and operated as a rooming house more or less continuously ever since.

The current ordinance requires that a rooming house of this size would need to occur on a lot of at least 19,000 square feet, and provide at least fourteen parking spaces. When the license was granted to the Women's Resource Center, those conditions did not need to be met as the use had already been established and was considered a "legal, but non-conforming" use. The lot is 7,000 square feet in size. It can accommodate five to eight cars in front of the house and on a long driveway at the side of the lot. Because the owners cannot meet the current requirements, a new license could not have been administratively issued. They are seeking approval of this Special Use with an exception to the lot area requirement, which could not have been met when the license was initially issued. At the pre-development meeting, a neighbor identified the need for some additional guest parking at this location. The owners have indicated such parking can be installed in the rear of the lot, off the alley, if a small accessory building and fence are removed.

STAFF RECOMMENDATION: This location has been used for a rooming house, and was previously licensed. Because the license cannot be automatically issued at this time, they have applied for a "new" zoning approval for the use. Provided the applicants install five additional parking spaces at the rear of the lot, staff is not opposed to granting this request so that the rooming house use can be legally re-authorized. Staff recommends approval of this Special Use, with the condition as noted.

Applicant Kipbert Properties, LLC
 Location 708 DeBarr Street
 Case Number PD 10-16
 Time 5:30-6:00 PM

Attendee	Stakeholder	Address	Phone
Ann Kipp	Co-applicant	4310 Wakefield Ct	329-2461
Roberta Magnussen	Co-applicant	4310 Wakefield Ct	329-2461
Gwen Arveson	Applicant's property manager		820-5454
Robert and Ellen Wood	Neighboring owners	3709 Barwick Drive	321-8097
Susan Atkinson	City facilitator		366-5392
Doug Koscinski	City Advisor		366-5458
Leah Messner	City Attorney's office		366-7748

Application Summary.

Applicants are seeking a Special Use Permit for a Rooming House in an R-3 zone. The current *Norman 2025 Land Use Plan* designation is High Density Residential.

Applicant's Opportunity. The applicants are seeking to legally rent their property as a boarding house. The house on DeBarr Street has eight bedrooms and has been documented as a sorority or boarding house use since 1918. The structure operated for many years as the Women's Shelter. The owners have rented it for the past five years to a group of sorority girls, a de facto boarding house. The owners were unaware that an annual license and Special Use Permit was required for a Boarding House in an R-3 zone until they received a letter from Code Enforcement in June. They would like to rectify the situation and continue using the property as it has been used for the past five years. The property currently has 13 parking spaces.

Neighbors' Comments. Owners of an adjacent four-plex to the north stated they had no objections to the granting of a Special Use Permit for a Boarding House at 708 DeBarr.

However, they have been very aggravated by tenants and guests from 708 DeBarr parking on their property. Because many of the 8 tenants also have after-hours guests, sometimes there are 16 cars attempting to park at 708 DeBarr.

Applicants' Response. The applicants stated that they had been unaware of the parking problem but were eager to solve it. The property manager stated that she would speak to the tenants and make sure they understood that illegal parking was grounds for eviction. Owners also stated that they would look into reconfiguring the alley access to the property to make it more functional for parking in the rear. Owners and neighbors agreed to stay in touch.

Special Use Permit application for 708 DeBarr: Description of Proposed Project

We are applying for a special use (rooming and boarding house) permit for our property at 708 DeBarr so that we may continue to rent it to unrelated tenants.

Proposed use and impact on neighborhood: The use of this house as a boarding/rooming house does not constitute any change in the function of the building. It was originally built as the Delta Gamma Sorority House (cf the Sanborn Map of 1918), and as far as we know it continued as a rooming house thereafter. It was definitely a rooming house for OU students during the 1940s, and more recently it served as the Women's Shelter, then again as a rooming house for sorority girls under the owners from whom we purchased it in 2005. Since we have owned it the tenants have continued to be sorority members. We are not in any way trying to change the long-established use of this property, so there will be no new impact on the neighborhood.

Description of buildings: The main structure is a two-story house with eight bedrooms, two baths, and a kitchen, living room, dining room, and utility room. (See attached sketch). There is also a small detached one-story outbuilding at the rear of the lot.

Parking: We do recognize that parking is a concern, and provide off-street tenant parking along the driveway (which extends along the north side of the lot to the back of the house), and in a paved parking zone in the front of the property. Together the driveway and parking zone can accommodate thirteen cars.

When we purchased the property we were informed that the zoning was multi-family (as it still is, according to the zoning map posted in the city's website). Until we received the city's code compliance letter of June 2, 2010, we were unaware that we needed a special use permit to treat this as a multi-family property. Now that we have been informed that we need a permit, we would like to rectify the situation through this application.

Roberta J. Magnusson and Ann Kipp, owners

Kipbert Properties LLC

DE BARR AVE

DUFFY ST

202

204

206

208

708

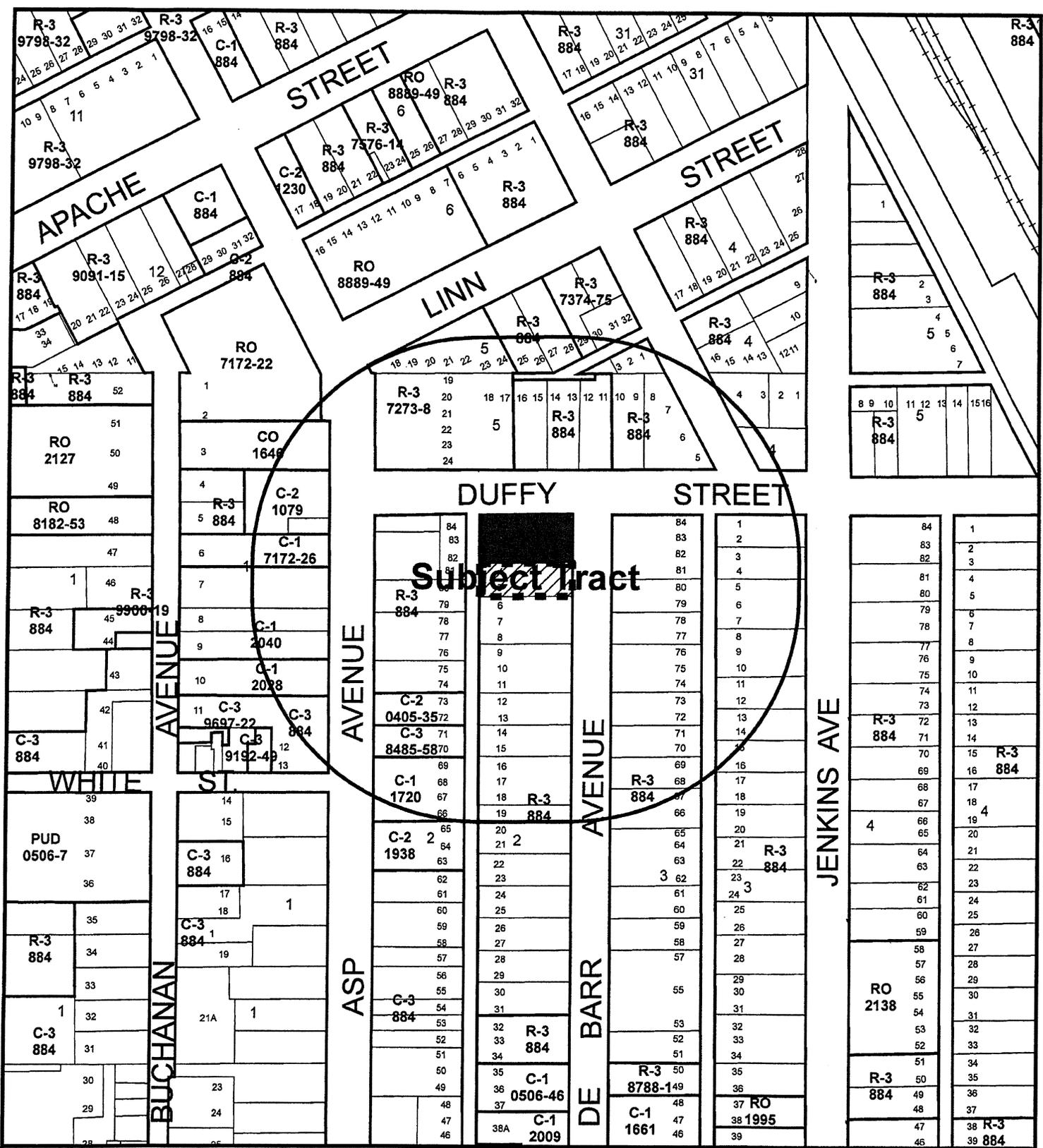
708 Debarr Ave.

20 10 0 20 Feet



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.

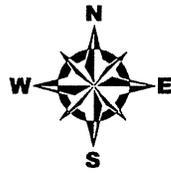


Protest Map

2.8% Protest Within Notification Area

Map Produced by the City of Norman
Geographic Information System.
(405) 366-5436

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



Scale: 1" = 200'
October 14, 2010

-  Subject Tract
-  Protest
-  Notification Area

10-4-10

To Norman Planning Commission

We are not for the special use
request of the property at 708 DeBar
There is not enough usable parking
for the number of cars that come
with this use of the property.

We own the property on the north
side of this property at 202-204-206-208
W Duffy

Thanks for your consideration of
our feelings that we protest

Robert & Ellen Wood
3709 Barwick Dr
Norman, OK 73072

FILED IN THE OFFICE
OF THE CITY CLERK
ON 10-4-10 *ML*

**NORMAN PLANNING COMMISSION
REGULAR SESSION MINUTES**

OCTOBER 14, 2010

The Planning Commission of the City of Norman, Cleveland County, State of Oklahoma, met in Regular Session in the Council Chambers of the Norman Municipal Building, 201 West Gray Street, on the 14th day of October, 2010. Notice and agenda of the meeting were posted at the Norman Municipal Building twenty-four hours prior to the beginning of the meeting.

Chairman Zev Trachtenberg called the meeting to order at 6:30 p.m.

Item No. 1, being:

ROLL CALL

MEMBERS PRESENT

Cynthia Gordon (arrived at 6:55 p.m.)
Tom Knotts
Chris Lewis
Curtis McCarty
Roberta Pailes
Andy Sherrer
Jim Gasaway
Zev Trachtenberg

MEMBERS ABSENT

Diana Hartley

A quorum was present.

STAFF MEMBERS PRESENT

Susan Connors, Director, Planning &
Community Development
Doug Koscinski, Manager, Current
Planning Division
Ken Danner, Development Coordinator
Roné Tromble, Recording Secretary
Leah Messner, Asst. City Attorney
Larry Knapp, GIS Analyst
Jolana McCart, Asst. Recording
Secretary

* * *

Item No. 7, being:

O-1011-13 – KIPBERT PROPERTIES, L.L.C. REQUESTS SPECIAL USE FOR A ROOMING OR BOARDING HOUSE FOR PROPERTY ZONED R-3, MULTI-FAMILY DWELLING DISTRICT, LOCATED AT 708 DEBARR AVENUE.

ITEMS SUBMITTED FOR THE RECORD:

1. Location Map
2. Staff Report
3. Description of Proposed Project
4. Aerial Photo
5. Predevelopment Summary

PRESENTATION BY STAFF:

1. Doug Koscinski reported that Norman changed their ordinance several years ago, requiring that all rooming and boarding houses have a license. When the ordinance was changed, this property was occupied by the Women's Resource Center, and they did have and maintained their license for many years. The property was sold, and has been resold to the applicants; they did not realize there was a license requirement, and have operated for several years without one. They are asking for the license that was originally granted to this property to be reinstated. The property was first built as a sorority house in approximately 1920. Like many of the properties on that block, it has had multi-family use. The property is zoned R-3 and would allow for multi-family use. The issue that staff has raised is parking. The ordinance requires a fair amount of parking for rooming and boarding houses. They currently have parking off the street in front of the structure and a long, thin driveway that extends to the back yard, which could accommodate several more cars, although it would be very inconvenient. When this property was the Women's Resource Center, a play structure was built in the back off the alley; it is not needed by the residents of the property. It could be removed and replaced by new parking in the rear, and staff is suggesting that as a condition of the approval. Staff is in favor of the request; it reinstates what was there, with the condition that new parking be installed. One filed protest was received from the property owner to the north, representing 2.8%. At the Pre-Development meeting, parking was the issue that was discussed.

2. Mr. McCarty asked if the new parking would be required to be concrete. Mr. Koscinski responded that it has to be hard-surfaced, but could be asphalt, concrete, or pavers. It cannot be gravel. Mr. McCarty asked about the coverage ratio for impervious surface. Mr. Koscinski said he thinks they would meet that, because they would be removing a building that is already counted as impervious.

3. Mr. Knotts asked if the additional parking would be accessed from the alley or the driveway. Mr. Koscinski said the driveway could be extended to provide access if that was a benefit. The plan is to access it from the alley.

Chairman Trachtenberg noted that Ms. Gordon arrived at this point in the meeting.

PRESENTATION BY THE APPLICANT:

1. Roberta Magnuson, 4310 Wakefield Court, is one of the owners of the property. She believes that Mr. Koscinski has done a fair presentation of the request.

2. Mr. Gasaway asked the maximum number of residents that would be allowed, and the normal number of residents. Ms. Magnuson responded that there are eight bedrooms and the normal number of residents is eight. She believes the maximum number since they have owned the property has been nine.

3. Mr. McCarty asked whether the owners agree to the condition for additional parking. Ms. Magnuson said they realize that extra parking spaces would be beneficial. She asked whether it would be acceptable to install the additional parking without removing the outbuilding if that would work. Ms. Connors indicated there would have to be five spaces in the back and she doubts they would fit with the outbuilding still standing. Staff would be happy to review such a proposal. Chairman Trachtenberg indicated there would probably be an issue of lot coverage if that route were taken.

PRESENTATION BY THE AUDIENCE:

1. Robert Wood owns the four-plex to the north of the subject property. The property has been used various ways during the time he has owned his property. When it had a single family with a bunch of kids, it was no problem with parking. When it was the Women's Resource Center, there was no problem with parking because they didn't have cars. Now that there are eight students with eight cars plus boyfriends, it's a problem. He has adequate parking for his tenants. This semester the parking situation has been perfect; when they asked for this zoning, they took care of the parking problem with the people living there. Prior to this time, they would park in his spaces. He put up some posts on the property line to keep them from cutting across his property to get to their property. He suggested that the permit not be granted if they don't address the parking.

2. Mr. Sherrer asked if the five additional parking spaces that have been suggested by staff will be adequate. Mr. Wood doesn't think ten spaces is adequate, but it would be a lot better than what is there now. He thinks ten or twelve spaces are needed.

3. Mr. Gasaway asked if there is on-street parallel parking in this area. Mr. Wood said there is only the front-end parking. He noted that the parking for the subject property is not set back as far as his and they park across the sidewalk to get their five spaces in the front.

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:

1. Chairman Trachtenberg indicated this seems like a reasonable request. The applicants are trying to come up to code. In general, this is the kind of use the property has had for close to a century. We obviously need to make sure that there is legal parking for the residents that doesn't infringe on the neighbors, so adding the additional spaces sounds like a good step toward a solution. He supports this request.

Jim Gasaway moved to recommend approval of Ordinance No. O-1011-13 to the City Council, with the condition that there be at least five legal parking spaces in the rear. Roberta Pailles seconded the motion.

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

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

Recording Secretary Roné Tromble announced that the motion, to recommend approval of Ordinance No. O-1011-13 to the City Council with the condition that there be at least five legal parking spaces in the rear, passed by a vote of 8-0.

* * *



CITY COUNCIL AGENDA JANUARY 11, 2011

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

Item No. 16

Text File Number: O-1011-34

Introduced: 12/16/2010 by David Riesland, Traffic Engineer

Current Status: Non-Consent Items

Version: 1

Matter Type: Ordinance

Title

ORDINANCE NO. O-1011-34: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING ARTICLE XI OF CHAPTER 20 TO PROVIDE FOR REGULATION RELATED TO A FLASHING YELLOW ARROW TRAFFIC SIGNAL INDICATION; AND PROVIDING FOR THE SEVERABILITY THEREOF.

ACTION NEEDED: Motion to adopt Ordinance No. O-1011-34 upon Second Reading section by section.

ACTION TAKEN: _____

ACTION NEEDED: Motion to adopt Ordinance No. O-1011-34 upon Final Reading as a whole.

ACTION TAKEN: _____

Body

BACKGROUND: The 2009 edition of the *Manual on Uniform Traffic Control Devices* (MUTCD) includes a proposed change to the way protected/permissive left-turns are accommodated at signalized intersections. The City and State Traffic ordinances and statutory provisions endorse the MUTCD. Considerable confusion has persisted nationally for motorists as to what they are supposed to do when the solid green ball is displayed, and this confusion often results in traffic accidents. To eliminate this confusion and to enhance motorist safety, the MUTCD has endorsed the use of a flashing yellow arrow for the permissive portion of the protected/permissive left-turn phasing. Historically, the Federal Highway Administration has adopted changes proposed by the MUTCD so it is felt that this proposed change will probably be required by the Federal Government in the next couple of years.

The Council Transportation Committee met on October 28, 2010 to discuss the possible adoption of using flashing yellow arrows for permissive left-turns in Norman. The Council met during a Conference on December 14, 2010 to discuss this issue and Staff was directed to bring forward an Ordinance to implement the proposed change.

DISCUSSION: Ordinance No. O-1011-34 amends Section 20-1106 of the Norman City Code. This section instructs drivers how to operate through intersections that have flashing lights as part of the traffic control signal device. Subsection (c) is proposed to be added to

instruct drivers that upon approaching an illuminated yellow flashing arrow, they are to exercise caution and yield to oncoming traffic as they traverse through the intersection in accordance with the applicable arrow signal.

Ordinance No. O-1011-34 does not require the City to install new signals that accommodate the left-turn flashing arrow; it merely provides instruction as to what the signal requires of drivers. Should the ordinance pass, Staff will begin installing controllers that accommodate the yellow flashing arrow on future traffic signal projects and as other signals require replacement. Staff is pursuing Association of Central Governments (ACOG) funding to assist in paying for the installation of new controllers at other appropriate intersections throughout Norman. Should the request for funding from ACOG be unsuccessful, Staff will pursue the inclusion of the new signals in the Capital Budget and the new lights will be phased in as the budget allows.

It should also be noted that should Ordinance No. O-1011-34 pass, Staff will engage in efforts to educate drivers about the new signal through brochures in the utility bills, news releases, and by installing a sign next to the traffic signal head advising drivers to yield when the left turn arrow is flashing.

STAFF RECOMMENDATION: Staff recommends adoption of Ordinance No. O-1011-34.

AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA AMENDING SECTION 20-1106 OF CHAPTER 20 OF THE CODE OF THE CITY OF NORMAN TO PROVIDE FOR REGULATION RELATED TO A FLASHING YELLOW ARROW TRAFFIC SIGNAL INDICATION; AND PROVIDING FOR THE SEVERABILITY THEREOF.

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

§ 1. That, Section 20-1106 of Chapter 20 of the Code of the City of Norman, Oklahoma, shall be amended to read as follows:

Sec. 20-1106. Traffic control signals: Flashing lights.

(a) Upon approaching an illuminated flashing red signal, no person shall operate a vehicle through that intersection without having first stopped that vehicle before the nearest crosswalk or limit line, or before entering the intersection if neither crosswalk nor limit line, or before entering the intersection if neither crosswalk nor limit line exist, and that person shall yield to all approaching traffic having the right-of-way.

(b) Upon approaching an illuminated flashing yellow signal, no person shall operate a vehicle through that intersection without having slowed that vehicle from its rate of speed, and without exercising caution while proceeding through that intersection.

(c) Upon approaching an illuminated flashing yellow arrow, displayed alone or with another signal indication, no person shall operate a vehicle through that intersection without having slowed that vehicle from its rate of speed, and without exercising caution while proceeding through the intersection only as indicated by such arrow, or other signal indication displayed at the same time. The driver of such vehicle shall yield to all pedestrians within the associated crosswalk and other vehicles lawfully within the intersection.

§ 2. **SEVERABILITY.** If any section, sentence, clause or phrase of this ordinance or any part thereof is for any reason found to be invalid by a court of competent jurisdiction, such decisions shall not affect the validity of the remainder of this ordinance or any part thereof.

ADOPTED this ____ day of _____, 2011.

NOT ADOPTED this ____ day of _____, 2011.

Cindy Rosenthal, Mayor

Cindy Rosenthal, Mayor

ATTEST:

Brenda Hall, City Clerk

AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA AMENDING SECTION 20-1106 OF CHAPTER 20 OF THE CODE OF THE CITY OF NORMAN TO PROVIDE FOR REGULATION RELATED TO A FLASHING YELLOW ARROW TRAFFIC SIGNAL INDICATION; AND PROVIDING FOR THE SEVERABILITY THEREOF.

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

§ 1. That, Section 20-1106 of Chapter 20 of the Code of the City of Norman, Oklahoma, shall be amended to read as follows:

Sec. 20-1106. Traffic control signals: Flashing lights.

(a) Upon approaching an illuminated flashing red signal, no person shall operate a vehicle through that intersection without having first stopped that vehicle before the nearest crosswalk or limit line, or before entering the intersection if neither crosswalk nor limit line, or before entering the intersection if neither crosswalk nor limit line exist, and that person shall yield to all approaching traffic having the right-of-way.

(b) Upon approaching an illuminated flashing yellow signal, no person shall operate a vehicle through that intersection without having slowed that vehicle from its rate of speed, and without exercising caution while proceeding through that intersection.

(c) Upon approaching an illuminated flashing yellow arrow, displayed alone or with another signal indication, no person shall operate a vehicle through that intersection without having slowed that vehicle from its rate of speed, and without exercising caution while proceeding through the intersection only as indicated by such arrow, or other signal indication displayed at the same time. The driver of such vehicle shall yield to all pedestrians within the associated crosswalk and other vehicles lawfully within the intersection.

§ 2. **SEVERABILITY.** If any section, sentence, clause or phrase of this ordinance or any part thereof is for any reason found to be invalid by a court of competent jurisdiction, such decisions shall not affect the validity of the remainder of this ordinance or any part thereof.

ADOPTED this ____ day of _____, 2011.

NOT ADOPTED this ____ day of _____, 2011.

Cindy Rosenthal, Mayor

Cindy Rosenthal, Mayor

ATTEST:

Brenda Hall, City Clerk

Mr. Hutchison said ACOG garnered State Transit Authority (STA) money through the Oklahoma Department of Transportation (ODOT) for an alternatives analysis on the Fixed Guideway Study Commuter Rail Corridors, which consists of Edmond, Norman, Midwest City, and OKC. He said it is important for Norman to insure that ongoing efforts stay coordinated and connected.

Items submitted for the record

1. Federal Railroad Administration High Speed Intercity Passenger Rail Program awards flyer
2. Business Wire news article entitled, "BNSF Selects Contractor to Build New Intermodal Facility," dated October 18, 2010

PRESENTATION FOR PROPOSED CHANGE TO TRAFFIC SIGNAL STANDARDS TO INCLUDE "FLASHING YELLOW ARROWS."

Mr. Shawn O'Leary, Director of Public Works, said the latest Manual on Uniform Traffic Control Devices (MUTCD), the national standards of practice adopted by the City Code of Ordinances, introduces and recommends the use of a safer and more efficient way of accommodating left turning traffic at signalized intersections. He said if Council approves the changes, the City of Norman could be the first city in Oklahoma to implement the national standard change.

Mr. Angelo Lombardo, City Traffic Engineer, highlighted the current standards in Norman as follows:

- Permissive only phasing – traffic is permitted to turn only on a green ball – there are no left turn arrows provided
- Protected only phasing – traffic is allowed to turn only when a green arrow is visible – there are no left turns allowed on the green ball
- Protected/Permissive phasing – traffic turning left will be both a green arrow and a green ball at some time during the signal cycle

Mr. Lombardo said permissive only phasing is the most common form of left turn treatment and is used in locations where volumes and operating speeds are low. Protected only phasing is used most often at locations that have a higher speed, higher volumes of traffic, or where sight distance limitations may create vision problems for left turning vehicles. Protected/Permissive phasing (PPLT) is used when speeds are low enough and when additional capacity is needed to clear the left turn traffic volumes. He said in the protected phase, left turning traffic is protected from oncoming traffic in the protected interval during which the green arrow indication is displayed and the permissive phase displays a circular green indication and left turn movements are made after drivers yield to oncoming traffic and pedestrians. Mr. Lombardo said advantages to PPLT phasing advantages are better mobility, improved traffic capacity, and less traffic delay while disadvantages include higher traffic collision rates, reduced signal phasing flexibility, and the yellow trap.

Mr. Lombardo said, according to the National Cooperative Highway Research Program (NCHRP) Report findings, flashing yellow arrows (FYA) were found to be the best overall alternative to the circular green light as the permissive signal display for a left turn movement. The FYA was found to have a high level of understanding and correct response by left turn drivers and a lower fail critical rate than the circular green light. The FYA display, in a separate signal face for left turn movement, offers more versatility in field application as it is capable of being operated in any of the various modes of left turn operation by time of day and easily programmed to avoid the "yellow trap" associated with some permissive turns at the end of the circular green display.

Mr. Lombardo said the flashing yellow arrow represents a very new way to treat the PPLT phasing. He said the FYA has been implemented in several areas across the country with very good success, but it has not been implemented in Oklahoma and Norman could be the first city in the state to introduce the FYA. He said State and Municipal Traffic Engineers in Oklahoma support the use of the FYA to improve safety at intersection with PPLT.

Mr. Lombardo said Norman currently has 77 signalized intersections utilizing a five section signal head for left and/or right turns and 30 of those 77 intersections are controlled with a controller that is capable of displaying a FYA. He said these controllers can be converted to the FYA display at high traffic collision intersections and corridor treatments for consistency. He said compatible controllers at intersections without five section heads may be shifted to other intersections to allow more conversions. Future controller orders will target those intersections with incompatible controllers and five section left turn signal heads and future traffic signal projects will include FYA displays.

Mr. Lombardo said the City Council would need to approve an amendment to Section 20-1106, Traffic Control Signals: Flashing Lights. The next step would be educating the public by placing information in utility bills, news releases, and installing special signs next to the signal heads. He presented an example of an informational brochure and FYA sign currently used in Fort Smith, Arkansas.

Councilmember Cubberley asked if the City could pass an ordinance before State law is changed and Mr. Lombardo said he hopes the two will happen hand-in-hand; however, changes can be enforced in Norman through an ordinance amendment.

Councilmember Cubberley asked what it cost per signal to retrofit lights throughout Norman and Mr. Lombardo said it would cost approximately \$2000 per intersection or \$500 per signal head. He said this would be a perfect ACOG Safety Project and Staff will package a project that way.

Councilmember Quinn asked if there would be programming issues for a corridor when changing signs from the control panel and Mr. Lombardo said the ability is there and believes the entire traffic industry is moving in the direction of FYA.

Councilmember Butler asked the cost of the controller and Mr. Lombardo said approximately \$3000 to \$4000; however, he did not anticipate replacing any controllers. He said the City has a regular Controller Replacement Program to replace obsolete equipment, but Staff is looking at ways to make the changes without spending a lot of money and felt there are ways to do that.

Councilmember Cubberley asked safety savings have been quantified, such as in the number of accidents, to justify this program to the public and Mr. David Riesland, Assistant Traffic Engineer, said not really since this is such a new program, but there was an initial reduction in accidents and the NCHRP is trying to figure out if that reduction is staying consistent or if people adapt and fall back into patterns using the green ball. Councilmember Cubberley felt even a 20% reduction would be beneficial to the traveling public in the standpoint of insurance and property damage.

Chairman Quinn requested Staff present the information to Council in a Study Session.

Items submitted for the record

1. Memorandum dated October 26, 2010, from Angelo A. Lombardo, City Traffic Engineer, to City Council Transportation Committee Members
2. PowerPoint presentation entitled, "Flashing Yellow Arrow for Left Turn Displays," City Council Transportation Committee, October 28, 2010

MISCELLANEOUS DISCUSSION.

None.

The meeting adjourned at 5:50 p.m.

COUNCIL CONFERENCE MINUTES

December 14, 2010

The City Council of the City of Norman, Cleveland County, State of Oklahoma, met in a conference at 5:30 p.m. in the Municipal Building Conference Room on the 14th day of December, 2010, and notice and agenda of the meeting were posted at the Municipal Building at 201 West Gray, and the Norman Public Library at 225 North Webster 48 hours prior to the beginning of the meeting.

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

ABSENT: Councilmember Ezzell

DISCUSSION REGARDING ADOPTION OF AN ORDINANCE AMENDING THE REGULATIONS FOR A FLASHING YELLOW ARROW TRAFFIC SIGNAL INDICATION FOR LEFT TURN DISPLAYS.

Mr. Shawn O'Leary, Director of Public Works, said the City Council Transportation Committee reviewed the regulations for a flashing yellow arrow traffic signal for a left turn on October 28, 2010, and directed Staff to present the information to Council in a study session. He said the latest Manual on Uniform Traffic Control Devices (MUTCD), the national standards of practice utilized throughout the country, recommends that cities begin using flashing yellow arrows for left turns. He said the system to use flashing yellow arrows has been studied for nearly twenty years and was put into use in various cities around ten years ago. He said there are two traffic signal projects currently under construction where the yellow flashing arrow signalization could be installed at no cost to the City since they are federally funded. He said if Council approves the changes, the City of Norman would be the first city in Oklahoma to implement the national standard change.

Mr. David Riesland, Assistant Traffic Engineer, highlighted the current standards in Norman as follows:

- Permissive only phasing – traffic is permitted to turn only on a green ball – there are no left turn arrows provided
- Protected only phasing – traffic is allowed to turn only when a green arrow is visible – there are no left turns allowed on the green ball
- Protected/Permissive phasing – traffic turning left will be both a green arrow and a green ball at some time during the signal cycle

Mr. Riesland said permissive only phasing is the most common form of left turn treatment and is used in locations where volumes and operating speeds are low. Protected only phasing is used most often at locations that have a higher speed, higher volumes of traffic or where sight distance limitations may create vision problems for left turning vehicles. Protected/Permissive phasing (PPLT) is used when speeds are low enough and when additional capacity is needed to clear the left turn traffic volumes. He said in the protected phase, left turning traffic is protected from oncoming traffic in the protected interval during which the green arrow indication is displayed and the permissive phase displays a circular green indication and left turn movements are made after drivers yield to oncoming traffic and pedestrians. Mr. Riesland said advantages to PPLT phasing advantages are better mobility, improved traffic capacity, and less traffic delay while disadvantages include higher traffic collision rates, reduced signal phasing flexibility, and the yellow trap.

Mr. Riesland said, according to the National Cooperative Highway Research Program (NCHRP) Report findings, flashing yellow arrows (FYA) were found to be the best overall alternative to the circular green light as the permissive signal display for a left turn movement. The FYA was found to have a high level of understanding and correct response by left turn drivers and a lower fail critical rate than the circular green light. The FYA display, in a separate signal face for left turn movement, offers more versatility in field application as it is capable of being operated in any of the various modes of left turn operation by time of day and easily programmed to avoid the "yellow trap" associated with some permissive turns at the end of the circular green display.

Mr. Riesland said Norman currently has 77 signalized intersections utilizing a five section signal head for left and/or right turns and 30 of those 77 intersections are controlled with a controller that is capable of displaying a FYA. He said these controllers can be converted to the FYA display at high traffic collision intersections and corridor treatments for consistency. Future controller orders would target those intersections with incompatible controllers and five section left turn signal heads and future traffic signal projects would include FYA displays.

Mr. Riesland said a standard five section traffic signal head costs \$685 and it would cost approximately \$545 to upgrade a single four head traffic signal and up to \$2,180 to install a new signal head. He said the City has a regular Controller Replacement Program to replace obsolete equipment and Staff would target those intersections with incompatible controllers and five section left turn signal heads or shift some five section heads to other intersections to allow more conversions to save money.

Mr. Riesland said the City Council would need to approve an amendment to Section 20-1106, Traffic Control Signals: Flashing Lights and Staff would be educating the public by placing information in utility bills, news releases, and installing special signs next to the signal heads. He presented a draft ordinance, an example of the informational brochure, and a picture of the FYA sign currently used in Fort Smith, Arkansas.

Councilmember Atkins asked how the large non-resident population, such as university students, would be educated and Mr. O'Leary said Staff would need to work with the university to get educational materials to students. Councilmember Atkins asked if there have been any discussions with the Department of Public Safety (DPS) about adding this information into the driver's license manual and Mr. Riesland said the subject had been raised in a meeting with the Oklahoma Department of Transportation (ODOT) as something that needs to be pursued.

Councilmember Dillingham asked what the timetable was for the first implementation and Mr. O'Leary said the first opportunity to implement the signal would be at 36th Avenue N.W. and Rock Creek Road in late January or early February of 2011 and 24th Avenue N.W. and Rock Creek Road could be installed in June.

Councilmember Kovach said in addition to having benefits in reducing accidents, he felt it would be cost saving to implement the program with current construction projects before the federal government requires it and asked if that was why Staff was pushing the ordinance forward and Mr. O'Leary said yes. He said Staff is also considering submitting the concept as a safety project for ACOG funding in 2011 to upgrade all the traffic signals. Councilmember Quinn said the before and after statistics adds to the potential good of the FYA from a safety standpoint. Councilmember Dillingham asked if the federal government has ever reversed a regulation they have adopted into the MUTCD and Mr. Riesland said no. Mr. O'Leary said the government is very cautious about changing traffic standards in the MUTCD since it is used nationwide.

Mayor Rosenthal asked if the City had reviewed what it would cost if the City paid for the changes as opposed to using grant funds. She said that information would be helpful when looking at the capital budget to weigh the whole program against other capital projects.

Councilmember Kovach felt that implementing the three projects discussed, gives the City an opportunity to see how the program would work with the public before upgrading traffic signals throughout Norman. Councilmember Atkins asked if there was any training law enforcement would need in dealing with the changes and Mr. O'Leary said Staff has collaborated closely with the Norman Police Department as well as the County Sheriff's Department.

Mayor Rosenthal asked Staff to move forward with the ordinance in order to implement the program at the three selected intersections. She asked that Staff report to Council the status of the ACOG grants and Council will review the full signal program when they work on the capital budget.

Items submitted for the record

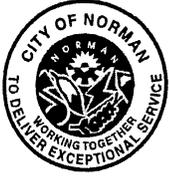
1. Memorandum dated December 8, 2010, from David Riesland, P.E., Assistant Traffic Engineer, to Honorable Mayor and City Councilmembers
2. PowerPoint presentation entitled, "Flashing Yellow Arrow for Left Turn Displays," City Council Conference, December 14, 2010
3. Draft Ordinance
4. Draft legislatively notated ordinance

The meeting adjourned at 6:00 p.m.

ATTEST:

City Clerk

Mayor



CITY COUNCIL AGENDA JANUARY 11, 2011

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

Item No. 17

Text File Number: O-1011-36

Introduced: 12/9/2010 by Jeanne Snider, Assistant City Attorney

Current Status: Non-Consent Items

Version: 1

Matter Type: Ordinance

Title

ORDINANCE NO. O-1011-36: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 20-607 OF CHAPTER 20 OF THE CODE OF THE CITY OF NORMAN CHANGING THE AGE OF CHILDREN REQUIRED TO BE PROTECTED BY A CHILD PASSENGER RESTRAINT SYSTEM; AND PROVIDING FOR THE SEVERABILITY THEREOF.

ACTION NEEDED: Motion to adopt Ordinance No. O-1011-36 upon Second Reading section by section.

ACTION TAKEN: _____

ACTION NEEDED: Motion to adopt Ordinance No. O-1011-36 upon Final Reading as a while.

ACTION TAKEN: _____

Body

BACKGROUND: This ordinance revision is presented to change the age of children required to be protected by a child passenger restraint system from age four (4) and five (5) to children under six (6) years of age and to meet the requirements of the Oklahoma State Statutes.

DISCUSSION: The Norman Police Department requested the ordinance revision.

In May 2010 the National Highway Traffic Safety Administration reported that injuries suffered in motor vehicle traffic accidents are the leading cause of death among children in the United States. Studies have shown that children who are correctly using the appropriate restraint for their sizes and ages are at a significantly lower risk of sustaining serious or fatal injuries. The injury outcome in children can be worse than similar injuries sustained by adults. For example, children who suffer traumatic brain injuries can experience lasting or late-appearing neuropsychological problems, highlighting the need for careful monitoring of children as they grow older. For this reason, head injuries are of particular concern when studying children injured in motor vehicle traffic accidents. The incident rate of incapacitating injuries is lower among children restrained in child safety seats. *National Highway Traffic Safety Administration, DOT HS 811 325, May 2010.*

Currently, Title 47 O.S. § 11-1112 states that every driver, when transporting a child under six (6) years of age in a motor vehicle on the roadways, streets or highways shall provide for the protection of said child by properly using a child passenger restraint system. It further provides that children at least six (6) years of age but younger than thirteen (13) years of age shall be protected by use of a child passenger restraint system or a seatbelt. There are some exceptions such as the driver of a school bus, taxicab or other vehicles not required to be equipped with seatbelts pursuant to federal laws, driver of an ambulance or emergency vehicle, driver of a vehicle in which all of the seat belts are in use, transportation of children, who for medical reasons, are unable to be placed in such devices; or transportation of a child who weighs more than forty (40) pounds and who is being transported in the back seat of a vehicle while wearing only a lap safety belt or when lap and shoulder safety belts in the back seat are being used by other children who weigh more than forty (40) pounds.

The City currently has an ordinance which regulates child passenger restraint systems. The revised ordinance would reflect current state law. Any person convicted of violating Sec. 20-607 shall be punished with a fine of \$50.00, which is the current fine amount. The fine shall be suspended and the court costs limited to a maximum of \$15.00 in the case of a first offense upon proof of purchase or acquisition by loan of a child passenger restraint system to encourage compliance of the ordinance.

RECOMMENDATION: Based upon the above and foregoing, it is the recommendation of the City Attorney's Office that the City revise Sec. 20-607 of the City Code regulating child passenger restraint systems.

AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 20-607 OF CHAPTER 20 OF THE CODE OF THE CITY OF NORMAN CHANGING THE AGE OF CHILDREN REQUIRED TO BE PROTECTED BY A CHILD PASSENGER RESTRAINT SYSTEM; AND PROVIDING FOR THE SEVERABILITY THEREOF.

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

§ 1. That Section 20-607 of Chapter 20 of the Code of the City of Norman shall be amended to read as follows:

Sec. 20-607. Child passenger restraint system.

(a) Every driver, when transporting a child under six (6) years of age in a motor vehicle operated on the roadways, streets, or highways of this state, shall provide for the protection of said child by properly using a child passenger restraint system. A "child passenger restraint system" means an infant or child passenger restraint system which meets the federal standards as set by 49 C.F.R., Section 571.213.

(b) Children at least six (6) years of age but younger than thirteen (13) years of age shall be protected by use of a child passenger restraint system or a seat belt.

(c) The provisions of this section shall not apply to:

- (1) The driver of a school bus, taxi cab, moped, motorcycle, or other motor vehicle not required to be equipped with safety belts pursuant to state or federal laws;
- (2) The driver of an ambulance or other emergency vehicle;
- (3) The driver of a vehicle in which all of the seat belts are in use;
- (4) The transportation of children who, for medical reason, are unable to be placed in such devices or
- (5) The transportation of a child who weighs more than forty (40) pounds and who is being transported in the back seat of a vehicle while wearing only a lap safety belt when the back seat of a vehicle is not equipped with combination lap and shoulder safety belts, or when the combination lap and shoulder safety belts in the back seat are being used by other children who weigh more than forty (40) pounds. Provided, however, for purposes of this paragraph, back seat shall include all seats located behind the front seat of a vehicle operated by a licensed child care facility or church. Provided further, there shall be a rebuttable presumption that a child has met the weight requirements of this paragraph if at

the request of any law enforcement officer, the licensed child care facility or church provides the officer with a written statement verified by the parent or legal guardian that the child weighs more than forty (40) pounds.

(d) Any person convicted of violating subsection (a) or (b) of this section shall be punished by a fine of Fifty Dollars (\$50.00) and shall pay all court costs thereof. This fine shall be suspended and the court costs limited to a maximum of Fifteen Dollars (\$15.00) in the case of the first offense upon proof of purchase or acquisition by loan of a child passenger restraint system.

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

ADOPTED this _____ day
of _____, 2011.

NOT ADOPTED this _____ day
of _____, 2011.

Cindy Rosenthal, Mayor

Cindy Rosenthal, Mayor

ATTEST:

Brenda Hall, City Clerk

AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 20-607 OF CHAPTER 20 OF THE CODE OF THE CITY OF NORMAN CHANGING THE AGE OF CHILDREN REQUIRED TO BE PROTECTED BY A CHILD PASSENGER RESTRAINT SYSTEM; AND PROVIDING FOR THE SEVERABILITY THEREOF.

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

§ 1. That Section 20-607 of Chapter 20 of the Code of the City of Norman shall be amended to read as follows:

Sec. 20-607. ~~Motor vehicle equipment for children under the age of six.~~
Child passenger restraint system.

~~(a) Except as otherwise provided: Every driver, when transporting a child under six (6) years of age in a motor vehicle operated on the roadways, streets, or highways of this state, shall provide for the protection of said child by properly using a child passenger restraint system. A "child passenger restraint system" means an infant or child passenger restraint system which meets the federal standards as set by 49 C.F.R., Section 571.213.~~

~~(1) Every driver, when transporting a child under four (4) years of age, weighing sixty (60) pounds or less, in a motor vehicle operated on the roadways, streets, or highways of this state, shall provide for the protection of such child by properly using a child passenger restraining system.~~

~~(2) Children four (4) and five (5) years of age shall be protected by a child passenger restraint system or a seat belt.~~

~~(3) A "child passenger restraint system" means an infant or child passenger restraint system that meets the federal standards for crash tested restraint systems as set by the United States Department of Transportation.~~

(b) Children at least six (6) years of age but younger than thirteen (13) years of age shall be protected by use of a child passenger restraint system or a seat belt.

~~(b)c~~ The provisions of this subsection (a) shall not apply to:

~~(1) A nonresident driver transporting a child in this state;~~

~~(2) The driver of a school bus, taxi cab, moped, motorcycle, or other motor vehicle not required to be equipped with safety belts pursuant to state or federal laws;~~

~~(3) The driver of an ambulance or other emergency vehicle;~~

~~(4) The driver of a vehicle if in which all of the seat belts in the vehicles are in use;~~

~~(5) The transportation of children who, for medical reason, are unable to be placed in such devices; or~~

(5) The transportation of a child who weighs more than forty (40) pounds and who is being transported in the back seat of a vehicle while wearing only a lap safety belt when the back seat of a vehicle is not equipped with combination lap and shoulder safety belts, or when the combination lap and shoulder safety belts in the back seat are being used by other children who weigh more than forty (40) pounds. Provided, however, for purposes of this paragraph, back seat shall include all seats located behind the front seat of a vehicle operated by a licensed child care facility or church. Provided further, there shall be a rebuttable presumption that a child has met the weight requirements of this paragraph if at the request of any law enforcement officer, the licensed child care facility or church provides the officer with a written statement verified by the parent or legal guardian that the child weighs more than forty (40) pounds.

~~(e) The provisions for civil litigation concerning violations of this section are provided in Title 47, Oklahoma Statutes, Section 11-1112, which are hereby incorporated into the Code of the City of Norman, Oklahoma, with the same force and effect as if fully set out in this subsection.~~

~~(d) Pursuant to Title 47, Oklahoma Statutes, Section 11-1112(G), the fine enumerated by the Code of the City of Norman, Section 20-210(e), shall be suspended in the case of the first offense upon proof of purchase or acquisition by loan of a child passenger restraint system. Any person convicted of violating subsection (a) or (b) of this section shall be punished by a fine of Fifty Dollars (\$50.00) and shall pay all court costs thereof. This fine shall be suspended and the court costs limited to a maximum of Fifteen Dollars (\$15.00) in the case of the first offense upon proof of purchase or acquisition by loan of a child passenger restraint system.~~

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

ADOPTED this _____ day
of _____, 2011.

NOT ADOPTED this _____ day
of _____, 2011.

Cindy Rosenthal, Mayor

Cindy Rosenthal, Mayor

ATTEST:

Brenda Hall, City Clerk



CITY COUNCIL AGENDA JANUARY 11, 2011

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

Item No. 19

Text File Number: GID-1011-9

Introduced: 1/5/2011 by Rebecca Frazier, Assistant City Attorney

Current Status: Non-Consent Items

Version: 1

Matter Type: Settlement

Title

CONSIDERATION OF ADJOURNING INTO AN EXECUTIVE SESSION AS AUTHORIZED BY OKLAHOMA STATUTES TITLE 25 §307(B)(4) IN ORDER TO DISCUSS WORKERS' COMPENSATION COURT CASE NOS. WCC-2008-06751K; WCC-2009-14997H; AND WCC-2010-05927L, JIMMY O'NEAL VS. THE CITY OF NORMAN AND AS AUTHORIZED BY OKLAHOMA STATUTES TITLE 25 §307(B)(2) TO DISCUSS NEGOTIATIONS CONCERNING EMPLOYEES AND REPRESENTATIVES OF EMPLOYEE GROUPS.

INFORMATION: Pursuant to 25 O.S., Section 307(B)(4), allows confidential communications between a public body and its attorney concerning a pending investigation, claim, or action if the public body, with the advice of its attorney, determines that disclosure will seriously impair the ability of the public body to process the claim or conduct a pending investigation, litigation, or proceeding in the public interest and 25 O.S., Section 307(B)(2) allows discussion of negotiations concerning employees and representatives of employee groups. Thereupon, this item is submitted for City Council's consideration.

ACTION NEEDED: Motion to adjourn out of the Council meeting and convene into an Executive Session in order to discuss Workers' Compensation Court Case Nos. WCC-2008-06751K; WCC-2009-14997H; and WCC-2010-05927L, Jimmy O'Neal vs. the City of Norman and as authorized by Oklahoma Statutes Title 25 §307(B)(2) to discuss negotiations concerning employees and representatives of employee groups.

ACTION TAKEN: _____

ACTION NEEDED: Motion to adjourn out of Executive Session and reconvene the Council Meeting.

ACTION TAKEN: _____