City of Norman, OK

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

Meeting Agenda

Tuesday, January 25, 2011

6:30 PM

Municipal Building Council Chambers

City Council

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

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

1 Roll Call

2 Pledge of Allegiance

Awards and Presentations

3 TMP-121 PRESENTATION OF THE MAYOR'S CITIZENSHIP AWARDS TO STUDENTS OF JACKSON ELEMENTARY SCHOOL.

ACTION NEEDED: Allow the Mayor to present Citizenship Awards to students from Jackson Elementary School.

ACTION TAKEN: _____

4 TMP-116 PRESENTATION OF AWARDS FROM THE OKLAHOMA MUNICIPAL LEAGUE TO THE FOLLOWING CITY OF NORMAN EMPLOYEES WHO HAVE COMPLETED 25 YEARS OF CONTINUOUS SERVICE:

BEVERLY ARMSTRONG, ADMINISTRATIVE TECHNICIAN, POLICE DEPARTMENT
JOHN BAZE, WASTEWATER TREATMENT PLANT MECHANIC
JEFF BERNHARDT, FIRE CAPTAIN
ANDREW BRUEHL, WATER TREATMENT PLANT OPERATOR
FRANK CRAWLEY, FIRE CAPTAIN
GRANT DEASON, ASSISTANT FIRE CHIEF
STEVEN DUREN, FIRE DRIVER ENGINEER
DAVID HAGER, LINE MAINTENANCE SUPERINTENDENT
RICHARD HARTLESS, FIREFIGHTER
FRED HENDERSON, JR., FIRE MARSHAL
KURT HOLLEY, FIRE CAPTAIN
GARY LOEFFELHOLZ, STORMWATER LOCATOR/INSPECTOR
RYAN LUKINBILL, FIRE CAPTAIN
BRENTON PORTER, FIREFIGHTER
DENA ROHR, POLICE DEPARTMENT DRUG INTELLIGENCE ANALYST
ERIC SPOR, FIRE CAPTAIN
DENNIS SUBLETT, FIREFIGHTER
TIMOTHY SUCHY, FIREFIGHTER
GARY TODD, WASTEWATER TREATMENT PLANT HEAVY EQUIPMENT OPERATOR
ROBERT TRAVIS, LINE MAINTENANCE DIVISION HEAVY EQUIPMENT OPERATOR
BILL ULCH, PARKS AND RECREATION SUPERINTENDENT
DEBORAH WHITAKER, MUNICIPAL ACCOUNTANT

ACTION NEEDED: Allow the Mayor to present awards to City of Norman employees who have completed 25 years of continuous service.

ACTION TAKEN: _____

5 **P-1011-9** PROCLAMATION NO. P-1011-9: A PROCLAMATION OF THE MAYOR OF THE CITY OF NORMAN, OKLAHOMA, PROCLAIMING SATURDAY, FEBRUARY 19, 2011, AS NATIONAL AMERICAN BUSINESS CLUBS (AMBUCS) SERVICE DAY IN THE CITY OF NORMAN.

ACTION NEEDED: Motion to acknowledge receipt of Proclamation No. P-1011-9 proclaiming Saturday, February 19, 2011, as National American Business Clubs (AMBUCS) Service Day in the City of Norman.

ACTION TAKEN: _____

Attachments: AMBUCS Service Day

6 **P-1011-10** PROCLAMATION NO. P-1011-10: A PROCLAMATION OF THE MAYOR OF THE CITY OF NORMAN, OKLAHOMA, PROCLAIMING THE MONTH OF FEBRUARY, 2011, AS BLACK HISTORY MONTH IN THE CITY OF NORMAN.

ACTION NEEDED: Motion to acknowledge receipt of Proclamation No. P-1011-10 proclaiming the month of February, 2011, as Black History Month in the City of Norman.

ACTION TAKEN: _____

Attachments: Black History Month

7 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 8 through Item 26 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:

8 GID-1011-07

CONSIDERATION OF APPROVAL OF THE MINUTES AS FOLLOWS:

CITY COUNCIL STUDY SESSION MINUTES OF JANUARY 4, 2011
CITY COUNCIL CONFERENCE MINUTES OF JANUARY 11, 2011
CITY COUNCIL MINUTES OF JANUARY 11, 2011
NORMAN UTILITIES AUTHORITY MINUTES OF JANUARY 11, 2011
NORMAN MUNICIPAL AUTHORITY MINUTES OF JANUARY 11, 2011
NORMAN TAX INCREMENT FINANCE AUTHORITY MINUTES OF JANUARY 11, 2011

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

ACTION TAKEN: _____

Attachments: January 4 SS Minutes
January 11 Conference Minutes
January 11 CC Minutes

9 RPT-1011-27 SUBMISSION AND ACKNOWLEDGING RECEIPT OF THE FINANCE DIRECTOR'S INVESTMENT REPORT AS OF DECEMBER 31, 2010, AND DIRECTING THE FILING THEREOF.

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

ACTION TAKEN: _____

10 RPT-1011-28 SUBMISSION AND ACKNOWLEDGING RECEIPT OF THE MONTHLY DEPARTMENTAL REPORTS FOR THE MONTH OF DECEMBER, 2010, AND DIRECTING THE FILING THEREOF.

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

ACTION TAKEN: _____

11 **RPT-1011-29** SUBMISSION OF THE 2010 ANNUAL REPORT FROM THE BOARD OF PARKS COMMISSIONERS.

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

ACTION TAKEN: _____

Attachments: Parks Board Annual Report

12 **K-1011-86** CONSIDERATION OF AWARDING OF BID NO. 1011-41 AND APPROVAL OF CONTRACT NO. K-1011-86 WITH RDNJ, INC., D/B/A A-TECH PAVING IN THE AMOUNT OF $550,410.50, CHANGE ORDER NO. ONE INCREASING THE CONTRACT AMOUNT BY $103,742.50, AND RESOLUTION NO. R-1011-50 FOR THE 2010 URBAN CONCRETE PAVEMENT REHABILITATION BOND PROJECTS.

ACTION NEEDED: Motion to accept or reject all bids meeting specifications; and, if accepted, award the bid in the amount of $550,410.50 to RDNJ, Inc., d/b/a A-Tech Paving as the lowest and best bidder meeting specifications; approve Contract No. K-1011-86 and Change Order No. One increasing the contract amount by $103,742.50; authorize execution of contract and change order and the Mayor to sign Performance Bond No. B-1011-51, Statutory Bond No. B-1011-52, and Maintenance Bond No. MB-1011-55 contingent upon the City Attorney's approval; and adopt Resolution No. R-1011-50.

ACTION TAKEN: _____

Attachments: Urban Concrete Bid Tab
Urban Concrete Pavement Locations
MAP CONCRETE LOCATIONS
RDNJ - CONTRACT K-1011-86
Change Order -Urban Concrete
PERFORMANCE BOND 1011-51
STATUTORY BOND 1011-52
MAINTENANCE BOND 1011-55
R-1011-50
PR - RDNJ

13 **K-1011-126** CONSIDERATION OF AWARDING OF BID NO. 1011-50; APPROVAL OF CONTRACT NO. K-1011-126 WITH TRAFFIC SIGNALS, INC., IN THE AMOUNT OF $40,972.50; CHANGE ORDER NO. ONE DECREASING THE CONTRACT BY $900; PERFORMANCE BOND NO. B-1011-61; STATUTORY BOND NO. B-1011-62; MAINTENANCE BOND NO. MB-1011-68; AND RESOLUTION NO. R-1011-79 FOR FYE 2011 SOLAR POWERED RADAR SPEED FEEDBACK UNITS TO BE PLACED ON WALNUT ROAD, CHERRY CREEK DRIVE, WESTERN VIEW DRIVE, AND NORTHCLIFF AVENUE.

ACTION NEEDED: Motion to accept or reject all bids meeting specifications; and, if accepted, award the bid in the amount of $40,972.50 to Traffic Signals, Inc., as the lowest and best bidder meeting specifications; approve Contract No. K-1011-126, Change Order No. One decreasing the contract amount by $900, and the performance, statutory, and maintenance bonds; authorize execution of the contract and change order, direct the filing of the bonds; and adopt Resolution No. R-1011-79.

ACTION TAKEN: _____

Attachments: Bid Record Bid No. 1011-50
Location maps
K-1011-126
Perf B-1011-61
Stat B-1011-62
MB-1011-68
R-1011-79
PR Traffic Signals, Inc.

14 **K-1011-125** CONSIDERATION OF AWARDING OF BID NO. 1011-51, CONTRACT NO. K-1011-125 WITH SILVER STAR CONSTRUCTION, INC., IN THE AMOUNT OF $680,960; PERFORMANCE BOND NO. B-1011-59; STATUTORY BOND NO. B-1011-60; MAINTENANCE BOND NO. MB-1011-67; AND RESOLUTION NO. R-1011-72 FOR THE 2010 URBAN ASPHALT PAVEMENT REHABILITATION BOND PROGRAM.

ACTION NEEDED: Motion to accept or reject all bids meeting specifications; and, if accepted, award the bid in the amount of $680,960 to Silver Star Construction, Inc., as the lowest and best bidder meeting specifications; approve Contract No. K-1011-125 and the performance, statutory, and maintenance bonds; authorize execution of the contract, direct the filing of the bonds, and adopt Resolution No. R-1011-72.

ACTION TAKEN: _____

Attachments: Irban Asphalt Bid Tab
Uban Asphalt Project Locations
MAP - ASPHALT
K-1011-125
Perf B-1011-59
Stat B-1011-60
MB-1011-67
R-1011-72
PR- Silver Star

15 **WW000014100161** SUBMISSION OF PERMIT NO. WW-000014100161 ISSUED BY THE STATE OF OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY (ODEQ) FOR THE CONSTRUCTION OF WATER WELLS IN CONNECTION WITH THE PHASE 2B WATER LINE CONSTRUCTION PROJECT.

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

ACTION TAKEN: _____

Attachments: ODEQ Permit

16 **OK-DR-1917 #5** CONSIDERATION OF ACCEPTANCE OF REIMBURSEMENT OF FUNDS IN THE AMOUNT OF $297,466.52 FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FOR TORNADO RELATED DAMAGE DURING MAY 2010.

ACTION NEEDED: Motion to accept or reject reimbursement of funds in the amount of $297,466.52 from FEMA for tornado related damage during May 2010; and, if accepted, increase FEMA Reimbursements (010-0000-334.13-28) by $297,466.52.

ACTION TAKEN: _____

17 **LL-1011-9** LIMITED LICENSE NO. LL-1011-9: LIMITED LICENSE TO PLACE FOUR (4) SIGNS WITHIN THE PUBLIC RIGHTS-OF-WAY PURSUANT TO A REQUEST FROM FRIENDS OF THE NORMAN LIBRARY FOR THE ROMANCE BOOK SALE TO BE HELD FEBRUARY 5, 2011.

ACTION NEEDED: Motion to approve or reject Limited License No. LL-1011-9 to place four (4) signs within the public rights-of-way pursuant to a request from Friends of the Norman Library; and, if approved, authorize the issuance thereof.

ACTION TAKEN: _____

Attachments: Letter of Request
Friends of Library Application
Location Map
Limited LIcense LL-1011-9

18 **K-0910-27 Amend #1**

AMENDMENT NO. ONE TO CONTRACT NO. K-0910-27: BY AND BETWEEN THE NORMAN UTILITIES AUTHORITY AND RED CLIFF, INC., INCREASING THE CONTRACT AMOUNT BY $175,000 AND EXTENDING THE CONTRACT BY 240 CALENDAR DAYS FOR THE LITTLE RIVER INTERCEPTOR PHASE III AND THE NORTHWEST INTERCEPTORS PROJECT.

ACTION NEEDED: Acting as the Norman Utilities Authority, motion to approve or reject Amendment No. One to Contract No. K-0910-27 with Red Cliff, Inc., increasing the contract amount by $175,000 and extending the contract by 240 calendar days; and, if approved, authorize the execution thereof.

ACTION TAKEN: _____

Attachments: Amendment 1 to K-0910-27
PO Red Cliff

19 **K-1011-70 Final**

CONSIDERATION OF FINAL ACCEPTANCE AND FINAL PAYMENT OF CONTRACT NO. K-1011-70 BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND TOM'S QUALITY CONSTRUCTION FOR THE MOORE-LINDSEY EXTERIOR PAINTING PROJECT. (HISTORICAL HOUSE LOCATED AT 508 NORTH PETERS AVENUE).

ACTION NEEDED: Motion to accept or reject the project; and, if accepted, direct final payment in the amount of $2,152.75 to Tom's Quality Construction.

ACTION TAKEN: _____

Attachments: PO Tom's Quality Construction

20 **K-1011-128** CONTRACT NO. K-1011-128: A RELOCATION AGREEMENT BY AND BETWEEN THE CITY OF NORMAN AND OKLAHOMA GAS & ELECTRIC COMPANY IN THE AMOUNT OF $65,964 FOR UTILITY RELOCATION ASSOCIATED WITH THE 12TH AVENUE N.E. AND ROBINSON STREET INTERSECTION PROJECT.

ACTION NEEDED: Motion to approve or reject Contract No. K-1011-128 with Oklahoma Gas & Electric Company, and, if approved, authorize the execution of the contract.

ACTION TAKEN: _____

Attachments: K-1011-128
Location Map 12th & Robinson.pdf
Req No. 181379.pdf

21 **K-1011-130** CONTRACT NO. K-1011-130: A CONTRACT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND LASHAR HOME COMFORT SYSTEMS, L.L.C., IN THE AMOUNT OF $25,392 FOR THE SENIOR CITIZENS CENTER HVAC IMPROVEMENTS PROJECT, MAINTENANCE BOND NO. MB-1011-73, RESOLUTION NO. R-1011-78 AND BUDGET TRANSFER.

ACTION NEEDED: Motion to approve or reject Contract No. K-1011-130 with Lashar Home Comfort Systems, L.L.C., in the amount of $25,392 and Maintenance Bond No. MB-1011-73; and, if approved, authorize execution of the contract, direct the filing of the maintenance bond; adopt Resolution No. R-1011-78; and transfer $1,392 from Project No. EF0139, Three Recreation Center Ventilation, Construction (050-9677-419.61-01) to Project No. EF00137, Senior Center Lower HVAC, Construction (050-9677-419.61-01).

ACTION TAKEN: _____

Attachments: Lashar Proposal
K-1011-130
MB-1011-73
R-1011-78
PO Lasher

22 **K-1011-132** CONTRACT NO. K-1011-132: A CONTRACT BY AND BETWEEN THE NORMAN MUNICIPAL AUTHORITY AND SIMPBELL, INC., D/B/A WESTWOOD GRILL FOR THE OPERATION OF WESTWOOD GOLF COURSE RESTAURANT AND TERMINATION OF CONTRACT NO. K-0405-134 AND ASSIGNMENT OF CONTRACT NO. K-0405-134.

ACTION NEEDED: Acting as the Norman Municipal Authority, motion to approve or reject Contract No. K-1011-132 with Simpbell, Inc., d/b/a Westwood Grill for the operation of the Westwood Golf Course Restaurant; and, if approved, authorize the execution thereof and terminate Contract No. K-0405-134 and its assignment.

ACTION TAKEN: _____

Attachments: K-1011-132
K-0405-134
Assignment of Contract to Simpbell

23 **2007-07273L** CONSIDERATION OF THE CITY ATTORNEY'S RECOMMENDATION FOR APPROVAL OF A COURT ORDER IN THE AMOUNT OF $62,260.63. REGARDING WILLIAM SCOTT KENT VS. THE CITY OF NORMAN, WORKERS' COMPENSATION COURT CASE NO. WCC-2007-07273L.

ACTION NEEDED: Motion to approve or reject the City Attorney's recommendation; and, if approved, authorize compliance with the Workers' Compensation Court Order and direct payment of claims in the amount of $62,260.63 which will constitute judgment against the City of Norman.

ACTION TAKEN: _____

Attachments: Attachment 2 - Tables
Court Order Left-Right Foot
Purchase Requisitions

24 2010-09832 A

CONSIDERATION OF THE CITY ATTORNEY'S RECOMMENDATION FOR APPROVAL OF A COURT ORDER IN THE AMOUNT OF $16,590.11 REGARDING ALLEN SHELTON VS. THE CITY OF NORMAN, WORKERS' COMPENSATION COURT CASE NO. WCC-2008-13818L CONSOLIDATED WITH WORKERS' COMPENSATION COURT CASE NO. WCC-2010-09832A.

ACTION NEEDED: Motion to approve or reject the City Attorney's recommendation; and, if approved, authorize compliance with the Workers' Compensation Court Order and direct payment of claims in the amount of $16,590.11 which will constitute judgment against the City of Norman.

ACTION TAKEN: _____

Attachments: Attachment 2-Table
Court Award
Purchase Requisitions

25 **R-1011-85**

RESOLUTION NO. R-1011-85: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AUTHORIZING JOINT PETITION SETTLEMENT OF CLAIMS BY JIMMY O'NEAL UNDER THE PROVISIONS OF THE WORKERS' COMPENSATION STATUTES OF THE STATE OF OKLAHOMA IN THE CASES OF JIMMY O'NEAL V. THE CITY OF NORMAN, WORKERS' COMPENSATION CASE NOS. WCC-2008-6751 K; WCC 2009-14997 H; AND WCC 201-059271 L; DIRECTING THE LEGAL DEPARTMENT TO THEN FILE SUCH SETTLEMENT AND ALL ATTENDANT COSTS IN THE WORKERS' COMPENSATION COURT, OKLAHOMA CITY, OKLAHOMA; AND AUTHORIZING AND DIRECTING THE FINANCE DIRECTOR TO SUBSEQUENTLY PURCHASE SUCH WORKERS' COMPENSATION COURT JUDGMENTS FROM THE RISK MANAGEMENT INSURANCE FUND.

ACTION NEEDED: Motion to approve or reject the City Attorney's recommendation; and, if approved, authorize compliance with the Workers' Compensation Court Order and direct payment of claims in the amount of $145,000 which will constitute judgment against the City of Norman along with applicable taxes and fees in the additional amount of $4,525.50.

ACTION TAKEN: _____

Attachments: Agenda Item Attachment 1.pdf
R-1011-85
Purchase Requisitions

26 **R-1011-86**

RESOLUTION NO. R-1011-86: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, APPROPRIATING $2,156.40 FROM A RISK MANAGEMENT REVENUE ACCOUNT IN ORDER TO REPLACE A DAMAGED BRUSH HOG FOR THE PARK MAINTENANCE DIVISION.

ACTION NEEDED: Motion to adopt or reject Resolution No. R-1011-86.

ACTION TAKEN: _____

Attachments: R-1011-86

Non-Consent Items

27 **RPT-1011-3** UPDATE ON THE PROGRESS MADE AT 304 SOUTH STEWART AVENUE AS REQUESTED BY CITY COUNCIL IN CONNECTION WITH CONDEMNATION OF SAID PROPERTY PER RESOLUTION NO. R-0910-60.

ACTION NEEDED: Motion to allow Revitalization Manager to update City Council regarding the progress made at 304 South Stewart Avenue.

ACTION TAKEN: _____

Attachments: 304 South Stewart Update Photos
Pertinent excerpts from October 27, 2009 CC Minutes
Pertinent excerpts from January 26, 2010 CC Minutes
Pert Excerpts July 27, 2010 CC minutes

Legislative History

7/27/10 City Council

R-1011-74 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.

ACTION NEEDED: Motion to adopt or reject Resolution No. R-1011-74.

ACTION TAKEN: _____

Attachments: R-1011-74
R-1010-74 Exhibits A and B
Crafton Tull Sparks 102610
Resolution R-0809-133
Contract K-0809-128

Legislative History

12/28/10 City Council withdrawn by staff

29 **R-1011-65** RESOLUTION NO. R-1011-65: 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-1011-3, SO AS TO PLACE MOST OF LOT 1, BLOCK 13, TULLS ADDITION, SECTION 1, TO THE CITY OF NORMAN, CLEVELAND COUNTY, OKLAHOMA, IN THE COMMERCIAL DESIGNATION AND REMOVE THE SAME FROM THE OFFICE DESIGNATION FOR THE HEREINAFTER DESCRIBED PROPERTY. (231 EAST ROBINSON STREET)

ACTION NEEDED: Motion to adopt or reject Resolution No. R-1011-65, Land Use Plan Amendment No. LUP-1011-3; and, if adopted, amend the NORMAN 2025 Land Use and Transportation Plan according thereto.

ACTION TAKEN: _____

Attachments: R-1011-65
2025 Map - TGV
Staff Report - TGV 2025
12-9-10 Minutes - TGV

Legislative History

12/9/10	Planning Commission	Recommended for Adoption and forwarded to City Council

30 **O-1011-29** ORDINANCE NO. 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; AND PROVIDING FOR THE SEVERABILITY THEREOF. (231 EAST ROBINSON STREET)

ACTION NEEDED: Motion to adopt or reject Ordinance No. O-1011-29 upon Second Reading section by section.

ACTION TAKEN: _____

ACTION NEEDED: Motion to adopt or reject Ordinance No. O-1011-29 upon Final Reading as a whole.

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

Legislative History

12/9/10	Planning Commission	Recommended for Adoption and forwarded to City Council
1/11/11	City Council	Introduced and adopted on First Reading by title only

31 **O-1011-30** ORDINANCE NO. O-1011-30: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 460 OF CHAPTER 22 OF THE CODE OF THE CITY OF NORMAN SO AS TO PLACE 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 adopt or reject Ordinance No. O-1011-30 upon Second Reading section by section.

ACTION TAKEN: _____

ACTION NEEDED: Motion to adopt or reject Ordinance No. O-1011-30 upon Final Reading as a whole.

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

Legislative History

12/9/10	Planning Commission	Recommended for Adoption and forwarded to City Council
1/11/11	City Council	Introduced and adopted on First Reading by title only

32 **PP-1011-9** CONSIDERATION OF A PRELIMINARY PLAT FOR SIGMA NU ADDITION.

ACTION NEEDED: Motion to approve or reject the preliminary plat for Sigma Nu Addition.

ACTION TAKEN: _____

Attachments: Table - Traffic Impact Analyis.doc
Location Map - Sigma Nu
Staff Report Sigma Nu Prelim
Prelim Plat - Sigma Nu
Preliminary Site Plan - Sigma Nu
12-9-10 Minutes - Sigma Norman
2010-12 Park Board Minutes Sigma Nu.pdf

Legislative History

12/9/10	Planning Commission	Recommended for Adoption and forwarded to City Council

33 **O-1011-5** ORDINANCE NO. O-1011-5: 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 adopt or reject Ordinance No. O-1011-5 upon Second Reading section by section.

ACTION TAKEN: _____

ACTION NEEDED: Motion to adopt or reject Ordinance No. O-1011-5 upon Final Reading as a whole.

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

Legislative History

1/11/11	City Council	Introduced and adopted on First Reading by title only

34 **R-1011-80** RESOLUTION NO. R-1011-80: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, ESTABLISHING AN OBJECTIVE TO EXERCISE BEST EFFORTS TO OBTAIN GOODS AND SERVICES LOCALLY WHEN POSSIBLE.

ACTION NEEDED: Motion to adopt or reject Resolution No. R-1011-80.

ACTION TAKEN: _____

Attachments: R-1011-80 Local Preference
R-0910-114
Pert Excerpts Finance 6-16-10
Pert Exc Finance 7-21-10
Pert Exc Finance 10-20-10

35 **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.

36 **Adjournment**

CITY COUNCIL AGENDA
JANUARY 25, 2011

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

Item No. 3

Text File Number: TMP-121

Introduced: 1/11/2011 by Carol Coles, Administrative Assistant

Current Status: Consent Item

Version: 1

Matter Type: Award

Title

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

ACTION NEEDED: Allow the Mayor to present Citizenship Awards to students from Jackson Elementary School.

ACTION TAKEN: _____

CITY COUNCIL AGENDA
JANUARY 25, 2011

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

Item No. 4

Text File Number: TMP-116

Introduced: 12/16/2010 **Current Status:** Consent Item

Version: 1 **Matter Type:** Award

Title

PRESENTATION OF AWARDS FROM THE OKLAHOMA MUNICIPAL LEAGUE TO THE FOLLOWING CITY OF NORMAN EMPLOYEES WHO HAVE COMPLETED 25 YEARS OF CONTINUOUS SERVICE:

BEVERLY ARMSTRONG, ADMINISTRATIVE TECHNICIAN, POLICE DEPARTMENT
JOHN BAZE, WASTEWATER TREATMENT PLANT MECHANIC
JEFF BERNHARDT, FIRE CAPTAIN
ANDREW BRUEHL, WATER TREATMENT PLANT OPERATOR
FRANK CRAWLEY, FIRE CAPTAIN
GRANT DEASON, ASSISTANT FIRE CHIEF
STEVEN DUREN, FIRE DRIVER ENGINEER
DAVID HAGER, LINE MAINTENANCE SUPERINTENDENT
RICHARD HARTLESS, FIREFIGHTER
FRED HENDERSON, JR., FIRE MARSHAL
KURT HOLLEY, FIRE CAPTAIN
GARY LOEFFELHOLZ, STORMWATER LOCATOR/INSPECTOR
RYAN LUKINBILL, FIRE CAPTAIN
BRENTON PORTER, FIREFIGHTER
DENA ROHR, POLICE DEPARTMENT DRUG INTELLIGENCE ANALYST
ERIC SPOR, FIRE CAPTAIN
DENNIS SUBLETT, FIREFIGHTER
TIMOTHY SUCHY, FIREFIGHTER
GARY TODD, WASTEWATER TREATMENT PLANT HEAVY EQUIPMENT OPERATOR
ROBERT TRAVIS, LINE MAINTENANCE DIVISION HEAVY EQUIPMENT OPERATOR
BILL ULCH, PARKS AND RECREATION SUPERINTENDENT
DEBORAH WHITAKER, MUNICIPAL ACCOUNTANT

ACTION NEEDED: Allow the Mayor to present awards to City of Norman employees who have completed 25 years of continuous service.

ACTION TAKEN: _____

CITY COUNCIL AGENDA
JANUARY 25, 2011

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

Item No. 5

Text File Number: P-1011-9

Introduced: 1/6/2011 **Current Status:** Consent Item

Version: 1 **Matter Type:** Proclamation

Title

PROCLAMATION NO. P-1011-9: A PROCLAMATION OF THE MAYOR OF THE CITY OF NORMAN, OKLAHOMA, PROCLAIMING SATURDAY, FEBRUARY 19, 2011, AS NATIONAL AMERICAN BUSINESS CLUBS (AMBUCS) SERVICE DAY IN THE CITY OF NORMAN.

ACTION NEEDED: Motion to acknowledge receipt of Proclamation No. P-1011-9 proclaiming Saturday, February 19, 2011, as National American Business Clubs (AMBUCS) Service Day in the City of Norman.

ACTION TAKEN: _____

Proclamation

P-1011-9

A PROCLAMATION OF THE MAYOR OF THE CITY OF NORMAN, OKLAHOMA, PROCLAIMING SATURDAY, FEBRUARY 19, 2011, AS NATIONAL AMERICAN BUSINESS CLUBS (AMBUCS) SERVICE DAY IN THE CITY OF NORMAN.

§ 1. WHEREAS, the Sooner Chapter of AMBUCS is a service club dedicated to creating mobility and independence for people with disabilities and will celebrate its 21st anniversary in Norman this year; and

§ 2. WHEREAS, AMBUCS operated the ASK Project which recycles older computers and computer parts into usable computers for people with disabilities placing 6,000 computer systems with Oklahoma children and adults with disabilities over the last 121 years; and

§ 3. WHEREAS, Sooner AMBUCS was selected by the State of Oklahoma as the focus of the observance of Earth Day for their efforts in recycling and was recognized by Oklahoma ABLE Tech, Oklahoma's Assistive Technology Program, as their Partner of the Year in 2010; and

§ 4. WHEREAS, AMBUCS established and supports the AmTryke, a special tricycle that allows children to use both hands and feet to propel it, and the AmTryke Demonstration Site at the J.D. McCarty Center for Children with Developmental Disabilities as well as the National AmBility Program which has placed over 15,000 AmTrykes throughout the United States since 1994 including many supplied by the Sooner Chapter; and

§ 5. WHEREAS, AMBUCS supported the National AMBUCS Scholars Program which since 1955 has provided $7.5 million in scholarships to college students pursuing degrees in occupational therapy, physical therapy, and speech-language pathology and this year, they sponsored Kallie Pennel who is working on her Masters in Occupational Therapy at the University of Oklahoma; and

§ 6. WHEREAS, Sooner AMBUCs honored Jane McGill, Special Education Teacher at Jefferson Elementary School as the Norman Public Schools Special Education Teacher of the Year for 2008-2010 which is an annual award with a cash award in addition to the recognition; and

§ 7. WHEREAS, the Sooner Chapter of AMBUCS provided over 5,000 hours of community service last year and won several AMBUCS national achievement awards and was recognized again this year by the Points of Light Institute as a previous winner of the National Point of Light Award and won the Make a Difference Day Award.

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

§ 8. Do hereby proclaim Saturday, February 19, 2011, as National AMBUCS Service Day in the City of Norman.

PASSED AND APPROVED this 25th day of January, 2011.

ATTEST: _____ Mayor

_____ City Clerk

CITY COUNCIL AGENDA
JANUARY 25, 2011

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

Item No. 6

Text File Number: P-1011-10

Introduced: 1/13/2011 by Carol Coles, Administrative Assistant

Current Status: Consent Item

Version: 1

Matter Type: Proclamation

Title

PROCLAMATION NO. P-1011-10: A PROCLAMATION OF THE MAYOR OF THE CITY OF NORMAN, OKLAHOMA, PROCLAIMING THE MONTH OF FEBRUARY, 2011, AS BLACK HISTORY MONTH IN THE CITY OF NORMAN.

ACTION NEEDED: Motion to acknowledge receipt of Proclamation No. P-1011-10 proclaiming the month of February, 2011, as Black History Month in the City of Norman.

ACTION TAKEN: _____

Body

Proclamation

P-1011-10

A PROCLAMATION OF THE MAYOR OF THE CITY OF NORMAN, OKLAHOMA, PROCLAIMING THE MONTH OF FEBRUARY, 2011, AS BLACK HISTORY MONTH IN THE CITY OF NORMAN.

§ 1. WHEREAS, since 1976, we have paused as a country and a state each February to reflect on the rich contributions of African-Americans to our country's history and culture, and what their struggle for justice and equality has taught and continues to teach all of us about the freedoms and rights upon which our country was founded, freedoms that are still defended and fought for today; and

§ 2. WHEREAS, the national theme of this year's Black History Month is "African Americans and the Civil War" gives us the opportunity to bring attention to the role African-American soldiers played in the Civil War, including one of the first times that Black Americans fought alongside White soldiers in the Battle of Honey Springs fought in 1883 on a small battlefield outside present day Muskogee, Oklahoma; and

§ 3. WHEREAS, after the Civil War, African-Americans from throughout the South moved to Oklahoma to create businesses and establish black communities and by 1907, African-Americans outnumbered both Native Americans and first and second generation Europeans, and 27 all-black communities were established in Oklahoma, more than in the rest of the country put together; and

§ 4. WHEREAS, Norman has for almost 40 years from the time the Norman Human Rights Commission was established by a vote of the people of Norman and was first chaired by African-American leader Barbara Henderson, been committed to studying problems of discrimination, encouraging fair treatment and mutual understanding among all citizens, and combating the misconceptions, prejudices, and stereotypes that can prevent individuals from reading their full potential as human beings, and continues to strive toward building an inclusive community.

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

§ 5. Do hereby proclaim the month of February, 2011, as Black History Month in the City of Norman and invite all citizens to join me in celebrating the diversity and character of our community.

PASSED AND APPROVED this 25th day of January, 2011.

_____
Mayor

ATTEST:

_____
City Clerk

CITY COUNCIL AGENDA
JANUARY 25, 2011

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

Item No. 8

Text File Number: GID-1011-07

Introduced: 1/13/2011 by Brenda Hall, City Clerk

Current Status: Consent Item

Version: 1

Matter Type: Minutes

Title

CONSIDERATION OF APPROVAL OF THE MINUTES AS FOLLOWS:

CITY COUNCIL STUDY SESSION MINUTES OF JANUARY 4, 2011
CITY COUNCIL CONFERENCE MINUTES OF JANUARY 11, 2011
CITY COUNCIL MINUTES OF JANUARY 11, 2011
NORMAN UTILITIES AUTHORITY MINUTES OF JANUARY 11, 2011
NORMAN MUNICIPAL AUTHORITY MINUTES OF JANUARY 11, 2011
NORMAN TAX INCREMENT FINANCE AUTHORITY MINUTES OF JANUARY 11, 2011

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

ACTION TAKEN: _____

CITY COUNCIL STUDY SESSION MINUTES

January 4, 2011

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 4th day of January, 2011, and notice and agenda of the meeting were posted at the Municipal Building at 201 West Gray, and the Norman Public Library at 225 North Webster 48 hours prior to the beginning of the meeting.

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

DISCUSSION REGARDING THE PRELIMINARY SITE DESIGN FOR FIRE STATION NO. NINE AND OTHER POSSIBLE MUNICIPAL USES.

Mr. Steve Lewis, City Manager, said in May 2008 the City presented an initiative to the voters to consider a half cent increase in sales tax to be used for public safety improvements and as part of that initiative, funds are set aside for construction and equipping two (2) new fire stations in Norman. He said Fire Station No. 8 located at 36th Avenue N.W. and Tecumseh Road is under construction and close to being completed. Today's discussion is about Fire Station No. 9, the second fire station that was approved through the Public Safety Sales Tax (PSST) increase.

Mr. Lewis said Staff would like to present to Council the concept of what has been envisioned in regards to Fire Station No. 9, and Staff felt a definite improvement will be increased response time(s) in east Norman as well as better fire and first responder coverage in the rapidly growing area around Alameda and 24th Avenue N.E. He said another essential benefit is Fire Station No. 9 will be a "reliever" of two other existing fire stations in Norman's core area that have some of the City's highest call volumes, which will indirectly provide improved services to citizens in the core area.

Mr. Lewis said in October 2008 the City purchased a ten (10) acre tract on Alameda east of 24th Avenue N.E. When the land was originally purchased, it was anticipated that up to five acres would be needed for fire station related purposes, with three of those acres being needed for the actual fire station. Potential uses of the additional five acres identified when the property was purchased included a branch library, recycling center, and a police sub-station, among others. Staff has also discussed the potential for constructing a secondary fueling station for City fleet.

Mr. James Fullingim, Fire Chief, said all potential uses Mr. Lewis mentioned previously are included in the designs presented today. He presented an aerial slide of the existing land reflecting where the future Fire Station No. 9, might be located on the property and other future city facilities to include: police sub-station, branch library, recycling center, fueling station, post office/City customer service center, neighborhood park or other amenity, and parking, detention, and expansion of future facilities. Chief Fullingim said the property is nearly 900 feet deep and 500 feet wide and obviously all the facilities can not be located on the frontage of the property. He said Staff looked at different alternatives and aspects that would facilitate all the potential uses.

Chief Fullingim said there is a single entry point available on the site and it would be constructed off Alameda Street, aligning with Ridge Lake Boulevard, to allow for a traffic signal at full build out. Other parameters affecting the site design include:

- Easement for power lines along western edge of property,
- Need to retain as much existing drainage patterns as possible,
- 12,500 square foot for a new branch library – 6,250 square feet expansion and parking,
- 15,200 square foot fire station with police sub-station – minimize response time from fire station, maximize visibility of engine driver, and parking, and
- Recycling center approximately 110 feet x 130 feet

Chief Fullingim said the square footage for the library was provided by a consultant from a recent study on branch libraries and Utilities Department Staff assisted with the size for the recycling center which is comparable to the current recycling center located at the fairgrounds. He said the sites are fairly realistic expectations of how much area would be covered for the construction of the facilities/projects. He said David Robinson and Jim Kirkpatrick with Kirkpatrick Architecture Studio (KAS), and representatives from Cardinal Engineering are present and can assist with any questions Council might have.

Mr. David Robinson, KAS, provided an overview of the process KAS conducted and explained how some of the decisions were made. He said KAS's task was to provide design solutions which began with looking at what drives the design of this particular site, which was determined to be the topography. He said the site falls about 29 feet from south to north and approximately 16 feet from west to east, with the high point of the property being located on the southwest portion.

Mr. Robinson said drainage has some natural flows and should be maintained as much as possible because of associated costs of retaining walls etc., and is also a strong point from a "green" aspect. He said because of the property's topography, space is needed between the buildings, driveways, and lots in order to transition the grade, either through walls, hills, or other devices. He said the driveway being aligned with Ridge Lake Boulevard will make the southwest portion of the property a little unusable for constructing buildings. Mr. Robinson said as the drive comes into the property it will need to turn east in order to carve out some space.

Mr. Robinson highlighted three design schemes.

Initial Scheme/Conceptual Site Plan-A.3
The library is located on the east end of the property and the fire station/police sub-station on the west. The library was turned on its north/south axis in order to minimize the topography change along the building, but is bad for the north sunlight that is preferred in a library and for solar gain. The recycling center is located on the north side of the back portion of the property and the fire station driveway is located on the south side of the station. The pros include a possible location for a future neighborhood park or other amenity on the front west portion; the slope of the fire station drive has been minimized by positioning it on a relatively flat portion of the site; the view for the fire apparatus driver has been maximized by placing the station high up on the hill; the back portion of the property can remain as native as possible preserving the drainage patterns; and locating the recycling center on the north end of the site will allow it to be screened by the topography. One con of the site plan is the farthest edge of a future parking lot is 400 feet from the front door(s) of the post office and/or recycling center.

Initial Scheme/Conceptual Site Plan-B.3
The library is located on the north side of the back portion of the property which helps to maximize the north sunlight and minimize the grade change. The downside of this library location is the library will be about 850 feet from the driveway off Alameda Street and would be difficult to see from the street. The recycling center is located on the east front end of the property and could be screened with berm if necessary, but may require an appropriate design to make it more attractive. Additional pros include an area for future neighborhood park or other amenity on the front west portion. The traffic in front of the fire station bays has been eliminated and the view for the fire apparatus driver has been maximized by placing the fire station/police sub-station high up the hill. The back portion of the property can remain as native as possible preserving the drainage patterns.

Initial Scheme/Conceptual Site Plan C.2
The fire station/police sub-station is located on the east front portion of the property, the lowest point. Cons include the severity of the grade(s) would likely necessitate the drive to have a valley across it. This would cause water drainage to drain towards and/or around the fire station/police sub-station and it would be difficult to have aprons relatively flat. There is little room to transition to existing grades at the property line and the topography of the site would greatly limit the driver's view of westbound cars on Alameda Street until the driver was at the intersection. Pros include an area for a possible neighborhood park or other amenity; thermal gain is minimized and day/sunlight is maximized with the location of the library on its east/west axis; and the back north area of the property can remain as native as possible preserving the existing drainage patterns.

Mr. Robinson said KAS refined the site plans after receiving City Staff comments of placing the library along Alameda Street, moving the parking to the north side, and locating the recycling center on the south side of the north end of the property as much as possible. Those changes resulted in the following proposals:

Conceptual Site Plan A.4
The library is located on the east end of the property, the fire station/police sub-station on the west, recycling center on the southern most portion of the north side of the property, and a future fueling station to the west of the recycling center. The site plan aligns the drive with Ridge Lake Boulevard to allow for a traffic signal at full build-out, allows a possible neighborhood park or other amenity, and allows the north area to remain as native as possible so as to preserve the existing drainage patterns. Placing the fire station/police sub-station high up the hill maximizes the view for the fire apparatus driver, and the recycling center on the north end of the site can be screened by the topography. Because of the topography, the library will need to be multi-level, buried in the ground on the east side, or require severe grading. One of the cons on this site plan is that the future parking is on the west side of the main drive, which is not preferred. Once a site plan is chosen, the City will need to meet with KAS to obtain more defined dimensions of easement on the east side of the property.

Conceptual Site Plan A.5
This site plan is virtually the same as Plan A.4, but the future public parking is now located on the north side of the main drive and to the west side of the library. The main drive is somewhat straightened out which begins to compress the land around the fire station/police sub-station.

Councilmember Kovach said there is parking for the police sub-station on Site Plan A.4, but he did not see any parking for the police sub-station on Site Plan A.5, and Mr. Robinson said Site Plan A.5, reflects the parking for the police sub-station will be located on the east side of the main drive. Councilmember Kovach asked if both Site Plans A.4 and A.5 would allow for expansions to be built up rather than out and would it change the footprint of the branch library or interfere/affect visibility for the fire station/police sub-station. Mr. Robinson said the floor prints shown is as if the library is only one level, but did not feel a vertical library expansion would hinder the visibility of the fire station/police sub-station because of the difference in the grade levels. Chief Fullingim said one important issue to remember is these are preliminary concepts that would work and the site plans presented reflect a 12,500 square foot, single story library. He said when the City gets to the point where the library will actually be designed, it would be determined at that time whether the library should be multi-level, single story, built up, or built out, etc.

Councilmember Kovach asked if the exit design would be large enough to allow fire trucks to pass through, specifically whether it is large enough to allow another vehicle to exit at the same time as a fire truck and Chief Fullingim said yes, that KAS took this issue into consideration when designing the exit. He said the drive has a median and is wider on the west side to allow for this scenario.

Councilmember Griffith asked if the recycling center and fueling station could be located in a more accessible location, such as switching the locations for the proposed neighborhood park area and the recycling center/fueling stations. Mr. Robinson said he did initially consider designing the park on the back side of the property but learned there were other neighborhood parks near that location. Mr. Lewis said the two City parks near the area are Royal Oaks and Summit Lakes and Staff felt both parks are appropriately sized. He said Staff determined the area on the front west portion of the site would be a more suitable location and reiterated this proposed area is probably more of a "placeholder" at this stage. He did not want to give Council the impression that a new park would *definitely* be built in the location because it is not in the Park Master Plan at this time. Chief Fullingim said the design simply reflects a proposed park as a "placeholder" to indicate there is room for a future park if warranted.

Councilmember Butler asked if Staff felt strongly about placing the recycling center and fueling station in the back rather than in the front and Mr. Lewis said there were many competing values to weigh. He said Staff felt very strongly about having the library up front and the idea of placing the recycling center in the back was more of a security issue, should non-recyclables be dropped off at the site. Councilmember Butler agreed the library

should be up front along Alameda Street, but felt additional security issues might come into play with the placement of a recycling center on the back side. She said that the proposed recycling center location will be screened by the topography and trees and may become a personal safety issue for some citizens.

Chief Fullingim said the proposed development allows for a lot of activity in the area and felt it would take a bold character to do anything out of the ordinary, especially when located so close, approximately 200 feet, from the fire station/police sub-station. Councilmember Cubberley said the City may also get objections from the neighbors if a recycling center is placed towards the front on the southwest side because of trash blowing, etc., causing it to be unsightly at times. He agreed the proposed library location was a good idea and felt the surrounding neighborhoods would like the option of being able to walk to the library rather than driving.

Mr. Ken Komiske, Director of Utilities, said Staff felt the recycling center could be phased and/or moved as the construction of the library is done. Councilmember Cubberley agreed and said a gate could also be installed at the recycling center to control night access, etc.

Councilmember Butler felt options for future public meeting places and future transit, i.e., bus for library etc., needed to be considered when designing the site(s).

Councilmember Kovach asked Staff about various funds that can be used on this site, specifically how will the funds be used and/or divided when the site will have "cross uses" and Mr. Lewis said the site was purchased using half PSST funds and half from the General Fund. He said recent Staff discussions roughly stated that five acres could be assigned to public safety expenses, but as the planning process begins moving forward, Staff will need to consider what portion(s) is assigned to public safety and what portion(s) is assigned to non-public safety.

Mayor Pro Tem Cubberley thanked Staff and KAS for the presentation and said it is exciting to see the initial planning for Fire Station No. 9. He said the plans are definitely preliminary and felt a lot more will enter into the final configuration.

Items submitted for the record

1. Memorandum dated December 28, 2010, from James Fullingim, Fire Chief, to Honorable Mayor and City Council
2. Proposed Conceptual Site Plan A.4 dated December 20, 2010
3. Proposed Conceptual Site Plan A.5 dated December 20, 2010
4. PowerPoint presentation entitled "City of Norman, Site Planning for Alameda Site," presented January 4, 2011, from Kirkpatrick Architecture Studio

The meeting adjourned at 6:05 p.m.

ATTEST:

City Clerk

Mayor

COUNCIL CONFERENCE MINUTES

January 11, 2011

The City Council of the City of Norman, Cleveland County, State of Oklahoma, met in a conference at 5:30 p.m. in the Municipal Building Conference Room on the 11th day of January, 2011, and notice and agenda of the meeting were posted at the Municipal Building at 201 West Gray, and the Norman Public Library at 225 North Webster 48 hours prior to the beginning of the meeting.

PRESENT:	Councilmembers Atkins, Butler, Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal
ABSENT:	None

DISCUSSION REGARDING CHANGE ORDER NO. TWO TO CONTRACT NO. K-0910-104 WITH SUN CONSTRUCTION SERVICES, INC., DECREASING THE CONTRACT AMOUNT BY $712.41 FOR THE MUNICIPAL BUILDING C RENOVATION PROJECT AND FINAL ACCEPTANCE OF THE PROJECT.

Mr. Patrick Copeland, Development Services Manager, said in its meeting of October 27, 2009, City Council approved Contract No. K-0910-104 with Sun Construction Services, Inc., for the Municipal Building C Renovation Project. Prior to the bid opening, five areas in the building were identified where proposed floor materials needed to be changed and were addressed with Change Order No. One. Change Order No. Two will allow changes to wall heights in several places due to existing structural elements and add insulation; delete sheetrock above the ceiling and extend walls to roof deck; delete carpeting and add tile and add electrical and phone/data outlets; adjust height of wing wall and observation window in Human Resources Department; remove existing wall carpet, float and repair walls and add additional painting; modify approved control system for HVAC system and include Building A and Administration Building; add floor prep, five electrical disconnects, extra labor for boiler, swap carpet for tile, relocation of conduit, reframe mechanical screen to allow door to remain and clean stained carpet; and remove Halon fire alarm connection. Change Order No. Two will decrease the contract amount by $712.41 and allow final acceptance of the project.

Items submitted for the record

1. Text File No. K-0910-104 CHG #2, dated December 30, 2010, from Pat Copeland, Development Services Manager
2. Change Order No. Two to Contract No. K-0910-104

DISCUSSION REGARDING CRITERIA FOR PRIORITIZATION OF EXPENDITURES FROM THE CITY OF NORMAN GREENBELT ACQUISITION FUND.

Ms. Susan Connors, Director of Planning and Community Development, said the Greenbelt Acquisition Fund was founded to preserve and protect environmentally sensitive lands, open space, and natural areas, while leaving as much land as possible in private ownership. She said this can be accomplished by using conservation easements; transfer of development rights; utilization of other property rights interest; and, in some cases, acquisition through fee simple title.

Ms. Connors said the majority of land acquired with the fund has been through conservation easements and described conservation easements as being a legally binding agreement not to develop part of a property, but to leave it permanently natural. She said the property still belongs to the property owner, but restrictions are placed on the property owner as well as subsequent property owners. She said the land remains undeveloped to help preserve a natural resource and can be used for agricultural production and to carry on normal farming practices, but is not open to the public.

Ms. Connors said the Planning and Community Development Committee (PCDC) reviewed priorities of proposed criteria and made recommendations to Staff, which have been incorporated into tonight's presentation. She highlighted the general criteria as follows:

- Connectivity to existing greenbelt land, parks, and trails
- Multiple use opportunities
- Limitations on the minimum size of parcels
  40 acres for agricultural preservation and other targeted land in urban situations might vary in size

Ms. Connors identified the five priorities/criteria for conservation easements as follows:

1. Protect the quality of surface water run-off in the Lake Thunderbird watershed and over the recharge areas of the Garber-Wellington aquifer, presently the two sources of Norman's water supply.
2. Protection, preservation, and restoration of natural floodplains throughout Norman, which serve to protect life and property from damage and preservation and/or restoration of the Ten Mile Flats Floodplain area as well as along the urban creek systems.
3. Preservation of prime, locally significant agricultural lands as identified in the Norman 2025 Plan.
4. Preservation of open space buffers as identified in the Greenway Master Plan and Stormwater Master Plan and any future Greenbelt Master Plan.
5. Preservation of open space to facilitate additional community parks, recreation areas, wildlife habitats, and protect unique landscape features including lakes, woodlands, trails and scenic views as well as land adjacent to other open space or park land.

Mr. Copeland said the Norman Area Land Conservancy (NALC) recently notified the City that the Hoover and Ward properties have been approved for conservation easements by the Natural Resources Conservation Service (NRCS) of the United States Department of Agriculture (USDA).

Councilmember Kovach suggested the Parks Master Plan be included in the criteria for number three because of its inclusion of greenbelts and open spaces and Ms. Connors said Staff would definitely add that to the criteria.

Councilmember Butler said the PCDC discussed using criteria instead of priorities for conservation easements to avoid the impression that priority No. One is the most important decision maker. Councilmember Kovach asked if any criteria such as preservation of the water shed had more weight than other criteria and Councilmember Cubberley felt that the availability of a parcel would help determine what criteria would apply so the Committee's reasoning was to form criteria and allow Staff and the NALC to decide if that parcel fits any of the criteria. Councilmember Dillingham felt that using criteria gives more flexibility when deciding on the purchase of parcels for conservation easements. Councilmember Butler said the criteria that suggests the acquisition of property should consider connectivity to existing greenbelt land, parks and trails, multiple use opportunities and limitation on the minimum size of parcels would be an important component when reviewing a piece of property for purchase.

Councilmember Butler was also excited about the fact that the projects with the NALC have involved obtaining matching federal funds to maximize resources.

Councilmember Butler said the PCDC had also talked about holding an annual meeting with the Norman Area Land Conservancy to keep abreast of possible projects and funding availabilities.

Mayor Rosenthal asked if there had been discussion regarding Council formally adopting the criteria and Ms. Connors said the PCDC wanted to bring the criteria forward to Council as a resolution.

Items submitted for the record

1. Memorandum dated January 11, 2011, from Susan F. Connors, Director of Planning and Community Development, to Honorable Mayor and City Councilmembers
2. Criteria for Evaluating Projects for Norman Area Land Conservancy, Inc., dated January 4, 2001
3. PowerPoint presentation entitled, "Criteria for Prioritizing Greenbelt Enhancement Funds"

The meeting adjourned at 5:50 p.m.

ATTEST:

City Clerk

Mayor

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

January 11, 2011

The City Council of the City of Norman, Cleveland County, State of Oklahoma, met in Regular Session in the Council Chambers of the Norman Municipal Building on the 11th day of January, 2011, at 6:30 p.m., and notice and agenda of the meeting were posted at the Municipal Building at 201 West Gray and at the Norman Public Library at 225 North Webster 24 hours prior to the beginning of the meeting.

PRESENT:	Councilmembers Atkins, Butler, Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal
ABSENT:	None

The Pledge of Allegiance was led by Mayor Rosenthal.

* * * * *

Item 3, being:

CONSENT DOCKET

Councilmember Kovach moved that Item 4 through Item 14 be placed on the consent docket by unanimous vote, which motion was duly seconded by Councilmember Atkins; and the question being upon the placement on the consent docket by unanimous vote of Item 4 through Item 14, a vote was taken with the following result:

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

The Mayor declared the motion carried and Item 4 through Item 14 were placed on the consent docket by unanimous vote.

* * * * *

Item 4, being:

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

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-1011-8 dated December 27, 2010, by Brenda Hall, City Clerk
2. City Council Study Session minutes of December 21, 2010
3. City Council Conference minutes of December 28, 2010
4. City Council Special Session minutes of December 28, 2010
5. City Council minutes of December 28, 2010
6. Norman Utilities Authority minutes of December 28, 2010
7. Norman Municipal Authority minutes of December 28, 2010
8. Norman Tax Increment Finance Authority minutes of December 28, 2010

Item 4, continued:

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

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

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

* * * * *

Item 5, being:

CONSIDERATION OF ORDINANCE NO. O-1011-5 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.

Councilmember Kovach moved that Ordinance No. O-1011-5 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-1011-5 dated December 28, 2010, by Blaine Nice, Assistant City Attorney
2. Ordinance No. O-1011-5
3. Legislatively notated copy of Ordinance No. O-1011-5
4. Pertinent excerpts from City Council Finance Committee minutes of June 16 and July 21, 2010
5. City Council Finance Committee minutes of October 20, 2010

and the question being upon the Introduction and adoption of Ordinance No. O-1011-5 upon First Reading by title, a vote was taken with the following result:

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

The Mayor declared the motion carried and Ordinance No. O-1011-5 was Introduced, read, and adopted upon First Reading by title.

* * * * *

Item 6, being:

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)

Councilmember Kovach moved that Ordinance No. O-1011-29 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-1011-29 dated November 16, 2010, by Doug Koscinski, Current Planning Manager
2. Ordinance No. O-1011-29 and Exhibit A, site plan
3. Location map
4. Staff Report dated December 9, 2010, recommending approval with conditions
5. Conceptual Drawing
6. Letter of request dated November 8, 2010, from Sean Paul Rieger, Attorney at Law and Architect, to City of Norman Planning Department
7. Norman Predevelopment Summary Case No. PD 10-20 dated October 28, 2010, for TGV Investments II, L.L.C., for property located at 231 East Robinson
8. Pertinent excerpts from Planning Commission minutes of December 9, 2010

and the question being upon the Introduction and adoption of Ordinance No. O-1011-29 upon First Reading by title, a vote was taken with the following result:

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

The Mayor declared the motion carried and Ordinance No. O-1011-29 was Introduced, read, and adopted upon First Reading by title.

* * * * *

Item 7, being:

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)

Councilmember Kovach moved that Ordinance No. O-1011-30 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-1011-30 dated November 16, 2010, by Doug Koscinski, Current Planning Manager
2. Ordinance No. O-1011-30 and Exhibit A, site plan
3. Location map
4. Staff Report dated December 9, 2010, recommending approval
5. Norman Predevelopment Summary Case No. PD 10-19 dated October 28, 2010, for Sigma Norman, L.L.C., for property located at 1300 South College Avenue
6. Pertinent excerpts from Planning Commission minutes of December 9, 2010

Item 7, continued:

and the question being upon the Introduction and adoption of Ordinance No. O-1011-30 upon First Reading by title, a vote was taken with the following result:

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

The Mayor declared the motion carried and Ordinance No. O-1011-30 was Introduced, read, and adopted upon First Reading by title.

* * * * *

Item 8, being:

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
   B. BULK PICKUP AT PLANT
   C. BULK DELIVERED

Councilmember Kovach moved that all bids meeting specifications on Section 1, Zones 1, 2, 3, 4, and Batch Plant, and all Zones of Sections 2, 3, 4, and 5 be accepted and the bid be awarded 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, which motion was duly seconded by Councilmember Atkins;

Items submitted for the record
1. Text File No. BID-1011-48 dated December 27, 2010, by Greg Hall, Street Superintendent
2. Bid tabulation dated December 2, 2010, for Section 1, Asphalt Concrete, Type C, Zones 1, 2, 3, 4, and Batch Plant; Section 2, Asphalt Concrete, Type B, Zones 1, 2, 3, 4, 5, and Batch Plant; Section 3, Superpave Asphalt, Type S-3, Zones 1, 2, 3, 4, 5, and Batch Plant; Section 4, Superpave Asphalt, Type S-4, Zones 1, 2, 3, 4, 5, and Batch Plant; and Section 5, Superpave Asphalt, Type S-5, Zones 1, 2, 3, 4, 5, and Batch Plant

and the question being upon accepting all bids meeting specifications on Section 1, Zones 1, 2, 3, 4, and Batch Plant, and all Zones of Sections 2, 3, 4, and 5 and upon the subsequent awarding of the bid, a vote was taken with the following result:

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

Item 8, continued:

The Mayor declared the motion carried and all bids meeting specifications on Section 1, Zones 1, 2, 3, 4, and Batch Plant, and all Zones of Sections 2, 3, 4, and 5 accepted; and the bid was awarded 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.

Thereupon, Councilmember Kovach moved that all bids meeting specifications on Section 1, Zone 5, be accepted and the bid be awarded to Haskell Lemon Construction Company as the lowest and best bidder meeting specifications and Paving Materials, Inc., as the alternate bidder, which motion was duly seconded by Councilmember Atkins;

Items submitted for the record

1. Text File No. BID-1011-48 dated December 27, 2010, by Greg Hall, Street Superintendent
2. Bid tabulation dated December 2, 2010, for Section 1, Asphalt Concrete, Type C, Zone 5

and the question being upon accepting all bids meeting specifications on Section 1, Zone 5, and upon the subsequent awarding of the bid, a vote was taken with the following result:

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

The Mayor declared the motion carried and all bids meeting specifications on Section 1, Zone 5, accepted; and the bid was awarded to Haskell Lemon Construction Company as the lowest and best bidder meeting specifications and Paving Materials, Inc., as the alternate bidder.

Thereupon, Councilmember Kovach moved that all bids meeting specifications on Section 6(a) be accepted and the bid be awarded to Haskell Lemon Construction Company as the lowest and best bidder meeting specifications and Paving Materials, Inc., as the alternate bidder, which motion was duly seconded by Councilmember Atkins;

Items submitted for the record

1. Text File No. BID-1011-48 dated December 27, 2010, by Greg Hall, Street Superintendent
2. Bid tabulation dated December 2, 2010, for Section 6, Emulsified Asphalt, SS-1 or Equal, (a) Delivered and Applied

and the question being upon accepting all bids meeting specifications on Section 6(a) and upon the subsequent awarding of the bid, a vote was taken with the following result:

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

The Mayor declared the motion carried and all bids meeting specifications on Section 6(a) accepted; and the bid was awarded to Haskell Lemon Construction Company as the lowest and best bidder meeting specifications and Paving Materials, Inc., as the alternate bidder.

Thereupon, Councilmember Kovach moved that all bids meeting specifications on Section 6(b) be accepted and the bid be awarded 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, which motion was duly seconded by Councilmember Atkins;

Items submitted for the record

1. Text File No. BID-1011-48 dated December 27, 2010, by Greg Hall, Street Superintendent
2. Bid tabulation dated December 2, 2010, for Section 6, Emulsified Asphalt, SS-1 or Equal, (b) Pickup at Plant

Item 8, continued:

and the question being upon accepting all bids meeting specifications on Section 6(b) and upon the subsequent awarding of the bid, a vote was taken with the following result:

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

The Mayor declared the motion carried and all bids meeting specifications on Section 6(b) accepted; and the bid was awarded 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.

Thereupon, Councilmember Kovach moved that the bid as meeting specifications on Section 7 be accepted and the bid be awarded to Paving Maintenance Supply, Inc., as the lowest and best bidder meeting specifications, which motion was duly seconded by Councilmember Atkins;

Items submitted for the record
1. Text File No. BID-1011-48 dated December 27, 2010, by Greg Hall, Street Superintendent
2. Bid tabulation dated December 2, 2010, for Section 7, Container Patch Mix

and the question being upon accepting the bid as meeting specifications on Section 7 and upon the subsequent awarding of the bid, a vote was taken with the following result:

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

The Mayor declared the motion carried and the bid as meeting specifications on Section 7 accepted; and the bid was awarded to Paving Maintenance Supply, Inc., as the lowest and best bidder meeting specifications.

* * * * *

Item 9, being:

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.

Councilmember Kovach moved that the final site development plan and final plat for University North Park, Section V, a Planned Unit Development, be approved; the public dedications contained within the plat be accepted; the Mayor be authorized to sign the final plat and subdivision and maintenance bonds subject to the City Development Committee's acceptance of all required public improvements; and the filing of the final site development plan and final plat be directed, which motion was duly seconded by Councilmember Atkins;

Items submitted for the record
1. Text File No. FP-1011-18 dated December 30, 2010, by Ken Danner, Development Manager
2. Location map
3. Staff Report dated August 13, 2009, recommending approval
4. Revised Preliminary plat
5. Final site development plan approved by Planning Commission
6. Final plat approved by Planning Commission
7. Proposed final site development plan
8. Proposed final plat
9. Pertinent excerpts from Planning Commission minutes of August 13, 2009

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

Item 9, continued:

and the question being upon approving the final site development plan and final plat for University North Park, Section V, a Planned Unit Development, and upon the subsequent acceptance, authorization, and directive, a vote was taken with the following result:

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

The Mayor declared the motion carried and the final site development plan and final plat for University North Park, Section V, a Planned Unit Development, approved; the public dedications contained within the plat were accepted, the Mayor was authorized to sign the final plat and subdivision and maintenance bonds subject to the City Development Committee's acceptance of all required public improvements, and the filing of the final site development plan and final plat was directed.

* * * * *

Item 10, being:

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.

Councilmember Kovach moved that Change Order No. Two to Contract No. K-0910-104 with Sun Construction Services, Inc., decreasing the contract amount by $712.41 be approved; the execution thereof be authorized; the project be accepted; and final payment in the amount of $49,958.44 to Sun Construction Services, Inc., be directed, which motion was duly seconded by Councilmember Atkins;

Items submitted for the record

1. Text File No. K-0910-104, Change No. Two, dated December 30, 2010, by Patrick Copeland, Development Services Manager
2. Change Order No. Two to Contract No. K-0910-104, Task Nos. One through Nine

and the question being upon approving Change Order No. Two to Contract No. K-0910-104 with Sun Construction Services, Inc., decreasing the contract amount by $712.41 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. Two to Contract No. K-0910-104 with Sun Construction Services, Inc., decreasing the contract amount by $712.41 approved; the execution thereof was authorized, the project was accepted, and final payment in the amount of $49,958.44 to Sun Construction Services, Inc.,was directed.

* * * * *

Item 11, being:

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.

Councilmember Kovach moved that Contract No. K-1011-129 with Republic Bank 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-1011-129 dated December 28, 2010, by Linda Price, Revitalization Manager
2. Contract No. K-1011-129

and the question being upon approving Contract No. K-1011-129 with Republic Bank 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 Contract No. K-1011-129 with Republic Bank approved; and the execution thereof was authorized.

* * * * *

Item 12, being:

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.

Councilmember Kovach moved that the City Attorney's recommendation be approved and the City Attorney's Office be authorized to effectuate the settlement in the amount of $79,900, which motion was duly seconded by Councilmember Atkins;

1. Text File No. JC-2010-512BH dated December 29, 2010, by Jeff Bryant, City Attorney

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

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

The Mayor declared the motion carried and the City Attorney's recommendation approved; and the City Attorney's Office was authorized to effectuate the settlement in the amount of $79,900.

* * * * *

Item 13, being:

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.

Councilmember Kovach moved that Resolution No. R-1011-77 be adopted, which motion was duly seconded by Councilmember Atkins;

Items submitted for the record
1. Text File No. R-1011-77 dated December 28, 2010, by Mike White, Fleet Superintendent
2. Resolution No. R-1011-77

and the question being upon adopting Resolution No. R-1011-77, 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-1011-77 was adopted.

* * * * *

Item 14, being:

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.

Councilmember Kovach moved that 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 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. P-1011-8 dated December 28, 2010
2. Proclamation No. P-1011-8

Participants in discussion
1. Mr. Anthony Francisco and Mr. Darrell Troupe, Kappa Alpha Psi alumnus, and Mr. Ryan Edward, Chapter President, accepted the proclamation and thanked the Council

and the question being upon acknowledging 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 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 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 acknowledged; and the filing thereof was directed.

* * * * *

Item 15, being:

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)

Ordinance No. O-1011-13 having been Introduced and adopted upon First Reading by title in City Council's meeting of November 9, 2010, and having been postponed November 23, 2010, until January 11, 2011, Councilmember Dillingham moved that Ordinance No. O-1011-13 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-1011-13 dated September 20, 2010, by Doug Koscinski, Current Planning Manager
2. Ordinance No. O-1011-13
3. Location map
4. Staff Report dated October 14, 2010, recommending approval with condition
5. Norman Predevelopment Summary Case No. PD 10-16 dated August 26, 2010, for Kipbert Properties, L.L.C., for property located at 708 DeBarr Avenue
6. Description of proposed project
7. Aerial photograph
8. Protest area map dated October 14, 2010, containing 2.8% protest within notification area
9. Letter of protest dated October 4, 2010, from Robert and Ellen Wood to Norman Planning Commission
10. Pertinent excerpts from Planning Commission minutes of October 14, 2010

Participants in discussion

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

thereupon, Councilmember Dillingham moved that Ordinance O-1011-13 be amended as follows:

§ 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.~~ A total of ten parking spaces shall be provided. Five are existing in the front of the house in the public right-of-way, two parking spaces will be provided on the lot at the rear of the house and three spaces will be provided on the lot on the driveway on the north side of the house.

b. The driveway on the north side of the house shall be improved to have access from both DeBarr Avenue and the alley approved by City staff.

which motion was duly seconded by Councilmember Kovach;

Participants in discussion

1. Ms. Ann Gallagher, 1522 East Boyd Street, asked questions
2. Mr. Sean Rieger, 136 Thompson Drive, attorney representing the applicant

and the question being upon amending Ordinance No. O-1011-13 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-1011-13 was amended as stated above.

Item 15, continued:

and the question being upon adopting Ordinance No. O-1011-13, 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-1011-13, as amended, was adopted upon Second Reading section by section.

Thereupon, Councilmember Dillingham moved that Ordinance No. O-1011-13, 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-1011-13, 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-1011-13, as amended, was adopted upon Final Reading as a whole.

* * * * *

Item 16, being:

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.

Ordinance No. O-1011-34 having been Introduced and adopted upon First Reading by title in City Council's meeting of December 28, 2010, Councilmember Kovach moved that Ordinance No. O-1011-34 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-1011-34 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

Participants in discussion
1. Mr. Angelo Lombardo, Traffic Engineer
2. Ms. Ann Gallagher, 1522 East Boyd Street, made comments
3. Mr. Stephen Tyler Holman, 1020 College Avenue, made comments

and the question being upon adopting Ordinance No. O-1011-34 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-1011-34 was adopted upon Second Reading section by section.

Item 16, continued:

Thereupon, Councilmember Kovach moved that Ordinance No. O-1011-34 be adopted upon Final Reading as a whole, which motion was duly seconded by Councilmember Quinn; and the question being upon adopting Ordinance No. O-1011-34 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-1011-34 was adopted upon Final Reading as a whole.

* * * * *

Item 17, being:

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.

Ordinance No. O-1011-36 having been Introduced and adopted upon First Reading by title in City Council's meeting of December 28, 2010, Councilmember Kovach moved that Ordinance No. O-1011-36 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-1011-36 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

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

and the question being upon adopting Ordinance No. O-1011-36 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-1011-36 was adopted upon Second Reading section by section.

Thereupon, Councilmember Kovach moved that Ordinance No. O-1011-36 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-1011-36 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-1011-36 was adopted upon Final Reading as a whole.

* * * * *

Item 18, being:

MISCELLANEOUS DISCUSSION

Upcoming City Council Election Mr. Roger Gallagher, 1522 East Boyd Street, said he filed for the City Council seat in Ward One by petition and talked to 59 different households. He researched the validity of those names at the Cleveland County Election Board and there were seven that did not qualify to vote. He said the City should provide a public service announcement explaining how to become an eligible, qualified voter for each ward. He said when a person moves, they must register at their new address to be able to vote in the ward where they live.

Mr. Leonard Youngblood, 3201 Swan Hollow Drive, said the City of Norman has a need for leadership and change and this community has a great opportunity to make these changes; however, tomorrow is the last day for filing for City Council seats for Wards One, Three, Five, and Seven. He said he called the Cleveland County Election Board today and as of 3:45 p.m., Wards Three, Five, and Seven had only one candidate that had filed and this was not enough interest for any changes to occur. He appealed to those living in these wards to consider serving their wards and the only qualifications were was to have a servant's heart, a love for people, and a desire for change. He reminded citizens that the deadline for filing was January 12, 2011, at 5:00 p.m.

Councilmember Atkins said he was pleased to see both City Council candidates for Ward One in the audience this evening. He said attending Council meetings will provide insight about what transpires during the meetings and he welcomed both of them.

*

Initiative Petition. Mr. Jim Stanley, 3922 Pinetree Circle, said he filed an initiative petition along with former Councilmembers Olly Olivas and Richard Stawicki. He said he received a letter of instructions from the City Clerk with proposed alternate ballot language from the City Attorney and voiced concerns about City Council and the City Attorney making decisions on how this should be filed.

Councilmember Dillingham said she was very interested in Mr. Stanley's concerns and would like to talk with him about it.

*

Deer Whistles. Councilmember Kovach said he recently went to New Mexico and was shocked to count 31 dead deer on the side of the highway. He said he was told installing a deer whistle in the grill of a vehicle can prevent accidents with deer.

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Comprehensive Annual Financial Report (CAFR). Councilmember Cubberley said there seemed to be some controversy over the recent audit about what it meant and whether we got fair notice of the changes in it. He said the results of the audit from his perspective were not a surprise because he had received nine audits during his time on Council and each one had changes to the fund balance because the audit is a truing up process. The ending fund balance that is in the budget is not a final number and never has been. Staff creates the budget in the springtime while there is still one quarter left in the budget year and depending on how revenues and expenditures go, there has to be a truing up process. The budget is a cash basis document whereas the audit is stated on a modified accrual basis and the auditors determine what should actually go in the final figure for the year-end. It often does not compare to the final budgeted figures. Council was advised that the budgeted figures were going to change because they were advised of the change in September during the budget retreat. Mr. Francisco and his staff prepared projected budget scenarios that increased the ending fund balance for the last fiscal year by $1.7 million and this was good news. Unfortunately in the controversy, the good news seemed to have gotten away from us and the focus became some supposed hiding of this information. The other part of that $4 million change is accrual. What is projected at year-end is what we will receive in the next several months with the largest part being Federal Emergency Management Agency (FEMA) money that had not been received but was anticipated. The auditors determined under their standard that this should be put in the audit and count it for the last fiscal year even though all of it has not been received. He said he was concerned about the distrust that was fostered of Mr. Francisco, the City Manager, and Staff because there was

Miscellaneous Discussion, continued:

CAFR, continued.
no attempt to hide anything or mislead anyone. The important issue in the audit is that our expenditures exceed our revenues and we have yet to address that. Council decided at the budget retreat so schedule a study session in January or February to address mid-year adjustments because we knew there would be changes. He said we didn't know what our financial picture would be especially as were continuing to negotiate with the unions, there are increasing costs for health care, and we have not achieved the savings from the furloughs that we thought we would to the tune of $1.6 million that will have to be deducted.

Mr. Steve Lewis, City Manager, said he had been out of the state attending to a family medical emergency when the audit was presented to Council. He and Mr. Francisco prepared a short presentation this evening that may dovetail on some of the impromptu remarks made by Councilmember Cubberley. He said the CAFR was presented on December 28, 2010, which was synonymous with our external audit. Based on some of the conversations he has had, there seems to be some confusion about the financial data that was presented which was for the fiscal period beginning July 1, 2009, and ending June 30, 2010. There have been a number of questions about the projections made in the budget in comparison with the final audited fund balance. He hoped the presentation would answer questions such as "Are more resources available?"; "Is our fund balance position improving?"; "Is our fund balance position now as it is projected at the end of this year going to be our adopted policy?"; "Were some projections off?"; and "How were we able to see an improvement of $3.8 million in our fund balance?"

Mr. Anthony Francisco, Finance Director, provided a presentation regarding the CAFR that had been accepted by City Council on December 28, 2010, and several of the questions raised after acceptance. He said the revised General Fund Balance has the Public Safety Sales Tax (PSST) subtracted out of it including all revenues and expenditures related to PSST because as we go forward this money is not in the General Fund. He said when the budget was adopted, staff projected $10,433,000 in the General Fund Balance at the end of FYE 2010. He said the projections are based on what the revenues are doing and last year about this time the revenues were not doing very well so it was projected the fiscal year on June 30, 2010, would close with a General Fund Balance of approximately $3,753,000. The audit showed the General Fund Balance was actually $7,544,000 which was, in fact, above the projections but below what we projected in the budget.

He said we lost more than we budgeted but less than we projected at mid-year. The overall concern is that we lost money. He said the Norman Transcript has quoted that there was a $4 million difference than the revised estimate of the ending fund balance and actual. He said one reason for this was at mid-year the revenue estimates were revised downward to more closely reflect trends we were seeing at that time. Because of those negative projections and the negative fund balance picture, the Council and the City Manager took proactive steps to make sure that this would not, in fact, become reality. The City Manager directed a "smart" hiring freeze; the price of fuel went down at this time allowing a savings in fuel expenditures; and our Emergency Reserve in the City Council's budget remained unspent while there were several emergencies that were responded to and we were able to absorb those costs in the appropriate budgets. Also, during the audit process the auditors advised us to record as current year revenue some FEMA Reimbursements that had not been received yet.

He said the General Fund Balance Reserve Policy was adopted by Council in 1987 or 1988 requiring 8% reserve of budgeted General Fund expenditures targeted to be held in "Reserve of Operations". Beginning in FYE 2008, 2% of this 8% reserve began to be appropriated in the Council budget as an Emergency Reserve which provided that if the City had to respond to an emergency, Council approval would not be required to spend the money under the City Manager's discretion. As part of the policy, we have a "Self-Insurance Reserve" because the City of Norman is self-insured for Workers' Compensation claims, medical insurance claims, and torte claims against the City. The amount held in reserve is approximately three months of what is historically spent for those claims. He provided a comparison of the position of the General Fund Balance for FYE 2007 through FYE 2010 showing where we should be compared to where our policy says we should be. He said it is not a bad idea to draw down the fund balance if you have an excess above your policy targets, but it should only be for one-time expenditures. Lately, however, in the last few years, we have been drawing General Fund Balance down for ongoing expenditures, not one-time expenditures. He provided a comparison of our actual year-end fund balance vs. the budgeted amount for FYE 2007 through FYE 2010. In 2007, the budgeted year-end fund balance was approximately $7 million and we closed that year with a fund balance of a little over $10 million. In FYE 2008, we were in excess of our budgeted year-end fund balance. He said some could say this was a bad job of budgeting but again if you look at the figures as we go forward, the trend reverses itself in FYE 2010. He said during that year we had a budgeted year-end fund balance of over $10 million and an actual year-end fund balance of approximately $7 million.

Miscellaneous Discussion, continued:

CAFR, continued. Since the audit was completed and as we have gone forward in this fiscal year, the beginning fund balance was $3.8 million more than projected and sales tax is above the budgeted amount by about 5.4%. If our sales tax trends remain as they have been, we would add about $1,950,000 to the General Fund. He said use tax is below what is budgeted and if that trend continues, we would be $300,000 short of our budgeted projections. He said this year's budget included a projection of furlough savings from all of our employees dependent on successful negotiations with the unions. To date, those negotiations have been unsuccessful and if that continues for the remainder of this fiscal year, it will mean a 1.7% million loss. Health claim expenditures have been projected to be approximately $1 million more than was budgeted because premiums have increased. Savings in employee turnover has remained in place and holding those positions vacant has had a positive impact realizing a savings of approximately $800,000. He said third party warrant collections should be approximately $300,000 shorter than projected and other tax collections and interest income are below budget by approximately $200,000 each. He said if everything happens exactly as projected, which probably will not happen, we would have a net positive impact on the General Fund Budget of $2.85 million. Council adopted a budget as of June 30, 2011, that had a General Fund Balance of only about $464,000 and the revision adds $2.85 million making a General Fund Balance of $3.2 million. However, that is well short of our adopted policy fund balance reserves for operations and self-insurance.

Items submitted for the record

1. Power Point presentation entitled "Fiscal Year 2009-2010 General Fund Balance"

Mr. Lewis concluded that Mr. Francisco had provided two snapshots, one as of June 30, 2010, and the other showing where we are today. He said we need to focus on where we were going to be over the next two to three years. He said we will be facing some cutbacks at the State level and how that will trickle through the community is still unknown. He said we will also have to look at the continuation of the position freezes and adjustments we make to that will have a big impact on future budgets as well. He said the projections made by Mr. Francisco with respect of the conclusion of this year were based upon about 5% increase in growth which was 5% over the zero growth. He pointed out that our general sales tax collections even at that level are only 1.3% above our FYE 2009 collection level. Over this past summer at the urging of Oklahoma communities, the Oklahoma Tax Commission (OTC) began a concentrated effort to enforce delinquent sales tax collections and raised approximately $6.5 million in past due collections. He said we should continue to look at our sales tax collections which may be offset by these one-time collections made by the OTC.

Mayor Rosenthal said she shared Councilmember Cubberley's concerns that some of the questions raised and the characterization of the audit really led to some misunderstanding of the City's position and she appreciated the effort to update both Council and our citizens with respect to our budget situation. She said a mid-year budget review is scheduled next week for Council to look at some of the implications the figures pointed out by the City Manager and Mr. Francisco. She complimented and thanked all City staff as the cost saving efforts that had been done at all levels has been extraordinary. She said the City Manager's leadership has been critical but the efforts throughout the ranks of the employees have helped Council deal with budget issues and challenges. She thanked non-union employees who have taken furlough days sometimes with great difficulty because of the workload in different offices. She thanked Staff for keeping Council well informed starting with the retreat in September. She pointed out that the reserve policy is not an extraordinary policy because 8% is not a large amount. Council has struggled to maintain that policy and it is important to maintain the policy. She said she appreciated the opportunity for citizens to ask questions about the budget and respected differences of opinion about the budget but it is important to be fully informed about our reserve policy and the financial picture we face.

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Thanks for Transportation. Councilmember Quinn said he is able to use his right arm again after eight weeks of physical therapy following recent should surgery. He thanked the Mayor for allowing him to raise either hand when Council voted. He thanked everyone who had provided him transportation when he was unable to drive. He said he has gained a true awareness of what it is like to lose one's independence. He said he appreciated everyone's thoughts and concerns.

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Shop Norman. Councilmember Quinn said it is important to "Shop Norman" not just because of tax dollars but also for people who work and live in Norman whose livelihoods depend on people buying in Norman.

* * * * *

Item 19, being:

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.

Councilmember Quinn moved that the City Council meeting be adjourned out of and an Executive Session be convened into 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 negotiations concerning employees and representatives of employee groups, which motion was duly seconded by Councilmember Cubberley; and the question being upon adjourning out of the City Council meeting and convening 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 negotiations concerning employees and representatives of employee groups a vote was taken with the following result:

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

The Mayor declared the motion carried and the City Council meeting adjourned out of; and an Executive Session was convened into in order to discuss Workers' Compensation Court Case Nos. WCC-2008-06751K, WCC-2009-14997H, and WCC-2010-05927L, Jimmy O'Neal vs. the City Of Norman and negotiations concerning employees and representatives of employee groups.

The City Council adjourned into Executive Session at 7:53 p.m. Mr. Jeff Bryant, City Attorney; Ms. Rebecca Frazier, Assistant City Attorney; Mr. Blaine Nice, Assistant City Attorney; and Mr. Steve Lewis, City Manager, were in attendance at the Executive Session 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. Mr. Steve Lewis, City Manager; Mr. Jeff Bryant, City Attorney; Ms. Gala Hicks, Director of Human Resources; and Mr. Charlie Plumb, Attorney at Law, McAfee and Taft, were in attendance at the Executive Session to discuss negotiations concerning employees and representatives of employee groups.

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

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

The Mayor declared the motion carried and Executive Session adjourned out of; and the Council meeting was reconvened at 8:39 p.m.

The Mayor said Workers' Compensation Court Case Nos. WCC-2008-06751K, WCC-2009-14997H, and WCC-2010-05927L, Jimmy O'Neal vs. the City of Norman and negotiations concerning employees and representatives of employee groups were discussed in Executive Session. No action was taken and no votes were cast.

* * * * *

ADJOURNMENT

There being no further business, Councilmember Quinn moved that the meeting be adjourned, which motion was duly seconded by Councilmember Griffith; 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
NAYES:	None

The Mayor declared the motion carried and the meeting was adjourned at 8:41 p.m.

ATTEST:

City Clerk

Mayor

CITY COUNCIL AGENDA
JANUARY 25, 2011

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

Item No. 9

Text File Number: RPT-1011-27

Introduced: 12/28/2010 by Anthony Francisco, Finance Director

Current Status: Consent Item

Version: 1

Matter Type: Communication or Report

Title

SUBMISSION AND ACKNOWLEDGING RECEIPT OF THE FINANCE DIRECTOR'S INVESTMENT REPORT AS OF DECEMBER 31, 2010, AND DIRECTING THE FILING THEREOF.

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

ACTION TAKEN: _____

DATE: 05-Jan-11

TO: City Council

FROM: Anthony Francisco, Director of Finance
REVIEWED BY: Clint Mercer, Chief Accountant
PREPARED BY: Debbie Whitaker, Municipal Accountant III

SUBJECT: Breakdown of Interest Earnings by Fund

	MONTHLY COMPARISON				ANNUAL COMPARISON			
FUND	MONTHLY BUDGETED INTEREST EARNINGS FYE11	MONTHLY INTEREST EARNINGS December 2010	MONTHLY % INCREASE (DECREASE)	MONTHLY % OF PORTFOLIO HOLDINGS	ANNUAL BUDGETED INTEREST EARNINGS FYE11-YTD	INTEREST EARNINGS YTD FYE11	YTD % INCREASE (DECREASE)	YTD % PORTFOLIO HOLDINGS
GENERAL FUND	$22,917	$4,688	-79.54%	8.30%	$137,500	$28,100	-79.56%	8.18%
PUBLIC SAFETY SALES TAX FUND	N/A	$4,147	100.00%	7.35%	N/A	$26,536	100.00%	7.73%
ROOM TAX FUND	$250	$107	-57.10%	0.19%	$1,500	$554	-63.06%	0.16%
CAPITAL PROJECTS FUND	$29,167	$14,071	-51.76%	24.92%	$175,000	$77,228	-55.87%	22.49%
SINKING FUND	$2,083	$1,094	-47.50%	1.94%	$12,500	$9,566	-23.47%	2.79%
G.O. BOND FUND	$167	$112	-32.54%	0.20%	$1,000	$603	-39.73%	0.18%
WESTWOOD FUND	$625	$702	12.29%	1.24%	$3,750	$3,450	-7.99%	1.00%
WATER FUND	$10,000	$7,658	-23.42%	13.56%	$60,000	$46,230	-22.95%	13.46%
WASTEWATER FUND	$25,000	$6,518	-73.93%	11.55%	$150,000	$38,801	-74.13%	11.30%
HALLPARK FUND	N/A	$0	100.00%	0.00%	N/A	$0	100.00%	0.00%
DEVELOPMENT EXCISE	$16,667	$8,265	-50.41%	14.64%	$100,000	$50,129	-49.87%	14.60%
SEWER SALES TAX	$16,667	$5,384	-67.70%	9.54%	$100,000	$33,541	-66.46%	9.77%
SANITATION FUND	$2,500	$159	-93.65%	0.28%	$15,000	$3,860	-74.26%	1.12%
PARKLAND FUND	$2,255	$880	-60.99%	1.56%	$13,531	$5,385	-60.20%	1.57%
TRUST & AGENCY FUNDS	N/A	$4	100.00%	0.01%	N/A	$24	100.00%	0.01%
TAX INCREMENT DISTRICT	$417	$1,010	100.00%	1.79%	$2,500	$8,713	100.00%	2.54%
SPECIAL GRANTS FUND	N/A	$685	100.00%	1.21%	N/A	$4,488	100.00%	1.31%
CLEET FUND	N/A	$14	100.00%	0.02%	N/A	$87	100.00%	0.03%
HOUSING	N/A	$0	100.00%	0.00%	N/A	$133	100.00%	0.04%
SITE IMPROVEMENT FUND	N/A	$30	100.00%	0.05%	N/A	$186	100.00%	0.05%
ARTERIAL ROAD FUND	N/A	$634	100.00%	1.12%	N/A	$3,860	100.00%	1.12%
SEIZURES	$42	$296	610.02%	0.52%	$250	$1,912	664.91%	0.56%
	$128,755	$56,458	-56.15%	100.00%	$772,531	343,385	-55.55%	100.00%

City funds are invested in interest bearing accounts and investment securities, as directed by the City's Investment Policy. Rates of return on these investments relate directly to current Treasury and Money Market rates. Total funds on deposit of $ 111.64 million as of 12/31/10 are represented by working capital cash balances of all City funds of approximately $ 58.45 million, outstanding encumbrances of $22.81 million, General Obligation Bond proceeds of $9.34, NUA revenue bond proceeds of $14.09 million, NMA bond proceeds of $3.97 million, and UNP TIF reserve amounts of $2.98 million.

INVESTMENT BY TYPE

December 31, 2010

LIST BY TYPE	SEC. NO.	PURCHASED	MATURITY	YIELD	EARNED INTEREST	COST	MARKET
**Checking							
BANK OF AMERICA	NUA REV. FD.				$0.00	$0.00	$0.00
BANK OF AMERICA	GEN'L DEP.			0.30%	$1,101.65	$9,026,532.01	$9,026,532.01
BANK OF AMERICA	WARRANTS PAYABLE				$0.00	($3,156,196.94)	($3,156,196.94)
BANK OF AMERICA	PAYROLL				$0.00	($2,231,237.34)	($2,231,237.34)
BANK OF AMERICA	COURT BOND REFUNDS				$0.00	$253,743.42	$253,743.42
BANK OF AMERICA	INSURANCE CLAIMS				$0.00	$152,348.60	$152,348.60
BANK OF AMERICA	HALLPARK			0.01%	$1.22	$146,680.35	$146,680.35
**Subtotal					$1,102.87	$4,191,870.10	$4,191,870.10
**Money Market							
BANCFIRST-NUA	MONEY MKT.			0.01%	$7.07	$212,224.50	$212,224.50
BANCFIRST-NMA Sanitat.	MONEY MKT.			0.01%	$31.23	$3,617,063.63	$3,617,063.63
BANCFIRST-NMA Golf	MONEY MKT.			0.01%	$653.72	$351,923.89	$351,923.89
BANCFIRST-NUA Water	MONEY MKT.			0.01%	$95.90	$13,877,637.37	$13,877,637.37
Bank of Oklahoma UNP TIF	MONEY MKT.			0.01%	$15.63	$2,505,601.61	$2,505,601.61
Republic Bank UNP TIF	MONEY MKT.			0.60%	$0.00	$477,667.23	$477,667.23
FIRST FIDELITY	MONEY MKT.			0.48%	$48.12	$0.00	$0.00
BANK OF AMERICA	MONEY MKT.			0.01%	$1.31	$89,442.97	$89,442.97
BANK OF AMERICA	MONEY MKT.			0.10%	$28.60	$233,871.30	$233,871.30
BANK OF AMERICA - Drinking W	MONEY MKT.			0.30%	$143.60	$3,506.15	$3,506.15
BANK OF AMERICA - Clean Wate	MONEY MKT.			0.30%	$23.55	$1,601.86	$1,601.86
BANK OF AMERICA-2008A	MONEY MKT.			0.30%	$500.31	$1,700,876.19	$1,700,876.19
BANK OF AMERICA-2008B	MONEY MKT.			0.30%	$903.95	$3,011,559.93	$3,011,559.93
BANK OF AMERICA-2010	MONEY MKT.			0.30%	$1,181.28	$4,627,766.64	$4,627,766.64
**Subtotal					$3,634.27	$30,710,743.27	$30,710,743.27
**Sweep/Overnight							
JP MORGAN	SHORT TERM			0.00%	$32.57	$158,427.40	$158,427.40
**U.S. Treasury Securities							
FHLB	3133XFJY3	08/31/09	06/10/11	1.11%	5,012.44	5,555,000.00	$5,672,432.70
FHLMC	312SX1EJ2	12/31/09	05/22/13	2.08%	3,534.61	2,000,000.00	$2,158,200.00
FHLB	3133XWD71	12/31/09	02/28/12	1.24%	5,172.68	5,000,000.00	$5,038,050.00
T-Note	912828KP4	12/31/09	05/15/12	1.31%	6,539.41	6,000,000.00	$6,071,181.53
FHLB	3133XWD71	12/31/09	02/28/12	1.25%	5,196.26	5,000,000.00	$5,038,050.00
T-Note	912828KP4	12/31/09	05/15/12	1.31%	7,357.44	6,750,000.00	$6,846,225.98
FFCB	31331G2R9	03/31/10	12/07/12	1.58%	131.58	100,000.00	$102,307.00
FHLB	3133XTS49	03/31/10	06/20/12	1.30%	108.00	100,000.00	$101,983.00
FNMA	31398AZ47	07/29/10	07/29/13	1.19%	3,967.46	4,000,000.00	$4,004,000.00
FHLB	3133XYHD0	07/22/10	06/14/13	1.05%	2,934.34	4,000,000.00	$4,068,720.00
FNMA	313359MNU3	11/30/10	08/01/12	0.73%	4,215.48	8,000,000.00	$8,543,840.00
FHLB	313371WK8	11/30/10	02/25/14	1.00%	1,458.33	1,750,000.00	$1,728,160.00
FNMA	31398A5Q1	12/02/10	11/08/13	1.06%	5,614.58	8,250,000.00	$8,153,227.50
U.S. STRIPS	912833JW1	12/30/10	05/15/11	0.22%	0.00	20,000,000.00	$19,985,200.00
U.S. STRIPS (Hallpark)	912833KC3	06/09/04	05/15/14	5.12%	445.64	79,860.00	$126,268.56
**Subtotal					51,688.25	76,584,860.00	$77,637,846.26
TOTAL					56,457.96	111,645,900.77	$112,698,887.03

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

CITY COUNCIL AGENDA
JANUARY 25, 2011

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

Item No. 10

Text File Number: RPT-1011-28

Introduced: 12/28/2010 by Carol Coles, Administrative Assistant

Current Status: Consent Item

Version: 1

Matter Type: Communication or Report

Title

SUBMISSION AND ACKNOWLEDGING RECEIPT OF THE MONTHLY DEPARTMENTAL REPORTS FOR THE MONTH OF DECEMBER, 2010, AND DIRECTING THE FILING THEREOF.

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

ACTION TAKEN: _____

CITY COUNCIL AGENDA
JANUARY 25, 2011

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

Item No. 11

Text File Number: RPT-1011-29

Introduced: 1/5/2011 by Jud Foster, Director of Parks & Rec.

Current Status: Consent Item

Version: 1

Matter Type: Communication or Report

Title

SUBMISSION OF THE 2010 ANNUAL REPORT FROM THE BOARD OF PARKS COMMISSIONERS.

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

ACTION TAKEN: _____

Norman Board of Parks Commissioners

2010 ANNUAL REPORT

SUMMARY OF ACTIVITIES

JANUARY
Dennis Brigham was elected as Chair and Jackie Farley was elected as Vice-Chair of the Board of Parks Commissioners. The board voted to recommend a private park for the parkland dedication requirements for the J & J Addition PUD. The Board voted to recommend accepting a contract with the Norman Amateur Softball Association to operate the Adult Softball Program at Reaves Park.

FEBRUARY
The Board voted to approve the Sub-Committee Appointments. The Board voted to recommend raising facility usage fees in the Parks. The board voted to recommend a private park for the parkland dedication requirements for the Founder's Park Addition PUD. Jeff Hill presented the last report for the Reaves Park Softball Association and reported on Recreation Activities of the Parks and Recreation Department.

MARCH
Jeff Marley presented the annual report on behalf of the Norman Optimist Football and Baseball programs. David Lisle, Golf Pro, and Ralph Cagigal, Golf Course Superintendent, reported on the activities at Westwood Golf Course. The Board reviewed a presentation of the Ruth Updegraff Park Reconstruction project.

APRIL
Mickey Williams presented the annual report from the Norman Football Academy. Douglas Elder presented the annual report from the Firehouse Art Center.

MAY
The board welcomed new commissioner Elizabeth London and presented an appreciation plaque to Commissioner Chris Jingozian for his services to the board. The Board reviewed and voted to adopt a Park Masterplan for the Indian Hill neighborhood to use as a guideline for future park development in the area. The annual park tour followed the meeting.

JUNE
Stephanie Royce presented the annual report on behalf of the Sooner Theatre. The Board reviewed a presentation of proposed improvements to the Firehouse Art Center by Architect David Wanzer of 308 Design Collaborative. The board voted to recommend a land decision for the parkland dedication requirements for the Redlands Addition.

JULY
There was no meeting in July.

AUGUST
There was no meeting in August.

SEPTEMBER
Vernon McKown, NYSA President, presented the annual report for Norman Youth Soccer Association. The board voted to recommend a fee-in-lieu of land for the parkland dedication requirements for the Mission Norman PUD. The board prioritized a list of Transportation Enhancement Grant Projects to recommend to City Council. Jeff Hill reported on the activities of the Recreation Division.

OCTOBER
Vernon Maddux, President of the Cleveland County Historical Society presented the annual report for the museum. George Childers, President of the Little Axe Youth Sports and Meredith Wahpekhe, Treasurer, presented the annual report for the Little Axe Youth Sports Association. Staff updated the board on the development of the Cedar Lane Addition and park site.

NOVEMBER
David Minihan, Westwood Tennis Pro, presented on the activities of the Westwood Tennis Center. Bill Ulch, Park Maintenance Superintendent reported on Park Maintenance Activities.

DECEMBER
The board presented an appreciation plaque to Commissioner Bob Campbell for his services to the board. Rick Fry presented the annual report on behalf of the Performing Arts Studio. The board voted to recommend a fee-in-lieu of land for the parkland dedication requirements for the Sigma Nu Addition

A special meeting of the board was held on December 16. The Board voted to endorse the proposed charter amendment regarding the use of parkland fees collected prior to 1994 and recommend approval by the City Council.

CITY COUNCIL AGENDA
JANUARY 25, 2011

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

Item No. 12

Text File Number: K-1011-86

Introduced: 1/11/2011 by Greg Hall, Street Superintendent

Current Status: Consent Item

Version: 1

Matter Type: Contract

Title

CONSIDERATION OF AWARDING OF BID NO. 1011-41 AND APPROVAL OF CONTRACT NO. K-1011-86 WITH RDNJ, INC., D/B/A A-TECH PAVING IN THE AMOUNT OF $550,410.50, CHANGE ORDER NO. ONE INCREASING THE CONTRACT AMOUNT BY $103,742.50, AND RESOLUTION NO. R-1011-50 FOR THE 2010 URBAN CONCRETE PAVEMENT REHABILITATION BOND PROJECTS.

ACTION NEEDED: Motion to accept or reject all bids meeting specifications; and, if accepted, award the bid in the amount of $550,410.50 to RDNJ, Inc., d/b/a A-Tech Paving as the lowest and best bidder meeting specifications; approve Contract No. K-1011-86 and Change Order No. One increasing the contract amount by $103,742.50; authorize execution of contract and change order and the Mayor to sign Performance Bond No. B-1011-51, Statutory Bond No. B-1011-52, and Maintenance Bond No. MB-1011-55 contingent upon the City Attorney's approval; and adopt Resolution No. R-1011-50.

ACTION TAKEN: _____

Body

BACKGROUND: In the Norman General Obligation Bond Election of March 2, 2010, voters approved the Urban Concrete Pavement Rehabilitation Projects. This improvement program involves the removal and replacement of damaged concrete pavement in neighborhoods throughout Norman.

The 2011 locations are funded in Account No. 050-9393-431.61-01 as Project Nos. BP0306, BP00307, BP0308, BP0309, and BP0310. Bid specifications and documents were advertised on December 10, 2010 and December 17, 2010. Eleven (11) paving contractors received a set of documents. If approved, the base bid for this project will complete all 2011 locations for Urban Concrete Pavement Rehabilitation Projects included in the 2010 Bond Election. Staff anticipates construction will begin in March and be completed within twelve (12) months.

DISCUSSION: The bid opening was conducted on December 30, 2010, and ten (10) contractors submitted bids. The lowest bid in the amount of $550,410.50 was submitted by RDNJ, Inc. d/b/a A-Tech Paving. The low bid is below the engineer's estimate of $774,145.00 by $223,734.50 (29% percent). The average of the ten (10) bids is $731,457.65. A-Tech Paving has previously worked for the City of Norman, and the firm received favorable references from other cities on similar projects, including the City of Oklahoma City.

Given the favorable bids, staff is requesting that Council consider Change Order No. 1 to the contract in the amount of $103,742.50. If approved, additional concrete pavement repairs will be performed on the streets included in this contract. The balance of funds in the FYE 2011 project account will be used to provide joint/crack sealing on the remaining concrete pavements including this contract.

RECOMMENDATION NO. 1: Staff has reviewed the bids and recommends that Bid No. 1011-41 for the 2010 Urban Concrete Pavement Rehabilitation Bond Projects, 2011 locations, be awarded to the low bidder, RDNJ, Inc. d/b/a A-Tech Paving in the amount of $550,410.50.

RECOMMENDATION NO. 2: Staff further recommends that, upon approval of Bid No. 1011-41, the following contract and bonds be approved:

Contract No. K-1011-86
Performance Bond No. B-1011-51
Statutory Bond No. B-1011-52
Maintenance Bond No. MB-1011-55

RECOMMENDATION NO. 3: Staff further recommends that, upon approval of Contract No. K-1011-86, that Resolution No. R-1011-50 be adopted authorizing RDNJ, Inc. d/b/a A-Tech Paving as project agent.

RECOMMENDATION NO. 4: Staff further recommends that Change Order No. 1 in the amount of $103,742.50 be approved.

CITY OF NORMAN
TABULATION OF BIDS
URBAN CONCRETE PAVEMENT REHABILITATION 2010 BOND PROJECTS
2011 PROJECT BOND LOCATIONS

Bid No. 1011-41
Bid Opening: December 30, 2010

The following is a tabulation of bids received by the City of Norman for the project.

BIDDER	BID PRICE
RDNJ, Inc. d/b/a A-Tech Paving, Edmond, Ok	$ 550,410.50
Nash Construction Co., Oklahoma City, OK	$ 550,743.00
Central Contracting Services, Norman, OK	$ 567,015.00
Connelly Paving, Oklahoma City, OK	$ 609,350.00
Rudy Construction, Oklahoma City, OK	$ 652,695.00
Silver Star Construction, Moore, OK	$ 789,000.00
T. J. Campbell Construction Co., Oklahoma City, OK	$ 795,747.50
Overland Corporation, Ardmore, OK	$ 893,341.50
Haskell Lemon Construction Co., Oklahoma City, OK	$ 925,470.00
Meridian Contracting Co., Albuquerque, NM	$ 980,804.00

Engineer's Estimate $ 774,145.00

RECOMMENDATION:

Staff recommends the bid be awarded to RDNJ, Inc. d/b/a A-Tech Paving, as the lowest and best bidder meeting all specifications in the amount of $550,410.50.

Forwarded by:

Greg Hall, Street Superintendent

ps

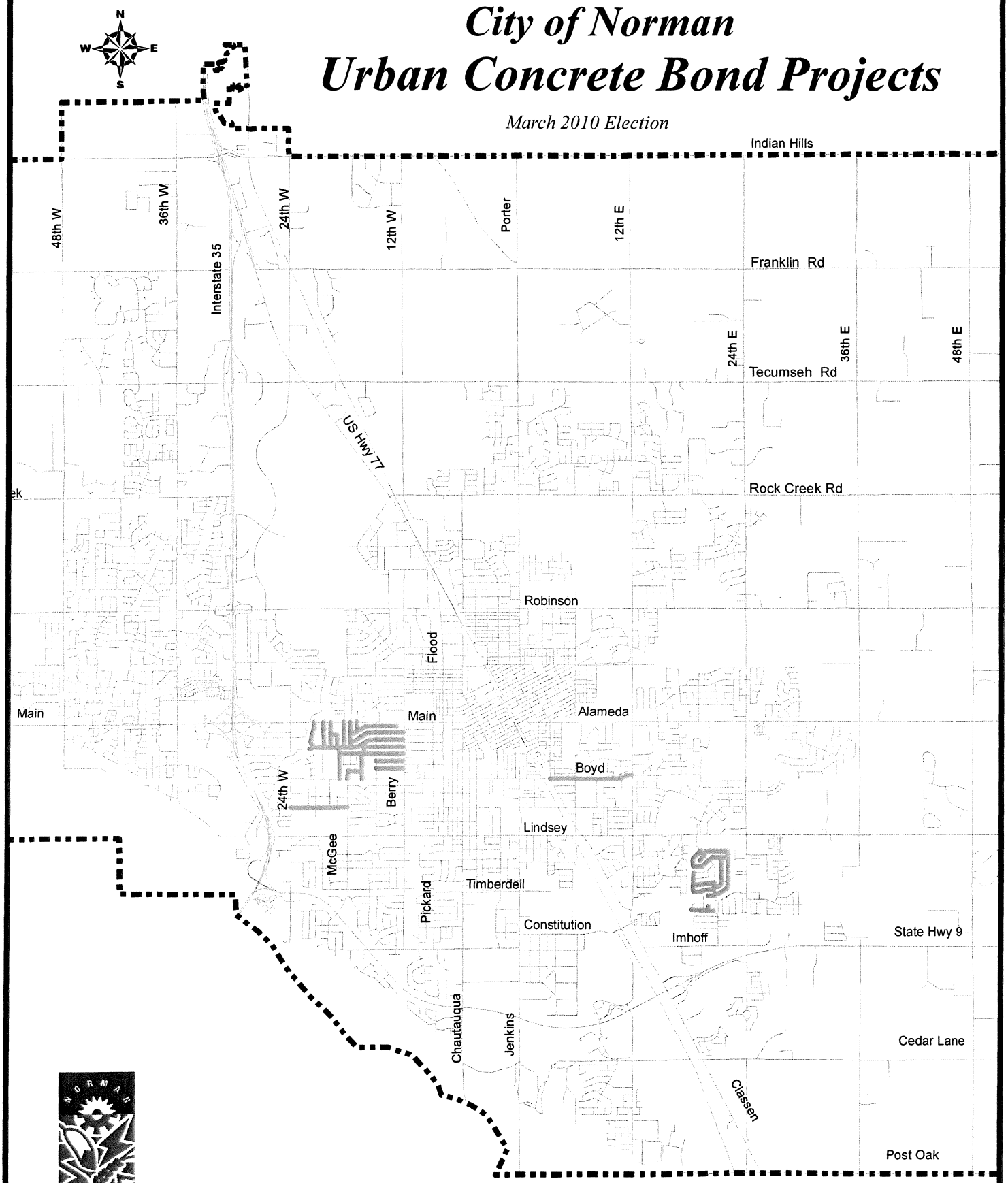
URBAN CONCRETE PAVEMENT REHABILITATION PROJECTS
BID 1011-41
The various streets and locations are as listed as follows:

ITEM	PROJ #	STREET LOCATION	BETWEEN STREETS
1	BP0306	Boyd Street	
			Classen Blvd - 12th Avenue East
2	BP0307	Whippoorwill Drive	
			Oakhurst Avenue - Elmhurst Drive
3	BP0307	Allenhurst Street	
			Oakhurst Avenue - Amhurst Avenue
4	BP0307	Oakhurst Circle	
			Oakhurst Avenue - E 1900 Block
5	BP0307	Elmhurst Drive	
			Whippoorwill Drive - Amhurst Avenue
6	BP0307	Amhurst Avenue	
			Allenhurst St - South 1400 Block
7	BP0307	Ridgewood Drive	
			Oakhurst Avenue - Oakcliff Road
8	BP0307	Lakehurst Drive	
			Oakhurst Avenue - Oakcliff Road
9	BP0307	Oakcliff Road	
			Lakehurst Avenue - Burnt Oak Drive
10	BP0307	Oakcrest Avenue	
			Oakhurst Avenue - Elmhurst Drive
11	BP0307	Rollingstone Drive	
			Oakhurst Avenue - South 1600 Block
12	BP0307	Rollingstone Circle	
			Oakhurst Avenue - West 1900 Block
13	BP0307	Twisted Oak Drive	
			Oakhurst Avenue - East 1800 Block
14	BP0307	Twisted Oak Circle	
			Twisted Oak Drive - South 2000 Block
15	BP0308	Brooks Street	
			24th Avenue S.W. - McGee Drive
16	BP0309	Garrison Drive	
			Boyd Street - Melrose Drive
17	BP0309	Hal Muldrow Drive	
			Main Street - Melrose Drive
18	BP0309	Melrose Drive	
			Hal Muldrow Dr - Rosedale Drive
19	BP0309	Melrose Court	
			Hal Muldrow Dr - West 2100 Block

ITEM	PROJ #	STREET LOCATION	BETWEEN STREETS
20	BP0309	Sherry Avenue	
			Main Street - Melrose Drive
21	BP0309	Mercedes Drive	
			Main Street - Melrose Drive
22	BP0309	Thompson Drive	
			Main Street - Melrose Drive
23	BP0309	Collier Drive	
			Main Street - Melrose Drive
24	BP0309	Jansing Drive	
			Thompson Drive - Garrison Drive
25	BP0309	Garrison Drive	
			Melrose Drive – Jansing Drive
26	BP0310	Sunset Drive	
			Gatewood - Sherry Avenue
27	BP0310	Ann Arbor Drive	
			Sherry Avenue - Berry Road
28	BP0310	Melrose Drive	
			Sherry Avenue - Berry Road
29	BP0310	Huntington Way	
			Rosedale Drive - Berry Road
30	BP0310	Camden Way	
			Garrison Drive - Berry Road
31	BP0310	Westlawn Drive	
			Wylie Road - Berry Road
32	BP0310	Windsor Way	
			Wylie Road - Berry Road
33	BP0310	Westchester Avenue	
			Sunset Drive - Main Street
34	BP0310	Rosedale Drive	
			Melrose Drive - Boyd Street
35	BP0310	Lenox Drive	
			McGee Drive - Rosedale Drive
36	BP0310	McGee Drive	
			Boyd Street - Lenox Drive

City of Norman
Urban Concrete Bond Projects

March 2010 Election



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.

FYE 2010-2011 Projects

CONTRACT

THIS CONTRACT made and entered into this 4 day of January, 2010, by and between as Party of the First Part, hereinafter designated as the CONTRACTOR, and the City of Norman, a municipal corporation, hereinafter designated as the CITY, Party of the Second Part.

WITNESSETH

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

URBAN CONCRETE PAVEMENT REHABILITATION BOND PROJECTS

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

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

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

(WRITTEN) Five hundred fifty thousand four hundred ten dollars; fifty cents. (DOLLARS);

(NUMERALS) ($ 550410.50).

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

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

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

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

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

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

3) It is further agreed that the CONTRACTOR will commence said work within 10 days following receipt of a NOTICE-TO-PROCEED, and prosecute the same vigorously and continuously, and continuously complete the same within 365 calendar days following receipt of said NOTICE-TO-PROCEED.

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

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

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

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

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

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

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

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

8) The CONTRACTOR shall complete the work in accordance with the terms of this Agreement. The CONTRACTOR further agrees to pay as liquidated damages as stipulated in the contract document General Conditions for each calendar day thereafter.

9) The CONTRACTOR shall furnish surety bonds and certificate of insurance as specified herein which bonds and insurance must be approved by the CITY prior to issuance of the Work Order and commencement of work on the project. The CONTRACTOR shall provide written documentation from the Maintenance Bond Company that all work, including Change Orders, is covered by the Maintenance Bond before final acceptance of the project.

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

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

12) <u>The sworn, notarized statement below must be signed and notarized before this Contract will become effective.</u>

STATE OF Oklahoma)
) ss:
COUNTY OF Oklahoma)

Jay Doyle, of lawful age, being first duly sworn, on oath says that (s)he is the agent authorized by CONTRACTOR to submit the above CONTRACT to the CITY. Affidavit further states that CONTRACTOR has not paid, given or donated or agreed to pay, give, or donate to any officer or employee of the CITY any money or other thing of value, either directly or indirectly, in the procuring of the CONTRACT.

Contractor

Subscribed and sworn to before me this 4 day of January, 2011.

Notary Public

SUSAN JUSTICE
Notary Public in and for
State of Oklahoma
10005722
My Commission Expires July, 19, 2014

Contract No. K-1011-86
Page 3 of 5

IN WITNESS WHEREOF, the said parties of the First and Second Part have hereunto set their hands and seals respectively the _____ day of _____ 20___, and the _____ day of _____, 20___.

(Corporate Seal) (where applicable)

Principal

ATTEST:
Authorized Representative

_____
Corporate Secretary (where applicable)

Signed: Jay Doyle

Title: President

Address PO Box 28605 Edmond OK

Telephone: 4054184741

CITY OF NORMAN:

Approved as to form and legality this 13 day of January 2011.

R Bonney
City Attorney

Approved by the Council of the City of Norman, this _____ day of _____, 20___.

ATTEST:

_____ _____
City Clerk Mayor

Contract No. K-1011-86
Page 4 of 5

CONTRACT AFFIDAVIT

STATE OF Oklahoma)
) ss:
COUNTY OF Oklahoma)

Jay Doyle, of lawful age, being first duly sworn, on oath says that (s)he is the Agent authorized by the Firm of A-tech paving to submit the above Contract to the City of Norman, Oklahoma.

Affidavit further states that such firm has not paid, given or donated or agreed to pay, give, or donate to any officer or employee of the City of Norman, Oklahoma, any money or other thing of value, either directly or indirectly, in the procuring of the Contract.

Contractor

Subscribed and sworn to before me this 4 day of January, 2011.

Notary Public

My Commission Expires:

July 19, 2014

NOTARY SEAL PUBLIC
SUSAN JUSTICE
Notary Public in and for
State of Oklahoma
10005722
My Commission Expires July, 19, 2014

Contract No. K-1011-86
Page 5 of 5

CHANGE ORDER SUMMARY
CITY OF NORMAN
CLEVELAND COUNTY, OKLAHOMA

CHANGE ORDER NO.: 1 Date: January 05, 2011

CONTRACT NO.: K-1011-86

PROJECT: URBAN CONCRETE PAVEMENT REHABILITATION PROJECTS

PROJECTS NOS.: BP0309 and BP0310

CONTRACTOR: RDNJ, INC. d/b/a A-TECH PAVING
P. O. Box 2865
Edmond, Oklahoma 73083-2865

ORIGINAL CONTRACT AMOUNT: $ 550,410.50

(Increase) this change order___0___

DESCRIPTION	DECREASE	INCREASE
See Page 3 – Change Order Detail	-0-	$ 103,742.50

Note: This change order is based completely on the unit bid prices from the original contract.

NET CHANGE $ 103,742.50

REVISED CONTRACT AMOUNT $ 654,153.00

CONTRACTOR:_____ DATE: 1/6/11

PROJECT MGR.:_____ DATE: 1/6/11

CITY ATTORNEY:_____ DATE: 11-13-11

ACCEPTED BY:_____ DATE:_____
(Mayor)

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

Contract No.:	K-1011-86	Project Mgr.: Greg Hall
Project Account Number:	050-9393-431.61-01	Street Superintendent
		P.O. Box 370
		405-329-2524

Change Order No. 1 Applies To:
URBAN CONCRETE PAVEMENT REHABILITATION BOND PROJECTS

A. Change Orders or addenda to public construction contracts of One Million Dollars ($l,000,000.00) or less shall not exceed a fifteen percent (15%) cumulative increase in the original contract amount.

B. Change orders or addenda to public construction contracts of over One Million Dollars ($1,000,000.00) shall not exceed the greater of One Hundred Fifty Thousand Dollars $150,000.00) or a ten percent (10%) cumulative increase in the original contract amount.

C. Change orders or cumulative change orders which exceed the limits of subsection A or B of this section shall require a readvertising for bids on the incomplete portions of the contract.

G.
1. All materials with cost per item;
2. Itemization of all labor with number of hours per operation and cost per hour;
3. Itemization of all equipment with the type of equipment, number of each type, cost per hour for each type, and number of hours of actual operation for each type.
4. Itemization of insurance cost, bond cost, social security, taxes, workers' compensation, employee fringe benefits and overhead cost; and
5. Profit for the contractor.

H.
1. If a construction contract contains unit bid pricing, and the change order pertains to the unit bid price, the change order will not be subject to subsection A or B of this section.

2. When the unit price change does not exceed Ten Thousand Dollar $10,000.00), the unit price change order computation may be based on an acceptable unit price basis in lieu of cost itemization as required in paragraphs 1,2,3,4 and 5 of subsection G of this section.

I. Alternates or add items bid with the original bid and contained in the awarded contract as options of the awarding public agency shall not be construed as change orders under the provisions of the Public Competitive Bidding Act of 1974.

DETAILED COST ITEMIZATION

ORIGINAL CONTRACT:

URBAN CONCRETE PAVEMENT REHABILITATION BOND PROJECTS

CHANGE ORDER NO. 1 to Contract No. K-1011-86
Applied To: Project Nos.: BP0309 and BP0310

Streets: Melrose Drive B/Hal Muldrow Drive - Rosedale Drive
Melrose Drive B/Sherry Avenue - Berry Road

Original Bid Proposal and Pay Item Numbers

Item	Description	Unit	Unit Price	Quantity	Total Price
3	Undercut (2)	C.Y.	$ 40.00	100	$ 4,000.00
5	Saw Cut Pavement Full Depth	L.F.	$ 1.50	900	$ 1,350.00
7	Remove Integral Curb W/Slab	L.F.	$ 1.50	860	$ 1,290.00
8	Remove Concrete Driveway	S.Y.	$ 6.35	550	$ 3,492.50
9	Remove Concrete Pavement	S.Y.	$ 6.35	1200	$ 7,620.00
10	Type A ODOT Aggregate Base (3)	TON	$ 15.00	200	$ 3,000.00
11	Compact Existing Subgrade (4)	S.Y.	$ 1.50	1200	$ 1,800.00
14	Install Reinforcement Steel (6)	LB.	$ 0.70	10000	$ 7,000.00
15	1 inch Joint Dowels 24" long 18" c/c (7)	EA.	$ 2.50	702	$ 1,755.00
16	3000 HES Concrete 7" Pavement (10)	S.Y.	$ 34.25	1100	$ 37,675.00
17	3000 HES 6" Driveway (10)	S.Y.	$ 50.00	550	$ 27,500.00
18	6" Barrier Integral Curb (10)	L.F.	$ 5.00	860	$ 4,300.00
27	Clean Topsoil	C.Y.	$ 20.00	28	$ 560.00
27	Slab Sod	S.Y.	$ 4.00	600	$ 2,400.00
					$ 103,742.50

Resolution

R-1011-50

A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AUTHORIZING AND APPOINTING RDNJ, INC., D/B/A A-TECH PAVING AS PROJECT AGENT FOR THE 2010 URBAN CONCRETE PAVEMENT REHABILITATION BOND PROJECTS.

§ 1. WHEREAS, the City of Norman, Oklahoma, does hereby acknowledge that the tax-exempt status of this political subdivision is a significant factor in determining the agreed contract price bid by **RDNJ, Inc., d/b/a A-Tech Paving** for the **2010 Urban Concrete Pavement Rehabilitation Bond Projects**; and

§ 2. WHEREAS, the City of Norman, Oklahoma, in compliance with State law, desires to confer on **RDNJ, Inc., d/b/a A-Tech Paving** its special State and Federal sales tax exemptions and in order to achieve such end, finds it necessary to appoint as its direct purchasing agent, **RDNJ, Inc., d/b/a A-Tech Paving** to purchase materials which are in fact used for the **2010 Urban Concrete Pavement Rehabilitation Bond Projects**; and

§ 3. WHEREAS, this limited agent status is conferred with the express understanding that **RDNJ, Inc., d/b/a A-Tech Paving** shall appoint employees and subcontractors as subagents who shall be authorized to make purchases on their behalf.

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

§ 4. That the City of Norman, Oklahoma, on the 25th day of January, 2011, did appoint **RDNJ, Inc., d/b/a A-Tech Paving** who is involved with **2010 Urban Concrete Pavement Rehabilitation Bond Projects** an agent of the City of Norman, Oklahoma, solely for the purpose of purchasing, on a tax-exempt basis, materials and tangible personal property to be used exclusively for the **2010 Urban Concrete Pavement Rehabilitation Bond Projects**.

PASSED AND ADOPTED THIS 25th day of January, 2011.

_____
Mayor

ATTEST:

_____
City Clerk

PURCHASE REQUISITION NBR: 0000181364

STATUS: ALL ITEMS ON ORDER

REQUISITION BY: PSAYERS

REASON: BID 1011-41 URBAN CONCRETE PAV REHABILITATION PROJ

DATE: 1/10/11

SHIP TO LOCATION: LINDSEY STREET YARD

SUGGESTED VENDOR: 9713 RDNJ INC

DELIVER BY DATE: 12/31/11

LINE NBR	DESCRIPTION	QUANTITY	UOM	UNIT COST	EXTEND COST	VENDOR PART NUMBER
1	BP 0306 BOYD ST B/CLASSEN - 12TH AVE EAST COMMODITY: CONSTRUCTION SERVICES, GE SUBCOMMOD: MAINTENANCE AND REPAIR, S	119524.54	DOL	1.0000	119524.54	
2	BP 0307 OAKHURST ADDITION COMMODITY: CONSTRUCTION SERVICES, GE SUBCOMMOD: MAINTENANCE AND REPAIR, S	149405.10	DOL	1.0000	149405.10	
3	BP 0308 BROOKS ST B/24TH AVE SW - MCGEE DR COMMODITY: CONSTRUCTION SERVICES, GE SUBCOMMOD: MAINTENANCE AND REPAIR, S	26893.49	DOL	1.0000	26893.49	
4	BP 0309 EDGEMERE ADDITION COMMODITY: CONSTRUCTION SERVICES, GE SUBCOMMOD: MAINTENANCE AND REPAIR, S	134465.20	DOL	1.0000	134465.20	
5	BP 0310 HETHERINGTON HEIGHTS - BID 1011-41 K-1011-86 - ENCUMBERING PURCHASE ORDER - DO NOT MAIL - AGENDA ITEM JANUARY 25, 2011 COMMODITY: CONSTRUCTION SERVICES, GE SUBCOMMOD: MAINTENANCE AND REPAIR, S	223864.67	DOL	1.0000	223864.67	

REQUISITION TOTAL: 654153.00

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

LINE #	ACCOUNT		PROJECT	%	AMOUNT
1	05093934316101	Capital Projects Construction	BP0306 Boyd:Classen-12th Ave E	100.00	119524.54
2	05093934316101	Capital Projects Construction	BP0307 Oakhurst Addition	100.00	149405.10
3	05093934316101	Capital Projects Construction	BP0308 Brooks:24th SW-McGee Dr	100.00	26893.49
4	05093934316101	Capital Projects Construction	BP0309 Edgemere Addition	100.00	134465.20
5	05093934316101	Capital Projects Construction	BP0310 Hetherington Heights	100.00	223864.67
					654153.00

CITY COUNCIL AGENDA
JANUARY 25, 2011

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

Item No. 13

Text File Number: K-1011-126

Introduced: 1/11/2011 by Mike Rayburn, Traffic Engineer

Current Status: Consent Item

Version: 1

Matter Type: Contract

Title

CONSIDERATION OF AWARDING OF BID NO. 1011-50; APPROVAL OF CONTRACT NO. K-1011-126 WITH TRAFFIC SIGNALS, INC., IN THE AMOUNT OF $40,972.50; CHANGE ORDER NO. ONE DECREASING THE CONTRACT BY $900; PERFORMANCE BOND NO. B-1011-61; STATUTORY BOND NO. B-1011-62; MAINTENANCE BOND NO. MB-1011-68; AND RESOLUTION NO. R-1011-79 FOR FYE 2011 SOLAR POWERED RADAR SPEED FEEDBACK UNITS TO BE PLACED ON WALNUT ROAD, CHERRY CREEK DRIVE, WESTERN VIEW DRIVE, AND NORTHCLIFF AVENUE.

ACTION NEEDED: Motion to accept or reject all bids meeting specifications; and, if accepted, award the bid in the amount of $40,972.50 to Traffic Signals, Inc., as the lowest and best bidder meeting specifications; approve Contract No. K-1011-126, Change Order No. One decreasing the contract amount by $900, and the performance, statutory, and maintenance bonds; authorize execution of the contract and change order, direct the filing of the bonds; and adopt Resolution No. R-1011-79.

ACTION TAKEN: _____

Body

BACKGROUND: The City's Traffic Calming Program was created to respond to formal requests from citizens that the City address speeders in their neighborhoods. The City has established certain Traffic Volume and 85th Percentile Speed qualifying thresholds that a street must meet in order to qualify for the Traffic Calming Program. As a first attempt to slow traffic on a street that has qualified, the City deploys a radar speed feedback unit that displays each vehicles speed as it approaches the unit. On these streets, and on other city streets where the units have been randomly used, the compliance has been excellent while there. When removed, however, the vehicles resume their speeding. Therefore, engineered traffic calming measures that are self-enforcing by compelling drivers to slow down have been used. The most effective of these have been traffic circles and speed tables, which have been used extensively in Norman when supported by neighborhood petitions.

On certain qualifying neighborhood streets, however, residents have tried but failed to get the required 60% support from eligible petitioners. To offer some degree of permanent traffic calming for streets of this sort, in an alternate non-physical way, the Council directed staff to install permanent versions of the radar speed feedback trailers in three neighborhoods that desired traffic calming but could not attain enough support signatures. This pilot project represents the City's attempt to achieve traffic calming in a way less intrusive than the proven on-road traffic calming devices.

DESCRIPTION: The process of selecting a construction contractor to install Solar Powered Radar Speed Feedback Units - Various Locations, including bid advertisement, was done in accordance with State Law.

Staff prepared a bid document that requested that bidders bid on installing six (6) Solar Powered Radar Speed Feedback Units in three selected qualifying neighborhoods. Three companies obtained bid packages, and all three submitted bids for the December 30, 2010 scheduled bid opening. Traffic Signals, Inc. of Edmond, Oklahoma was the low bidder with a bid of $40,972.50. The turnkey materials-and-installation bid was $6,828.75 per speed feedback unit.

The following are the three (3) selected neighborhoods to receive the Solar Powered Radar Speed Feedback Units:
Walnut Road - 3 units (Ward 4)
Cherry Creek Drive / Western View Drive - 2 units (Ward 3)
Northcliff Avenue - 1 unit (Ward 6)

The attached Change Order No. 1 represents a savings of $150 per installation to be realized by using a screw-in type of pole in lieu of the typical pole with concrete footing. This type pole has been used in other communities for similar type installations, and would make it easier to remove or relocate the installation in the event the long-term effectiveness is lost.

This project is part of the Traffic Calming Program which is included annually in the Citys Capital Improvement Program. Currently, there is approximately $127,000 remaining in the FYE 2011 (Traffic Calming) Construction Account that was carried over from FYE 2010. If the attached bid and Change Order No. 1 are approved, a balance of approximately $86,000 will remain in the account.

RECOMMENDATION NO. 1: Staff recommends award of Bid No. 1011-50 to Traffic Signals, Inc., the low bidder. Funding will come from the Capital Fund FYE 2011 (Traffic Calming) Construction Account No. 050-9073-431.61-01, Project No. TC 0230.

RECOMMENDATION NO. 2: Staff recommends that upon approval of Bid No. 1011-50, and contingent on approval by the City Attorney, that the Mayor be authorized to sign Contract K-1011-126 between the City of Norman and Traffic Signals, Inc., in the amount of $ 40,972.50, as well as the following bonds:

Performance Bond No. B-1011-61
Statutory Bond No. B-1011-62
Maintenance Bond No. MB-1011-68

RECOMMENDATION NO. 3: Staff recommends approval of Resolution R-1011-79 designating Traffic Signals, Inc. as the City's agent for the purchase of materials associated with the Solar Powered Radar Speed Feedback Units project.

RECOMMENDATION NO. 4: Staff recommends approval of Change Order No. 1 that decreases the amount of Contract K-1011-126 by $ 900, down to $40,072.50.

City of Norman

BID 1011-50

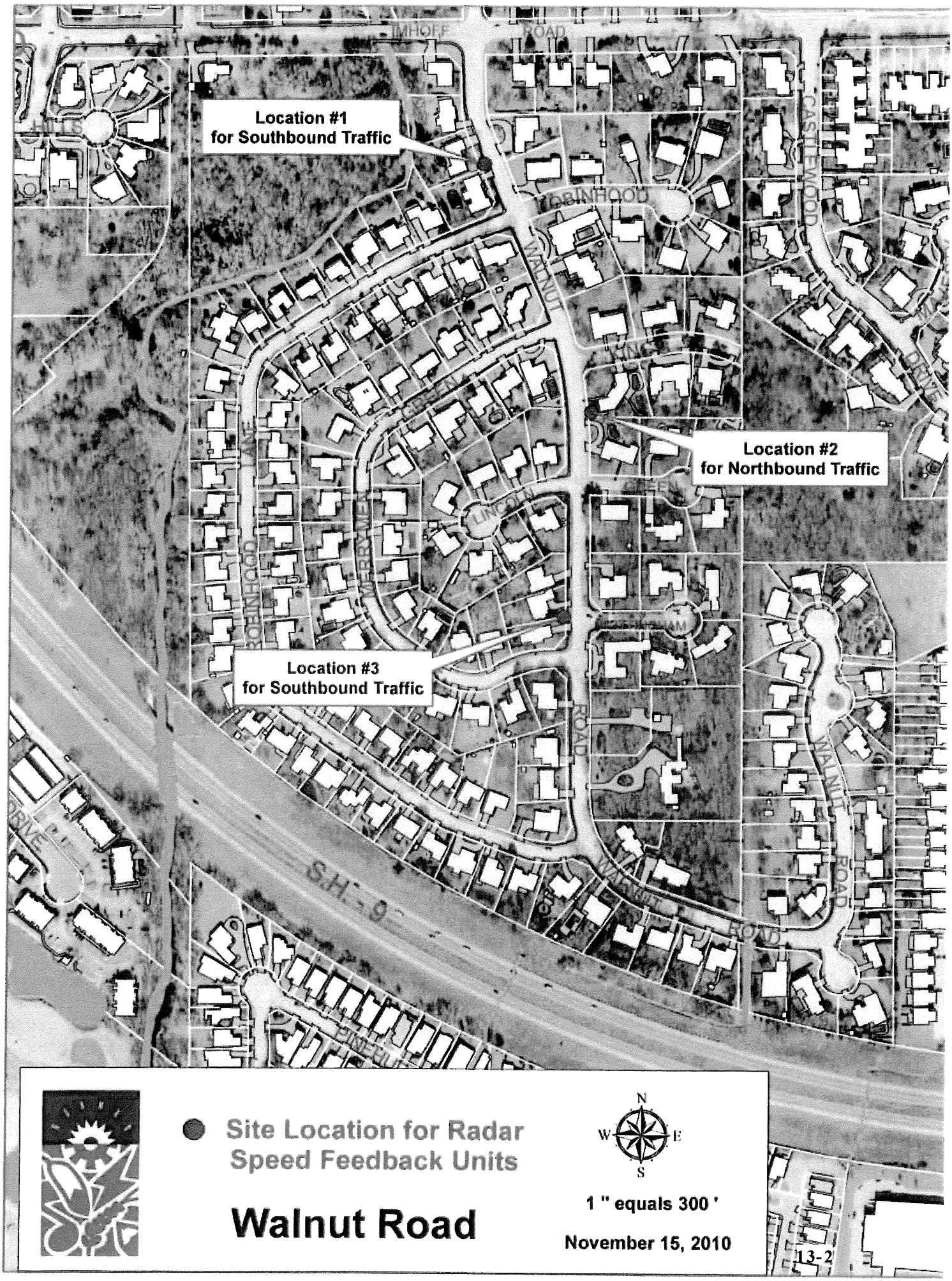
TITLE SOLAR POWERED RADAR SPEED FEEDBACK UNITS-VARIOUS LOCATIONS

DATE 12/30/10

BIDDER NAME	Total Base Bid:				
1 Midstate Traffic Control	$45,000.00	Okla. City, OK	$	$	$
2 David Elliott Constr. Co	$56,400.00	$ Broken Arrow, OK	$	$	$
3 Traffic Signals Inc	$40,972.50	$ Edmond, OK	$	$	$
4	$	$	$	$	$
5	$	$	$	$	$
6	$	$	$	$	$
7	$	$	$	$	$
8	$	$	$	$	$
9	$	$	$	$	$
10	$	$	$	$	$
11	$	$	$	$	$
12	$	$	$	$	$
13	$	$	$	$	$

Received and Opened by Phyllis M Shobert

Date 12-30-10

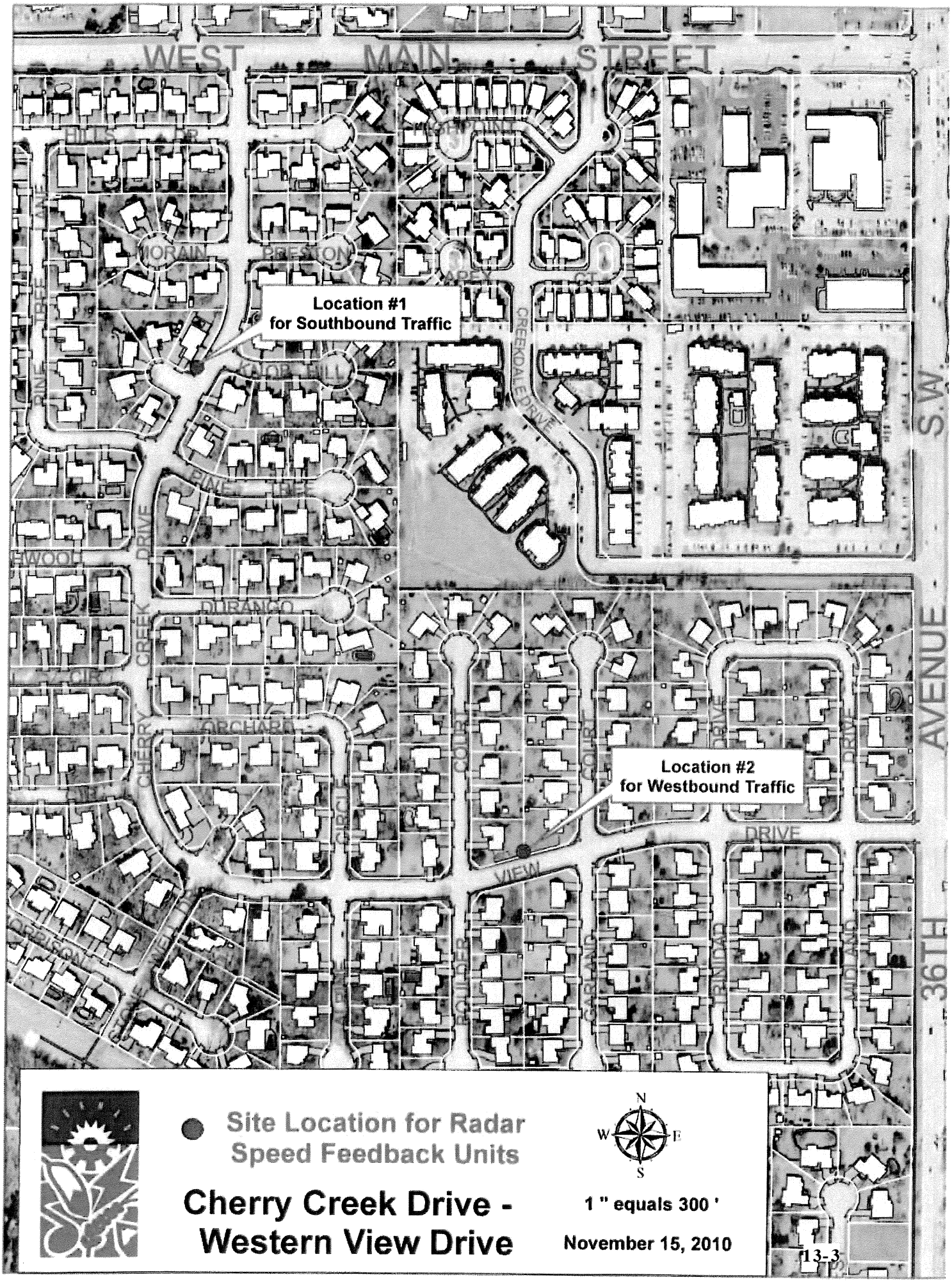


Site Location for Radar Speed Feedback Units

Walnut Road

1 " equals 300 '

November 15, 2010


WEST MAIN STREET
Location #1
for Southbound Traffic
Location #2
for Westbound Traffic
CREEKDALE DRIVE
DURANGO
ORCHARD
VIEW
DRIVE
36TH AVENUE S.W.
Site Location for Radar
Speed Feedback Units
N
W
E
S
Cherry Creek Drive -
Western View Drive
1 " equals 300 '
November 15, 2010

Northcliff Avenue

CONTRACT

THIS CONTRACT made and entered into this_____day of_____, 20_, by and between ___Traffic Signals, Inc._____ as Party of the First Part, hereinafter designated as the CONTRACTOR, and the City of Norman, a municipal corporation, hereinafter designated as the CITY, Party of the Second Part.

WITNESETH

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

"Solar Powered Radar Speed Feedback Units – Various Locations"

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

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

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

_____Forty thousand, nine hundred seventy-two and 50/100_____DOLLARS ($_40,972.50_____);

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

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

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

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

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

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

3) It is further agreed that the CONTRACTOR will commence said work within 5 days following receipt of a NOTICE-TO-PROCEED, and prosecute the same vigorously and continuously, and complete the same 60 calendar days following receipt of said NOTICE-TO-PROCEED.

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

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

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

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

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

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

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

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

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

9) The CONTRACTOR shall complete the work in accordance with the terms of this Agreement. The CONTRACTOR further agrees to pay as liquidated damages as stipulated in the contract document General Conditions for each calendar day thereafter.

10) The CONTRACTOR shall furnish surety bonds and certificate of insurance as specified herein which bonds and insurance must be approved by the CITY prior to issuance of the Work Order and commencement of work on the project. The CONTRACTOR shall provide written documentation from the Maintenance Bond Company that all work, including Change Orders, is covered by the Maintenance Bond before final acceptance of the project.

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

To that end, no provision of this CONTRACT or of any such aforementioned document shall be interpreted or given legal effect to create an obligation on the part of the CITY to third persons, including, by way of illustration but not exclusion, sureties upon performance bonds, payment bonds or other bonds, assignees of CONTRACTOR, subcontractors, and persons performing labor, furnishing material or in any other way contributing to or assisting in the performance of the obligations of the CONTRACTOR; nor shall any such provisions be interpreted or given

legal effect to afford a defense against any obligation owed or assumed by such third person to the CITY or in any way to restrict the freedom of the third person to the CITY or in any way to restrict the freedom of the CITY to exercise full discretion in its dealing with the Contractor.

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

IN WITNESS WHEREOF, the said parties of the First and Second Part have hereunto set their hands and seals respectively the _____day of _____20__, and the day of _____, 20__.

(Corporate Seal) (where applicable)

TRAFFIC SIGNALS, INC.
Principal

ATTEST:

Signed: _____
Authorized Representative

TRAFFIC SIGNALS, INC. CORPORATE SEAL OKLAHOMA

PRESIDENT
Title

Corporate Secretary (where applicable)

Address PO BOX 30067
EDMOND, OK 73003

Telephone: 405-341-3101

CITY OF NORMAN:

Approved as to form and legality this 11 day of January, 2011.

City Attorney

Approved by the Council of the City of Norman, this ____day of_____,20__.

ATTEST:

City Clerk

Mayor

CONTRACT AFFIDAVIT

STATE OF OKLAHOMA)
) SS
COUNTY OF OKLAHOMA)

ROBERT MEADORS, of lawful age, being first duly sworn, on oath says that (s)he is the Agent authorized by the Firm of TRAFFIC SIGNALS, INC to submit the above Contract to the City of Norman, Oklahoma.

Affidavit further states that such firm has not paid, given or donated or agreed to pay, give, or donate to any officer or employee of the City of Norman, Oklahoma, any money or other thing of value, either directly or indirectly, in the procuring of the Contract.

CONTRACTOR

Subscribed and sworn to before me this 10th day of January, 2011.

Diane R. Yannarell
Notary Public

DIANE R. YANNARELL NOTARY # 07011586 EXP. 12/06/11 PUBLIC STATE OF OKLAHOMA

My Commission Expires:

12/6, 2011.

CHANGE ORDER SUMMARY
CITY OF NORMAN
CLEVELAND COUNTY, OKLAHOMA

CHANGE ORDER NO. 1 DATE: Jan. 4, 2011

CONTRACT NO.: K-1011-126 SUBMITTED BY: Michael Rayburn

PROJECT: Solar Powered Radar Speed Feedback Units – Various Locations

CONTRACTOR: Traffic Signals, Inc.
(Name)
6600 Boucher Dr.

Edmond, OK 73034

Original Completion Date April 1, 2011

Previous Completion Date April 1, 2011 ORIGINAL CONTRACT AMOUNT $ 40,972.50

(Increase) this change order 0 Calendar days

New Completion Date April 1, 2011 PRESENT CONTRACT AMOUNT $ 40,972.50

DESCRIPTION	DECREASE	INCREASE
See Page 3 This Change Order is based entirely on unit prices	$ 900.00	

Note: This change order is based completely on the unit prices from the original contract. There are no new items.

NET CHANGE $ - 900.00

REVISED CONTRACT AMOUNT $ 40,072.50

CONTRACTOR: _____ DATE: 1/10/2011

ARCH./ENGINEER: Michael D. Rayburn DATE: 1/10/2011

CITY ATTORNEY: _____ DATE: 1/11/11

ACCEPTED BY: _____ DATE: _____
(Mayor)

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

Project Name Solar Powered Radar Speed Feedback Units – Various Locations

Design Engineer Michael Rayburn
Address/Phone: 201-A W.Gray
Norman, OK 73070
405-217-7713

Project Account Number 050-9073-431.61-01
Project Number TC 0230
Contract No. K-1011-126

A. Change Orders or addenda to public construction contracts of One Million Dollars ($1,000,000.00) or less shall not exceed a fifteen percent (15%) cumulative increase in the original contract amount.

B. Change orders or addenda to public construction contracts of over One Million Dollars ($1,000,000.00) shall not exceed the greater of One Hundred Fifty Thousand Dollars ($150,000.00) or a ten percent (10%) cumulative increase in the original contract amount.

C. Change orders or cumulative change orders which exceed the limits of subsection A or B of this section shall require a readvertising for bids on the incomplete portions of the contract.

G. All change orders shall contain a unit price and total for each of the following items:

1. All materials with cost per item;
2. Itemization of all labor with number of hours per operation and cost per hour;
3. Itemization of all equipment with the type of equipment, number of each type, cost per hour for each type, and number of hours of actual operation for each type;
4. Itemization of insurance cost, bond cost, social security, taxes, workers' compensation, employee fringe benefits and overhead cost; and
5. Profit for the contractor.

H. 1. If a construction contract contains unit pricing, and the change order pertains to the unit price, the change order will not be subject to subsection A or B of this section.

2. When the unit price change does not exceed Ten Thousand Dollars ($10,000.00), the unit price change order computation may be based on an acceptable unit price basis in lieu of cost itemization as required in paragraphs 1,2,3,4 and 5 of subsection G of this section.

I. Alternates or add items bid with the original bid and contained in the awarded contract as options of the awarding public agency shall not be construed as change orders under the provisions of the Public Competitive Bidding Act of 1974.

DETAILED COST ITEMIZATION

CHANGE ORDER NO. 1 (Continued)

PROJECT NAME Solar Powered Radar Speed Feedback Units - Various Locations

Item	Description	Decrease	Increase
	Solar Powered Radar Speed Feedback Units (6 each @ $ 150) *	$ 900.00	
	*** represents use of screw-in poles in lieu of typical concrete & reinforcement footings**		
	Net Decrease	**$ 900.00**	

PERFORMANCE BOND 1007301

Know all men by these presents, that Traffic Signals, Inc. as PRINCIPAL, and **Mid-Continent Casualty Company** a corporation organized under the laws of the State of **Ohio**, and authorized to transact business in the State of Oklahoma, as SURETY, are held and firmly bound unto THE CITY OF NORMAN, a Municipal Corporation of the State of Oklahoma, herein called CITY, in the sum **Forty Thousand Seventy Two & 50/100** Dollars, ($ 40,072.50), for the payment of which sum PRINCIPAL and SURETY bind themselves, their heirs, executors, administrators, successors and assigns jointly and severally.

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

"Solar Powered Radar Speed Feedback Units – Various Locations"

has entered into a written CONTRACT (K-1011-126) with THE CITY OF NORMAN, dated _____, 20__, for the erection and construction of this PROJECT, that CONTRACT being incorporated herein by reference as if fully set forth.

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

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

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

IN WITNESS WHEREOF, the PRINCIPAL has caused these presents to be executed in its name and its corporate seal (where applicable) to be hereunto affixed by its duly authorized representative(s), and the 7th day of January, 20 11 and the SURETY has caused these presents to be executed in its name and its corporate seal to be hereunto affixed by its authorized representative(s) on the 7th day of January, 2011.

(Corporate Seal) (where applicable)

Traffic Signals, Inc.
Principal

ATTEST:

Signed:
Authorized Representative

Corporate Secretary (where applicable)

TRAFFIC SIGNALS, INC. CORPORATE SEAL OKLAHOMA

Title PRESIDENT
Address: **PO Box 30067, Edmond OK 73003-0002**
Telephone: **405-341-3101**

(Corporate Seal) (where applicable)

Mid-Continent Casualty Company
Surety

ATTEST:

Signed: Lisa Sherman
Authorized Representative
Lisa Sherman

See Power of Attorney
Corporate Secretary (where applicable)

Title **Attorney-in-Fact**
Address: **PO Box 890300**
Oklahoma City, OK 73189
Telephone: **405-691-0016**

CORPORATE ACKNOWLEDGEMENT

STATE OF OKLAHOMA)
)SS
COUNTY OF Oklahoma)

The foregoing instrument was acknowledged before me this 7th day of January, 20 11 by Robert Meadors President
Name and Title
of Traffic Signals, Inc., a corporation, on behalf of the corporation.

WITNESS my hand and seal this 7th day of January, 20 11.

DIANE R. YANNARELL NOTARY # 07011586 EXP. 12/06/11 PUBLIC STATE OF OKLAHOMA

Diane R Yannarell
Notary Public Diane Yannarell

My Commission Expires:
12/6/2011 #07011586

INDIVIDUAL ACKNOWLEDGEMENT

STATE OF OKLAHOMA)
)SS
COUNTY OF)

The foregoing instrument was acknowledged before me this___day of _____, 20__, by_____
Name and Title
of_____, a_____

WITNESS my hand and seal this____day of_____, 20__.

_____
Notary Public

My Commission Expires:

PARTNERSHIP ACKNOWLEDGEMENT

STATE OF OKLAHOMA)
)SS
COUNTY OF_____)

The foregoing instrument was acknowledged before me this___day of _____, 20__, by _____
Name and Title

partner (agent) on behalf of _____,a partnership.

WITNESS my hand and seal this___day of_____, 20__

_____
Notary Public

My Commission Expires:
_____

CITY OF NORMAN

Approved as to form and legality this 11 day of January, 20 11

_____
City Attorney

Approved by the Council of the City of Norman this___day of_____, 20__.

ATTEST:

_____ _____
Clerk Mayor

STATUTORY BOND #1007301

Know all men by these presents that Traffic Signals, Inc., as PRINCIPAL, and Mid-Continent Casualty Company, a corporation organized under the laws of the State of Ohio, and authorized to transact business in the State of Oklahoma, as Surety, are held and firmly bound unto the State of Oklahoma in the sum of *Forty Thousand Seventy Two & 50/100* DOLLARS ($ 40,072.50), for the payment of which sum PRINCIPAL and SURETY bind themselves, their heirs executors, administrators, successors and assigns jointly and severally.

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

"Solar Powered Radar Speed Feedback Units – Various Locations"

has entered into a written CONTRACT (K – 1011-126) with THE CITY OF NORMAN, dated _____, 20__, for the erection and construction of this PROJECT, that CONTRACT being incorporated herein by reference as if fully set forth.

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

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

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

IN WITNESS WHEREOF, the PRINCIPAL has caused these presents to be executed in its name and its corporate seal (where applicable) to be hereunto affixed by its duly authorized representative(s), on the 17th day of January, 2011, and the SURETY has caused these presents to be executed in its name and its corporate seal to be hereunto affixed by its authorized representative on the 17th day of January, 2011.

(Corporate Seal) (where applicable)

Traffic Signals, Inc.
Principal

ATTEST:

Signed:
Authorized Representative

Corporate Secretary (where applicable)

PRESIDENT
Title

TRAFFIC SIGNALS, INC. CORPORATE SEAL OKLAHOMA

Address: **PO Box 30067**
Edmond, OK 73003-0002
Telephone: **405-341-3101**

Corporate Seal (where applicable)

Mid-Continent Casualty Company
Surety

ATTEST:

Signed: Lisa Sherman
Authorized Representative
Lisa Sherman

See Power of Attorney
Corporate Secretary (where applicable)

Attorney-in-Fact
Title

Address: **PO Box 890300**
Oklahoma City, OK 73189
Telephone: **405-691-0016**

CORPORATE ACKNOWLEDGEMENT

STATE OF OKLAHOMA)
)SS
COUNTY OF Oklahoma)

The foregoing instrument was acknowledged before me this 7th day of January, 2011 by Robert Meadors President
Name and Title
of Traffic Signals, Inc., a corporation, on behalf of the corporation.

WITNESS my hand and seal this 7th day of January, 2011.

DIANE R. YANNARELL NOTARY # 07011586 EXP. 12/06/11 PUBLIC STATE OF OKLAHOMA

Diane R Yannarell
Notary Public Diane Yannarell

My Commission Expires:
12/6/2011 #07011586

INDIVIDUAL ACKNOWLEDGEMENT

STATE OF OKLAHOMA)
)SS
COUNTY OF_____)

The foregoing instrument was acknowledged before me this____ day of _____, 20__, by _____
Name and Title
of_____, a(n) _____

WITNESS my hand and seal this___day of_____, 20__.

_____
Notary Public

My Commission Expires:
_____

PARTNERSHIP ACKNOWLEDGEMENT

STATE OF OKLAHOMA)
)SS
COUNTY OF_____)

The foregoing instrument was acknowledged before me this____day of _____, 20__, by _____
Name and Title

partner (agent) on behalf of _____, a partnership.

WITNESS my hand and seal this___day of_____, 20__.

_____
Notary Public

My Commission Expires:
_____

CITY OF NORMAN

Approved as to form and legality this 11 day of January, 2011.

_____
City Attorney

Approved by the Council of the City of Norman this___day of_____, 20__.

ATTEST:

_____ _____
City Clerk Mayor

Page 4 of 4
Statutory Bond No. B-1011-62

CITY OF NORMAN
MAINTENANCE BOND **#1007301**

Know all men by these presents that Traffic Signals, Inc., as Principal, and **Mid-Continent Casualty Co.**, a corporation organized under the laws of the State of **Ohio**, and authorized to transact business in the State of Oklahoma, as SURETY, are held and firmly bound unto THE CITY OF NORMAN, a Municipal Corporation of the State of Oklahoma, herein called CITY, in the sum of **********Forty Thousand Seventy Two & 50/100*********** DOLLARS ($ **40,072.50**), such sum being equal to the contract price and being in force for a period of one year from the date of acceptance of the below described improvements by the City Council, and thereafter for the sum of *********Six Thousand Ten & 87/100******** DOLLARS ($ **6,010.87**), such sum being no less than fifteen percent (15%) of the total contract price of said improvements for a period of one year thereafter, for the payment of which sum PRINCIPAL and SURETY bind themselves, their heirs, executors, successors and assigns, jointly and severally.

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

"Solar Powered Radar Speed Feedback Units – Various Locations"

as entered into a written CONTRACT K-1011-126 with the CITY OF NORMAN, dated _____, 20__ for the erection and construction of this PROJECT, that CONTRACT being incorporated herein by references as if fully set forth; and,

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

NOW, THEREFORE, if the PRINCIPAL shall keep and maintain, subject to normal wear and tear, the construction, except for defects not occasioned by improper workmanship, materials, or failure to protect new work until it is accepted, and if the PRINCIPAL shall promptly repair, without notice from the CITY or expense to the CITY any and all defects arising from improper workmanship, materials, or failure to protect new work until it is accepted; all for a period of two (2) years from the date of the written final acceptance by the CITY or date of final payment which ever is first, then this obligation shall be null and void. The amount of the Maintenance Bond shall be 100% of the contract amount for the 1st year after final acceptance and 15% of the contract amount for the 2nd year after final acceptance. Otherwise, this obligation shall remain in full force and effect at all times.

Provided further, however, that upon neglect, failure or refusal of the PRINCIPAL to maintain or make any needed repairs upon the construction on the PROJECT, as set out in the preceding paragraph, within ten (10) days after the mailing of notice to the PRINCIPAL by letter deposited in the United States Post Office at Norman, Oklahoma, addressed to the PRINCIPAL at the address set forth below, then the PRINCIPAL and SURETY shall jointly and severally be liable to the CITY for the cost and expense for making such repair, or otherwise maintaining the said construction.

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

IN WITNESS WHEREOF, the said PRINCIPAL has caused these presents to be executed in its name and its corporate seal (where applicable) to be hereunto affixed by its duly authorized representative(s), on the day 7th of January, 20 11, and the SURETY has caused these presents to be executed in its name its corporate seal to be hereunto affixed by its authorized representative(s) on the day of January 7, 2011.

(Corporate Seal) (where applicable)

ATTEST:

Corporate Secretary (where applicable)

TRAFFIC SIGNALS, INC. CORPORATE SEAL OKLAHOMA

Traffic Signals, Inc.
Principal

Signed:

ROBERT MEADORS PRESIDENT

Address: **PO Box 30067, Edmond OK 73003-0002**
Telephone: (405) **341-3101**

(Corporate Seal) (where applicable)

ATTEST: Wendy Allen

Mid-Continent Casualty Company
Surety

Signed: Lisa Sherman

Print: **Lisa Sherman**
Title: **Attorney-in-Fact**
Address: **PO Box 890300, OKC, OK 73189**
Telephone: **405-691-0016**

CORPORATE ACKNOWLEDGEMENT

STATE OF Oklahoma)
)SS
COUNTY OF Oklahoma)

The foregoing instrument was acknowledged before me this 7th day of January 2011,
by Robert Meadors President
Name and Title
of Traffic Signals, Inc., a corporation, on behalf of the corporation.

WITNESS my hand and seal this 7th day of January, 2011

Diane R Yannarell
Notary Public Diane Yannarell

DIANE R. YANNARELL NOTARY # 07011586 EXP. 12/06/11 PUBLIC STATE OF OKLAHOMA

My Commission Expires:
12/6/2011 #07011586

INDIVIDUAL ACKNOWLEDGEMENT

STATE OF OKLAHOMA)
)SS
COUNTY OF_____)

The foregoing instrument was acknowledged before me this___day of _____, 20__,
by_____
Name and Title
of_____, a_____

WITNESS my hand and seal this_____day of_____, 20__.

_____
Notary Public

My Commission Expires:

_____

PARTNERSHIP ACKNOWLEDGEMENT

STATE OF OKLAHOMA)
)SS
COUNTY OF_____)

The foregoing instrument was acknowledged before me this____day of _____, 20__, by_____ partner (agent) on behalf of _____, a partnership.

WITNESS my hand and seal this____day of_____, 20__.

_____
Notary Public

My Commission Expires:

_____

CITY OF NORMAN

Approved as to form and legality this 11 day of January 2011.

_____
City Attorney

Approved by the Council of the City of Norman this____day of_____, 20__.

ATTEST:

_____ _____
City Clerk Mayor

Resolution

R-1011-79

A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AUTHORIZING AND APPOINTING TRAFFIC SIGNALS, INC. AS PROJECT AGENT FOR THE FYE 2011 SOLAR POWERED RADAR SPEED FEEDBACK UNITS

§ 1. WHEREAS, the City of Norman, Oklahoma, does hereby acknowledge that the tax-exempt status of this political subdivision is a significant factor in determining the agreed contract price bid by Traffic Signals, Inc. for the FYE 2011 Solar Powered Radar Speed Feedback Units; and

§ 2. WHEREAS, the City of Norman, Oklahoma, in compliance with State Law, desires to confer on Traffic Signals, Inc. its special State and Federal sales tax exemptions and in order to achieve such end, finds it necessary to appoint as its direct purchasing agent Traffic Signals, Inc., to purchase materials which are in fact incorporated in and used for the FYE 2011 Solar Powered Radar Speed Feedback Units; and

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

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

§ 4. That the City of Norman, Oklahoma, on the _____ day of _____ 2011, did appoint Traffic Signals, Inc., who is involved with the FYE 2011 Solar Powered Radar Speed Feedback Units, as agent of the City of Norman, Oklahoma, solely for the purpose of purchasing, on a tax-exempt basis, materials and tangible personal property to be used exclusively for the FYE 2011 Solar Powered Radar Speed Feedback Units.

PASSED AND ADOPTED THIS _____ day of _____, 2011.

_____
Mayor

ATTEST:

_____
City Clerk

PURCHASE REQUISITION NBR: 0000181166

STATUS: ALL ITEMS ON ORDER

REQUISITION BY: MRAYBURN

REASON: INSTALL SOLAR POWERED RADAR SPEED FEEDBACK UNITS

DATE: 1/07/11

SHIP TO LOCATION: PUBLIC WORKS ADM

SUGGESTED VENDOR: 2079 TRAFFIC SIGNALS INC (OKC)

DELIVER BY DATE: 1/07/11

LINE NBR	DESCRIPTION	QUANTITY	UOM	UNIT COST	EXTEND COST	VENDOR PART NUMBER
1	INSTALL PERMANENT SPEED FEEDBACK UNITS CONFIRM P.O. - DO NOT MAIL COMMODITY: MARKERS, PLAQUES AND TRAF SUBCOMMOD: TRAFFIC SIGNALS AND EQUIP	40072.50	DOL	1.0000	40072.50	

REQUISITION TOTAL: 40072.50

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

LINE #	ACCOUNT		PROJECT	%	AMOUNT
1	05090734316101	Capital Projects Construction	TC0230 Traffic Calming	100.00	40072.50
					40072.50

REQUISITION IS IN THE CURRENT FISCAL YEAR.

REQUISITION COMMENTS:

CONTINGENT ON 1/25/2011 CITY COUNCIL APPROVAL

CITY COUNCIL AGENDA
JANUARY 25, 2011

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

Item No. 14

Text File Number: K-1011-125

Introduced: 1/11/2011 by Greg Hall, Street Superintendent

Current Status: Consent Item

Version: 1

Matter Type: Contract

Title

CONSIDERATION OF AWARDING OF BID NO. 1011-51, CONTRACT NO. K-1011-125 WITH SILVER STAR CONSTRUCTION, INC., IN THE AMOUNT OF $680,960; PERFORMANCE BOND NO. B-1011-59; STATUTORY BOND NO. B-1011-60; MAINTENANCE BOND NO. MB-1011-67; AND RESOLUTION NO. R-1011-72 FOR THE 2010 URBAN ASPHALT PAVEMENT REHABILITATION BOND PROGRAM.

ACTION NEEDED: Motion to accept or reject all bids meeting specifications; and, if accepted, award the bid in the amount of $680,960 to Silver Star Construction, Inc., as the lowest and best bidder meeting specifications; approve Contract No. K-1011-125 and the performance, statutory, and maintenance bonds; authorize execution of the contract, direct the filing of the bonds, and adopt Resolution No. R-1011-72.

ACTION TAKEN: _____

Body

BACKGROUND: In the Norman General Obligation Bond Election of March 2, 2010, voters approved the Urban Asphalt Pavement Rehabilitation Bond Projects. This improvement program involves the removal and replacement of damaged asphalt pavement in neighborhoods throughout Norman.

The 2011 locations are funded in Account No. 050-9401-431.61-01 as Project Nos. BP0300, BP00301, BP0302, BP0303, BP0304, and BP0305. Bid specifications and documents were advertised on December 10, 2010 and December 17, 2010. Eight (8) paving contractors received a set of documents. If approved, the base bid for this project will complete all 2011 locations for Urban Asphalt Pavement Rehabilitation Projects included in the 2010 Bond Election.

DISCUSSION: The bid opening was conducted on December 30, 2010, and seven (7) contractors submitted bids. The lowest bid in the amount of $680,960.00 was submitted by Silver Star Construction of Moore, Oklahoma. The low bid is below the engineer's estimate of $845,560.00 by $164,600.00 (19% percent). The average of the seven (7) bids is $881,839.71. Silver Star Construction has previously worked for the City of Norman, and the firm received favorable references from other cities on similar projects, including the City of Oklahoma City.

RECOMMENDATION NO. 1: Staff has reviewed the bids and recommends that Bid No. 1011-51 for the 2010 Urban Asphalt Pavement Rehabilitation Bond Program, 2011 locations, be awarded to the low bidder, Silver Star Construction in the amount of $680,960.00.

RECOMMENDATION NO. 2: Staff further recommends that, upon approval of Bid No. 1011-51, the following contract and bonds be approved:

Contract No. K-1011-125
Performance Bond No. B-1011-59
Statutory Bond No. B-1011-60
Maintenance Bond No. MB-1011-67

RECOMMENDATION NO. 3: Staff further recommends that, upon approval of Contract No. K-1011-125, that Resolution No. R-1011-72 be adopted authorizing Silver Star Construction as project agent.

CITY OF NORMAN
TABULATION OF BIDS
URBAN ASPHALT PAVEMENT REHABILITATION 2010 BOND PROJECTS
2011 PROJECT BOND LOCATIONS

Bid No. 1011-51
Bid Opening: December 30, 2010

The following is a tabulation of bids received by the City of Norman for the project.

BIDDER	BID PRICE
Silver Star Construction	$ 680,960.00
Nash Construction Co.	$ 766,500.00
Haskell Lemon Construction	$ 792,620.00
Rudy Construction Co.	$ 905,740.00
Overland Corporation	$ 909,678.00
T. J. Campbell Construction Co.	$ 997,820.00
Connelly Paving Company	$ 1,119,560.00

Engineer's Estimate $845,560.00

RECOMMENDATION:

Staff recommends the bid be awarded to Silver Star Construction, as the lowest and best bidder meeting all specifications in the amount of $680,960.00.

Forwarded by:

Greg Hall, Street Superintendent

ps

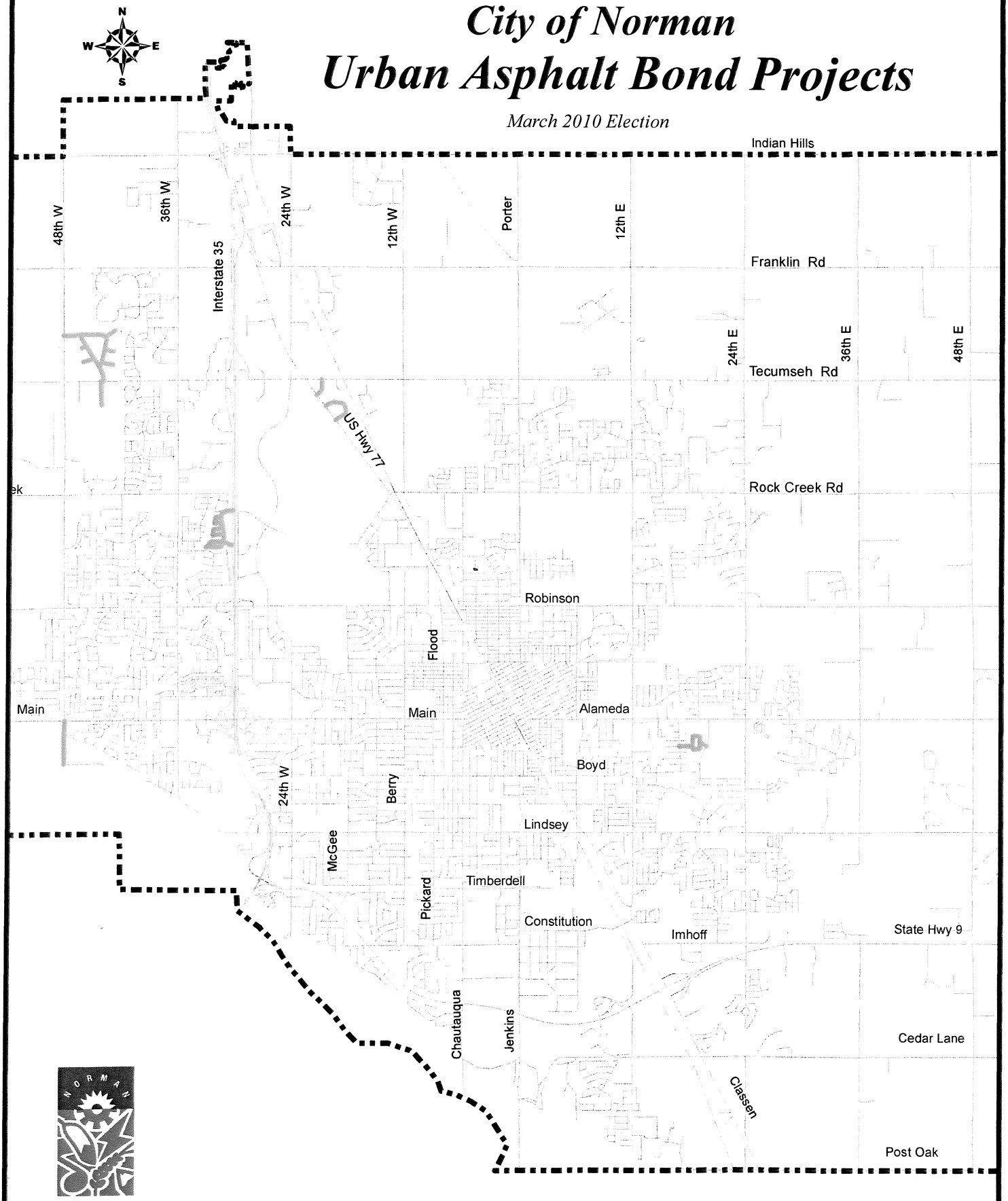
URBAN ASPHALT PAVEMENT REHABILITATION PROJECTS
BID 1011-51
The various streets and locations are as listed as follows:

ITEM	PROJ #	STREET LOCATION BETWEEN STREETS
1	BP0300	Dover Street
		Vicksburg – Bull Run Street
2	BP0300	Bull Run Street
		Chamblee Drive – Chalmette Drive
3	BP0300	Chalmette Drive
		Bull Run Street – Chamblee Drive
4	BP0300	Chalmette Drive
		Chalmette Drive – East 1700 Block
	BP0300	Jamestown Estates No. 3 Four Streets
5	BP0301	Atchison Drive
		U.S. Hwy 77 – Topeka Drive
6	BP0301	National Drive
		Tecumseh Rd – U.S. Hwy 77
7	BP0301	Topeka Drive
		U.S. Hwy 77 – Atchison Drive
	BP0301	Northridge Industrial Park Three Streets
8	BP0302	Stoney Brook Drive
		North Interstate – Bismarc Lane
9	BP0302	Regal Run Drive
		Stoney Brook – Swan Hollow
10	BP0302	Swan Hollow Drive
		Regal Run – Stoney Brook
11	BP0302	Duvall Drive
		Stoney Brook – Dove Hollow Lane
12	BP0302	Dove Hollow Lane
		Stoney Brook – Duvall Drive
13	BP0302	Dove Crossing Drive
		North Interstate – Bismarc Lane
14	BP0302	Bismarc Lane
		Stoney Brook – Dove Crossing Drive
	BP0302	Prairie Creek No. 7 Seven Streets
15	BP0303	Ridgeline Drive
		48th Ave NW – North 3700 Block
16	BP0303	Ridgeline Circle
		Ridgeline Drive – West 4100 Block

ITEM	PROJ #	STREET LOCATION BETWEEN STREETS
17	BP0303	Ridgeway Place
		Timberidge Drive – West 4700 Block
18	BP0303	Timberidge Circle
		Timberidge Drive – West 4600 Block
19	BP0303	Rolling Meadow Place
		Ridgeline Drive – West 4200 Block
20	BP0303	Brookline Place
		Ridgeline Drive – West 4200 Block
21	BP0303	Timberidge Drive
		Tecumseh Rd – Ridgeline Drive
	BP0303	Grandview Estates North Seven Streets
22	BP0304	Hillview Drive
		Tecumseh Rd – North 3300 Block
23	BP0305	48th Avenue S.W.
		Main Street – Willow Grove

City of Norman
Urban Asphalt Bond Projects

March 2010 Election



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.

FYE 2010-2011 Projects

CONTRACT

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

WITNESSETH

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

URBAN ASPHALT PAVEMENT REHABILITATION BOND PROJECTS

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

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

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

(WRITTEN) Six hundred eighty thousand nine hundred sixty 00/00 (DOLLARS);

(NUMERALS) ($ 680,960.00).

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

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

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

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

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

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

3) It is further agreed that the CONTRACTOR will commence said work within 10 days following receipt of a NOTICE-TO-PROCEED, and prosecute the same vigorously and continuously, and continuously complete the same within 365 calendar days following receipt of said NOTICE-TO-PROCEED.

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

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

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

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

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

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

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

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

8) The CONTRACTOR shall complete the work in accordance with the terms of this Agreement. The CONTRACTOR further agrees to pay as liquidated damages as stipulated in the contract document General Conditions for each calendar day thereafter.

9) The CONTRACTOR shall furnish surety bonds and certificate of insurance as specified herein which bonds and insurance must be approved by the CITY prior to issuance of the Work Order and commencement of work on the project. The CONTRACTOR shall provide written documentation from the Maintenance Bond Company that all work, including Change Orders, is covered by the Maintenance Bond before final acceptance of the project.

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

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

12) <u>The sworn, notarized statement below must be signed and notarized before this Contract will become effective.</u>

STATE OF Oklahoma)
) ss:
COUNTY OF Oklahoma)

Craig Parker, of lawful age, being first duly sworn, on oath says that (s)he is the agent authorized by CONTRACTOR to submit the above CONTRACT to the CITY. Affidavit further states that CONTRACTOR has not paid, given or donated or agreed to pay, give, or donate to any officer or employee of the CITY any money or other thing of value, either directly or indirectly, in the procuring of the CONTRACT.

Contractor Craig W Parker Vice President

Subscribed and sworn to before me this 7 day of January, 20 11.

Notary Public

Contract No. K-1011-125
Page 3 of 5

STACY WILLIAMS
Notary Public
State of Oklahoma
Commission #10000433 Expires 01/21/14

IN WITNESS WHEREOF, the said parties of the First and Second Part have hereunto set their hands and seals respectively the 7 day of January 2011, and the _____ day of _____, 20___.

(Corporate Seal) (where applicable)

Principal Craig Parker

Signed: _____

Title: Vice President

Address 2401 S. Broadway Moore, OK 73160

Telephone: (405) 793-1725

ATTEST:
Authorized Representative

_____

Corporate Secretary (where applicable)

Louis Cossey

CITY OF NORMAN:

Approved as to form and legality this 11th day of January 2011.

_____
City Attorney

Approved by the Council of the City of Norman, this _____ day of _____, 20___.

ATTEST:

_____ City Clerk

_____ Mayor

Contract No. K-1011-125
Page 4 of 5

CONTRACT AFFIDAVIT

STATE OF Oklahoma)
) ss:
COUNTY OF Oklahoma)

Craig Parker, of lawful age, being first duly sworn, on oath says that (s)he is the Agent authorized by the Firm of Silver Star Construction to submit the above Contract to the City of Norman, Oklahoma.

Affidavit further states that such firm has not paid, given or donated or agreed to pay, give, or donate to any officer or employee of the City of Norman, Oklahoma, any money or other thing of value, either directly or indirectly, in the procuring of the Contract.

Contractor Craig W Parker Vice President

Subscribed and sworn to before me this 7 day of January, 2011.

Stacy Williams
Notary Public

My Commission Expires:
1-21-14

STACY WILLIAMS
Notary Public
State of Oklahoma
Commission #10000433 Expires 01/21/14

Contract No. K-1011-125
Page 5 of 5

PERFORMANCE BOND

Known all men by these presents, that Silver Star Construction Company Inc. as PRINCIPAL, and Liberty Mutual Ins. Co. Corporation organized under the laws of the State of Massachusetts and authorized to transact business in the State of Oklahoma, as SURETY, are held and firmly bound unto THE CITY OF NORMAN, a Municipal Corporation of the State of Oklahoma, herein called CITY, in the sum of Six Hundred Eighty Thousand Nine Hundred Sixty & no/100 DOLLARS, ($ 680,960.00), for the payment of which sum PRINCIPAL and SURETY bind themselves, their heirs, executors, administrators, successors and assigns jointly and severally.

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

URBAN ASPHALT PAVEMENT REHABILITATION BOND PROJECTS

has entered into a written CONTRACT (K-1011-125) with THE CITY OF NORMAN, dated _____, 2010, for the erection and construction of this PROJECT, that CONTRACT being incorporated herein by reference as if fully set forth.

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

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

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

Performance Bond No. B 1011-59
Page 1 of 4

IN WITNESS WHEREOF, the PRINCIPAL has caused these presents to be executed in its name and its corporate seal (where applicable) to be hereunto affixed by its duly authorized representative(s), and the 6th day of January, 20 11 and the SURETY has caused these presents to be executed in its name and its corporate seal to be hereunto affixed by its authorized representative(s) on the day of 6th of January, 20 11.

Silver Star Construction Company Inc.
Principal

(Corporate Seal) (where applicable)

ATTEST:

Corporate Secretary (where applicable)

Principal Signed: Authorized Representative

Title: Vice President

Address: 2401 S. Broadway
Moore, Ok. 73160

Telephone: 405-793-1725

(Corporate Seal) (where applicable)

ATTEST:

Surety: Liberty Mutual Insurance Company

Signed: Authorized Representative

Printed: Patricia Lee
Authorized Representative

Title: Atty in Fact

Address: P O Box 850300, Yukon, Ok.73085

Telephone: 405-354-5201

Performance Bond No. B 1011-59
Page 2 of 4

CORPORATE ACKNOWLEDGEMENT

STATE OF Oklahoma)
) ss:
COUNTY OF Oklahoma)

The foregoing instrument was acknowledge before me this 7th day of January, 2011, by Craig Parker Vice President (Name and Title), of Silver Star Construction Company, Inc a(n) corporation, on behalf of the corporation.

WITNESS my hand and seal this 7 day of January, 2011.

Stacy Williams
Notary Public
Notary Public
State of Oklahoma
Commission #10000433 Expires 01/21/14

My Commission Expires:
1-21-14

Performance Bond No. B 1011-59
Page 3 of 4

INDIVIDUAL ACKNOWLEDGEMENT

STATE OF _____)
) ss:
COUNTY OF _____)

The foregoing instrument was acknowledge before me this _____ day of _____, 20____, by _____(Name and Title) of _____, a(n) corporation.

WITNESS my hand and seal this _____ day of _____, 20__.

_____
Notary Public

My Commission Expires:

_____

PARTNERSHIP ACKNOWLEDGEMENT

STATE OF _____)
) ss:
COUNTY OF _____)

The foregoing instrument was acknowledge before me this _____ day of _____, 20____, by _____ (Name and Title) _____ (partner/agent) on behalf of _____, a partnership.

WITNESS my hand and seal this _____ day of _____, 20___.

_____
Notary Public

My Commission Expires:

_____

CITY OF NORMAN

Approved as to form and legality this 11th day of January, 2011.

R Bruce
City Attorney

Approved by the Council of the City of Norman this _____ day of _____, 20___.

ATTEST:

_____ _____
City Clerk Mayor

Performance Bond No. B 1011-59
Page 4 of 4

Bond # 022033514

STATUTORY BOND

Known all men by these presents that Silver Star Construction Company Inc as PRINICPAL, and Liberty Mutual Insurance Company, a corporation organized under the laws of the State of Massachusetts, and authorized to transact business in the State of Oklahoma, as Surety, are held and firmly bound unto the State of Oklahoma in the sum of Six Hundred Eighty Thousand ~~Nine Hundred Sixty &no/100~~ DOLLARS ($680,960.00), or the payment of which sum PRINCIPAL and SURETY bind themselves, their heirs executors, administrators, successors and assigns jointly and severally.

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

URBAN ASPHALT PAVEMENT REHABILITATION BOND PROJECTS

has entered into a written CONTRACT (K-1011-125) with THE CITY OF NORMAN, dated_____, 2010, for the erection and construction of this PROJECT, that CONTRACT being incorporated herein by reference as if fully set forth.

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

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

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

IN WITNESS WHEREOF, the PRINCIPAL has caused these presents to be executed in its name and its corporate seal (where applicable) to be hereunto affixed by its duly authorized representative(s), on the 6th day of January, 20 11, and the SURETY has caused these presents to be executed in its name and its corporate seal to be hereunto affixed by its authorized representative on the 6th day of January, 20 11.

(Corporate Seal) (where applicable)

ATTEST:

Lori Cossey

Louis Cossey Secretary

Corporate Secretary (where applicable)

Principal Signed: Silver Star Construction Company Inc.

Authorized Representative Craig Parkin

Title: Vice President

Address: 2401 S Broadway
Moore, Ok. 73160

Telephone: 405-793-1725

Statutory Bond No. B-1011-60
Page 1 of 3

(Corporate Seal) (where applicable)

ATTEST:

Surety: Liberty Mutual Insurance Company

Signed: Patricia Lee
Authorized Representative

Printed: Patricia Lee
Authorized Representative

Title: Attorney in Fact

Address: P O Box 850300, Yukon, Ok. 73085

Telephone: 405-354-5201

CORPORATE ACKNOWLEDGEMENT

STATE OF Oklahoma)
) ss:
COUNTY OF Oklahoma)

The foregoing instrument was acknowledge before me this 7 day of January, 2011, by Tracy Porter Vice President (Name and Title), of Silver Star Construction Company, Inc a(n) corporation, on behalf of the corporation.

WITNESS my hand and seal this 7 day of January, 2011.

Notary Stacy Williams
Notary Public
State of Oklahoma
Commission #10000433 Expires 01/21/14

My Commission Expires:
1-21-14

INDIVIDUAL ACKNOWLEDGEMENT

STATE OF _____)
) ss:
COUNTY OF _____)

The foregoing instrument was acknowledge before me this _____ day of _____, 20___, by _____(Name and Title) of _____, a(n) corporation.

WITNESS my hand and seal this _____ day of _____, 20___.

_____
Notary Public

My Commission Expires:

_____

Statutory Bond No. B-1011-60
Page 2 of 3

PARTNERSHIP ACKNOWLEDGEMENT

STATE OF _____)
) ss:
COUNTY OF _____)

The foregoing instrument was acknowledge before me this _____ day of _____, 20___, by _____ (Name and Title) _____ (partner/agent) on behalf of _____, a partnership.

WITNESS my hand and seal this _____ day of _____, 20___.

_____
Notary Public

My Commission Expires:

_____

CITY OF NORMAN

Approved as to form and legality this 11th day of January, 20 11.

_____
City Attorney

Approved by the Council of the City of Norman this _____ day of _____, 20___.

ATTEST:

_____ _____
City Clerk Mayor

Statutory Bond No. B-1011-60
Page 3 of 3

Bond # 022033514

CITY OF NORMAN
MAINTENANCE BOND

Know all men by these presents that Silver Star Construction Company Inc. as Principal, and Liberty Mutual Insurance Company a corporation organized under the laws of the State of Massachusetts and authorized to transact business in the State of Oklahoma, as SURETY, are held and firmly bound unto THE CITY OF NORMAN, a Municipal Corporation of the State of Oklahoma, herein called CITY, in the sum of Six Hundred Eighty Thousand Nine Hundred Sixty and no/100 DOLLARS ($680,960.00), such sum being in force for a period of one year from the date of acceptance of the below described improvements by the City Council, and thereafter for the sum of One Hundred Two Thousand One Hundred Forty Four and no/100 DOLLARS ($102,144.00), such sum being not less than fifteen percent (15%) of the total price of said improvement for a period of 1 year(s) thereafter, for the payment of which sum PRINCIPAL and SURETY bind themselves, their heirs, executors, administrators, successors and assigns, jointly and severally.

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

URBAN ASPHALT PAVEMENT REHABILITATION BOND PROJECTS

has entered into a written CONTRACT (K-1011-125) with the CITY OF NORMAN, dated _____ ___, 2011 for the erection and construction of this PROJECT, that CONTRACT being incorporated herein by references as if fully set forth; and,

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

NOW, THEREFORE, if the PRINCIPAL shall keep and maintain, subject to normal wear and tear, the construction, except for defects not occasioned by improper workmanship, materials, or failure to protect new work until it is accepted, and if the PRINCIPAL shall promptly repair, without notice from the CITY or expense to the CITY any and all defects arising from improper workmanship, materials, or failure to protect new work until it is accepted; all for a period of one (1) year from the date of the written final acceptance by the CITY, then this obligation shall be null and void. Otherwise, this obligation shall remain in full force and effect at all times.

Provided further, however, that upon neglect, failure or refusal of the PRINCIPAL to maintain or make any needed repairs upon the construction on the PROJECT, as set out in the preceding paragraph, within ten (10) days after the mailing of notice to the PRINCIPAL by letter deposited in the United States Post Office at Norman, Oklahoma, addressed to the PRINCIPAL at the address set forth below, then the PRINCIPAL and SURETY shall jointly and severally be liable to the CITY for the cost and expense for making such repair, or otherwise maintaining the said construction.

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

IN WITNESS WHEREOF, the said PRINCIPAL has caused these presents to be executed in its name and its corporate seal (where applicable) to be hereunto affixed by its duly authorized representative(s), on the 6th day of January, 2011, and the SURETY has caused these presents to be executed in its name its corporate seal to be hereunto affixed by its authorized representative(s) on the 6th day of January, 2011.

(Corporate Seal) (where applicable)

ATTEST:

Louis Cossey

Corporate Secretary (where applicable)

Principal
Signed: Craig Parker
Authorized Representative

Title: Vice President

Address: 2401 S Broadway
Moore, Ok. 73160

Telephone: 405-793-1725

(Corporate Seal) (where applicable)

ATTEST:

Surety: Liberty Mutual Insurance Company

Signed: Patricia Lee
Authorized Representative

Printed: Patricia Lee
Authorized Representative

Title: Attorney in Fact

Address: Box 850300, Yukon, Ok. 73085

Telephone: 405-354-5201

CORPORATE ACKNOWLEDGEMENT

STATE OF Oklahoma)
) ss:
COUNTY OF Oklahoma)

The foregoing instrument was acknowledge before me this 7th day of January, 2011, by Craig Parker Vice President (Name and Title), of Silver Star Construction Company, Inc a(n) corporation, on behalf of the corporation.

WITNESS my hand and seal this 7 day of January, 2011.

Stacy Williams
Notary Public

My Commission Expires:
1-21-14

Maintenance Bond No. MB-1011-67
Page 2 of 3

INDIVIDUAL ACKNOWLEDGEMENT

STATE OF _____)
) ss:
COUNTY OF _____)

The foregoing instrument was acknowledge before me this _____ day of _____, 2011 by _____(Name and Title) of _____, a(n) corporation.

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

_____
Notary Public

My Commission Expires:

_____

PARTNERSHIP ACKNOWLEDGEMENT

STATE OF _____)
) ss:
COUNTY OF _____)

The foregoing instrument was acknowledge before me this _____ day of _____, 2011, by _____ (Name and Title) _____ (partner/agent) on behalf of _____, a partnership.

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

_____
Notary Public

My Commission Expires:

_____

CITY OF NORMAN

Approved as to form and legality this 11th day of January, 2011.

R Bruce
City Attorney

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

ATTEST:

_____ _____
City Clerk Mayor

Maintenance Bond No. MB-1011-67
Page 3 of 3

Resolution

R-1011-72

A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AUTHORIZING AND APPOINTING SILVER STAR CONSTRUCTION COMPANY, INC., AS PROJECT AGENT FOR THE 2010 URBAN ASPHALT PAVEMENT REHABILITATION BOND PROJECTS.

§ 1. WHEREAS, the City of Norman, Oklahoma, does hereby acknowledge that the tax-exempt status of this political subdivision is a significant factor in determining the agreed contract price bid by **Silver Star Construction Company, Inc.,** for the **2010 Urban Asphalt Pavement Rehabilitation Bond Projects**; and

§ 2. WHEREAS, the City of Norman, Oklahoma, in compliance with State law, desires to confer on **Silver Star Construction Company, Inc.,** its special State and Federal sales tax exemptions and in order to achieve such end, finds it necessary to appoint as its direct purchasing agent, **Silver Star Construction Company, Inc.,** to purchase materials which are in fact used for the **2010 Urban Asphalt Pavement Rehabilitation Bond Projects**; and

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

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

§ 4. That the City of Norman, Oklahoma, on the 25th day of January, 2011, did appoint **Silver Star Construction Company, Inc.,** who is involved with **2010 Urban Asphalt Pavement Rehabilitation Bond Projects** an agent of the City of Norman, Oklahoma, solely for the purpose of purchasing, on a tax-exempt basis, materials and tangible personal property to be used exclusively for the **2010 Urban Asphalt Pavement Rehabilitation Bond Projects**.

PASSED AND ADOPTED THIS 25th day of January, 2011.

_____
Mayor

ATTEST:

_____
City Clerk

PURCHASE REQUISITION NBR: 0000181327

STATUS: ALL ITEMS ON ORDER

REQUISITION BY: PSAYERS

REASON: BID 1011-51 URBAN ASPHALT PAVE REHABILITATION PROJ

DATE: 1/10/11

SHIP TO LOCATION: LINDSEY STREET YARD

SUGGESTED VENDOR: 5647 SILVER STAR CONSTRUCTION CO

DELIVER BY DATE: 12/31/11

LINE NBR	DESCRIPTION	QUANTITY	UOM	UNIT COST	EXTEND COST	VENDOR PART NUMBER
1	BP 0300 JAMESTOWN ESTATES NO. 3 COMMODITY: CONSTRUCTION SERVICES, GE SUBCOMMOD: MAINTENANCE AND REPAIR, S	115027.94	DOL	1.0000	115027.94	
2	BP 0301 NORTHRIDGE INDUSTRIAL PARK COMMODITY: CONSTRUCTION SERVICES, GE SUBCOMMOD: MAINTENANCE AND REPAIR, S	85995.46	DOL	1.0000	85995.46	
3	BP 0302 PRAIRIE CREEK NO. 7 COMMODITY: CONSTRUCTION SERVICES, GE SUBCOMMOD: MAINTENANCE AND REPAIR, S	203522.60	DOL	1.0000	203522.60	
4	BP 0303 GRANDVIEW ESTATES NORTH COMMODITY: CONSTRUCTION SERVICES, GE SUBCOMMOD: MAINTENANCE AND REPAIR, S	163800.88	DOL	1.0000	163800.88	
5	BP 0304 HILLVIEW DR TECUMSEH RD - N 3300 BLOCK COMMODITY: CONSTRUCTION SERVICES, GE SUBCOMMOD: MAINTENANCE AND REPAIR, S	40950.22	DOL	1.0000	40950.22	
6	BP 0305 48TH AVE SW MAIN - WILLOW GROVE - BID 1011-51 K-1011-125 - ENCUMBERING PURCHASE ORDER - DO NOT MAIL - AGENDA ITEM JANUARY 25, 2011 COMMODITY: CONSTRUCTION SERVICES, GE SUBCOMMOD: MAINTENANCE AND REPAIR, S	71662.90	DOL	1.0000	71662.90	

REQUISITION TOTAL: 680960.00

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

LINE #	ACCOUNT		PROJECT	%	AMOUNT
1	05094014316101	Capital Projects Construction	BP0300 Jamestown Estates No. 3	100.00	115027.94
2	05094014316101	Capital Projects Construction	BP0301 Northridge Industrial Pk	100.00	85995.46
3	05094014316101	Capital Projects Construction	BP0302 Prairie Creek No. 7	100.00	203522.60
4	05094014316101	Capital Projects Construction	BP0303 Grandview Estates North	100.00	163800.88
5	05094014316101	Capital Projects Construction	BP0304 Hillview:Tecumseh-N 3300b	100.00	40950.22

PURCHASE REQUISITION NBR: 0000181327

STATUS: ALL ITEMS ON ORDER

REQUISITION BY: PSAYERS

REASON: BID 1011-51 URBAN ASPHALT PAVE REHABILITATION PROJ

DATE: 1/10/11

SHIP TO LOCATION: LINDSEY STREET YARD

SUGGESTED VENDOR: 5647 SILVER STAR CONSTRUCTION CO

DELIVER BY DATE: 12/31/11

LINE NBR	DESCRIPTION	QUANTITY	UOM	UNIT COST	EXTEND COST	VENDOR PART NUMBER

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

LINE #	ACCOUNT		PROJECT	%	AMOUNT
6	05094014316101	Capital Projects Construction	BP0305 48th W:Main-Willow Grove	100.00	71662.90
					680960.00

REQUISITION IS IN THE CURRENT FISCAL YEAR.

REQUISITION COMMENTS:

AGENDA ITEM FOR JANUARY 25, 2011 K-1011-125

CITY COUNCIL AGENDA
JANUARY 25, 2011

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

Item No. 15

Text File Number: WW000014100161

Introduced: 1/10/2011 by Jim Speck, Capital Projects Engineer

Current Status: Consent Item

Version: 3

Matter Type: Permits

Title

SUBMISSION OF PERMIT NO. WW-000014100161 ISSUED BY THE STATE OF OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY (ODEQ) FOR THE CONSTRUCTION OF WATER WELLS IN CONNECTION WITH THE PHASE 2B WATER LINE CONSTRUCTION PROJECT.

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

ACTION TAKEN: _____

Body

BACKGROUND: The Norman Utilities Authority (NUA) approved contract K-0607-63 with Poe & Associates, Inc. for the development of well house standard drawings and specifications. On June 12th, 2007 the NUA amended this contract to include the site designs and application of the well house standards at four additional locations. Amendment No. 2 to Contract K-0607-63 with Poe & Associates was approved by the NUA on November 24, 2009 to perform field surveying, design, and construction oversight on ten Phase 2 well houses.

On May 25, 2010, the Norman Utilities Authority (NUA) approved contract K-0910-144 with Associated Environmental Industries of Norman, Oklahoma to construct well houses on ten Phase 2 well sites.

As part of the project requirements, a construction permit from the Oklahoma Department of Environmental Quality (ODEQ) was required.

DISCUSSION: The NUA submitted design plans for the Well House drawings and specifications, to ODEQ, on March 1, 2010. The ODEQ subsequently approved the plans on July 19th, 2010. Construction of the well houses began on August 1, 2010. As noted on the attached permit, the ODEQ requires permit receipt to be noted and made a matter of permanent record in the City Council's minutes.

The addresses for the ten well sites are as follows:

1. Walker (GW-51): 1198 48th Ave NE, Norman, OK 73026
2. Blevins (GW-52): 859 36th Ave NE, Norman, OK 73026
3. Eldred (GW-54): 4698 96th Ave NE, Norman, OK 73026
4. Tritten (GW-55): 4799 72nd Ave NE, Norman, OK 73026

5. Beasley (GW-56): 3998 72nd Ave NE, Norman, OK 73026
6. Fegett (GW-57): 6699 E. Tecumseh Road, Norman, OK 73026
7. Hayes (GW-58): 8399 E. Rock Creek Road, Norman, OK 73026
8. Harvey (GW-59): 4398 108th Ave NE, Norman, OK 73026
9. Ward (GW-60): 4303 84th Ave NE, Norman, OK 73026
10. Fordyce (GW-61): 4703 91st Ave NE, Norman, OK 73026

RECOMMENDATION: Staff recommends that receipt of ODEQ Permit No. WW000014100161 issued July 19th, 2010 be noted and made a matter of permanent record in the City Council minutes.

STEVEN A. THOMPSON
Executive Director

OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY

BRAD HENRY
Governor

July 19, 2010

Mark Daniels, P. E., Utility Engineer
Norman Utilities Authority
P. O. Box 370
Norman, Oklahoma 73070

Re: Permit No.: WW000014100161
Well House Construction Phase 2 Project
PWSID No.: 1020801

Dear Mr. Daniels, P. E.:

Enclosed is Permit No.: WW000014100161 for the construction of well house construction at existing Wells 51, 52, and 54 through 61, including well house building with exterior well head and locking enclosure, and, discharge piping, chlorine gas feed, and future ammonium sulface rooms, and appurtenances to serve the Norman Utilities Authority Well House Construction Phase 2 Project, Cleveland County, Oklahoma.

The project authorized by this permit should be constructed in accordance with the plans approved by this Department on July 19, 2010. Any deviations from the approved plans and specifications affecting capacity, flow or operation of units must be approved, in writing, by the Department before changes are made.

Receipt of this permit should be noted in the minutes of the next regular meeting of the Norman Utilities Authority, after which it should be made a matter of permanent record.

We are returning one (1) set of the approved plans to you, one (1) set to your engineer and retaining one (1) set for our files.

Sincerely,

Robert B. Walker
Construction Permit Section
Water Quality Division

RBW/RC/ab

Enclosure

c: David Golden, R. S., Regional Manager, DEQ
Richard Grotte, P. E., Poe & Associates, Inc.
Purcell DEQ Office

received
7-26-10

STEVEN A. THOMPSON
Executive Director

OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY

BRAD HENRY
Governor

Permit No WW000014100161

WATER WELL

PWSID No. 1020801

PERMIT TO CONSTRUCT

July 19, 2010

Pursuant to O.S. 27A 2-6-401, Norman Utilities Authority is hereby granted this Tier I Permit for well house construction at existing Wells 51, 52, and 54 through 61, including well house building with exterior well head and locking enclosure, and, discharge piping, chlorine gas feed, and future ammonium sulface rooms, and appurtenances. to serve the Norman Utilities Authority Well House Construction Phase 2 Project, located in parts of Sections 26, T-9-N, R-2-W, Sections 7, 8, 9, 10, and 17, T-9-N, R-1-W, I. M., Cleveland, Oklahoma, in accordance with the plans approved on July 19, 2010

By acceptance of this permit, the permittee agrees to operate and maintain the facility in accordance with the Public Water Supply Operation rules (OAC 252:631) and to comply with the State Certification laws, Title 59, Section 1101-1116 O.S. and the rules and regulations adopted there-under regarding the requirements for certified operators.

This permit is issued subject to the following provisions and conditions.

1) That the recipient of the permit is responsible that the project receive supervision and inspection by competent and qualified personnel.

2) That construction of all phases of the project will be started within one year of the date of approval or the phases not under construction will be resubmitted for approval as a new project.

3) That no significant information necessary for a proper evaluation of the project has been omitted or no invalid information has been presented in applying for the permit.

4) That the Oklahoma Department of Environmental Quality shall be kept informed of occurrences which may affect the eventual performance of the works or that will unduly delay the progress of the project.

5) That the issuing of this permit does not relieve the responsible parties from any damage which may occur as the result of the location and operation of the well(s) in this area.

6) That before placing this facility into service, at least two samples of the water, taken on two (2) consecutive days, shall be tested for bacteria to show that it is safe for drinking purposes.

707 NORTH ROBINSON, P.O. BOX 1677, OKLAHOMA CITY, OKLAHOMA 73101-1677

printed on recycled paper with soy ink

STEVEN A. THOMPSON
Executive Director

OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY

BRAD HENRY
Governor

Permit No WW000014100161

WATER WELL

PWSID No. 1020801

PERMIT TO CONSTRUCT

7) That any deviations from approved plans or specifications affecting capacity, flow or operation of units must be approved by the Department before any such deviations are made in the construction of this project.

8) That the upgraded water well(s) not be placed in operation until written approval is granted by this Department.

9) That the recipient of the permit is responsible for the continued operation and maintenance of these facilities in accordance with rules and regulations adopted by the Environmental Quality Board, and that this Department will be notified in writing of any sale or transfer of ownership of these facilities.

10) That the water leaving the well will be non-corrosive as determined by a calcium carbonate saturation index (Langelier index), and if full time chlorination is required, the water shall contain at least 1.0 mg/l free chlorine or 2.0 mg/l combined.

11) The issuance of this permit does not relieve the responsible parties of any obligations or liabilities which the permittee may be under pursuant to prior enforcement action taken by the Department.

12) That any notations or changes recorded on the official set of plans and specifications in the Oklahoma Department of Environmental Quality files shall be part of the plans as approved.

Failure to appeal the conditions of this permit in writing within 30-days from the date of issue will constitute acceptance of the permit and all conditions and provisions.

Rocky Chen, P.E., Engineering Manager, Construction Permit Section
Water Quality Division

707 NORTH ROBINSON, P.O. BOX 1677, OKLAHOMA CITY, OKLAHOMA 73101-1677

printed on recycled paper with soy ink

CITY COUNCIL AGENDA
JANUARY 25, 2011

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

Item No. 16

Text File Number: OK-DR-1917 #5

Introduced: 12/28/2010 by James Fullingim, Fire Chief

Current Status: Consent Item

Version: 1

Matter Type: Request for Payment

title

CONSIDERATION OF ACCEPTANCE OF REIMBURSEMENT OF FUNDS IN THE AMOUNT OF $297,466.52 FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FOR TORNADO RELATED DAMAGE DURING MAY 2010.

ACTION NEEDED: Motion to accept or reject reimbursement of funds in the amount of $297,466.52 from FEMA for tornado related damage during May 2010; and, if accepted, increase FEMA Reimbursements (010-0000-334.13-28) by $297, 466.52.

ACTION TAKEN: _____

body

BACKGROUND: During the severe weather outbreak event of May 10-13, 2010, Norman experienced tornados and strong winds that caused widespread damage throughout the City of Norman. During this time, there was an immediate threat to lives, property and public health and safety therefore FEMA Declaration OK-DR-1917 was approved.

DISCUSSION: Resulting from the severe storms, tornadoes, and straight-line winds during the period of May 10 - 13, 2010, vegetative and construction/demolition debris was deposited upon public properties and right of way. It was determined that this debris posed a significant threat to citizens' lives, public health/safety which necessitated debris removal. Under FEMA Declaration Number FEMA-OK-DR-1917, the City of Norman was determined as an eligible applicant for reimbursement under Category A, Debris Removal. After completing Project Worksheet #00003 for the Public Works Department, determination was made that $396,622.03 was the amount eligible for the application. FEMA processed the application based on a cost share basis of 75%-25%. The seventy-five percent reimbursable amount was $297,466.52.

The City of Norman submitted claims totaling $557,070.07, of which 75% is eligible for FEMA reimbursement. The total amount expected in FEMA reimbursements is $417,802.55 and to date the City has received $407,610.45.

RECOMMENDATION: It is recommended that City Council approve the acceptance of this reimbursement in the amount of $297,466.52, and receipt funds into 010-0000-334.13-28 FEMA Reimbursements.

CITY COUNCIL AGENDA
JANUARY 25, 2011

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

Item No. 17

Text File Number: LL-1011-9

Introduced: 1/11/2011 by Wayne Stenis, Planner II

Current Status: Consent Item

Version: 1

Matter Type: Limited License

Title

LIMITED LICENSE NO. LL-1011-9: LIMITED LICENSE TO PLACE FOUR (4) SIGNS WITHIN THE PUBLIC RIGHTS-OF-WAY PURSUANT TO A REQUEST FROM FRIENDS OF THE NORMAN LIBRARY FOR THE ROMANCE BOOK SALE TO BE HELD FEBRUARY 5, 2011.

ACTION NEEDED: Motion to approve or reject Limited License No. LL-1011-9 to place four (4) signs within the public rights-of-way pursuant to a request from Friends of the Norman Library; and, if approved, authorize the issuance thereof.

ACTION TAKEN: _____

Body

BACKGROUND: Section 18-308 authorizes the issuance of a Limited License to install festival or public event banners within the public rights-of-way, if Council determines that the request is for a legitimate public benefit to the community at large. The ordinance does not specify how long an individual banner may be utilized, although staff has imposed an administrative maximum of two years. It does specify that such banners shall not be placed so as to interfere with legitimate traffic and safety concerns.

DISCUSSION: The Friends of Library request placement of four (4), 2' x 4', plackards within the rights-of-way in vicinity of the Norman Public Library, on February 5, 2011. The applicant is a 501 (c)(3) organization whose sole purpose is to support the Norman Public Library. The signs notify the public of the annual romance book sale. Proceeds of the sale will solely benefit the library. The library is primarly a property tax funded public service, with additional revenues from book sales such as this.

STAFF RECOMMENDATION: Staff supports this request. The locations are acceptable, and will not impact any designated sight triangle. Duration of the signs is for a very short period of time, and the purpose of the signs benefits the community at large. Staff has prepared the license in accordance with their request, and presents it to the Council for consideration. Other than the stipulated time frame and location(s), staff has not suggested that additional conditions be attached. Such conditions may be attached if Council desires.

Friends of the Norman Library
P.O. Box 6308
Norman, OK 73070

11 January 2011

Brenda Hall
City Clerk
City of Norman
Norman, Oklahoma

Dear Ms. Hall:

The Friends of the Norman Library, a 501(c)(3) organization whose sole purpose is the support of the Norman Public Library, will conduct a romance book sale February 5, 2011 at the library. The purpose of this event is to offer used books for purchase by the public. All proceeds are used for the benefit of the Norman Public Library. We request a Limited License to place four yard sign type signs at various locations around the library on February 5, 2011. The placement of the signs is delineated on the attached map obtained from the City Planning Department. Sizes of the signs are also specified on the map.

Thank you for your assistance in this matter. If there are any questions you may contact me at 360-4346. Any correspondence should be sent to my personal mailing address: P.O. Box 720335, Norman, Ok. 73070.

Sincerely yours,

Simon H. Rudnick
2011 Romance Book Sale Co-chair

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

Date 11 JANUARY 2011

Name of Applicant FRIENDS OF THE NORMAN LIBRARY
P.O. BOX 6308

Address NORMAN, OK. 73070-6308 Telephone Number (405) 360-4346

Number of ~~Banners~~ SIGNS 4

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

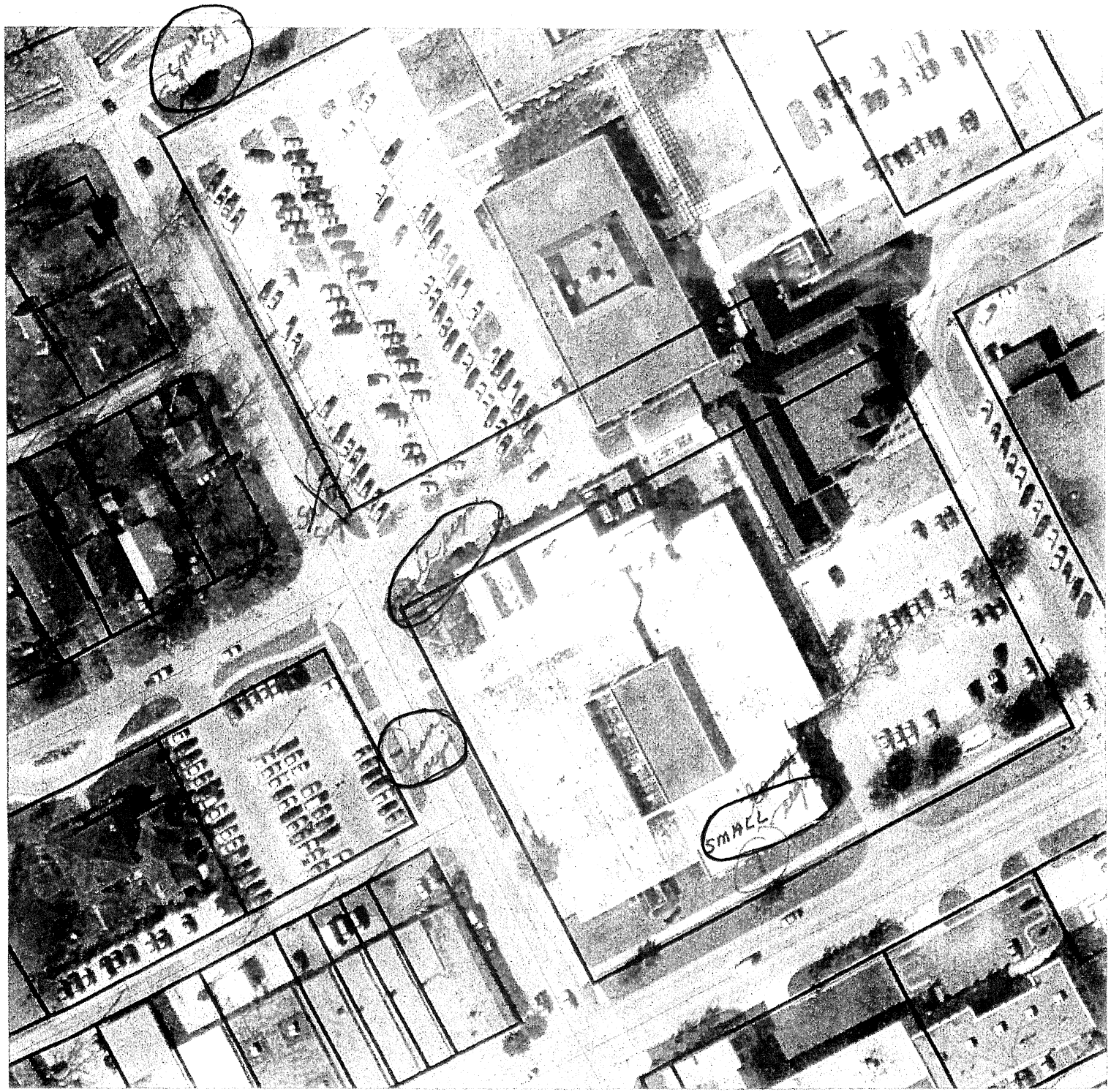
SEE ATTACHED CHART

~~Banner~~/Sign Size 2' X 4'

Type of ~~Banner~~/Sign YELLOW COROPLAST ON WIRE STANTIONS

Wording of ~~Banner~~/Sign BOOK SALE TODAY

Duration of Use FEBRUARY 5, 2011



Pioneer Library

225 N Webster

Norman_bnd
Cline
Parcel

N
W
E
S

1 Inch = 199 Feet
September 18, 2001

Map produced by the City of N
Geographic Information Syste
(405) 366-5436

The City of Norman assumes
responsibility for errors or omi
in the information presented.

LIMITED LICENSE NO. 1011-9

LIMITED LICENSE TO PLACE FOUR (4) SIGNS WITHIN THE PUBLIC RIGHTS-OF-WAY PURSUANT TO A REQUEST FROM THE FRIENDS OF THE NORMAN LIBRARY FOR THE ROMANCE BOOK SALE.

An Application has been filed by the Friends of the Norman Library for a Limited License to four (4) signs within the public rights-of-way pursuant to Section 18-308 of Chapter 18 of the Code of Ordinances, which Application is hereby granted pursuant to the conditions and limitations as set forth in said Application.

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

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

License limited to February 5, 2011.

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

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

Approved in Open Meeting this 25th day of January, 2011.

CITY OF NORMAN

_____

Mayor

ATTEST:

_____

City Clerk

CITY COUNCIL AGENDA
JANUARY 25, 2011

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

Item No. 18

Text File Number: K-0910-27 Amend #1

Introduced: 1/19/2011 by Mark Daniels, Utilities Engineer

Current Status: Consent Item

Version: 1

Matter Type: Contract

Title

AMENDMENT NO. ONE TO CONTRACT NO. K-0910-27: BY AND BETWEEN THE NORMAN UTILITIES AUTHORITY AND RED CLIFF, INC., INCREASING THE CONTRACT AMOUNT BY $175,000 AND EXTENDING THE CONTRACT BY 240 CALENDAR DAYS FOR THE LITTLE RIVER INTERCEPTOR PHASE III AND THE NORTHWEST INTERCEPTORS PROJECTS.

ACTION NEEDED: Acting as the Norman Utilities Authority, motion to approve or reject Amendment No. One to Contract No. K-0910-27 with Red Cliff, Inc., increasing the contract amount by $175,000 and extending the contract by 240 calendar days; and, if approved, authorize the execution thereof.

ACTION TAKEN: _____

Body

BACKGROUND: On July 12, 2005, the NUA approved Contract K-0506-54 with Spear & McCaleb Company, P.C. (SMC) to complete preliminary design, final design, bidding, and construction management services for the Little River and Northwest Interceptors.

The Little River Interceptor (WW0210) was broken into two phases to simplify the easement acquisition process and expedite construction of the northern interceptor system. The Little River Interceptor Phase II begins at existing Lift Station D and generally extends west on the south side of the Little River to 12th Avenue NW. The Little River Interceptor Phase III begins at 12th Avenue NW and extends northwest, on the south side of the Little River, crossing the railroad and 24th Avenue NW and ending at the connection for the new Cleveland County jail. The Northwest Interceptor (WW0175) continues west from the new Cleveland County jail crossing Highway 77, Interstate 35, and Ruby Grant Park, and terminates at the Carrington Lift Station. The York and Carrington lift stations are to be demolished upon completion of the interceptors.

On July 28, 2009, the NUA approved Contract K-0910-27 and awarded the bid for Little River Interceptor Phase III and Northwest Interceptors to Red Cliff, Inc. of El Paso, Texas (Red Cliff) in the amount of $1,637,392. Construction began August 17, 2009 and was to be complete by August 12, 2010.

DISCUSSION: On November 24, 2009, the NUA approved Change Order No. 1 (CO#1) increasing the contract amount by $57,273.68 for a revised contract amount of $1,694,665.68. CO#1 was requested by the NUA and required Red Cliff to install a thicker walled sewer pipe (SDR 26 PVC in lieu of SDR 35 PVC piping) in areas where the depth of trench exceeds 20 feet. This change effected approximately 1,440 feet of 30-inch piping for the Little River Interceptor and 170 feet of 24-inch piping for the Northwest Interceptor.

On September 21, 2009, construction began with the initial delivery of equipment and materials to the project. Red Cliff chose to complete the bores at 12th Avenue NW, the railroad, 24th Avenue NW, US-77, I-35 and the Little River (twice) prior to beginning pipe laying operations. During excavation of the bore pit adjacent to the railroad, hard rock was encountered and the 200-foot long bore required 12 working days to complete. Rock was encountered at all the bores with the exception of 12th Avenue NW. Pipe laying operations began at 12th Avenue NW on January 4, 2010 and hard rock was encountered approaching the railroad to 24th Avenue NW. Red Cliff advised the NUA of their request for equitable adjustment on February 19, 2010 and submitted documentation in support of that claim on April 26, 2010. Pipe laying was essentially complete on April 17, 2010.

On May 6, 2010, the NUA asked Red Cliff to discontinue work pertaining to the demolition of the York and Carrington lift stations until the improvements at the larger downstream lift station could handle the increased wastewater flow. On November 3, 2010, the NUA advised Red Cliff that the Lift Station D improvements were able to accommodate the additional flow. Pursuant to this suspension of work, a contract time extension of 180 calendar days is due to Red Cliff.

During performance of the work, Red Cliff encountered reasonably unforeseen site conditions resulting in additional costs in the form of labor, materials, and equipment in excess of the original contract price. Red Cliff provided documentation in support of a differing site conditions claim totaling $402,905.90. Evaluation of the claim and negotiations have been ongoing for several months. As a result of negotiations, the parties agree that due to the unforeseen site conditions the NUA will provide additional compensation to Red Cliff in the amount of $175,000 and be granted an additional 240 calendar day time extension. If settlement is approved, it is mutually agreed and understood that payment of the additional $175,000 is for full, final and complete settlement of any claims by Red Cliff because of the differing site conditions and suspension of work. Utilities staff recommends approval of the settlement agreement (Amendment No. 1 to Contract K-0910-27).

The Little River III Interceptor (WW0210) funding is based on the pipe area for obligated flow versus the pipe area for the full build-out flow. The proposed funding split for Amendment No. 1 is $85,750 from Sewer Excise Tax Construction (322-9048-432.61-01) and $89,250 from the Sewer Sales Tax Construction (323-9048-432.61-01) for project WW0210. The unencumbered balances in accounts 322-9048-432.61-01 and 323-9048-432.61-01) are $114,788 and $124,157, respectively and is sufficient to fund this amendment.

RECOMMENDATION: Staff recommends approval of Amendment No. 1 to Contract K-0910-27 with Red Cliff, Inc. extending the contract time by 240 calendar days to April 9, 2012 and increasing the contract amount by $175,000.00 for a revised contract amount of $1,869,665.68 with funding detailed above.

AMENDMENT NO. 1 TO CONTRACT K-0910-27

THIS AMENDMENT is made and entered into this ____ day of January, 2011, by and between the Norman Utilities Authority (hereinafter referred to as the "Authority") and Red Cliff, Inc. (hereinafter designated as the "Contractor").

WHEREAS, Authority entered into a contract on July 27, 2009 with Contractor to furnish labor and materials for the Little River Interceptor Phase III and Northwest Interceptors Project within the City limits of the City of Norman as outlined in Contract No. K-0910-27,

NOW, THEREFORE, in consideration of the mutual covenants and agreements herein, it is agreed that said Contract No. K-0910-27 shall be and is hereby amended to provide:

The parties agree:

1. In performance of Contract No. K-0910-27, Contractor encountered reasonably unforeseen site conditions in the performance of the Contract.

2. The differing site conditions resulted in Contractor incurring additional costs in the form of labor, materials, and equipment in excess of the original contract price.

3. Due to the unforeseen site conditions, Contractor will be granted an additional sixty (60) calendar days time extension.

4. Contractor will be compensated for the additional costs associated with labor, materials, and equipment as a result of this amendment in the Contract requirements.

5. As part of this Amendment, Contractor includes any costs or claims for demobilization or remobilization of manpower or equipment to complete demolition of the York and Carrington lift stations set forth in the original Contract and for the performance of the balance of the work required in the original Contract. The Contract will be extended 180 calendar days.

6. The original Contract end date will now be extended to April 9, 2012.

7. It is mutually agreed between the parties that in consideration of the above amendments to Contract No. K-0910-27, that the Authority will provide additional compensation to Contractor in the amount of One hundred seventy-five thousand and no/100 DOLLARS ($175,000).

8. It is mutually agreed and understood between the parties that the payment of the additional $175,000 is for full, final and complete settlement of any claims the Contractor had, has, or may have as a result of the differing site conditions reasonably unforeseeable to the Contractor which resulted in additional labor, materials and equipment.

FURTHER, all other terms and conditions of Contract No. 0910-27 shall remain in full force and effect.

IN WITNESS WHEREOF, the said parties have hereunto set their hands and seals this 19TH day of January, 2011.

RED CLIFF, INC.

By: _____

Name: Nathan McGrand

Title: President

ATTEST:

_____

Jeremiah Caucutt
Corporate Secretary

(Corporate Seal)

RED CLIFF INC. CORPORATE SEAL. 2008 TEXAS

Address: 3800 Doniphan Road
El Paso, Texas 79922
Telephone 915-532-2610

NORMAN UTILITIES AUTHORITY

APPROVED as to form and legality this ____ day of January, 2011.

_____
Attorney

APPROVED by the Trustees of the NORMAN UTILITIES AUTHORITY this ____ day of January, 2011.

NORMAN UTILITIES AUTHORITY

By: _____
Name: _____
Title: Chairman

ATTEST:

_____
Secretary

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

The City of NORMAN

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

P.O. #: 178503
DATE: 09/29/09

VENDOR #
10315

RED CLIFF INC
3706 SAN MATEO LN
EL PASO, TX 79902

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

DELIVER BY:	SHIP VIA:	F.O.B.	TERMS
07/22/09	BEST WAY	DESTINATION	NET

CONFIRM BY FREIGHT

ACCOUNT NO.	REQUISITIONED BY	REQ. NO.	REQ. DATE
SEE BELOW			

LINE#	QUANTITY	UOM	ITEM NO. AND DESCRIPTION	UNIT COST	EXTENDED COST
1	444612.00	DOL	NORTHWEST INTERCEPTOR SALES TAX	1.0000	444612.00
2	244759.00	DOL	NORTHWEST INTERCEPTOR EXCISE TAX	1.0000	244759.00
3	482118.00	DOL	LITTLE RIVER INTERCEPTOR SALES TAX	1.0000	482118.00
4	465903.00	DOL	LITTLE RIVER INTERCEPTOR EXCISE TAX	1.0000	465903.00

SUB-TOTAL 1637392.00

TOTAL 1637392.00

CO#1 Approved by NUA on 11/24/09

NW Interceptor Sales Tax (WW0175)=	$1,813.86
NW Interceptor Excise Tax (WW0175)=	$1,020.30
Little River Interceptor Sales Tax (WW0210)=	$27,764.16
Little River Interceptor Excise Tax (WW0210)=	$26,675.36
Change Order No. 1 Total=	$57,273.68

Revised Totals

NW Interceptor Sales Tax (WW0175)=	$446,425.86
NW Interceptor Excise Tax (WW0175)=	$245,779.30
Little River Interceptor Sales Tax (WW0210)=	$509,882.16
Little River Interceptor Excise Tax (WW0210)=	$492,578.36
Total=	$1,694,665.68

Amendment #1 Contingent on NUA approval 01/26/11

Little River Interceptor Sales Tax (WW0210)=	$89,250.00
Little River Interceptor Excise Tax (WW0210)=	$85,750.00
Change Order No. 1 Total=	$175,000.00

Revised Totals

NW Interceptor Sales Tax (WW0175)=	$446,425.86
NW Interceptor Excise Tax (WW0175)=	$245,779.30
Little River Interceptor Sales Tax (WW0210)=	$599,132.16
Little River Interceptor Excise Tax (WW0210)=	$578,328.36
Total=	$1,869,665.68

CITY COUNCIL AGENDA
JANUARY 25, 2011

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

Item No. 19

Text File Number: K-1011-70 Final

Introduced: 1/12/2011 by James Briggs, Park Planner

Current Status: Consent Item

Version: 1

Matter Type: Contract

Title

CONSIDERATION OF FINAL ACCEPTANCE AND FINAL PAYMENT OF CONTRACT NO. K-1011-70 BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND TOM'S QUALITY CONSTRUCTION FOR THE MOORE-LINDSEY EXTERIOR PAINTING PROJECT. (HISTORICAL HOUSE LOCATED AT 508 NORTH PETERS AVENUE).

ACTION NEEDED: Motion to accept or reject the project; and, if accepted, direct final payment in the amount of $2,152.75 to Tom's Quality Construction.

ACTION TAKEN: _____

Body

BACKGROUND: On 14 September 2010, City Council approved Contract No. K-1011-70 for the Moore-Lindsey House Exterior Painting Project for the Parks and Recreation Department. This project included repainting the entire structure in its original five-color Victorian paint scheme.

DISCUSSION: The low bidder to meet specifications for the Moore-Lindsey House Exterior Painting Project, including historic structure painting guidelines, was Tom's Quality Construction. The award was in the amount of $43,055. Partial payments have been made throughout the progress of the project.

This project was completed on 7 January 2011. Staff has inspected the project, found it to be complete as per specifications and recommends authorization for the final payment.

RECOMMENDATION: It is recommended that City Council accept this project as complete and authorize final payment in the amount of $2,152.75 to Tom's Quality Construction. Funding is available in Project No. EF0123, Moore-Lindsey House, Repainting Project, Construction (050-9677-419.6101).

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

The City of NORMAN

INVOICE TO:
City of Norman
PARKS AND RECREATION
201-C WEST GRAY STREET
NORMAN, OK 73070

P.O. #: 191504
DATE: 09/08/10

VENDOR #
10580

TOM FREDGREN
211 E DAWS
NORMAN, OK 73069

SHIP TO:
City of Norman
PARKS AND RECREATION
201-C WEST GRAY STREET
NORMAN, OK 73070

DELIVER BY:	SHIP VIA:	F.O.B.	TERMS
09/07/10	BEST WAY	DESTINATION	NET

CONFIRM BY FREIGHT

ACCOUNT NO.	REQUISITIONED BY	REQ. NO.	REQ. DATE
05096774196101	TERRY-FOSTER	175945	09/07/10

INE#	QUANTITY	UOM	ITEM NO. AND DESCRIPTION	UNIT COST	EXTENDED COST
1	43055.00	EA	HISTOICAL MUSEUM EXTERIOR PAINTING PROJECT ACCT#050-9677-419.6101-EF0123, COUNCIL 9-14-2010 VENDOR ITEM NO.- COUNCIL: 9-14-2010	1.0000	43055.00

SUB-TOTAL	43055.00
TOTAL	43055.00

9.28.10 Receipted-in INV#One 9.27.10 ck#245268 — 4,305.00
10.6.10 " " " #Two 10.4.10 — 4,375.00
10.19.10 " " " #THREE 10.12.10 ck#246101 — 4,375.00
11.1.10 " " " #FOUR 10.21.10 — 4,285.00
11.3.10 " " " #FIVE 11.1.2010 — 4,285.00
#246932-11.8.10 " " " #SIX 11.8.2010 — 4,286.00
#24116-11.15.10 " " " #7 11.15.2010 — 4,286.00
11.29.10 " " # 8 11.22.2010 — 4,286.00
12.2.10 " " #9 11.29.2010 — 4,286.00
12.27.10 " " #10 12.21.2010 — 2,133.25

Final pmt. # 2,152.75

CITY COUNCIL AGENDA
JANUARY 25, 2011

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

Item No. 20

Text File Number: K-1011-128

Introduced: 1/10/2011 by Lonnie Ferguson, Capital Project Eng.

Current Status: Consent Item

Version: 1

Matter Type: Contract

Title

CONTRACT NO. K-1011-128: A RELOCATION AGREEMENT BY AND BETWEEN THE CITY OF NORMAN AND OKLAHOMA GAS & ELECTRIC COMPANY IN THE AMOUNT OF $65,964 FOR UTILITY RELOCATION ASSOCIATED WITH THE 12TH AVENUE N.E. AND ROBINSON STREET INTERSECTION PROJECT.

ACTION NEEDED: Motion to approve or reject Contract No. K-1011-128 with Oklahoma Gas & Electric Company, and, if approved, authorize the execution of the contract.

ACTION TAKEN: _____

Body

BACKGROUND: The above-referenced agreement is for utility relocations associated with the proposed widening improvements on the 12th Avenue NE and Robinson Street Intersection Project. On August 10, 2010, City Council executed a utility relocation and right-of-way agreement with the Oklahoma Department of Transportation (ODOT), Contract No. K-1011-48. As part of this ODOT agreement, the City of Norman is responsible for the relocation of utilities for this project.

DISCUSSION: OG&E has an overhead power line in conflict with the proposed widening improvements. There are three sets of existing overhead power lines running east of this intersection. OG&E has a major transmission line on the north side of Robinson Street and both OG&E and OEC have distribution lines on the south side of Robinson Street. OG&E's pole line falls within the new roadway alignment for approximately 300 feet east of this intersection and must be relocated for the proposed improvements. OG&E cannot combine their distribution lines on their transmission poles, and cannot set back to the south without an overhead conflict with OEC. There is not enough right-of-way for OEC to set back any farther and they would be too close to the existing houses if they could. There is not enough room with the other utilities for OG&E to have two sets of poles on the north side.

In order to have room for OG&E to relocate, it is necessary to install a portion of their facility underground to avoid the overhead OEC conflict. The cost for OG&E to move their existing pole if they didn't have to go underground would be $21,988. If that were possible this cost would be at their expense. The cost to go underground is $87,952. The cost difference between the overhead and underground options is estimated to be $65,964.

The project has a tentative October 2011 letting date pending relocation of all affected utilities. The project total cost is estimated to be $2,245,832. The federal share of construction costs are 80% or approximately $1,516,570. The City's share of the project is

estimated to be $729,262. OG&E's relocation plan is being reviewed by ODOT and work needs to begin as soon as possible in order to maintain the current schedule for the said letting date. OG&E has asked to execute a contract whereby the City agrees to pay for the cost difference of relocating their lines only where it is necessary for them to be underground.

RECOMMENDATION: The amount of $65,964 is available in the Capital Fund, 12th & Robinson Intersection, Utilities, (Account No. 050-9079-431-67.01) Project No. TR0238. Staff recommends that the attached agreement, Contract No. K-1011-128 be approved.

OGE ORIGINAL

OG&E WORK ORDER 8424465
ELECTRIC FACILITIES RELOCATION AGREEMENT

THIS AGREEMENT is made and entered into as of December _____ , 2010 by and between Oklahoma Gas and Electric Company, an Oklahoma Corporation (OG&E), First Party, and the City of Norman, a municipal corporation, (CITY), Second Party.

WHEREAS, the City of Norman plans A City Street project at 12th and Robinson Project J/P 26475(04) and Project J/P 24282(04)

WHEREAS, OG&E has existing overhead distribution electric lines facilities in the work area and

WHEREAS, the city desires to have OG&E relocate its lines and to accordingly adjust its facilities, all within the work area,

NOW, THEREFORE, FOR VALUE RECEIVED, the parties agree as follows:

1. OG&E will furnish labor and materials and will relocate its existing facilities in the work area which conflict with the City Street Project at12th and Robinson.

2. Upon completion of the work described in the preceding paragraph, the City will pay OG&E the total net sum of Sixty five thousand Nine hundred Sixty four dollars and no cents ($65,964.00).

3. The existing service of OG&E is not to be interrupted or suspended or impaired while this contract is being performed.

4. OG&E is an approved **Own Risk** for Workers Compensation by the Oklahoma Workers Compensation Court, and OG&E will provide General Liability Insurance to address bodily injury or property damage to third parties arising out of this work.

5. The facilities installed by OG&E shall remain the property of OG&E. The City hereby grants to OG&E the right to enter upon the street, alleys, easements and premises of the city as may be reasonably necessary to install, operate, maintain, and remove electrical facilities at the agreed locations as described above.

6. This agreement shall extend to, and be binding upon, each of the parties hereto and their respective successors and assigns. This Agreement is herewith executed in two counterparts, one for OG&E and one for the City, each of which shall be deemed an original for all purposes.

IN WITNESS, WHEREOF, this Agreement is executed as of the day and year first written above.

Approved As To Form

1-11-11

City Attorney

City of Norman

ATTEST: _____ City Clerk
(SEAL)

By: _____
Mayor

Oklahoma Gas and Electric Company

By: _____
Russell Verba
Manager Land Management Services

ACKNOWLEDGEMENT

STATE OF OKLAHOMA, COUNTY OF CLEVELAND, ss:

This instrument was acknowledged before me on_____ 2010, by _____, as _____, of City of Norman.

My Commission Expires:

_____
Notary Public

_____
(SEAL)

ACKNOWLEDGEMENT

STATE OF OKLAHOMA, COUNTY OF OKLAHOMA, ss

This instrument was acknowledged before me on the 1st day of December, 2010 by Russell Verba as Manager Land Management Services of Oklahoma Gas and Electric Company, an Oklahoma Corporation.

My commission expires: 5-18-12
(SEAL)

MARY A. BUBLIS
Notary Public
State of Oklahoma
Commission # 04004530 Expires 05/18/12

_____
Notary Public

Sheet 1 of _____

DEUCES ™ Estimate

8424465 UG Cost

ConstDistrict: SOUTH	**Plant:** SW Okc Distribution System	**Cadds #**	PM/ACT Type
Name: ROBINSON ST AND US-77/SH-77H(12th AV) RELOCATION			Service Date
Location: ROBINSON ST AND 12th AV			
Legal Desc: SEE SKETCHES			Application Number
Description And Reason: COST TO RELOCATE OG&E FACAILITIES FROM OH TO UG DUE TO ROAD CONSTRUCTION TO ADD AN ADDITIONAL RIGHT TURN LANE PER REQUEST OF THE CITY of NORMAN			Functional Location: 8722-29 & 32
			Outside Proj. Number

ManHours OH: 79	UG: 221	C Tran: 0	Construction	Associated Expense	Removal & Salvage	
	Crew	Total	Material	Material	Value of Salvage	Atlas Reference
Labor	$19,369	$25,180	**$48,728**	**$0**	**$899**	SEE SKETCHES
Transport	$1,743	$2,324	Installation Cost	Expense Cost	Removal Cost	Ovhd Pole Line
			$23,148	**$0**	**$4,357**	
Ovhd Cost	Ovhd Cost	Ovhd Cost	Ovhd Conductor			
			$11,320	**$0**	**$1,297**	
Customer Pay Construction	Company Investment	Customer Pay Salvage	UndgConduit:			
			$0	**$0**	**$0**	
Cost of New Const	Cost of Associated Expense	Cost of Rem. Sal, Payments	UndgCable:			
			$83,196	**$0**	**$4,755**	
Total Cost of Project	Cost of Old Construction	Total Gross Depreciation	UndgDirect:			
			$87,952	**$2,281**	**$7,036**	

Accnt.		%	Ad Valorem Tax Data		
			Dist Code	Inst%	Rmv%
DA	Capital	84	1340	100	100
DA	Remove	16			
DM	Capital	100			
DV	Remove	100			

	Install		Remove	Salvage
Material Totals	48,728		2,281	899

Job Comments

PROJECT LEADER: LARRY McNUTT, Ph: (405) 553-8543, Cell: (405) 830-2628
DESIGNER: CHARLES RAWDON, Ph: (405) 553-5914, Cell: (405) 659-0043

Job Labor Adjustments

Description	Factor %	Count	Hours
Other	30.00%		
Base Hours = 230.53 With Additional Hours and Percentage = 299.69	30.00%	Addl. Hrs=	0

Description	Item	Install		Remove			Salvage
		Qty	Amount	Qty	Year	Amount	
1 SPOOL RACK WHITE SPOOL	1SPRW			1	72	7	0
1 SPOOL RACK WHITE SPOOL	1SPRW			1	73	7	0
1/0 ALUM STEEL CORE 7 STRAND WIRE	0AS7			800	73	92	45
3-2/C 750 ALUMN 15KV WIRE (519) (UG) LC	3/2C750AL519	825	10,527				
477 ALUM STEEL CORE 33 STRAND WIRE	477AS33			2400	73	1,244	611
ANCHOR 58M POWER SCREW With (2) 1-1/	ANC58M	1	323				
BRKT 2X15TR ST PO 18	242113			1	72	0	119
COUPLING,FLEXIBLE CONDUIT 6"	6P13FC	750	15,308				
DBLE 8FT ARM W/48 WOOD BRACE	D848WB	1	142	1	72	27	0
DIRECTIONAL BORES	BORE-Directnal	825	14,850				
DOWN GUY 11M	DG11M	1	39				
DOWN GUY 25M	DG25M	2	131				
FLEXIBLE LINK EXTENSION 36IN	FEL36			3	72	0	0
LIGHT ARRESTER 10KV DISTRIB. #16105	LA10KV			3	72	94	0
LUM HP SOD 250W 480V	242168			1	72	73	124
POLE TOP PIN	PTP			1	73	7	0
POLE TOP PIN	PTP			2	72	14	0
POLE WET 45-FT CLASS 1	P451	1	568				
POLE WET 45-FT CLASS 3	P453			1	73	127	0
POLE WET 50-FT CLASS 3	P503			1	72	116	0

Copy Telco:	Copy Catv: Cox Cable	Copy Other:	
Atlas1: Legal1:	Atlas2:	Legal2:	
Marginal Cost $48,728	Allowed Expenditures	Customer Payment $0	Expenditure Basis Rebuild
Prepared By Charles Rawdon Date 11/30/2010	Designed By Date	Approved By Date	Department Mgr. Date
AFE Approval Date	Functional Officer Date	Completed - Foreman	Field Checked Date

Copyright 1997, 1999, 2000 Oklahoma Gas and Electric Co.

Sheet 2 of ____

DEUCES ™ Estimate

8424465 UG Cost

Description	Item	Install		Remove			Salvage
		Qty	Amount	Qty	Year	Amount	
Precast Concrete Pull Box (48" X 96" X 47")	U127	1	1,941				
PRIMARY DEADEND 267AS/477AS	PDE477	1	26				
PRIMARY RISER 6-IN, PVC 40	RISERP6	1	561				
SECONDARY DEADEND 0AWG AL-AS W/W	SDE0	1	10				
SINGLE 8FT ARM W/48 WOOD BRACE	S848WB			1	73	15	0
SLEEVE COM 750 AL	263095	3	31				
SPLICE,COLDSHRINK,750MCM-1250MCM,1	1038827	3	776				
SW 14.4KV600A1P971.2	164030	3	422	3	72	459	0
Switch Three Phase Riser - 4160Y/2400 or 1247	U680.6	1	2,675				
Special		2	400				
Material Totals			48,728			2,281	899

Sheet 3 of _____ **WorkOrder # 8424465 UG Cost** **11/30/2010 9:13am**

CE Construction Material List **ROBINSON ST AND US-77/SH-77H(12th AV) RELOCATION** **Distribution / chr**

Install Material:

Stock#	Qty	Unit	Description	Remarks
101451	1	EA	POLE WET 45 C1	
101453	1	EA	POLE WET 45 C3	
102007	3	EA	CROSSARM, WOOD, 3-1/2" X 4-1/2" X 96"	
103047	3	PR	BRACE DBL SPAN 48	
103064	2	EA	MLDG FLANG PVC 1/2X8	
121028	1	EA	ANCHOR 39 OR 58M PR, 8" & 10" helix x 3'long, use with 121029(14" helix x 5'long) to make 58M anchor. Includes Tripleye guy nut.	
121029	1	EA	ANCHOR 58M PISA, 14" helix x 5' long, use with 121028 to make 58M Anchor	
121030	2	EA	ROD EXT 1-1/2"X5', for PISA-SCREW IN- Anchors	
123008	2	EA	BOLT DA 5/8X18 4SN	
124002	6	EA	BOLT BR 3/8X1-1/2	
124026	2	EA	BOLT M 1/2X6 SHSN	
124027	13	EA	Bolt galvanized machine 1/2" x 8" w/4" thread length, square head and square nut, spec. C135.1	
124032	6	EA	BOLT M 5/8X1.5 SHSN	
124044	1	EA	BOLT M 5/8X10 SHSN	
124046	4	EA	BOLT M 5/8X12 SHSN	
124047	7	EA	BOLT M 5/8X14 SHSN	
124048	1	EA	BOLT M 5/8X16 SHSN	
124049	1	EA	BOLT M 5/8X18 SHSN	
124063	1	EA	Bolt galvanized machine 3/4" x 12" w/6" thread length, square head and square nut, spec C135.1	
126006	6	EA	Nut bronze, 3/8" hex	
126007	3	EA	Nut bronze, 1/2" hex	
126022	12	EA	Washer bronze, round, for 3/8" bolt	
126023	3	EA	Washer bronze, round, for 1/2" bolt	
126027	6	EA	Washer galvanized 9/16" dia. hole, 1-3/8" dia., 12 gauge	
126032	18	EA	WASHER SQ11/16X2-1/4	
126038	2	EA	WASHER CV13/16X3-1/4	
126046	12	EA	SPRING DISK 3/8 BOLT	
126047	6	EA	SPRING DISK 1/2 BOLT	
126052	6	EA	Lockwasher galvanized spring, for 1/2" bolts, 0.171 x 0.125	
126110	6	EA	LOCKWASHER DBL SP1/2	
126111	16	EA	LOCKWASHER DBL SP5/8	
126112	1	EA	LOCKWASHER DBL SP3/4	
128010	4	EA	CLAMP GR BD 4M-25M	
128012	1	EA	Connector ground for 5/8" ground rod	
128024	1	EA	FITTING, EYELET GALVANIZED 5/8"	
128029	1	EA	GUY MARKER, 8-FT,1-1/2" OD, YELLOW POLYETHYLENE. STRAND DIAMETER RANGE: 3/16"-1/2".	
128035	1	EA	Rod ground 5/8" x 8' steel copper covered	
128038	28	EA	SCREW LAG 1/2X4	
128076	2	EA	Grip galvanized guy, formed, for 11M (3/8" 11500lbs.) strand	
128078	4	EA	GRIP GUY FORMED 25M	
128080	6	EA	CLIP, GROUND WIRE (KEARNEY 12326-1)	
128108	1	EA	HOOK GUY 11M OR LESS	
128190	2	EA	CLAMP GUY WIRE 5/16 MIN 1/2 INCH	
141069	1	EA	BRACE X-ARM BACK	
141082	3	EA	B-52 BRKT MTG & EXT	
142007	55	FT	GUY STRAND 3/8 (11M)	
142009	110	FT	GUY STRAND 1/2 (25M)	

Sheet 4 of _____

WorkOrder # 8424465 UG Cost

11/30/2010 9:13am

CE Construction Material List

ROBINSON ST AND US-77/SH-77H(12th AV) RELOCATION

Distribution / chr

Stock#	Qty	Unit	Description	Remarks
161155	6	EA	ARR 10KV(FOR RISERS)	
164030	6	EA	SW 14.4KV600A1P971.2	
182002	6	FT	WIRE 6Z1 SD S926	
182003	56	FT	WIRE 2X1 HD S901	
184017	6	FT	WIRE 6ZE1	
185180	825	FT	Cable 3-2/C750(519), 15kV, aluminum,jacketed cross-linked, LC-Shielded underground cable	
201166	1	EA	TIE SIDE 1/0AS7	
201285	3	EA	TIE SUP-TOP 477ACSR	
202094	6	EA	Connector eyebolt single cup, bronze for 6-AWG thru 250kcmil copper cable	
202210	1	EA	Connector parrallel-groove vise type for aluminum to aluminum or aluminum to copper cable (Fargo GA-9020GL)	
202227	6	EA	Connector parallel-groove vise, bronze, 2/0 STR copper R/T max to #8 SOL R/T min	
202228	1	EA	Connector parallel-groove vise type for 3x3 strand copper cable run and tap	
202352	3	EA	LUG COMP 477 2H PAD	
202355	3	EA	LUG COMP 750 SP FLAT	
202439	3	EA	Connector parrallel-groove bolted aluminum for 477kcmil 26/7ACSR thru 795kcmil 26/7ACSR run and tap	
221004	2	EA	INS SPOOL 3-IN WHITE	
221095	7	EA	INS PIN CL3 C-NEKANS	
221202	1	EA	POLY HSD DEAD INSUL 10000-lb M&E Rating 2400v & 7200v	
222004	2	EA	BRACKET 1-SPOOL SEC	
222040	1	EA	Clamp strain aluminum U-bolt straight for 267kcmil AS33 thru 477kcmil AS33	
222110	6	EA	PIN 5 X 5/8 X 5-3/4SH 1IN THRD	
222257	1	EA	GRIP DE FORMED 1/0	
222304	1	EA	PIN POLE TOP 18IN	
222369	2	EA	HDW,GRIP,FORMED,CVERD LOOP,477,C,F-NECK	
262077	2	EA	Duct shield plastic for 3" to 5" conduit reference U.G. Construction Standards	
262195	45	FT	Conduit 6" schedule 40 type II polyninyl chloride plastic reference U.G. Construction Standards	
262197	2	EA	6"COUPLING SCH 40	
262203	2	EA	6"ADAPTER FEMALE PVC	
262227	750	EA	COUPLING,FLX 6"	
262237	1	EA	BEND 6IN, 90D, 48R, Schd 80	
263095	3	EA	SLEEVE COM 750 AL	
264097	4	EA	GUARD CLIMBING RISER	
264282	1	EA	Grip cable basket weave for 6" conduit and 4-1/2" thru 5-1/2" cable diameter	
264284	13	EA	BRKT COND SUPT 6IN	
264357	1	EA	See U127.1-Splice Box,Precast concrete,48 X 96 X 47, W/O floor,H15	
282167	20	FT	Conduit, galvanized rigid steel 6" diameter	
301329	0.1	LB	STAPLE,GALV, 1-3/4, BARBED, 60/#	
301658	0.1	LB	NAILS,1.75 GALV,MLDG	
303553	2	EA	MONOGRAM DISK S725	
999941	825	FT	DIRECTIONAL BORE 6.5"- For 6" Pipe	
999999	2	EA	Special	
1020940	3	EA	TERM KIT,CBL,LCN,500 kcmil CU - 750 kcmil AL Jacketed, 5kv - 15kv Stress Relief	
1038827	3	EA	SPLICE,COLDSHRINK,750MCM-1250MCM,15KV	

Sheet 1 of _____

DEUCES ™ Estimate

8424465 OH Cost

ConstDistrict: SOUTH	**Plant:** South Okc Distribution System	**Cadds #**	PM/ACT Type
Name: Robinson St & 12th Av			Service Date
Location: Robinson & 12th			
Legal Desc: NW 1/4 SEC 28 T9N R2W			Application Number
Description And Reason: THIS IS A COST TO RE-LOCATE PER THE CITY of NORMAN. THIS ESTIMATE DOES NOT INCLUDE PURCHASE OF ADDITIONAL RIGHT-OF-WAY THAT WILL BE REQUIRED FOR OG&E TO MOVE OUR LINE SOUTH OF ROBINSON Av.			Functional Location: 8722-31
			Outside Proj. Number

ManHours OH: 118	UG: 0	C Tran: 0	Construction	Associated Expense	Removal & Salvage	
	Crew	Total	Material	Material	Value of Salvage	Atlas Reference
Labor	$10,918	$14,193	$6,043	$0	$41	59-302
Transport	$983	$1,310	Installation Cost	Expense Cost	Removal Cost	Ovhd Pole Line
			$10,440	$0	$5,063	
			Ovhd Cost	Ovhd Cost	Ovhd Cost	Ovhd Conductor
			$483	$0	$0	
			Customer Pay Construction	Company Investment	Customer Pay Salvage	UndgConduit:
			$0	$0	$0	
			Cost of New Const	Cost of Associated Expense	Cost of Rem, Sal, Payments	UndgCable:
			$16,967	$0	$5,022	
			Total Cost of Project	Cost of Old Construction	Total Gross Depreciation	UndgDirect:
			$21,988	$2,940	$7,961	

	Accnt.	%	Ad Valorem Tax Data		
			Dist Code	Inst%	Rmv%
DA	Capital	67	1340	100	100
DA	Remove	33			
DM	Capital	100			
DV	Remove	100			

	Install		Remove	Salvage
Material Totals	6,043		2,940	41

Description	Item	Install Qty	Install Amount	Remove Qty	Remove Year	Remove Amount	Salvage
D133 - Three Phase Deadend Structure 2400 & 7	D133	1	1,616	1	82	1,062	12
Distribution Standard D121 12.47kV and below	D121	1	576	1	72	147	10
Distribution Standard D139 - Tangent with Thro	D139	2	1,791	2	83	1,129	19
Single Pole Line-Tension Switch	D680	1	2,059				
Single Pole Sectionalizing Switch 2400 THRU 1	D679			1	72	603	0
Material Totals			6,043			2,940	41

Copy Telco:	Copy Catv:		Copy Other:
Atlas1: Legal1:		Atlas2:	Legal2:
Marginal Cost $6,043	Allowed Expenditures	Customer Payment $0	Expenditure Basis
Prepared By: Charles Rawdon — Date: 11/30/2010	Designed By — Date	Approved By — Date	Department Mgr. — Date
AFE Approval — Date	Functional Officer — Date	Completed - Foreman	Field Checked — Date

Distribution chr 11/30/2010 9:10am

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Sheet 2 of _____

WorkOrder # 8424465 OH Cost

11/30/2010 9:10am

CE Construction Material List

Robinson St & 12th Av

Distribution / chr

Install Material:

Stock#	Qty	Unit	Description	Remarks
101453	3	EA	POLE WET 45 C3	
101503	2	EA	POLE WET 50 C3	
102007	6	EA	CROSSARM, WOOD, 3-1/2" X 4-1/2" X 96"	
102092	1	EA	CROSSARM,WOOD,Dbl. Deadend,5-1/2X4-1/4X8 Ft,BRACELESS X-ARM WITH ALUMAFORM ARM MNTG. BRACKET	
103032	6	FT	MLDG 1/2"TUBE PLAST	
103047	6	PR	BRACE DBL SPAN 48	
103064	10	EA	MLDG FLANG PVC 1/2X8	
121028	1	EA	ANCHOR 39 OR 58M PR, 8" & 10" helix x 3'long, use with 121029(14" helix x 5'long) to make 58M anchor. Includes Tripleye guy nut.	
121029	1	EA	ANCHOR 58M PISA, 14" helix x 5' long, use with 121028 to make 58M Anchor	
121030	2	EA	ROD EXT 1-1/2"X5', for PISA-SCREW IN- Anchors	
122020	8	EA	PLATE PB HD MK-9	
124006	12	EA	Bolt bronze 1/2" x 1-1/2" hex head less hex nut	
124026	12	EA	BOLT M 1/2X6 SHSN	
124046	14	EA	BOLT M 5/8X12 SHSN	
124047	8	EA	BOLT M 5/8X14 SHSN	
124048	6	EA	BOLT M 5/8X16 SHSN	
124064	2	EA	BOLT M 3/4X14 SHSN	
124098	8	EA	BOLT M 7/8X4 SHSN	
124119	1	EA	Bolt M 7/8 X16 SHSN	
125037	6	EA	BOLT,CARG,GALV,SQ NUT,3/8x8"	
126005	8	EA	LOCKNUT 7/8 MF SQ	
126007	12	EA	Nut bronze, 1/2" hex	
126023	24	EA	Washer bronze, round, for 1/2" bolt	
126027	12	EA	Washer galvanized 9/16" dia. hole, 1-3/8" dia., 12 gauge	
126032	42	EA	WASHER SQ11/16X2-1/4	
126038	2	EA	WASHER CV13/16X3-1/4	
126039	1	EA	WASHER CV1-1/8X3-1/2	
126047	24	EA	SPRING DISK 1/2 BOLT	
126110	12	EA	LOCKWASHER DBL SP1/2	
126111	42	EA	LOCKWASHER DBL SP5/8	
126112	2	EA	LOCKWASHER DBL SP3/4	
128010	4	EA	CLAMP GR BD 4M-25M	
128012	1	EA	Connector ground for 5/8" ground rod	
128026	1	EA	FITTING, EYELET GALVANIZED 3/4	
128028	2	EA	FITTING, ROLLER EYE GALVANIZED 2" dia., 15/16" dia. Hole	
128029	1	EA	GUY MARKER, 8-FT,1-1/2" OD, YELLOW POLYETHYLENE. STRAND DIAMETER RANGE: 3/16"-1/2".	
128035	1	EA	Rod ground 5/8" x 8' steel copper covered	
128038	9	EA	SCREW LAG 1/2X4	
128077	2	EA	Grip galvanized guy, formed, for 18M (7/16" 18000lbs.) strand	
128078	4	EA	GRIP GUY FORMED 25M	
128080	30	EA	CLIP, GROUND WIRE (KEARNEY 12326-1)	
128089	8	EA	STAPLE 1/2 PL MLDG	
128109	1	EA	HOOK GUY 18M	
128190	2	EA	CLAMP GUY WIRE 5/16 MIN 1/2 INCH	
142008	58	FT	GUY STRAND 7/16 (18M)	
142009	132	FT	GUY STRAND 1/2 (25M)	
161058	3	EA	Lightning arrester metal oxide 10kV, 9kV nominal system voltage, gapless, distribution class	

Sheet 3 of _____

WorkOrder # 8424465 OH Cost

11/30/2010 9:10am

CE Construction Material List

Robinson St & 12th Av

Distribution / chr

Stock#	Qty	Unit	Description	Remarks
164006	3	EA	SW 14.4KV 600 S971.4	
181016	30	FT	Wire Aluminum 477AS33 (26/7), .858" diameter	
182002	281	FT	WIRE 6Z1 SD S926	
184017	15	FT	WIRE 6ZE1	
201166	6	EA	TIE SIDE 1/0AS7	
201285	15	EA	TIE SUP-TOP 477ACSR	
202210	9	EA	Connector parrallel-groove vise type for aluminum to aluminum or aluminum to copper cable (Fargo GA-9020GL)	
202220	2	EA	Connector parallel-groove vise type for aluminum to aluminum or aluminum to copper cable (Fargo GA-9003GL)	
202228	1	EA	Connector parallel-groove vise type for 3x3 strand copper cable run and tap	
202352	6	EA	LUG COMP 477 2H PAD	
202426	3	EA	CONN HLVT 667R 2/OT	
202439	15	EA	Connector parrallel-groove bolted aluminum for 477kcmil 26/7ACSR thru 795kcmil 26/7ACSR run and tap	
221004	7	EA	INS SPOOL 3-IN WHITE	
221095	15	EA	INS PIN CL3 C-NEKANS	
221155	3	EA	INS LP CT VERT 15ANS	
221202	3	EA	POLY HSD DEAD INSUL 10000-lb M&E Rating 2400v & 7200v	
222004	6	EA	BRACKET 1-SPOOL SEC	
222040	9	EA	Clamp strain aluminum U-bolt straight for 267kcmil AS33 thru 477kcmil AS33	
222110	12	EA	PIN 5 X 5/8 X 5-3/4SH 1IN THRD	
222129	1	EA	STUD 3/4X1-3/4IN	
222131	2	EA	STUD 5/8X7IN	
222162	1	EA	SUPPORT NEUTRAL 18IN	
222196	3	EA	CL ALUM LPI .5-1.062	
222214	3	EA	LINK EXT 13-1/2 RIGD	
222243	1	EA	BRKT POLE TOP 14IN	
222257	1	EA	GRIP DE FORMED 1/0	
222287	3	EA	LINK EXT 18IN CAST	
222304	3	EA	PIN POLE TOP 18IN	
301329	0.5	LB	STAPLE,GALV, 1-3/4, BARBED, 60/#	
301658	0.5	LB	NAILS,1.75 GALV,MLDG	
303553	5	EA	MONOGRAM DISK S725	
1044331	3	EA	BRKT,XARM,CO OR LA MOUNTING on HD or , XHD Arm	

Map Produced by the
City of Norman
GIS Services Division
The City of Norman assumes no responsibility for errors or omissions in the information presented.

12th Avenue NE & Robinson Street Project Location Map

Aerial Photography Taken March 2010

Project Limits
Parcel Boundary

Scale 1" = 400'
January 10, 2011

N W E S

PURCHASE REQUISITION NBR: 0000181379

STATUS: DIVISION APPROVAL

REQUISITION BY: FURR-FERGUSON

REASON: UTILITY RELOCATION AGREEMENT - K-1011-128

DATE: 1/11/11

SHIP TO LOCATION: PUB WKS- ENGINEERING

SUGGESTED VENDOR: 8288 OKLAHOMA GAS & ELECTRIC CO -

DELIVER BY DATE: 1/11/11

LINE NBR	DESCRIPTION	QUANTITY	UOM	UNIT COST	EXTEND COST	VENDOR PART NUMBER
1	RELOCATIONS ASSOC W/ 12TH NE & ROBINSON ST PROJECT COMMODITY: PUBLIC WORKS AND RELATED SUBCOMMOD: RELOCATION AND/OR REMOVAL	65964.00	DOL	1.0000	65964.00	

REQUISITION TOTAL: 65964.00

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

LINE #	ACCOUNT		PROJECT	%	AMOUNT
1	05090794316701	Capital Projects Utilities	TR0238 Robinson - 12th SE	100.00	65964.00
					65964.00

REQUISITION IS IN THE CURRENT FISCAL YEAR.

REQUISITION COMMENTS:

CONTINGENT UPON COUNCIL APPROVAL ON 01/25/11
CONFIRMING PO - DO NOT MAIL

CITY COUNCIL AGENDA
JANUARY 25, 2011

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

Item No. 21

Text File Number: K-1011-130

Introduced: 1/10/2011 by James Briggs, Park Planner

Current Status: Consent Item

Version: 1

Matter Type: Contract

Title

CONTRACT NO. K-1011-130: A CONTRACT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND LASHAR HOME COMFORT SYSTEMS, L.L.C., IN THE AMOUNT OF $25,392 FOR THE SENIOR CITIZENS CENTER HVAC IMPROVEMENTS PROJECT, MAINTENANCE BOND NO. MB-1011-73, RESOLUTION NO. R-1011-78, AND BUDGET TRANSFER.

ACTION NEEDED: Motion to approve or reject Contract No. K-1011-130 with Lashar Home Comfort Systems, L.L.C., in the amount of $25,392 and Maintenance Bond No. MB-1011-73; and, if approved, authorize execution of the contract, direct the filing of the maintenance bond; adopt Resolution No. R-1011-78; and transfer $1,392 from Project No. EF0139, Three Recreation Center Ventilation, Construction (050-9677-419.61-01) to Project No. EF00137, Senior Center Lower HVAC, Construction (050-9677-419.61-01).

ACTION TAKEN: _____

Body

BACKGROUND: During the FYE 2011 Capital Budget process, City Council approved funding for several facility maintenance projects for the Parks and Recreation Department. One such project was the Senior Citizens Center Lower HVAC Improvements Project, which included replacing the old, all-electric ground level heat and air units at the facility with new, more efficient gas/electric package unit equipment. These are the main units that supply the heating and cooling for the main rooms of the center.

Funding for the Senior Center HVAC Project was approved in the amount of $24,000 which includes new units and any associated building modifications that may be needed to accommodate the new units. Most of the building and mechanical changes for this project are minor, and many of these will be done in-house by Building Maintenance staff, in order to save as much of the project funding as possible for the equipment.

DISCUSSION: During November, 2010, city staff met with three heat and air contractors, all of whom were given complete access to the Senior Center to fully evaluate the challenges of this facility in terms of balancing the mechanical needs of the space with the important aesthetics of a historic building such as this one. All three contractors submitted complete bids that included the labor and materials for the units plus all tear-out and removal of the old equipment. The lowest and best quotation was received from Lashar Home Comfort Systems in the amount of $25,392.

This amount is $1,392 in excess of the budgeted funds in this project. However, we have achieved savings from a recreation center ventilation repair project which is sufficient to help complete this project. The work on the Recreation Centers involved repairs to the attic fan equipment in the gymnasium roofs which was completed earlier this fiscal year.

A Maintenance Bond is being provided for this project, as well as the required Affidavit, Contract, Insurance and Liability forms. The contractor will also provide a warranty on the installation, parts and labor (1 year), compressors (5 years), and heat exchangers (10 years) as indicated on the quotation documents.

Staff recommends that funding be transferred from the Recreation Center Ventilation Repairs Project to the Senior Center HVAC Improvements Project in the amount of $1,392 in order to be able to award the project contract to the low bidder, and that the contract be awarded to Lashar Home Comfort Systems, in the amount of $25,392, as the lowest and best bidder to meet specifications.

RECOMMENDATION NO. 1: It is recommended that City Council approve the following fund transfer for the Senior Center HVAC Improvements Project for the Parks and Recreation Department:

Transfer $1,392 from Three Recreation Center Ventilation Project (050-9677-419.6101) (**EF0139**) to Senior Center HVAC Improvement Project (050-9677-419.6101) (**EF0137**)

RECOMMENDATION NO. 2: It is recommended that City Council approve the Contract No. K-1011-130 with Lashar Home Comfort Systems, LLC in the amount of $25,392 and Maintenance Bond No. MB-1011-73 for the Senior Center HVAC Improvements Project for the Parks and Recreation Department. The rest of the funding is available in Maintenance of Existing Facilities: Senior Center HVAC Improvements (#050-9677-419.61-01), Project No. EF0137. The estimated budget for this project is $24,000.

RECOMMENDATION NO. 3: It is further recommended upon approval of Contract No. 1011-130 that Lashar Home Comfort Systems, LLC. be authorized and appointed as project agents for the Senior Center HVAC Improvements Project by Resolution No. R-1011-78.

LASHAR
HOME COMFORT SYSTEMS

Proposal To:
City of Norman
Norman Senior Center
329 S Peters
Norman, OK 73069
Attn: James Briggs

3535 N. Flood Ave Norman, OK 73069 Phone-579-3113 Fax-579-3115

James,

Please find the proposal for the replacement of the twenty ton system at the Norman Senior Center. Our quote includes replacement of the existing twenty ton system and converting it from total electric to gas.

We are proposing a twenty ton cooling unit with a two stage in line duct gas heating system. When we originally looked at the system, we discussed staging it with four separate units, but this option seemed somewhat cost prohibitive given the need to widen the doors and other work required to meet code.

With what we have proposed here we will only need to enlarge the access hole in the attic but the heating system will still need to be serviced from the attic itself. This will allow for use of the existing closet and return air system with only minimal modifications. There are a few items to note in the proposal:

- High voltage electrical wiring and gas piping to building are not included in our proposal.
- Warranty on all of the products:
  - One (1) year parts and labor
  - Five (5) year compressor
  - Ten (10) year on the heat exchanger
- This is a turnkey proposal which includes all labor, miscellaneous materials, gas piping, drains, low voltage wiring and necessary permits for the mechanical work performed.
- All work performed in a professional and neat manner by licensed technicians.
- Removal of all equipment and materials from the premises

I know you may have further questions, so please feel free to contact me with any concerns or questions you have regarding the proposal. Thank you again for the opportunity to bid the project!

Respectfully,

Tim Lashar
Lashar Home Comfort Systems, LLC

Proposal will remain valid through: 12/15/2010

3535 N. Flood Ave Norman, OK 73069 Phone-579-3113 Fax-579-3115

21-2-14-11

EQUIPMENT PROPOSAL

Item	MODEL NO.	DESCRIPTION	Installed Price
AC	Y2D40C00A2AAA2	York Brand Split System condenser, Air-Conditioner, R410a Refrigerant Standard Efficiency, 4 Pipe, 20-Ton 208/230 volt 3 Phase	
A/H	ND240C00E6AAA2	Split System Air-Handler, R410a, Standard Efficiency, 4 Pipe, 20-Ton 5 HP motor, 208/230 volt 3 Phase	
Heater	QVSD400A1N2AB100	Sterling 400,000 BTU/HR Inline Heater Two-Stage	
Hail Guard	1HG0418	Hail Guard for use on 20-ton four pipe unit	
Thermostat	S1-THEM22P7Y	Programmable Thermostat	
Smoke Detector	S1-SL-2000-N	Duct Smoke Detector ionization with sampling tube and remote alarm	

Total **$25,392**

Proposal will remain valid through: ~~12/15/2010~~ 1/31/11

Acceptance of Proposal: The above investment amount and terms and conditions are satisfactory and accepted.

By: _____
Representative-City of Norman

Date: 1-14-11

Tim Lashar: _____
President, Lashar Home Comfort Systems, LLC

Date: 1-14-11

3535 N. Flood Ave Norman, OK 73069 Phone-579-3113 Fax-579-3115

Contract # K-1011-130

CONTRACT

THIS CONTRACT made and entered into this _ _ day of January, 2011, by and between Lashar Home Comfort Systems, LLC as Party of the First Part, hereinafter designated as the CONTRACTOR, and the City of Norman, a municipal corporation, hereinafter designated as the City, Party of the Second Part.

WITNESSETH

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

SENIOR CENTER HVAC IMPROVEMENTS

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

WHEREAS, the Contractor in response to said Solicitation for Bids, has submitted to the City of Norman on the manner and at the time specified, a sealed proposal in accordance with the terms of this Contract; and

WHEREAS, the City, in the manner provided by law, has publicly opened, examined, and canvassed the proposals submitted and has determined and declared the above-named Contractor to be the lowest and best bidder on the above-prepared project, and has duly awarded this contract to said Contractor, for the sum named in the proposal, to wit: Twenty Five Thousand Three Hundred Ninety Two Dollars ($ 25,392);

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

1. The Contractor shall, in a good and first-class, workmanlike manner at his own cost and expense, furnish all labor, materials, tools, and equipment required to perform and complete said work in strict accordance with this Contract and the following Contract Documents:

Specifications, Provisions and Bonds thereto, all of which documents are on file in the office of the City Clerk of the City of Norman, and are made a part of this Contract as fully as if the same were set out at length, with the following additions and or exceptions: (If none, so state.)

2. The City shall make payments to the Contractor in the following manner: On or about the first day of each month, the project engineer, or other appropriate person, will make accurate estimates of the value, based on contract prices, or work done, and materials incorporated in the

work and of materials suitably stored at the site thereof during the preceding calendar month. The Contractor shall furnish to the project engineer, or the appropriate person, such detailed information as he may request to aid him as a guide in the preparation of the monthly estimates.

Each monthly estimate for payment must contain or have attached an affidavit as required by Senate Bills 469 of the 1974 Legislature.

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

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

3. It is further agreed that the Contractor will commence said work within 10 days following receipt of a NOTICE-TO-PROCEED, and prosecute the same vigorously and continuously, and complete the same in 30 calendar days.

The instructions to bidders, the special and general provisions of specifications and the Contractor's bid or proposal, each of said instruments on file in the office of the City Clerk of the City of Norman, are hereby referred to and by reference thereto are made part of this contract as if fully written in detail herein or attached thereto.

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

4. The sworn, statement below must be signed and notarized before this Contract will become effective.

Contract # K-1011-130

IN WITNESS WHEREOF, the said parties of the First and Second Part have hereunto set their hands and seals respectively the _____ day of _____, 20_____.

CORPORATE SEAL

_____

Lashar Home Comfort Systems, LLC
Company Name

ATTEST:_____
Corporate Secretary

BY_____
President

STATE OF OKLAHOMA)
COUNTY OF CLEVELAND)

Tim Lashar, of lawful age, being first duly sworn, on oath says that (s)he is the agent authorized by Contractor to submit the above Contract to the City. Affiant further states that Contractor has not paid, given or donated or agreed to pay, give, or donate to any officer or employee of the City any money or other thing of value, either directly or indirectly, in the procuring of the contract.

_____
President

Subscribed and sworn to before me this 14th day of January, 2011.

_____
Notary Public

My Commission Expires: 8-4-2011
Commission Number: 03010507

K. FRAZIER NOTARY # 03010507 EXP. 08/04/11 PUBLIC STATE OF OKLAHOMA

CITY OF NORMAN

Approved as to form and legality this 20th day of January, 2011.

_____
City Attorney

Approved by the City Council this _____ day of _____, 20____.

_____
Mayor

ATTEST:

_____
City Clerk

71049952

Bond # MB-1011-73

MAINTENANCE BOND

WHEREAS, THE UNDERSIGNED Lashar Home Comfort Systems, LLC hereinafter referred to as the Principal, has entered into a certain contract dated January 19 ,20 11 , for the construction of:

SENIOR CENTER HVAC IMPROVEMENTS

WHEREAS, under the ordinances of said City of Norman the said Principal is required to furnish to the City a maintenance bond covering said construction, said bond to include the terms and provisions hereinafter set forth, as a condition precedent to final acceptance of said construction.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

That the said Principal and Western Surety Company as a corporation organized under the laws of the State of South Dakota , and authorized to transact business in the State of Oklahoma, as surety, are jointly and severally, firmly held and bound unto said City in the penal sum of Twenty Five Thousand Three Hundred Ninety Two Dollars ($ 25,392), in lawful money of the United States of America, same being 100% of the cost of the construction herein referred to for the payment of which, well and truly to be made, we hereby bind ourselves, our heirs, executors, administrators, successors and assigns, firmly by these presents.

The condition of this bond is such that if the said Principal shall keep and maintain, subject to normal wear and tear, the said construction, except for defects not occasioned by improper workmanship, materials, or failure to protect new work until it is accepted, for a period of one year from the date of the written final acceptance thereof by the City, and shall promptly repair, without notice from the City, any and all defects or failures occurring or arising from improper workmanship, materials, or failure to protect new work until it is accepted within a period of one year without notice from said City, and without expense to said City, thence this obligation shall be null and void and of no force and effect; otherwise to be and remain in full force and effect at all times.

Provided further, however, that upon neglect, failure or refusal of the Principal to make any needed repairs upon said construction, or to maintain any part of the same, as set out in the preceding paragraph, within ten (10) days after the mailing of notice to the Principal by letter deposited in the United States Post Office at Norman, Oklahoma, addressed to the Principal at the address set forth below, then the Principal and surety shall jointly and severally be liable to the City, for the cost and expense for making such repairs, or otherwise maintaining the said construction.

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

IN WITNESS WHEREOF, the said Principal has caused these presents to be executed in its name and its corporate seal to be hereunto affixed by its duly authorized officers, and the said Surety has

Bond # MB-1011-73

caused these presents to be executed in its name its corporate seal to be hereunto affixed by its attorney-in-fact, duly authorized to do so, the day and year first above written.

Executed and delivered this 19th day of January, 2011.

ATTEST: N/A
Corporate Secretary

Lashar Home Comfort Systems, LLC
Company Name

Mailing Address of Principal:

3535 N. Flood Ave

Norman, OK 73069

BY
Principal

Western Surety Company
Surety Name

BY:
Attorney-in-Fact

STATE OF OKLAHOMA, COUNTY OF CLEVELAND,SS:

Before me, the undersigned, a Notary Public in and for said County and State, this 20 day of Jan, 2011, personally appeared Timothy Lashar to me known to be the identical person who executed the foregoing, and acknowledge to me that he executed the same as his free and voluntary act and deed for the uses and purposes therein set forth.

WITNESS my hand and seal the day and year last above written.

Suzanne R. Terry
Notary Public

My Commission Expires: 30 January 2013
Commission Number: 10001590

Approved as to form and legality this 20th day of January, 2011.

City Attorney

Approved by the Council of the City of Norman, this ___ day of _____, 20____.

Mayor

ATTEST:
City Clerk

Resolution

R-1011-78

A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AUTHORIZING AND APPOINTING LASHAR HOME COMFORT SYSTEMS, L.L.C., AS PROJECT AGENT FOR THE SENIOR CENTER HVAC IMPROVEMENTS PROJECT FOR THE CITY OF NORMAN.

§ 1. WHEREAS, the City of Norman, Oklahoma, does hereby acknowledge that the tax-exempt status of this political subdivision is a significant factor in determining the agreed contract price bid by **Lashar Home Comfort Systems, L.L.C.,** for the **Senior Center HVAC Improvements Project** for the City of Norman; and

§ 2. WHEREAS, the City of Norman, Oklahoma, in compliance with State law, desires to confer on **Lashar Home Comfort Systems, L.L.C.,** its special State and Federal sales tax exemptions and in order to achieve such end, finds it necessary to appoint as its direct purchasing agent, **Lashar Home Comfort Systems, L.L.C.,** to purchase materials which are in fact used for the **Senior Center HVAC Improvements Project** for the City of Norman; and

§ 3. WHEREAS, this limited agent status is conferred with the express understanding that **Lashar Home Comfort Systems, L.L.C.,** shall appoint employees and subcontractors as subagents who shall be authorized to make purchases on their behalf.

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

§ 4. That the City of Norman, Oklahoma, on the 23rd day of November, 2010, did appoint **Lashar Home Comfort Systems, L.L.C.,** who is involved with the **Senior Center HVAC Improvements Project** for the City of Norman, an agent of the City of Norman, Oklahoma, solely for the purpose of purchasing, on a tax-exempt basis, materials and tangible personal property to be used exclusively for the **Senior Center HVAC Improvements Project** for the City of Norman.

PASSED AND ADOPTED THIS 25th day of January , 2011.

ATTEST: _____ Mayor

_____
City Clerk

PURCHASE REQUISITION NBR: 0000181708

STATUS: DIVISION APPROVAL

REQUISITION BY: TERRY-FOSTER

REASON: SENIOR CENTER HVAC REPLACEMENT

DATE: 1/20/11

SHIP TO LOCATION: PARKS AND RECREATION

SUGGESTED VENDOR: 10730 LASHAR HOME COMFORT SYSTEMS LL

DELIVER BY DATE: 1/20/11

LINE NBR	DESCRIPTION	QUANTITY	UOM	UNIT COST	EXTEND COST	VENDOR PART NUMBER
1	SENIOR CENTER (LOWER) HVAC REPLACEMENT CITY COUNCIL AGENDA 1-25-2011, ACCT050-9677-419. 6101 PROJECT EF0137 COMMODITY: CONSTRUCTION SERVICES, GE SUBCOMMOD: CONSTRUCTION, GENERAL (BA	25392.00	EA	1.0000	25392.00	CONTRACT#K-1011-130

REQUISITION TOTAL: 25392.00

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

LINE #	ACCOUNT		PROJECT	%	AMOUNT
1	05096774196101	Capital Projects Construction	EF0137 Senior Center Lower HVAC	100.00	25392.00
					25392.00

REQUISITION IS IN THE CURRENT FISCAL YEAR.

CITY COUNCIL AGENDA
JANUARY 25, 2011

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

Item No. 22

Text File Number: K-1011-132

Introduced: 1/5/2011 by Jud Foster, Director of Parks & Rec

Current Status: Consent Item

Version: 1

Matter Type: Contract

Title

CONTRACT NO. K-1011-132: A CONTRACT BY AND BETWEEN THE NORMAN MUNICIPAL AUTHORITY AND SIMPBELL, INC., D/B/A WESTWOOD GRILL FOR THE OPERATION OF WESTWOOD GOLF COURSE RESTAURANT AND TERMINATION OF CONTRACT NO. K-0405-134 AND ASSIGNMENT OF CONTRACT NO. K-0405-134.

ACTION NEEDED: Acting as the Norman Municipal Authority, motion to approve or reject Contract No. K-1011-132 with Simpbell, Inc., d/b/a Westwood Grill for the operation of the Westwood Golf Course Restaurant; and, if approved, authorize the execution thereof and terminate Contract No. K-0405-134 and its assignment.

ACTION TAKEN: _____

Body

BACKGROUND: On 22 March 2005, City Council approved Contract Number K-0405-134 with Kevin Brown d/b/a Broncos Tacos for the operation of the Westwood Golf Course restaurant.

On 25 November 2008, City Council, acting as the Norman Municipal Authority (NMA) approved an Assignment of Contract No. K-0405-134 allowing Kevin Brown d/b/a Broncos Tacos to assign the operation of the Westwood Golf Course restaurant to Sean Simpson d/b/a Simpbell, Inc. Since that time, Mr. Simpson has done a very good job providing restaurant services at the Westwood Golf Course.

DISCUSSION: Contract No. K-0405-134 will expire on 22 March 2011. At this time we are proposing to terminate that contract and replace it with a new contract written directly with Simpbell, Inc. The terms and conditions of the proposed contract, K-1011-132, are the same as in the previous contract. We have made minor language changes to clarify items addressing the term, renewal, and termination of the agreement. Under the terms of the agreement, the contract/lease may be cancelled without cause at any time during the lease, upon giving thirty (30) days notice in writing to the other party.

Among the terms of the contract, Simpbell, Inc., agrees to the following:

* Operate in a wholesome manner complying with all rules and regulations of the State Board of Health
* Acquire all permits and licenses necessary to do business
* Keep premises subject at all times to inspection by City staff
* Keep prices charged in the restaurant reasonable and subject to the approval of NMA

* Have the restaurant open for business, operating daily from 15 minutes before sunup and 15 minutes after sundown
* Pay a monthly amount of $1,000 or 6% of gross sales after sales tax, which ever is greater
* Be responsible for ordering all food stuffs and payment thereof
* Provide all necessary cleaning in the restaurant food preparation area
* Be responsible for trash removal
* Provide a good and sufficient liability insurance policy

RECOMMENDATION NO. 1: It is recommended that the Council/NMA approve Contract No. K-1011-132 with Simpbell, Inc., d/b/a Westwood Grill for the operation of the Westwood Golf Course restaurant.

RECOMMENDATION NO. 2: It is further recommended upon approval of Contract No. K-1011-132 that Contract No. K-0405-134 and its Assignment be terminated.

CONTRACT

Contract No.K-1011-132

THIS CONTRACT is made and entered into this 11th day of January, 2011, by and between the Norman Municipal Authority, a public trust, hereinafter referred to as the "NMA" and SimpBell Inc. DBA Westwood Grill. , hereinafter referred to as the "Lessee."

WITNESSETH THAT:

WHEREAS, the NMA desires to lease to Lessee that portion of the Westwood Golf Course Club House known as the restaurant, to be operated as a restaurant, with all equipment, and Lessee desires to lease the same from the NMA.

NOW, THEREFORE , for and in consideration of the mutual covenants and agreements herein, IT IS STIPULATED and agreed between the parties as follows:

1. That the NMA hereby leases and lets unto said Lessee for the consideration and under the terms and conditions hereinafter set forth, that portion of Westwood Golf Course Club House designated for use as a restaurant.

2. That Lessee accepts said location in "as is" condition and containing whatever appurtenances that may be contained therein or thereon. NMA makes no warranty of any kind as to fitness for intended use of said facility or appurtenances.

3. That this contract shall be for a term of one year from the date above shown and shall renew annually for additional successive one year terms unless otherwise terminated by either party as provided herein.

4. The NMA or the Lessee shall have the right to cancel this lease without cause at any time during the lease, upon giving thirty (30) days notice in writing to the other party.

5. Non-compliance with the terms of this contract by Lessee shall be deemed "cause" to immediately terminate this contract and all rights hereunder. Upon such non-compliance, control of the subject facilities shall immediately revert to NMA. NMA may thereafter contract with anyone else for operation of the facility for the balance of the term.

6. That the NMA shall furnish all heat and cooling of said portion of the Westwood Golf Course Club House to be used as a restaurant and all water, electricity and gas necessary in the operation of said restaurant.

7. The NMA reserves the right to close down the restaurant without notice in order to make emergency repairs whenever it is deemed to be necessary by the NMA.

8. Lessee shall operate said restaurant in a wholesome and respectable manner, and shall maintain the highest practicable standards of sanitation, complying with all laws of the State of Oklahoma, with all rules and regulations of the State Board of Public Health

relative to the operation of restaurants and with all rules and regulations of the City of Norman. Lessee shall meet or exceed all applicable Federal, State and local standards governing food handlers. All necessary permits and/or licenses to engage in the subject business shall be acquired by the Lessee. Said restaurant shall be subject at all times to inspection by the City of Norman or NMA, its officers, agents and employees.

9. That the prices charged by Lessee for food service in and from said restaurant shall at all times be reasonable and subject to the approval of NMA.

10. Lessee agrees to have the restaurant open for operation daily and all the hours between fifteen (15) minutes before sunup and fifteen (15) minutes after sundown.

11. Lessee shall pay as rent for the lease on said restaurant premises and for the right to use the personal property owned by the NMA or its designee, an amount of $1,000.00 or 6% of gross sales, after sales taxes, which ever is greater, to be paid on a monthly basis. Payment of the rent for preceding month shall be made to the NMA or its designee on or before the 15th day of the succeeding month.

12. At the commencement of the lease, a careful and exact inventory will be made by the parties covering all personal property furnished to Lessee by the NMA, including but not limited to glassware, silverware, dishes, kitchen equipment, tables, chairs and other furniture and fixtures. Lessee shall replace all damaged, broken or lost equipment and at the termination of this lease, all of such personal property shall become the property of the NMA as soon as the replacement is made; provided, however, that any personal property furnished by Lessee and not in the nature of a replacement shall remain the property of Lessee and may be removed by him at the termination of this lease. The NMA reserves the right to re-inventory all property on the premises without notice whenever it is deemed by the NMA to be necessary. Should any equipment with replacement cost in excess of $200 reach the end of its useful life, or be damaged to the extent that repair is not feasible, then the parties hereto shall agree upon the replacement of that equipment. Should equipment be replaced by Lessee, said equipment shall be the property of the Lessee and may be removed at the conclusion of the lease.

13. Lessee shall be responsible for ordering all food stuffs and payment thereof connected with restaurant operations in the preparation of all meals at the golf course.

14. Lessee shall not assign this contract or sublet any portion of the leased premises without the written consent of the NMA.

15. Lessee shall provide all necessary cleaning in the restaurant food preparation area and restaurant floors, tables and chairs.

16. Lessee shall accept all responsibility for trash removal connected with restaurant operation, to properly provided trash dumpsters outside the Westwood Golf Course Club House complex.

17. Lessee shall procure and maintain a good and sufficient liability insurance policy covering any losses or injuries which occur as the result of acts or omissions by Lessee or Lessee's agents, servants or employees while at leased property. Such insurance shall not exclude losses or injuries resulting from the preparation, handling, storage, supply or delivery of products designed for human consumption. Lessee expressly agrees to indemnify and hold harmless the NMA from any liability for and against any claim arising out of acts or omissions of Lessee or Lessee's agents, servants or employees or arising out of the preparation, handling, storage, supply or delivery of products designed for human consumption. This contract shall not be deemed to be in force and effect until such time as the liability insurance policy required hereunder has been received and approved by the NMA, notwithstanding anything else herein to the contrary. The certificates of insurance shall provide the following minimum coverage outlined below:
    a. Worker's Compensation insurance for employees as required by Oklahoma State law.
    b. Public Liability Insurance -
        1. Property damage $50,000 per each occurrence and $100,000 aggregate
        2. Bodily injury - $300,000 per each occurrence
        3. City of Norman as additional insured

18. NMA shall have the right to inspect Lessee's facilities and operation at any time and as often as is necessary in the NMA's judgement. If as the result of such inspection any unacceptable conditions are found, NMA shall give Lessee thirty-six (36) hours notification in writing, within which time it shall be the Lessee's duty to effect the required corrections. Upon Lessee's failure to make such corrections, NMA shall have the option, at its discretion, of either (a) making the corrections itself with reimbursement to be made by Lessee, or (b) immediately terminating this agreement.

19. Lessee shall furnish whatever uniforms, tools or equipment that may be required by Lessee or Lessee's agents, servants or employees.

20. Lessee shall have full and complete control over the operation of the restaurant, subject only to the obligations of this agreement and applicable by law.

21. Lessee shall be responsible for regular maintenance of all restaurant equipment. NMA shall reimburse lessee ½ (one half) of the maintenance cost for equipment shared by both parties by way of a deduction from the following monthly payment providing lessee submits proper maintenance service receipts at that time.

22. The following list of restaurant cost responsibilities is not all inclusive and is only presented in order to provide a proper understanding of the respective obligations of the parties.

LESSEE'S OBLIGATIONS

Food
Labor (including payroll, taxes and fringe benefits
Inventory of smallwares, glass, silver, capital equipment
Paper and cleaning supplies
Personnel laundry
Office supplies
Postage
Health exams
Advertising and licenses
Taxes and licenses
Insurance
Laboratory test
Training
Regular cleaning and housekeeping of food preparation and service areas, including restaurant floors, tables and chairs
Telephone – long distance
Removal of trash from restaurant operation to existing dumpsters
Custodial care of ceilings, walls, carpeting and window washing.
Facilities planning or redecorating with approval of the NMA
Restaurant equipment maintenance ½ (one half) equipment maintenance shared by both parties

NMA OBLIGATIONS

Utilities
Building and equipment maintenance
Extermination services
½ (one half) equipment maintenance for shared by both parties
Provide trash dumpsters

ANYTHING NOT LISTED ABOVE IS THE RESPONSIBILITY OF THE LESSEE.

24. 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 contract.

IN WITNESS WHEREOF, the parties hereto have set their official names and signatures, on the days as set out below.

Dated this 11th day of January, 2011.

FOR THE LESSEE:

Sean Simpson
President – Westwood Grill

NORMAN MUNICIPAL AUTHORITY
A MUNICIPAL TRUST

Chair of Municipal Trust

Attest

Secretary

Approved as to form on this 11 day of January, 2011.

City Attorney

The above signed person, Sean Simpson personally appeared before me, the undersigned Notary Public, this 11 day of January, 2011 and represented that he is authorized to sign for and bind SimpBell Inc. DBA Westwood Grill to this contract and that he executed the same as his own free and voluntary act and deed for SimpBell Inc. DBA Westwood Grill..

Lauren Russell

Notary Public

NOTARY PUBLIC SEAL STATE OF OKLAHOMA
OFFICIAL SEAL
LAUREN RUSSELL
Commission # 10009650
Expires Nov. 15, 2014

My commission expires: NOV. 15, 2014
Commission Number 10009650

CONTRACT

Contract No.K-0405-134

THIS CONTRACT is made and entered into this 22nd day of March, 2005, by and between the Norman Municipal Authority, a public trust, hereinafter referred to as the "NMA" and Kevin J. Brown dba Broncos Tacos, hereinafter referred to as the "Lessee."

WITNESSETH THAT:

WHEREAS, the NMA desires to lease to Lessee that portion of the Westwood Golf Course Club House known as the restaurant, to be operated as a restaurant, with all equipment, and Lessee desires to lease the same from the NMA.

NOW, THEREFORE , for and in consideration of the mutual covenants and agreements herein, IT IS STIPULATED and agreed between the parties as follows:

1. That the NMA hereby leases and lets unto said Lessee for the consideration and under the terms and conditions hereinafter set forth, that portion of Westwood Golf Course Club House designated for use as a restaurant.

2. That Lessee accepts said location in "as is" condition and containing whatever appurtenances that may be contained therein or thereon. NMA makes no warranty of any kind as to fitness for intended use of said facility or appurtenances.

3. That this contract shall be renewable annually from the date above shown at the Lessee's option and shall expire at the end of that one year term. However, this contract may otherwise be terminated by either party upon thirty (30) days written notice of intent to terminate.

4. That the NMA shall furnish all heat and cooling of said portion of the Westwood Golf Course Club House to be used as a restaurant and all water, electricity and gas necessary in the operation of said restaurant.

5. The NMA reserves the right to close down the restaurant without notice in order to make emergency repairs whenever it is deemed to be necessary by the NMA.

6. Lessee shall operate said restaurant in a wholesome and respectable manner, and shall maintain the highest practicable standards of sanitation, complying with all laws of the State of Oklahoma, with all rules and regulations of the State Board of Public Health relative to the operation of restaurants and with all rules and regulations of the City of Norman. Lessee shall meet or exceed all applicable Federal, State and local standards governing food handlers. All necessary permits and/or licenses to engage in the subject business shall be acquired by the Lessee. Said restaurant shall be subject at all times inspection by the City of Norman or NMA, its officers, agents and employees.

7. That the prices charged by Lessee for food service in and from said restaurant shall at all times be reasonable and subject to the approval of NMA.

8. Lessee agrees to have the restaurant open for operation daily and all the hours between fifteen (15) minutes before sunup and fifteen (15) minutes after sundown.

9. Lessee shall pay a fixed fee for the right to use the personal property owned by the NMA or its designee, an amount of $1,000.00 or 6% of gross sales, after sales taxes, which ever is greater, to be paid on a monthly basis. Payment of the fee for preceding month shall be made to the NMA or its designee on or before the 15th day of the succeeding month.

10. At the commencement of the lease, a careful and exact inventory will be made by the parties covering all personal property furnished to Lessee by the NMA, including but not limited to glassware, silverware, dishes, kitchen equipment, tables, chairs and other furniture and fixtures. Lessee shall replace all damaged, broken or lost equipment and at the termination of this lease, all of such personal property shall become the property of the NMA as soon as the replacement is made; provided, however, that any personal property furnished by Lessee and not in the nature of a replacement shall remain the property of Lessee and may be removed by him at the termination of this lease. The NMA reserves the right to re-inventory all property on the premises without notice whenever it is deemed by the NMA to be necessary. Should any equipment with replacement cost in excess of $200 reach the end of its useful life, or be damaged to the extent that repair is not feasible, then the parties hereto shall agree upon the replacement of that equipment. Should equipment be replaced by Lessee, said equipment shall be the property of the Lessee and may be removed at the conclusion of the lease.

11. The NMA shall have the right to cancel this lease with cause at any time during the lease, upon giving thirty (30) days notice in writing to Lessee. "Cause" shall include, but not be limited to, failure to meet any obligation of Lessee as set out in this lease.

12. Lessee shall be responsible for ordering all food stuffs and payment thereof connected with restaurant operations in the preparation of all meals at the golf course.

13. Lessee shall not assign this contract or sublet any portion of the leased premises without the written consent of the NMA.

14. Upon a vote by NMA not to renew this lease or upon cancellation thereof by the NMA as herein above provided, this contract shall automatically terminate and no notice to vacate shall be required to be given by the NMA to Lessee.

15. Lessee shall provide all necessary cleaning in the restaurant food preparation area and restaurant floors, tables and chairs.

16. Lessee shall accept all responsibility for trash removal connected with restaurant operation to properly provided trash dumpsters outside the Westwood Golf Course Club House complex.

17. Lessee shall procure and maintain a good and sufficient liability insurance policy covering any losses or injuries which occur as the result of acts or omissions by Lessee or Lessee's agents, servants or employees while at leased property. Such insurance shall not exclude losses or injuries resulting from the preparation, handling, storage, supply or delivery of products designed for human consumption. Lessee expressly agrees to indemnify and hold harmless the NMA from any liability for and against any claim arising out of acts or omissions of Lessee or Lessee's agents, servants or employees or arising out of the preparation, handling, storage, supply or delivery of products designed for human consumption. This contract shall not be deemed to be in force and effect until such time as the liability insurance policy required hereunder has been received and approved by the NMA, notwithstanding anything else herein to the contrary. The certificates of insurance shall provide the following minimum coverage outlined below:
    a. Worker's Compensation insurance for employees as required by Oklahoma State law.
    b. Public Liability Insurance -
        1. Property damage $50,000 per each occurrence and $100,000 aggregate
        2. Bodily injury - $300,000 per each occurrence
        3. City of Norman as additional insured

18. NMA shall have the right to inspect Lessee's facilities and operation at any time and as often as is necessary in the NMA's judgement. If as the result of such inspection any unacceptable conditions are found, NMA shall give Lessee thirty-six (36) hours notification in writing, within which time it shall be the Lessee's duty to effect the required corrections. Upon Lessee's failure to make such corrections, NMA shall have the option, at its discretion, of either (a) making the corrections itself with reimbursement to be made by Lessee, or (b) immediately terminating this agreement.

19. Lessee shall furnish whatever uniforms, tools or equipment that may be required by Lessee or Lessee's agents, servants or employees.

20. Lessee shall have full and complete control over the operation of the restaurant, subject only to the obligations of this agreement and applicable by law.

21. Non-compliance with the terms of this contract by Lessee shall be deemed to immediately terminate this contract and all rights hereunder. Upon such non-compliance control of the subject facilities shall immediately revert to NMA. NMA may thereafter contract with anyone else for operation of the facility for the balance of the term.

22. The following list of restaurant cost responsibilities is not all inclusive and is only presented in order to provide a proper understanding of the respective obligations of the parties.

23. Lessee shall be responsible for regular maintenance of all restaurant equipment. NMA shall reimburse lessee ½ (one half) of the maintenance cost for equipment shared by both parties by way of a deduction from the following monthly payment providing lessee submits proper maintenance service receipts at that time.

LESSEE'S OBLIGATIONS

Food
Labor (including payroll, taxes and fringe benefits
Inventory of smallwares, glass, silver, capital equipment
Paper and cleaning supplies
Personnel laundry
Office supplies
Postage
Health exams
Advertising and licenses
Taxes and licenses
Insurance
Laboratory test
Training
Regular cleaning and housekeeping of food preparation and service areas, including restaurant floors, tables and chairs
Telephone – long distance
Removal of trash from restaurant operation to existing dumpsters
Custodial care of ceilings, walls, carpeting and window washing.
Facilities planning or redecorating with approval of the NMA
Restaurant equipment maintenance ½ (one half) equipment maintenance shared by both parties

NMA OBLIGATIONS

Utilities
Building and equipment maintenance
Extermination services
½ (one half) equipment maintenance for shared by both parties
Provide trash dumpsters

ANYTHING NOT LISTED ABOVE IS THE RESPONSIBILITY OF THE LESSEE.

24. 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 contract.

IN WITNESS WHEREOF, the parties hereto have set their official names and signatures, on the days as set out below.

Dated this 11 day of March, 2005.

FOR THE LESSEE:

Kevin J. Brown dba Broncos Tacos

NORMAN MUNICIPAL AUTHORITY
A MUNICIPAL TRUST

Harold Haralson
Chair of Municipal Trust

Attest:
Secretary

Approved as to form on this 14th day of March, 2005.

City Attorney

The above signed person, Kevin J. Brown personally appeared before me, the undersigned Notary Public, this 11 day of March, 2005 and represented that he is authorized to sign for and bind Kevin J. Brown dba Broncos Tacos to this contract and that he executed the same as his own free and voluntary act and deed for Kevin J. Brown dba Broncos Tacos.

Notary Public

My commission expires: 30 Jan. 2009
Commission Number 01000390

AGREEMENT AND ASSIGNMENT OF CONTRACT

K-0405-134

This agreement is by and between Broncos Tacos, Inc., an Oklahoma corporation, and Simpbell, Inc., an Oklahoma corporation.

Whereas Broncos Tacos, Inc., currently operates the restaurant at Westwood Golf Course Pro Shop, Norman, Oklahoma, under Contract Number K-0405-134 with the Norman Municipal Authority, and whereas the parties desire that Simpbell, Inc., assume the rights granted to and the responsibilities imposed on Broncos Tacos, Inc., thereunder, the parties agree as follows:

1. Simpbell, Inc., shall pay to Broncos Tacos, Inc., the sum of $6,300 for all the right, title and interest of Broncos Tacos, Inc., in the equipment located at said restaurant (to be evidenced by a bill of sale to that effect), to be paid on the last day of operation of said restaurant by Broncos Tacos, Inc.

2. Simpbell, Inc., shall pay to Broncos Tacos, Inc., in three equal monthly installments, an amount equal to the inventory of food, beverages and supplies determined by the parties to Be on hand at the end of the last day of operations by Broncos Tacos, Inc., with the first payment due March 1, 2009, and monthly thereafter until paid in full.

3. In consideration of the above payments, Broncos Tacos, Inc., hereby assigns all its interest in said Contract Number K-0405-134 with the Norman Municipal Authority to Simpbell, Inc.

4. The parties agree that the assignment of Contract Number K-0405-134 is contingent upon the written consent of the Norman Municipal Authority, and each party agrees to be bound by the restrictions and conditions imposed by the consent of the Authority. The Norman Municipal Authority's consent to assignment of Contract Number K-0405-134 shall in no way relieve Bronco Tacos, Inc. of its obligation to perform under the Contract. If Simpbell, Inc., as assignee of Contract Number K-0405-134, does not adequately perform the obligations under the contract, as determined by the Norman Municipal Authority, the Norman Municipal Authority's consent to the assignment may be withdrawn.

5. If the Authority gives its conditional approval and later revokes its approval for any cause, Broncos Tacos, Inc., shall be immediately reinstated as operator of the restaurant, Broncos Tacos, Inc., shall be obligated to pay Simpbell, Inc., for the equipment the sum of $4,725 (75% of $6,300) or the fair market value of the equipment, whichever is less, and a further sum equal to the inventory of food, beverages and supplies determined by the parties to be on hand at the end of the last day of operations by Simpbell, Inc.

Broncos Tacos, Inc.

By:_____
President

Simpbell, Inc.

By:_____
President

ATTEST:

By:_____
Secretary

By:_____
Secretary

Consent to assignment of Contract Number K-0405-134 is granted this 25th day of november 2008.

_____
Chairman

_____
Secretary

Approved as to form and legality this 14th day of November, 2008.

_____
City Attorney

CITY COUNCIL AGENDA
JANUARY 25, 2011

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

Item No. 23

Text File Number: 2007-07273L

Introduced: 1/13/2011 by Blaine Nice, Assistant City Attorney

Current Status: Consent Item

Version: 1

Matter Type: Settlement

Title

CONSIDERATION OF THE CITY ATTORNEY'S RECOMMENDATION FOR APPROVAL OF A COURT ORDER IN THE AMOUNT OF $62,260.63 REGARDING WILLIAM SCOTT KENT VS. THE CITY OF NORMAN, WORKERS' COMPENSATION COURT CASE NO. WCC-2007-07273L.

ACTION NEEDED: Motion to approve or reject the City Attorney's recommendation; and, if approved, authorize compliance with the Workers' Compensation Court Order and direct payment of claims in the amount of $62,260.63 which will constitute judgment against the City of Norman.

ACTION TAKEN: _____

Body

BACKGROUND: William Scott Kent, a Heavy Equipment Operator for Sewer Line Maintenance in the Utilities Department, filed Workers' Compensation Case No. WCC 2007-07273 L on June 27, 2007. Mr. Kent alleged cumulative injury to his foot and ankle with psychological overlay as a result of operating heavy equipment while working for the City of Norman. The case has proceeded through the normal litigation process. A trial was held on December 2, 2010, and the Court awarded Mr. Kent a total of $60,343.20. The Court Order is being presented to City Council for consideration. It is recommended that the City comply with the Order.

DISCUSSION:

Nature of Claim. Mr. Kent worked for the City of Norman for approximately nineteen and one-half (19½) years. He began his service with the City of Norman on December 4, 1987 as an Equipment Operator. He was promoted to Heavy Equipment Operator on October 4, 2000. Mr. Kent held that position until his separation on June 1, 2007.

Mr. Kent filed this Workers' Compensation claim alleging cumulative injuries to both feet along with psychological overlay due to years of operating heavy machinery in connection with his duties in the Utilities Department.

Issues for Trial. The City disputed that Mr. Kent suffered any injury to his left foot which was job related. On January 7, 2008, the Court found that the injury to his left foot was job-related and compensable. The court further awarded temporary total disability benefits beginning March 22, 2007 for 41 weeks. The nature of Mr. Kent's foot injury was such that progress was slow and medical treatment was extensive. A tunnel release procedure was performed for his tarsal tunnel. Mr. Kent continued to have problems and his treating

physician performed seven more procedures on his left foot in an attempt to try to give him relief. The City contested each application to extend TTD and, ultimately, an independent medical exam was ordered to evaluate Mr. Kent. The Court terminated TTD benefits on June 4, 2009.

The injury to the right foot and request for psychological overlay were reserved for determination at a future date. On January 14, 2008, the Court ordered an independent psychological evaluation and on December 12, 2008, the Court ordered continued psychological treatment.

The issues before the Workers' Compensation Court at trial in this case were the compensability and PPD of the right foot, nature and extent of PPD to the left foot, and psychological overlay. Permanent partial disability is a factual determination made by the Workers' Compensation Court Trial Judge based on doctors' opinions regarding the extent of permanent partial impairment.

On June 4, 2010, Mr. Kent was evaluated by Dr. M. Stephen Wilson, who opined 52% PPD for the left foot and 28% to the right foot which converts to 35.2% PPD to the whole man, with 28% psychological overlay. This equates to $91,324. The City had Mr. Kent evaluated on November 1, 2010, by Dr. Kent C. Hensley who opined 20% PPD to the left foot and 0% to the right foot and 5% psychological overlay which equates to $19,941.

The Worker's Compensation Court Trial Judge is free to make a ruling within the range of the medical evidence presented at the time of trial. Therefore, the City's maximum exposure to compensate Mr. Kent for his injuries was 80% PPD to the feet and 28% psychological overlay or $91,324.

Court Award. This case was heard by the Workers' Compensation Court on December 2, 2010. After hearing the claimant's testimony and considering the expert medical evidence, the Court opined that Mr. Kent sustained a total of 54% to his feet and 18% psychological overlay. The Court further found that continued medical treatment for psychological overlay shall continue until further order of the court. The Court's findings are set out in Paragraph Nos. 4, 5 and 6 of the Order as follows:

THAT, as a result of said injury, claimant sustained 14 percent permanent partial disability to the RIGHT FOOT (objective medical evidence / anatomical abnormality, plantar fasciitis), 40 percent permanent partial disability to the LEFT FOOT (objective medical evidence/anatomical abnormality, 8 surgeries) and 18 percent permanent partial disability due to PSYCHOLOGICAL OVERLAY (objective medical evidence / depression), for which claimant is entitled to compensation for 208.8 weeks at $289.00 per week, or the total amount of $60,343.20 of which 83 weeks have accrued and shall be paid in a lump sum of $23,987.00.

As can be noted in Paragraph No. 3 of the Court's Order, PPD compensation is expressed in terms of "weeks" of compensation with an accompanying "weekly wage rate." Workers' Compensation awards are normally paid at the weekly rate over a period of time. Mr. Kent's weekly wage rate is $289. However, as noted, only a portion of the award has accrued to be paid in a lump sum and the balance to be paid in weekly payments until paid in full.

Also, as set out in Paragraph Nos. 5 and 6, the Court also found that continuing psychological medical maintenance should be provided and that an order for an independent medical examination will be issued to continued medical maintenance.

Paragraph No. 5 of the Order reads as follows:

THAT the respondent shall provide the claimant with reasonable and necessary continuing medical maintenance with DR. STEPHEN CARELLA for psychological counseling until further order of the Court. The Court reserves the right to modify or terminate this benefit upon application of either party.

Paragraph No. 6 of the Order reads as follows:

THAT the Court requires the assistance of DR. RITA HANCOCK, as an independent medical examiner, to determine if claimant is in need of continuing medical maintenance, for which a separate order will be issued.

In complying with the Order, Claimant and his attorney will be paid in a lump sum of $37,211.64 with the remainder of the Order paid in weekly installments of $289, until paid. (*See* Attachment No. 2, Table 1).

Also, as noted in Paragraphs No. 9 & 10 of the Order, the City will incur additional costs and fees in the amount of $1,917.43. (*See* Attachment No. 2, Table 2) The total cost of this Order to the City would be $62,260.63.

RECOMMENDATION: The issues tried on December 2, 2010 were compensability, and if compensable, nature and extent of PPD of the right foot injury, nature and extent of PPD of the left foot, psychological overlay and whether Mr. Kent was entitled to continued medical treatment. Because the Claimant worked for the City over nineteen (19) years and was exposed to cumulative use of his feet in the operation of heavy equipment along with supporting medical evidence, it is doubtful that the City could prevail on an appeal.

It is not anticipated a more favorable ruling for the City could be achieved by further litigation. The Order is slightly more than one-half of the difference between the doctors' opinions. The award is within the range of the medical evidence provided at trial. Therefore, it is recommended that the City move forward to comply with this Order.

Acceptance of the Order would require the payments as outlined above and in Attachment No. 2. The Order would be certified to the Cleveland County District Court to be placed on the property tax rolls for collection over the next three years in accordance with 85 O.S. § 2b, 51 O.S. § 159, and 62 O.S. § 361, *et seq.* Certifying the Order to the property tax rolls would, in effect, reimburse the City's Workers' Compensation Fund over the next three years.

William Scott Kent v. City of Norman
WCC 2007-07273 L (Left/Right Foot)
Attachment No. 2

DESCRIPTION	AMOUNT
PPD AWARD (208.8 weeks)	
Left Foot (40% PPD)	$ 25,432.00
Right Foot (14% PPD)	$ 8,901.20
Psychological Overlay (18% Body As Whole)	$ 26,010.00
Total Court Award	**$ 60,343.20**
Lump Sum:	
Accrued 83 weeks @ $289/week (per Order)	$ 23,987.00
Add'l 4 weeks City Council/Finance Processing	$ 1,156.00
Total Lump Sum to Claimant	**$ 25,143.00**
Attorney's Fee (per Order)	$ 12,068.64
Total Lump Sum to Claimant & Attorney	**$ 37,211.64**

The balance of the Order, $23,131.56 will be paid weekly at $289/week until paid, with the first payment to begin on or about the week of February 7, 2011.

Also, as noted, in Paragraph Nos. 9 & 10 of the Order, the City will incur additional costs and fees and follows:

DESCRIPTION	AMOUNT
Workers' Compensation Admin Fund Tax	$ 1,206.86
Special Occupational Health & Safety Fund Tax	$ 452.57
Filing Fee (Workers' Comp Court)	$ 140.00
Filing Fee (Cleveland County District Court)	$ 118.00
Total costs & fees to the City of Norman	$ 1,917.43

Total Award, Costs & Fees: $62,260.63.

BEFORE THE WORKERS' COMPENSATION COURT OF THE STATE OF OKLAHOMA

FILED
WORKERS' COMPENSATION COURT
STATE OF OKLAHOMA
January 5, 2011
Robert L. Tharp
COURT CLERK

In re claim of:

WILLIAM SCOTT KENT Claimant	)	Court Number: 2007-07273L
CITY OF NORMAN Respondent	)	
CITY OF NORMAN (OWN RISK #10970) Ins. Carrier	)	

ORDER AWARDING THE NATURE AND EXTENT OF PERMANENT PARTIAL DISABILITY BENEFITS

Now on this 4th day of JANUARY, 2011, this cause came on for consideration pursuant to regular assignment and hearing on DECEMBER 2, 2010, before JUDGE CLARENCE KENT ELDRIDGE, at Oklahoma City, Oklahoma, at which time claimant appeared in person and by counsel, NICOLE LYNN BELL APPEARING FOR RICHARD A BELL and respondent and insurance carrier appeared by counsel, R BLAINE NICE.

The Court having considered the evidence and records on file, and being well and fully advised in the premises FINDS AND ORDERS AS FOLLOWS:

- 1 -

THAT on JANUARY 7, 2008 an order was entered herein finding that IN DECEMBER, 2005 claimant sustained an accidental personal injury as a result of cumulative trauma to the LEFT FOOT (WITH LAST EXPOSURE IN MARCH OF 2007) arising out of and in the course of claimant's employment, which order established all jurisdictional issues herein.

- 2 -

THAT the Court finds claimant sustained cumulative trauma injury to the RIGHT FOOT and consequential PSYCHOLOGICAL OVERLAY as a result of said accident.

- 3 -

THAT at time of injury, claimant's wages were sufficient to establish the rates of compensation at $562.98 per week for temporary total disability and $289.00 per week for permanent partial disability.

-4 -

THAT as a result of said injury, claimant sustained 14 percent permanent partial disability to the RIGHT FOOT (objective medical evidence / anatomical abnormality, plantar fasciitis), 40 percent permanent partial disability to the LEFT FOOT (objective medical evidence / anatomical abnormality, 8 surgeries) and 18 percent permanent partial disability due to PSYCHOLOGICAL OVERLAY (objective medical evidence / depression) , for which claimant is entitled to compensation for 208.8 weeks at $289.00 per week, or the total amount of $60,343.20 of which 83 weeks have accrued and shall be paid in a lump sum of $23,987.00.

- 5 -

THAT the respondent shall provide the claimant with reasonable and necessary continuing medical maintenance with *DR. STEPHEN CARELLA* for psychological counseling until further order of the Court. The Court reserves the right to modify or terminate this benefit upon application of either party.

- 6 -

THAT the Court requires the assistance of DR. RITA HANCOCK, as an independent medical examiner, to determine if claimant is in need of continuing medical maintenance, for which a separate order will be issued.

- 7 -

THAT respondent and/or insurance carrier shall pay all reasonable and necessary medical expenses incurred by claimant as a result of said injury through the date of this order.

- 8 -

THAT respondent or insurance carrier shall pay claimant the accrued portion of the award herein in lump sum of $23,987.00 and pay the balance of said award at the rate of $289.00 per week until the total award of $60,343.20 (less attorney fee) has been paid to claimant.

- 9 -

THAT respondent or insurance carrier shall pay court costs; Special Occupational Health and Safety Fund Tax shall be paid in the sum of $452.57, representing three-fourths of one percent (0.75%). Respondent, if Own Risk, shall pay $1,206.86 to the Workers' Compensation Administration Fund, representing two percent (2%) of the permanent disability award herein.

- 10 -

THAT pursuant to Title 85 O.S. Section 93, a final award fee of one hundred forty dollars ($140.00) is taxed as a cost in this matter, and shall be paid by respondent to the Court Administrator.

- 11 -

THAT the sum of $12,068.64 shall be deducted from the award herein and paid in lump sum to claimant's attorney as a fair and reasonable attorney fee; within twenty (20) days from the date of filing of this order, respondent or insurance carrier shall comply herewith.

BY ORDER OF:

/s/ Kent Eldridge

CLARENCE KENT ELDRIDGE, JUDGE

lw/KAmos

A copy of the above and foregoing Court Order was mailed, by regular or Certified United States Mail, on this filed stamped date to:

Claimant's Attorney: RICHARD A BELL
PO BOX 1529
NORMAN, OK 73070-1529

Respondent's Attorney: R BLAINE NICE
PO BOX 370
NORMAN, OK 73070-

I do hereby certify that the above and foregoing is a true and correct copy of the original order signed by the Judge herein. Witness by my hand and the official seal of this court on this date.

Robert L. Sharp

Court Clerk
January 5, 2011

PURCHASE REQUISITION NBR: 0000181462

STATUS: DIVISION APPROVAL
REASON: WORKERS COMP AWARD

REQUISITION BY: DJOHNSON

DATE: 1/12/11

SHIP TO LOCATION: LEGAL DEPARTMENT

SUGGESTED VENDOR: WILLIAM S KENT AND RICHARD BEL

DELIVER BY DATE: 1/18/11

LINE NBR	DESCRIPTION	QUANTITY	UOM	UNIT COST	EXTEND COST	VENDOR PART NUMBER
1	WCRKERS COMP AWARD WILLIAM SCOTT KENT V. CON; WCC 2007-07273 L; (LT/R T ANKLE/FOOT) CONTINGENT UPON COUNCIL APPROVAL ON 1-25-11; SEPARATE CHECK; RETURN CHECK TO LEGAL; MA KE CHECK PAYABLE TO WILLIAM SCOTT KENT AND RICHARD BELL. COMMODITY: INSURANCE, ALL TYPES SUBCOMMOD: WORKER'S COMPENSATION	1.00	EA	37211.6400	37211.64	

REQUISITION TOTAL: 37211.64

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

LINE #	ACCOUNT		PROJECT	%	AMOUNT
1	01030024152131	Other Salary Orders/Settlements		100.00	37211.64
					37211.64

REQUISITION IS IN THE CURRENT FISCAL YEAR.

REQUISITION COMMENTS:

SEPARATE CHECK; RETURN CHECK TO LEGAL.
MAKE CHECK PAYABLE TO WILLIAM SCOTT KENT AND RICHA
RD BELL.

PURCHASE REQUISITION NBR: 0000181453

REQUISITION BY: DJOHNSON

STATUS: DIVISION APPROVAL
REASON: WORKES COMP ADMIN FUND TAX ✓

DATE: 1/12/11

SHIP TO LOCATION: LEGAL DEPARTMENT

SUGGESTED VENDOR: 2267 WORKMANS COMPENSATION

DELIVER BY DATE: 1/18/11

1	WORKERS COMP ADMIN TAX FUND WILLIAM SCOTT KENT V. CON; WCC 2007-07273 L (RT/LT FOOT/ANKLE) CONTINGENT UPON COUNCIL APPROVAL ON 1-25-11; SEPARATE CHECK; RETURN CHECK TO LEGAL. COMMODITY: INSURANCE, ALL TYPES SUBCOMMOD: WORKER'S COMPENSATION	1.00 EA	1206.8600	1206.86 ✓	2267

REQUISITION TOTAL: 1206.86

ACCOUNT INFORMATION

LINE #	ACCOUNT ✓		PROJECT	%	AMOUNT
1	01030024152133	Other Salary Administration Fund		100.00	1206.86
					1206.86

REQUISITION IS IN THE CURRENT FISCAL YEAR.

REQUISITION COMMENTS:

SEPARATE CHECK; RETURN CHECK TO LEGAL.

PURCHASE REQUISITION NBR: 0000181464

STATUS: DIVISION APPROVAL
REASON: WORKERS COMP OCCUP TAX ✓

REQUISITION BY: DJOHNSON

DATE: 1/12/11

SHIP TO LOCATION: LEGAL DEPARTMENT

SUGGESTED VENDOR: 1950 SPECIAL OCCUPATIONAL HEALTH AN

DELIVER BY DATE: 1/18/11

1	WORKERS COMP OCCUP TAX WILLIAM SCOTT KENT V. CON; WC 2007-07273 L (RT/LT FOOT/ANKLE) CONTINGENT UPON COUNCIL APROVAL ON 1-2 5-11; SEPARATE CHECK; RETURN CHECK TO LEGAL. COMMODITY: INSURANCE, ALL TYPES SUBCOMMOD: WORKER'S COMPENSATION	1.00	EA	452.5700	452.57 ✓	1950

REQUISITION TOTAL: 452.57

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

LINE #	ACCOUNT ✓		PROJECT	%	AMOUNT
1	01030024152135	Other Salary Spec Occ Health & Safety		100.00	452.57
					452.57

REQUISITION IS IN THE CURRENT FISCAL YEAR.

REQUISITION COMMENTS:

SEPARATE CHECK; RETURN CHECK TO LEGAL.

PURCHASE REQUISITION NBR: 0000181465

STATUS: DIVISION APPROVAL
REASON: WORKES COMP FILING FEE

REQUISITION BY: DJOHNSON

DATE: 1/12/11

SHIP TO LOCATION: LEGAL DEPARTMENT

SUGGESTED VENDOR: 2268 WORKERS' COMPENSATION COURT

DELIVER BY DATE: 1/18/11

1	WORKERS COMP FILING FEE WILLIAM SCOTT KENT V. CON; WC 2007-07273 L (RT/LT FOOT/ANKLE) CONTINGENT UPON COUNCIL APPROVAL ON 1-25-11. SEPARATE CHECK; RETURN CHECK TO LEGAL. COMMODITY: INSURANCE, ALL TYPES SUBCOMMOD: WORKER'S COMPENSATION	1.00 EA	140.0000	140.00	2268

REQUISITION TOTAL: 140.00

ACCOUNT INFORMATION

LINE #	ACCOUNT		PROJECT	%	AMOUNT
1	01030024154704	Miscellaneous Services Other Filing Fees		100.00	140.00
					140.00

REQUISITION IS IN THE CURRENT FISCAL YEAR.

REQUISITION COMMENTS:

SEPARATE CHECK; RETURN CHECK TO LEGAL.

PURCHASE REQUISITION NBR: 0000181456

STATUS: DIVISION APPROVAL

REQUISITION BY: DJOHNSON

REASON: WORKERS COMP CLEVELAND COUNTY FILING FEE ✓

DATE: 1/12/11

SHIP TO LOCATION: LEGAL DEPARTMENT

SUGGESTED VENDOR: 434 CLEVELAND COUNTY COURT CLERK

DELIVER BY DATE: 1/18/11

1	WORKERS COMP CLEVELAND COUNTY FILING FEE WILLIAM SCOTT KENT V. CON; WC 2007-07273 L (RT/LF FOOT/ANKLE) CONTINGENT UPON COUNCIL APPROVAL ON 1-25-11; SEPARATE CHECK; RETURN CHECK TO LEGAL. COMMODITY: INSURANCE, ALL TYPES SUBCOMMOD: WORKER'S COMPENSATION	1.00	EA	118.0000	118.00 ✓	434

REQUISITION TOTAL: 118.00

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

LINE #	ACCOUNT		PROJECT	%	AMOUNT
1	01030024154703 ✓	Miscellaneous Services District Court Filing Fee		100.00	118.00
					118.00

REQUISITION IS IN THE CURRENT FISCAL YEAR.

REQUISITION COMMENTS:

SEPARATE CHECK; RETURN CHECK TO LEGAL.

CITY COUNCIL AGENDA
JANUARY 25, 2011

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

Item No. 24

Text File Number: 2010-09832 A

Introduced: 1/12/2011 by Blaine Nice, Assistant City Attorney

Current Status: Consent Item

Version: 1

Matter Type: Award

Title

CONSIDERATION OF THE CITY ATTORNEY'S RECOMMENDATION FOR APPROVAL OF A COURT ORDER IN THE AMOUNT OF $16,590.11 REGARDING ALLEN SHELTON VS. THE CITY OF NORMAN, WORKERS' COMPENSATION COURT CASE NO. WCC-2008-13818L CONSOLIDATED WITH WORKERS' COMPENSATION COURT CASE NO. WCC-2010-09832A.

ACTION NEEDED: Motion to approve or reject the City Attorney's recommendation; and, if approved, authorize compliance with the Workers' Compensation Court Order and direct payment of claims in the amount of $16,590.11 which will constitute judgment against the City of Norman.

ACTION TAKEN: _____

Body

BACKGROUND: Allen Shelton is a Heavy Equipment Operator for the Street Maintenance Division of Public Works who filed Workers' Compensation Case No. WCC 2008-13818 L alleging injury to the left knee on or about May 16, 2007. Mr. Shelton was provided with medical treatment and was paid temporary total disability (TTD). However, no permanent partial disability ("PPD") was paid in this case. He then filed Workers' Compensation Case No. WCC 2010-09832 A on August 26, 2010, alleging a reinjury of his left knee on or about June 8, 2010. The cases were consolidated by the Court on October 27, 2010. The cases have proceeded through the normal litigation process. A trial was held on December 22, 2010, with the Court awarding Mr. Shelton compensation in the total amount of $15,895. The Court Award is being presented to City Council for consideration. It is recommended that the City comply with the Order.

DISCUSSION:

Case No. WCC 2008-13818 L

This claim was filed on November 20, 2008 and alleged an injury to Mr. Shelton's left leg on May 16, 2007. The City initially denied the claim. A trial was held on January 8, 2009 to determine the compensability of the claim. The Court determined that the injury was job-related and was compensable. Mr. Shelton was compensated with temporary total disability payments. In addition, medical expenses were paid. He was released to return to work on June 11, 2007. No PPD was awarded or paid in this case.

Case No. WCC 2010-09832 A
This claim was filed on August 26, 2010 and alleged a reinjury to his left knee on June 8, 2010. This injury was properly reported and documented and the City did not deny this claim. Mr. Shelton was compensated by temporary total disability payments and physical therapy expenses were paid. As indicated above, this claim was consolidated with his prior knee injury and a trial was held on December 22, 2010.

Issue for Trial. There is no question that Mr. Shelton suffered a new or reinjury to the left knee which occurred in the course of his employment. Therefore, the only issue before the Workers' Compensation Court in this case was the nature and extent of PPD, if any, to Mr. Shelton's left knee. Permanent partial disability is a factual determination made by the Workers' Compensation Court Trial Judge based on doctors' opinions regarding the extent of permanent partial impairment.

In the event the injury is work-related, the Workers' Compensation Court Trial Judge is free to make a ruling within the range of the medical evidence presented at the time of trial. On September 16, 2010, Mr. Shelton was evaluated by Dr. M. Stephen Wilson who opined that Mr. Shelton had 38% PPD to his left knee due to a work-related injury. This equates to $35,739. The City had Mr. Shelton evaluated on October 27, 2010 by Dr. Kent C. Hensley who opined 10% PPD for the left knee which equates to $9,405. Therefore, the City's maximum exposure to compensate Mr. Shelton for his injury is 38% PPD or $35,739.

Court Award. This case was heard by the Workers' Compensation Court on December 22, 2010. After hearing the claimant's testimony and considering the expert medical evidence, the Court opined that on June 8, 2010, Mr. Shelton sustained 20% PPD to his left knee. The Court's findings are set out in Paragraphs No. 4 and 6 of the Order as follows:

THAT as a result of said injury, claimant sustained 20 percent permanent partial disability to the LEFT LEG, for which claimant is entitled to compensation for 55 weeks at $289.00 per week, or the total amount of $15,895.00 of which 15 weeks have accrued and shall be paid in a lump sum of $4,335.00.

THAT respondent or insurance carrier shall pay claimant the accrued portion of the award herein in lump sum of $4,335.00 and pay the balance of said award at the rate of $289.00 per week until the total award of $15,895.00 (less attorney fee) has been paid to claimant.

As can be noted in Paragraph No. 4 of the Court's Order, PPD compensation is expressed in terms of "weeks" of compensation with an accompanying "weekly wage rate." Workers' Compensation awards are normally paid at the weekly rate over a period of time. Mr. Shelton's weekly wage rate is $289.

In complying with the Order, Claimant and his attorney will be paid in a lump sum amount of $8,670. (*See* Attachment No. 2, Table 1)

Also, as noted in Paragraphs No. 7 and 8 of the Order, the City will incur additional costs and fees in the amount of $695.11. (*See* Attachment No. 2, Table 2)

The total cost of this Order to the City would be $16,590.11.

RECOMMENDATION: The issue tried on December 22, 2010 was the nature and extent of PPD. The Order reflects approximately one-third of the difference in the doctors' opinions, and the award is within the range of the medical evidence provided at trial. Therefore, it is not anticipated a more favorable ruling for the City could be achieved by further litigation. It is recommended that the City move forward to comply with this Order.

Acceptance of the Order would require the payments as outlined above. The Order would be certified to the Cleveland County District Court to be placed on the property tax rolls for collection over the next three years in accordance with 85 O.S. § 2b, 51 O.S. § 159, and 62 O.S. § 361, *et seq.* Certifying the Order to the property tax rolls would, in effect, reimburse the City's Workers' Compensation Fund over the next three years.

Allen W. Shelton v. City of Norman
WCC 2008-13818 L Consolidated with WCC 2010-09832 A
Attachment No. 2

DESCRIPTION	AMOUNT
TOTAL AWARD PPD (20% Left Leg) 52 weeks PPD awarded	$ 15,895.00
Lump Sum Payment:	
Accrued 15 weeks @ $289/week (per Order)	$ 4,335.00
Add'l 4 weeks City Council/Finance Processing	$ 1,156.00
Total Lump Sum to Claimant	$ 5,491.00
Attorney's Fee (per Order)	$ 3,179.00
Total Lump Sum to Claimant & Attorney	**$ 8,670.00**

The balance of the Order, $7,225 will be paid weekly at $289/week until paid, with the first payment to begin on or about the week of February 7, 2011.

Also, as noted, in Paragraph Nos. 7 & 8 of the Order, the City will incur additional costs and fees and follows:

DESCRIPTION	AMOUNT
Workers' Compensation Admin Fund Tax	$ 317.90
Special Occupational Health & Safety Fund Tax	$ 119.21
Filing Fee (Workers' Comp Court)	$ 40.00
Filing Fee (Cleveland County District Court)	$ 118.00
Total costs & fees to the City of Norman	**$ 695.11**

Total Award, Costs & Fees: $16,590.11.

BEFORE THE WORKERS' COMPENSATION COURT OF THE STATE OF OKLAHOMA

In re claim of:

FILED
WORKERS' COMPENSATION COURT
STATE OF OKLAHOMA
January 5, 2011
Robert L. Tharp
COURT CLERK

ALLEN W SHELTON Claimant	)	Court Number: 2008-13818L and 2010-09832A
CITY OF NORMAN Respondent	)	
CITY OF NORMAN (OWN RISK #10970) Ins. Carrier	)	

ORDER AWARDING THE NATURE AND EXTENT OF PERMANENT PARTIAL DISABILITY BENEFITS

Now on this 4th day of JANUARY, 2011, this cause came on for consideration pursuant to regular assignment and hearing on DECEMBER 22, 2010, before JUDGE CHERRI FARRAR, at Oklahoma City, Oklahoma, at which time claimant appeared in person and by counsel, JOHN R COLBERT and respondent and insurance carrier appeared by counsel, REBECCA R FRAZIER.

The Court having considered the evidence and records on file, and being well and fully advised in the premises FINDS AND ORDERS AS FOLLOWS:

- 1 -

THAT on MAY 16, 2007, claimant was employed by the above named respondent and such employment was subject to and covered by the provisions of the Workers' Compensation Act of the State of Oklahoma; and on said date claimant sustained accidental personal injury to the LEFT LEG with re-injury on JUNE 8M, 2010, arising out of and in the course of claimant's employment.

- 2 -

THAT at time of injury, claimant's wages were sufficient to establish the rates of compensation at $577.00 per week for temporary total disability and $289.00 per week for permanent partial disability.

- 3 -

THAT as the result of said injury, claimant was paid temporary total disability from JUNE 10, 2010 to SEPTEMBER 21, 2010.

- 4 -

THAT as a result of said injury, claimant sustained 20 percent permanent partial disability to the LEFT LEG, for which claimant is entitled to compensation for 55 weeks at $289.00 per week, or the total amount of $15,895.00 of which 15 weeks have accrued and shall be paid in a lump sum of $4,335.00.

- 5 -

THAT respondent and/or insurance carrier shall pay all reasonable and necessary medical expenses incurred by claimant as a result of said injury through the date of this order.

- 6 -

THAT respondent or insurance carrier shall pay claimant the accrued portion of the award herein in lump sum of $4,335.00 and pay the balance of said award at the rate of $289.00 per week until the total award of $15,895.00 (less attorney fee) has been paid to claimant.

- 7 -

THAT respondent or insurance carrier shall pay court costs; Special Occupational Health and Safety Fund Tax shall be paid in the sum of $119.21, representing three-fourths of one percent (0.75%). Respondent, if Own Risk, shall pay $317.90 to the Workers' Compensation Administration Fund, representing two percent (2%) of the permanent disability award herein.

- 8 -

THAT pursuant to Title 85 O.S. Section 93, a final award fee of one hundred forty dollars ($140.00) is taxed as a cost in this matter, and shall be paid by respondent to the Court Administrator.

- 9 -

THAT the sum of $3,179.00 shall be deducted from the award herein and paid in lump sum to claimant's attorney as a fair and reasonable attorney fee; within twenty (20) days from the date of filing of this order, respondent or insurance carrier shall comply herewith.

BY ORDER OF:

/s/ Cherri Farrar

CHERRI FARRAR, JUDGE

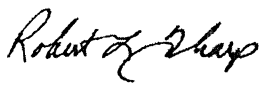
ki/KAnderson

A copy of the above and foregoing Court Order was mailed, by regular or Certified United States Mail, on this filed stamped date to:

Claimant's Attorney: JOHN R COLBERT
PO BOX 1421
ARDMORE, OK 73402-1421

Respondent's Attorney: R BLAINE NICE
PO BOX 370
NORMAN, OK 73070-

I do hereby certify that the above and foregoing is a true and correct copy of the original order signed by the Judge herein. Witness by my hand and the official seal of this court on this date.



Court Clerk
January 5, 2011

PURCHASE REQUISITION NBR: 0000181467

STATUS: DIVISION APPROVAL
REASON: WORKERS COMP AWARD

REQUISITION BY: DJOHNSON

DATE: 1/12/11

SHIP TO LOCATION: LEGAL DEPARTMENT

SUGGESTED VENDOR: ALLEN W. SHELTON & JOHN R. COL

DELIVER BY DATE: 1/18/11

1	WORKERS COMP AWARD SHELTON V. CON; CASES WC 13818 L & 2010-09832 A (L EFT LET) CONTINGENT UPON COUNCIL APPROVAL ON 1-25- 11; SEPARATE CHECK; RETURN CHECK TO LEGAL. MAKE C HECK PAYABLE TO ALLEN W. SHELTON & JOHN R. COLBERT . COMMODITY: INSURANCE, ALL TYPES SUBCOMMOD: WORKER'S COMPENSATION	1.00 EA	8670.0000	8670.00

REQUISITION TOTAL: 8670.00

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

LINE #	ACCOUNT		PROJECT	%	AMOUNT
1	01030024152131	Other Salary Orders/Settlements		100.00	8670.00
					8670.00

REQUISITION IS IN THE CURRENT FISCAL YEAR.

REQUISITION COMMENTS:

SEPARATE CHECK; RETURN CHECK TO LEGAL; MAKE CHECK
PAYABLE TO ALLEN W. SHELTON & JOHN R. COLBERT.

PURCHASE REQUISITION NBR: 0000181469

STATUS: DIVISION APPROVAL
REASON: WORKERS COMP SPEC TAX

REQUISITION BY: DJOHNSON

DATE: 1/12/11

SHIP TO LOCATION: LEGAL DEPARTMENT

SUGGESTED VENDOR: 2267 WORKMANS COMPENSATION

DELIVER BY DATE: 1/18/11

1	WORKERS COMP ADMIN TAX SHELTON V. CON; WC 2008-13818 L; 2010-09832 A (LEF T LEG) CONTINGENT WITH COUNCIL APPROVAL ON 1-25-11 ; SEPARATE CHECK; RETURN CHECK TO LEGAL. COMMODITY: INSURANCE, ALL TYPES SUBCOMMOD: WORKER'S COMPENSATION	1.00 EA	317.9000	317.90	2267

REQUISITION TOTAL: 317.90

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

LINE #	ACCOUNT		PROJECT	%	AMOUNT
1	01030024152133	Other Salary Administration Fund		100.00	317.90
					317.90

REQUISITION IS IN THE CURRENT FISCAL YEAR.

REQUISITION COMMENTS:

SEPARATE CHECK; RETURN CHECK TO LEGAL.

PURCHASE REQUISITION NBR: 0000181470

STATUS: DIVISION APPROVAL
REASON: WORKERS COMP OCCUP TAX

REQUISITION BY: DJOHNSON

DATE: 1/12/11

SHIP TO LOCATION: LEGAL DEPARTMENT

SUGGESTED VENDOR: 1950 SPECIAL OCCUPATIONAL HEALTH AN

DELIVER BY DATE: 1/13/11

1	WORKERS COMP OCCUP TAX SHELTON V. CON; WCC 2008-13818 L & 2010-09832 A (L EFT LEG) CONTINGENT UPON COUNCIL APPROVAL ON 1-25- 11; SEPARATE CHECK; RETURN CHECK TO LEGAL. COMMODITY: INSURANCE, ALL TYPES SUBCOMMOD: WORKER'S COMPENSATION	1.00	EA	119.2100	119.21	1950

REQUISITION TOTAL: 119.21

ACCOUNT INFORMATION

LINE #	ACCOUNT		PROJECT	%	AMOUNT
1	01030024152135	Other Salary Spec Ccc Health & Safety		100.00	119.21
					119.21

REQUISITION IS IN THE CURRENT FISCAL YEAR.

REQUISITION COMMENTS:

SEPARATE CHECK; RETURN CHECK TO LEGAL.

PURCHASE REQUISITION NBR: 0000181471

STATUS: DIVISION APPROVAL

REQUISITION BY: DJOHNSON

REASON: WORKERS COMP FILING FEE

DATE: 1/12/11

SHIP TO LOCATION: LEGAL DEPARTMENT

SUGGESTED VENDOR: 2268 WORKERS' COMPENSATION COURT

DELIVER BY DATE: 1/18/11

1	WORKERS COMP FILING FEE SHELTON V. CON; WC 2008-13818 L & 2010-09832 A (LE FT LEG) CONTINGENT UPON COUNCIL APPROVAL ON 1-25-1 1; SEPARATE CHECK; RETURN CHECK TO COUNCIL. COMMODITY: INSURANCE, ALL TYPES SUBCOMMOD: WORKER'S COMPENSATION	1.00 EA	140.0000	140.00	2268

REQUISITION TOTAL: 140.00

ACCOUNT INFORMATION

LINE #	ACCOUNT		PROJECT	%	AMOUNT
1	01030024154704	Miscellaneous Services Other Filing Fees		100.00	140.00
					140.00

REQUISITION IS IN THE CURRENT FISCAL YEAR.

REQUISITION COMMENTS:

SEPARATE CHECK; RETURN CHECK TO LEGAL.

PURCHASE REQUISITION NBR: 0000181472

STATUS: DIVISION APPROVAL

REQUISITION BY: DJOHNSON

REASON: WORKERS COMP CLEVELAND COUNTY FILING FEE

DATE: 1/12/11

SHIP TO LOCATION: LEGAL DEPARTMENT

SUGGESTED VENDOR: 434 CLEVELAND COUNTY COURT CLERK

DELIVER BY DATE: 1/18/11

1	WORKERS COMP CLEVELAND COUNTY FILING FEE SHELTON V. CON; WC 2008-13818 L & 2010-09832 A (LE FT LEG) CONTINGENT UPON COUNCIL APPROVAL 1-25-11; SEPARATE CHECK; RETURN CHECK TO LEGAL. COMMODITY: INSURANCE, ALL TYPES SUBCOMMOD: WORKER'S COMPENSATION	1.00 EA	118.0000	118.00	434

REQUISITION TOTAL: 118.00

ACCOUNT INFORMATION

LINE #	ACCOUNT		PROJECT	%	AMOUNT
1	01030024154703	Miscellaneous Services District Court Filing Fee		100.00	118.00
					118.00

REQUISITION IS IN THE CURRENT FISCAL YEAR.

REQUISITION COMMENTS:

SEPARATE CHECK; RETURN CHECK TO LEGAL.

CITY COUNCIL AGENDA
JANUARY 25, 2011

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

Item No. 25

Text File Number: R-1011-85

Introduced: 1/12/2011 by Rebecca Frazier, Assistant City Attorney

Current Status: Consent Item

Version: 1

Matter Type: Settlement

Title

RESOLUTION NO. R-1011-85: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AUTHORIZING JOINT PETITION SETTLEMENT OF CLAIMS BY JIMMY O'NEAL UNDER THE PROVISIONS OF THE WORKERS' COMPENSATION STATUTES OF THE STATE OF OKLAHOMA IN THE CASES OF JIMMY O'NEAL V. THE CITY OF NORMAN, WORKERS' COMPENSATION CASE NOS. WCC-2008-6751 K; WCC 2009-14997 H; AND WCC 201-059271 L; DIRECTING THE LEGAL DEPARTMENT TO THEN FILE SUCH SETTLEMENT AND ALL ATTENDANT COSTS IN THE WORKERS' COMPENSATION COURT, OKLAHOMA CITY, OKLAHOMA; AND AUTHORIZING AND DIRECTING THE FINANCE DIRECTOR TO SUBSEQUENTLY PURCHASE SUCH WORKERS' COMPENSATION COURT JUDGMENTS FROM THE RISK MANAGEMENT INSURANCE FUND.

ACTION NEEDED: Motion to approve or reject the City Attorney's recommendation; and, if approved, authorize compliance with the Workers' Compensation Court Order and direct payment of claims in the amount of $145,000 which will constitute judgment against the City of Norman along with applicable taxes and fees in the additional amount of $4,525.50.

ACTION TAKEN: _____

Body

BACKGROUND: Jimmy O'Neal, a retired firefighter for the Norman Fire Department, filed Workers' Compensation Case Nos. WCC 2008-06751K, WCC 2009-14997H, and WCC 2010-05927L. These cases continue to proceed through the normal litigation process. Claimant is proposing a settlement of all three cases in the amount of $145,000. The points of litigation and the proposed settlement were discussed by City Council in Executive Session on January 11, 2011. In accordance with that discussion, this item is being presented to City Council for consideration at this time.

DISCUSSION: Jimmy O'Neal began his employment with the City of Norman Fire Department on April 16, 1982 as a firefighter. He was promoted to Driver on May 7, 1988 and Fire Captain on July 1, 1997. Mr. O'Neal filed Workers Compensation Claim No. 2008-06751 K on June 10, 2008 alleging a low back injury due to repetitive firefighting and first responder work. On December 8, 2009, Mr. O'Neal filed Workers Compensation Claim No. 2009-14997 H alleging a right shoulder injury (rotator cuff tear) on August 20, 2009 while participating in physical activity at the fire station. On May 25, 2010, Mr. O'Neal also filed Workers Compensation Claim 2010-05927 L alleging injury to both hands/wrists (carpal tunnel) due to repetitive firefighter duties.

Nature of Claims & Issues for Trial

Right Shoulder. Mr. O'Neal was injured on August 20, 2009 while working for the City and participating in physical activity at his fire station. On December 13, 2010, Mr. O'Neal was evaluated by Dr. Hugh G. McClure who opined 50% PPD to the right shoulder and 15% PPD for psychological overlay. These ratings equate to 65% PPD to the whole man or $111,150. Dr. McClure also opined that Mr. O'Neal is entitled to continuing medical maintenance and temporary total disability ("TTD") payments from July 26, 2010 to December 13, 2010. On December 17, 2010, Mr. O'Neal was evaluated by the City's doctor, Dr. Leroy Young, who opined 6% PPD to the right shoulder and 0% for psychological overlay. This rating equates to $10,260. The trial judge is free to rule within the range of the medical evidence presented at trial. Therefore, the City's maximum exposure to compensate Mr. O'Neal for his shoulder injury and psychological overlay is $111,150. If this case proceeds to trial the issues before the Workers' Compensation Court will be the nature and extent of Mr. O'Neal's right shoulder injury, compensability of his psychological overlay, temporary total disability payments and continuing medical maintenance.

Neck & Back. Mr. O'Neal alleged cumulative trauma to his neck and back while employed with the City of Norman. His date of last exposure was June 4, 2008. On August 23, 2010, Mr. O'Neal was evaluated by Dr. McClure who opined 44% PPD to the cervical spine, 37% PPD to the low back and 15% psychological overlay. Dr. McClure also opined that Mr. O'Neal is entitled to continuing medical maintenance. These ratings equate to 96% PPD to the whole man or $138,720. On October 14, 2010 Mr. O'Neal was evaluated by the City's doctor, Dr. Leroy Young, who opined 14% PPD to cervical spine, 0% for psychological overlay and the low back. This rating equates to $20,230. The trial judge is free to rule within the range of the medical evidence presented at the time of trial. Therefore, the City's maximum exposure to compensate Mr. O'Neal for his injuries is $138,720. If this case proceeds to trial the issues before the Workers' Compensation Court in this case will be the nature and extent of Mr. O'Neal's neck and back injuries, compensability of his psychological overlay, and continuing medical maintenance.

Both Hands. Mr. O'Neal alleges injury to both hands with a last exposure on December 23, 2009 from performing repetitive firefighter duties. Dr. Howard Jarrell evaluated Mr. O'Neal on December 23, 2009. Dr. Jarrell diagnosed Mr. O'Neal with carpal tunnel in his left hand. There is medical evidence that Mr. O'Neal could benefit from surgery for his symptoms in his left hand. Although Mr. O'Neal has claimed injury to his right hand, he has not yet sought treatment on the right hand.

Settlement Offer

Under the proposed settlement, all three of Mr. O'Neal's cases would be settled together on a Joint Petition basis for a lump sum payment of $145,000. This represents 48% PPD to the whole man for Mr. O'Neal's neck and back injuries and psychological overlay, 25.5% PPD to the whole man for Mr. O'Neal's right shoulder injury, 18.5% PPD to the whole man for

Mr. O'Neal's right and left hand injuries, and $400.00 for future medical as further noted in *Attachment 1*. A Joint Petition settlement "closes" the cases in that it is a full, final, and complete settlement of any and all claims in all of Mr. O'Neal's pending cases. This settlement also closes out any other known or unknown injury claims related to Mr. O'Neal's employment with the City of Norman. Additionally, the offer will close any and all combined injury claims that Mr. O'Neal could file at a later date. The settlement offer is beneficial to Mr. O'Neal in that it provides certainty for an award. It is also beneficial to him because the entire settlement amount is being paid in a lump sum rather than at a weekly rate over a period of time.

RECOMMENDATION: The settlement offer is reasonable and fair. It is believed to be in the low range of what would likely be awarded at trial by the Workers' Compensation Court. For the reasons outlined above, it is believed this settlement offer is fair, reasonable and in the City's best interest. If approved, the settlement amount would be paid to Mr. O'Neal in a lump sum. However, once the Joint Petition settlement is filed with the Workers' Compensation Court, it will constitute a judgment against the City of Norman that will be certified to the Cleveland County District Court. At that point, it will be placed on the property tax rolls for collection over the next three years and in accordance with 85 O.S. § 2B, 51 O.S. § 159, and 62 O.S. § 361, *et seq.* This will reimburse the City's Risk Management Fund over the next three-year period.

Jimmy O'Neal v. City of Norman
WCC-2008-06751K (Neck/Back)
WCC-2009-14997H (Right Shoulder)
WCC-2010-05927L (Both Hands/Wrists)

Attachment No. 1

DESCRIPTION	AMOUNT
48% PPD Body as a Whole (Neck/Back/Psych)	$ 69,360.00
25.5% PPD Body as a Whole (Right Shoulder)	$ 43,605.00
18.5% PPD Body as a Whole (Both Hands)	$ 31,635.00
Future Medical	$ 400.00
Total Settlement	$ 145,000.00

ADDITIONAL COSTS AND FEES	AMOUNT
Worker's Compensation Administration Fund Tax	$ 2,900.00
Special Occupational Health & Safety Fund Tax	$ 1,087.50
Filing Fee (Worker's Comp Court)	$ 420.00
Filing Fee (District Court)	$ 118.00
	$ 4,525.50

The total cost of this settlement to the City would be $149,525.50.

Resolution

R-1011-85

A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AUTHORIZING JOINT PETITION SETTLEMENT OF CLAIMS BY JIMMY O'NEAL UNDER THE PROVISIONS OF THE WORKERS' COMPENSATION STATUTES OF THE STATE OF OKLAHOMA IN THE CASES OF JIMMY O'NEAL V. THE CITY OF NORMAN, WORKERS' COMPENSATION CASE NOS. WCC 2008-06751 K; WCC 2009-14997 H; AND WCC 2010-059271 L; DIRECTING THE LEGAL DEPARTMENT TO THEN FILE SUCH SETTLEMENT AND ALL ATTENDANT COSTS IN THE WORKERS' COMPENSATION COURT, OKLAHOMA CITY, OKLAHOMA; AND AUTHORIZING AND DIRECTING THE FINANCE DIRECTOR TO SUBSEQUENTLY PURCHASE SUCH WORKERS' COMPENSATION COURT JUDGMENTS FROM THE RISK MANAGEMENT INSURANCE FUND.

§ 1. WHEREAS, JIMMY O'NEAL is a retired firefighter for the Norman Fire Department who alleged he injured his back due to repetitive firefighting and first responder work on June 10, 2008; injured his right shoulder while participating in physical activity at the fire station on August 20, 2009; and injured both hands/wrists from repetitive use while performing firefighter duties on December 23, 2009; and

§ 2. WHEREAS, the City of Norman has negotiated settlement for the claims of JIMMY O'NEAL against the City of Norman under the Workers' Compensation Statutes for the total sum of $145,000 to be paid in a lump sum settlement to Mr. O'Neal and his attorney, jointly, and such settlement is believed to be fair and reasonable; and

§ 3. WHEREAS, the City shall incur additional costs for payment to the Workers' Compensation Administration Fund in the amount of $2,900; the Special Occupational Health and Safety Fund in the amount of $1,087.50; filing fees in the Workers' Compensation Court in the amount of $420.00; and filing fees in the Cleveland County District Court in the amount of $118.00; and

§ 4. WHEREAS, the Risk Management Insurance Fund of the City of Norman has heretofore appropriated funds for the payment of Workers' Compensation Awards covering injuries to qualified persons employed by the City of Norman; and

§ 5. WHEREAS, the judgment and award should be transmitted and certified to the Workers' Compensation Court, Oklahoma City, Oklahoma, which when filed will constitute judgment against the City of Norman, which it is entitled to purchase with funds out of the Risk Management Insurance Fund pursuant to Title 85 O.S. §2b, §42 and 51 O.S. §159; and

RECREATION EDUCATION THE CITY OF NORMAN OKLAHOMA LAKE THUNDERBIRD RESEARCH HEALTH INDUSTRY

§ 6. WHEREAS, the City Council finds it will be in the best interest of the City if the funds of the Risk Management Insurance Fund are invested in said judgment; and

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

§ 7. That the Legal Department is authorized to enter into settlement with one JIMMY O'NEAL for not more than $145,000 for any and all claims that she has or may have against the City of Norman under the Workers' Compensation Statutes for the injuries occurring while working for the City of Norman; and

§ 8. That the Legal Department is directed to hereinafter file such settlement in the Workers' Compensation Court, Oklahoma City, Oklahoma, along with all attendant costs therefore, as provided by law; and

§ 9. That the Finance Director is authorized and directed to purchase such judgments of the Workers' Compensation Court, Oklahoma City, Oklahoma, out of funds of the Risk Management Insurance Fund of the City of Norman.

PASSED AND ADOPTED this _____ day of January, 2011.

_____
Mayor

ATTEST:

_____
City Clerk

PURCHASE REQUISITION NBR: 0000181443

STATUS: DIVISION APPROVAL

REQUISITION BY: PJONES

REASON: WC SETTLEMENT O'NEAL (3 CASES)

DATE: 1/12/11

SHIP TO LOCATION: LEGAL DEPARTMENT

SUGGESTED VENDOR: WILLIAM WOODSON & JIMMY O'NEAL

DELIVER BY DATE: 1/14/11

LINE NBR	DESCRIPTION	QUANTITY	UOM	UNIT COST	EXTEND COST	VENDOR PART NUMBER
1	WC SETTLEMENT (WC-08-06751/09-14997/10-059271) WC SETTLEMENT-O'NEAL V CON WCC-2008-06751-BACK/NECK WCC-2009-14997-RIGHT SHOULDER WCC-2010-05927-BOTH HANDS/WRISTS CONTINGENT UPON COUNCIL APPROVAL 1/25/11 MAKE CHECK PAYABLE TO WILLIAM WOODSON AND JIMMY O'NEAL SEPARATE CHECK; RETURN TO LEGAL COMMODITY: INSURANCE, ALL TYPES SUBCOMMOD: WORKER'S COMPENSATION	1.00	EA	145000.0000	145000.00	

REQUISITION TOTAL: 145000.00

ACCOUNT INFORMATION

LINE #	ACCOUNT		PROJECT	%	AMOUNT
1	01030024152131	Other Salary Orders/Settlements		100.00	145000.00
					145000.00

REQUISITION IS IN THE CURRENT FISCAL YEAR.

PURCHASE REQUISITION NBR: 0000181452

STATUS: DIVISION APPROVAL

REQUISITION BY: PJONES

REASON: WORKERS' COMP ADMIN FUND

DATE: 1/12/11

SHIP TO LOCATION: LEGAL DEPARTMENT

SUGGESTED VENDOR: 2267 WORKMANS COMPENSATION

DELIVER BY DATE: 1/14/11

LINE NBR	DESCRIPTION	QUANTITY	UOM	UNIT COST	EXTEND COST	VENDOR PART NUMBER
1	WORKERS' COMP ADMINISTRATION FUND WC SETTLEMENT-O'NEAL V CON WCC-2008-06751; WCC-2009-14997; WCC-2010-05927 CONTINGENT UPON COUNCIL APPROVAL 1/15/11 SEPARATE CHECK; RETURN CHECK TO LEGAL COMMODITY: INSURANCE, ALL TYPES SUBCOMMOD: WORKER'S COMPENSATION	1.00	EA	2900.0000	2900.00	

REQUISITION TOTAL: 2900.00

ACCOUNT INFORMATION

LINE #	ACCOUNT		PROJECT	%	AMOUNT
1	01030024152133	Other Salary Administration Fund		100.00	2900.00
					2900.00

REQUISITION IS IN THE CURRENT FISCAL YEAR.

PURCHASE REQUISITION NBR: 0000181453

STATUS: DIVISION APPROVAL

REQUISITION BY: PJONES

REASON: SPECIAL OCCUPATIONAL HEALTH & SAFETY FUND TAX

DATE: 1/12/11

SHIP TO LOCATION: LEGAL DEPARTMENT

SUGGESTED VENDOR: 1950 SPECIAL OCCUPATIONAL HEALTH AN

DELIVER BY DATE: 1/14/11

LINE NBR	DESCRIPTION	QUANTITY	UOM	UNIT COST	EXTEND COST	VENDOR PART NUMBER
1	OCCUPATIONAL HEALTH & SAFETY FUND TAX WC SETTLEMENT-O'NEAL V CON WCC-2008-05751; WCC-2009-14997; WCC-2010-05927 CONTINGENT UPON COUNCIL APPROVAL 1/25/11 SEPARATE CHECK; RETURN TO LEGAL COMMODITY: INSURANCE, ALL TYPES SUBCOMMOD: WORKER'S COMPENSATION	1.00	EA	1087.5000	1087.50	

REQUISITION TOTAL: 1087.50

ACCOUNT INFORMATION

LINE #	ACCOUNT		PROJECT	%	AMOUNT
1	01030024152135	Other Salary Spec Occ Health & Safety		100.00	1087.50
					1087.50

REQUISITION IS IN THE CURRENT FISCAL YEAR.

PURCHASE REQUISITION NBR: 0000181456

STATUS: DIVISION APPROVAL

REQUISITION BY: PJONES

REASON: WORKERS' COMP FILING FEES

DATE: 1/12/11

SHIP TO LOCATION: LEGAL DEPARTMENT

SUGGESTED VENDOR: 2268 WORKERS' COMPENSATION COURT

DELIVER BY DATE: 1/14/11

LINE NBR	DESCRIPTION	QUANTITY	UOM	UNIT COST	EXTEND COST	VENDOR PART NUMBER
1	WORKERS' COMP FILING FEES WC SETTLEMENT-O'NEAL V CON WCC-2008-06751K NECK/BACK INJURIES CONTINGENT UPON COUNCIL APPROVAL 1/25/11 SEPARATE CHECK; RETURN TO LEGAL COMMODITY: INSURANCE, ALL TYPES SUBCOMMOD: WORKER'S COMPENSATION	1.00	EA	140.0000	140.00	

REQUISITION TOTAL: 140.00

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

LINE #	ACCOUNT		PROJECT	%	AMOUNT
1	01030024154704	Miscellaneous Services Other Filing Fees		100.00	140.00
					140.00

REQUISITION IS IN THE CURRENT FISCAL YEAR.

PURCHASE REQUISITION NBR: 0000181457

STATUS: DIVISION APPROVAL

REQUISITION BY: PJONES

REASON: WORKERS' COMP FILING FEE

DATE: 1/12/11

SHIP TO LOCATION: LEGAL DEPARTMENT

SUGGESTED VENDOR: 2268 WORKERS' COMPENSATION COURT

DELIVER BY DATE: 1/14/11

LINE NBR	DESCRIPTION	QUANTITY	UOM	UNIT COST	EXTEND COST	VENDOR PART NUMBER
1	WORKERS' COMP FILING FEE WC SETTLEMENT-O'NEAL V CON WCC-2009-14997H - RIGHT SHOULDER INJURY CONTINGENT UPON COUNCIL APPROVAL 1/25/11 SEPARATE CHECK; RETURN TO LEGAL COMMODITY: INSURANCE, ALL TYPES SUBCOMMOD: WORKER'S COMPENSATION	1.00	EA	140.0000	140.00	

REQUISITION TOTAL: 140.00

ACCOUNT INFORMATION

LINE #	ACCOUNT		PROJECT	%	AMOUNT
1	01030024154704	Miscellaneous Services Other Filing Fees		100.00	140.00
					140.00

REQUISITION IS IN THE CURRENT FISCAL YEAR.

PURCHASE REQUISITION NBR: 0000181458

STATUS: DIVISION APPROVAL

REQUISITION BY: PJONES

REASON: WORKERS' COMP FILING FEES

DATE: 1/12/11

SHIP TO LOCATION: LEGAL DEPARTMENT

SUGGESTED VENDOR: 2268 WORKERS' COMPENSATION COURT

DELIVER BY DATE: 1/14/11

LINE NBR	DESCRIPTION	QUANTITY	UOM	UNIT COST	EXTEND COST	VENDOR PART NUMBER
1	WORKERS' COMP FILING FEES WC SETTLEMENT-O'NEAL V CON WCC-2010-05927-BOTH HANDS/WRISTS CONTINGENT UPON COUNCIL APPROVAL 1/25/11 SEPARATE CHECK; RETURN CHECK TO LEGAL COMMODITY: INSURANCE, ALL TYPES SUBCOMMOD: WORKER'S COMPENSATION	1.00	EA	140.0000	140.00	

REQUISITION TOTAL: 140.00

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

LINE #	ACCOUNT		PROJECT	%	AMOUNT
1	01030024154704	Miscellaneous Services Other Filing Fees		100.00	140.00
					140.00

REQUISITION IS IN THE CURRENT FISCAL YEAR.

PURCHASE REQUISITION NBR: 0000181459

STATUS: DIVISION APPROVAL

REQUISITION BY: PJONES

REASON: WORKERS' COMP FILING FEES-CLEVELAND COUNTY

DATE: 1/12/11

SHIP TO LOCATION: LEGAL DEPARTMENT

SUGGESTED VENDOR: 434 CLEVELAND COUNTY COURT CLERK

DELIVER BY DATE: 1/14/11

LINE NBR	DESCRIPTION	QUANTITY	UOM	UNIT COST	EXTEND COST	VENDOR PART NUMBER
1	WORKERS' COMP FILING FEES-CLEVELAND COUNT WC SETTLEMENT-O'NEAL V CON WCC-2008-06751-NECK/BACK WCC-2009-14887-RIGHT SHOULDER WCC-2010-059271-BOTH HANDS/WRISTS CONTINGENT UPON COUNCIL APPROVAL 1/25/11 SEPARATE CHECK; RETURN TO LEGAL COMMODITY: INSURANCE, ALL TYPES SUBCOMMOD: WORKER'S COMPENSATION	1.00	EA	118.0000	118.00	

REQUISITION TOTAL: 118.00

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

LINE #	ACCOUNT		PROJECT	%	AMOUNT
1	01030024154703	Miscellaneous Services District Court Filing Fee		100.00	118.00
					118.00

REQUISITION IS IN THE CURRENT FISCAL YEAR.

CITY COUNCIL AGENDA
JANUARY 25, 2011

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

Item No. 26

Text File Number: R-1011-86

Introduced: 1/12/2011 by Jud Foster, Director of Parks and Rec.

Current Status: Consent Item

Version: 1

Matter Type: Resolution

Title

RESOLUTION NO. R-1011-86: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, APPROPRIATING $2,156.40 FROM A RISK MANAGEMENT REVENUE ACCOUNT IN ORDER TO REPLACE A DAMAGED BRUSH HOG FOR THE PARK MAINTENANCE DIVISION.

ACTION NEEDED: Motion to adopt or reject Resolution No. R-1011-86.

ACTION TAKEN: _____

Body

BACKGROUND: A brush hog is an implement attached to a tractor and used by Parks Maintenance staff to mow large, uneven areas such as Sutton Wilderness, detention ponds in parks, and perimeters of large park properties such as Ruby Grant and Saxon parks.

DISCUSSION: On 18 August 2010, Unit 696B, a Parks Maintenance Division brush hog was totaled in an accident on Highway 77 North. The citizen who caused the accident was ticketed and their insurance company reimbursed the City $2,156.40 for replacement of the equipment. The reimbursement was receipted into a Revenue Account - Misc. Risk Management (010-0000-367.1264).

At this time we would like to request that funding be appropriated and transferred so that the brush hog can be replaced.

RECOMMENDATION: It is recommended that an appropriation be approved as follows to purchase a brush hog for use by the Parks Maintenance Division of the Parks and Recreation Department.

Appropriate $2,156.40 from a Revenue Account - Misc. Risk Management (010-0000-367.1264) to Park Maintenance - Services Equipment, Vehicle Attachments (010-7071-452.50-11).

Resolution

R-1011-86

A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, APPROPRIATING $2,156.40 FROM A RISK MANAGEMENT REVENUE ACCOUNT IN ORDER TO REPLACE A DAMAGED BRUSH HOG FOR THE PARK MAINTENANCE DIVISION.

§ 1. WHEREAS, On 18 August 2010, Unit 696B, a Parks Maintenance Division brush hog was totaled in an accident on Highway 77 North; and

§ 2. WHEREAS, the citizen who caused the accident was ticketed and their insurance company has reimbursement the City $2,156.40 for replacement of the equipment; and

§ 3. WHEREAS, the Fleet Management Division is requesting an appropriation from the General Fund Balance to replace the brush hog.

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

§ 4. That the following appropriation be made for replacement of a brush hog as stated above:

Account Name	Losing Account	Gaining Account	Amount
Service Equipment – Vehicle Attachments	010-0000-367.12.64	010-7071-452.50-11	$2,156.40

PASSED AND ADOPTED this 25th day of January, 2011.

_____
Mayor

ATTEST:

_____
City Clerk

CITY COUNCIL AGENDA
JANUARY 25, 2011

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

Item No. 27

Text File Number: RPT-1011-3

Introduced: 7/13/2010 by Linda Price, Revitalization Mgr

Current Status: Non-Consent Item

Version: 2

Matter Type: Communication or Report

Title

UPDATE ON THE PROGRESS MADE AT 304 SOUTH STEWART AVENUE AS REQUESTED BY CITY COUNCIL IN CONNECTION WITH CONDEMNATION OF SAID PROPERTY PER RESOLUTION NO. R-0910-60.

ACTION NEEDED: Motion to alllow Revitalization Manager to update City Council regarding the progress made at 304 South Stewart Avenue.

ACTION TAKEN: _____

Body

BACKGROUND: In the City Council meeting of October 27, 2009, Resolution No. R-0910-60 was postponed to January 26, 2010 for the condemnation of structures at 304 South Stewart including a detached wood deck, two storage buildings and a single-family house. Council directed the owner, James Ronald Argo, to provide City staff with a plan of work, and to demolish and remove the accessory structures and to remove the primary structure or make substantial progress on required repairs within 90 days. In a subsequent City Council meeting on January 26, 2010, a status report was provided on the progress of repairs and a further extension was granted the owner with a required progress report to be made at the July 27, 2010 City Council meeting. A status report was provided at the July 27th meeting and a further extension was granted the owner with a required progress report to be made at the January 25, 2011 City Council meeting.

DISCUSSION: Inspections of the property prior to the October 2009 meeting found that the exterior had peeling paint, rotted clapboards, and missing siding. The interior of the southern part of the house had been gutted and the roof structure totally removed. Because the interior was open to the elements, weeds were growing up through the exposed floor framing. Other rooms had extensive water damage as well from burst plumbing pipes, with buckling paneling and flooring, and extensive mold.

The January 2010 progress report indicated that the addition on the South was sheathed in plywood; the old siding, windows and door on the addition were removed from the south and east sides; new floor joists were installed; rotten wall framing was replaced; and a new base plate was constructed. The deck and accessory buildings were uncovered and most of the vegetation was removed from the site. The owner had also constructed roof joists on the addition and planned to tie the roof into the main structure by changing the pitch on the addition. Future proposed work included the removal of the old roofing on the south of the main structure and to reroof it and the addition at the same time. Once the roof was on, window openings and a door would be cut into the addition sheathing, and the balance of the window replacement and siding on the exterior will be done.

Other plans included deconstruction of the deck, and using the good lumber for wall studs; cleaning out and removing the sheds; gutting the interior of the primary structure to the wall studs and completely redoing the interior; and removing the chain link fence and maybe adding a privacy fence.

The current status is that the exterior siding and roofing have been completed with a few minor siding details to be completed (No change from July 2010). The exterior debris has been removed. Sheetrock and paneling have been removed in the bedrooms and some reframing has occurred on the interior. No interior inspections have been requested because not enough work has been completed to request them.

RECOMMENDATION: Staff recommends that the owner be granted an extension through September 2011 to allow another warm season for work, with an update to the City Council on October 11, 2011 to present demonstrable progress on the interior with the expectation that the house will be finished to meet required codes. If at that time there has been little or no progress, staff would not recommend further extensions.

Item 20, continued:

and the question being upon acknowledging receipt of Proclamation No. P-0910-8 proclaiming the month of November, 2009, as Pancreatic Cancer Awareness Month in the City of Norman and upon the subsequent directive, a vote was taken with the following result:

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

The Mayor Pro Tem declared the motion carried and receipt of Proclamation No. P-0910-8 proclaiming the month of November, 2009, as Pancreatic Cancer Awareness Month in the City of Norman acknowledged; and the filing thereof was directed.

* * * * *

Item 21, being:

PUBLIC HEARING REGARDING THE ABATEMENT OF A NUISANCE, CONSISTING OF A DANGEROUS STRUCTURE, AT THE FOLLOWING LOCATION:

RESOLUTION NO. R-0910-60: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, CONDEMNING THE HEREINAFTER-DESCRIBED PREMISES AS A NUISANCE, AND PROVIDING FOR ABATEMENT THEREOF. (304 SOUTH STEWART AVENUE)

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

Items submitted for the record

1. Memorandum dated October 5, 2009, from Linda Price, Revitalization Manager, to Honorable Mayor and Councilmembers
2. Resolution No. R-0910-60
3. Memorandum dated August 25, 2009, from Keith A. Petillo, Rehabilitation Specialist, to Linda R. Price, Revitalization Manager
4. Summary of Violations at 304 S. Stewart
5. Photographs of property

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

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

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

Thereupon, the following persons addressed City Council:

Participants in discussion

1. Ms. Linda Price, Revitalization Manager
2. Mr. Ronnie Argo, 512 West Beech, Lexington, property owner

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

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

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

Item 21, continued:

Thereupon, Councilmember Dillingham moved the directive that Staff abate the nuisance as outlined in Resolution No. R-0910-60 be postponed until January 26, 2010, which motion was duly seconded by Councilmember Atkins; and the question being upon postponing the directive that Staff abate the nuisance as outlined in Resolution No. R-0910-60 until January 26, 2010, a vote was taken with the following result:

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

The Mayor Pro Tem declared the motion carried and the directive that Staff abate the nuisance as outlined in Resolution No. R-0910-60 was postponed until January 26, 2010.

* * * * *

Item 22, being:

CONSIDERATION OF A PRELIMINARY PLAT FOR TECUMSEH ROAD BUSINESS PARK ADDITION, A PLANNED UNIT DEVELOPMENT, AND WAIVER OF ALLEY REQUIREMENTS.

Councilmember Ezzell moved that the preliminary plat and waiver of alley requirements for Tecumseh Road Business Park Addition be approved, which motion was duly seconded by Councilmember Dillingham;

Items submitted for the record

1. Memorandum dated September 29, 2009, from Angelo Lombardo, Traffic Engineer, and Ken Danner, Development Manager, to Honorable Mayor and Councilmembers
2. Location map
3. Revised preliminary plat
4. Revised preliminary site plan
5. Staff Report dated September 10, 2009, recommending approval
6. Letter of request dated August 14, 2009, from Tom L. McCaleb, P.E., SMC Consulting Engineers, P.C., to Mr. Jim Gasaway, Chairman, Planning Commission
7. Pertinent excerpts from Planning Commission minutes of September 10, 2009

Participants in discussion

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

and the question being upon approving the preliminary plat and waiver of alley requirements for Tecumseh Road Business Park Addition, a vote was taken with the following result:

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

The Mayor Pro Tem declared the motion carried and the preliminary plat and waiver of alley requirements for Tecumseh Road Business Park Addition was approved.

* * * * *

Councilmember Dillingham asked that she be allowed to abstain from voting on Items 23 through 27 due to a conflict of interest. Thereupon, Councilmember Butler moved that Councilmember Dillingham be allowed to abstain from voting on Items 23 through 27 due to a conflict of interest, which motion was duly seconded by Councilmember Quinn; and the question being upon allowing Councilmember Dillingham to abstain from voting on Items 23 through 27 due to a conflict of interest, a vote was taken with the following result:

Item 28, being:

RESOLUTION NO. R-0910-60: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, CONDEMNING THE HEREINAFTER- DESCRIBED PREMISES AS A NUISANCE, AND PROVIDING FOR NOTICE AND HEARING THEREOF. (304 SOUTH STEWART AVENUE)

Councilmember Kovach moved that an extension be granted to present demonstrable progress on the exterior and interior with the expectation that the house be finished to meet required codes in six to nine months with an update to City Council every three months beginning April 27, 2010, which motion was duly seconded by Councilmember Quinn;

Items submitted for the record

1. Memorandum dated January 20, 2010, from Linda Price, Revitalization Manager, to Honorable Mayor and Councilmembers
2. Resolution No. R-0910-60
3. Photographs of progress made at 304 South Stewart Avenue
4. Pertinent excerpts from City Council minutes of October 27, 2009

Participants in discussion

1. Ms. Linda Price, Revitalization Manager

Thereupon, Councilmember Kovach moved to amend the update to City Council from three months to six months, which motion was duly seconded by Councilmember Ezzell; and the question being upon amending the update to City Council from three months to six months, a vote was taken with the following result;

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

The Mayor declared the motion carried and the update to City Council was amended from three months to six months.

and the question being upon granting an extension to present demonstrable progress on the exterior and interior with the expectation that the house be finished to meet required codes in six to nine months with an update to City Council in six months, 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 an extension was granted to present demonstrable progress on the exterior and interior with the expectation that the house be finished to meet required codes in six to nine months with an update to City Council in six months.

* * * * *

MISCELLANEOUS DISCUSSION

Water Forum Series. Mr. Bobby Stevens, 3801 108th Avenue S.E., said he had attended the meetings held on the Water Forum and expressed concern that the audience was not able to hear all of the presentations. He asked when the questions listed at the meetings were going to be answered. He said he was glad the citizens were being included in these discussions. He said he had recently received a newsletter from the City of Norman and asked why the information about the Water Forum Series was not included and why there had been nothing informing east side citizens about the meetings. He asked if the Absentee Shawnee Tribe or Pottawattamie Nation had been notified.

Mayor Rosenthal said she would ask the speakers to talk loud enough to be heard by the audience. She said many of the questions that are asked at the forums are answered that evening but those that are not answered are put on the list to be answered at future discussion. She said notice of the meetings is provided through the news media and a news information e-mail list that the City maintains. She said the City would double the effort to make sure the word gets out.

Item 47, continued:

Thereupon, Councilmember Cubberley moved that Item No. 47 be postponed for two weeks to allow Staff time to review the owner's alternate proposal for deferred construction, which motion was duly seconded by Councilmember Kovach; and the question being upon postponing Item No. 47 for two weeks to allow Staff time to review the owner's alternate proposal for deferred construction, a vote was taken with the following result:

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

The Mayor declared the motion carried and Item No. 47 was postponed for two weeks to allow Staff time to review the owner's alternate proposal for deferred construction.

* * * * *

Item 48, being:

UPDATE ON THE PROGRESS MADE AT 304 SOUTH STEWART AVENUE AS REQUESTED BY CITY COUNCIL IN CONNECTION WITH CONDEMNATION OF SAID PROPERTY PER RESOLUTION NO. R-0910-60.

Councilmember Dillingham moved to allow the Revitalization Manager to update City Council regarding the progress made at 304 South Stewart Avenue, which motion was duly seconded by Councilmember Kovach;

Items submitted for the record
1. Text File No. RPT-1011-3 dated July 13, 2010
2. Photographs of progress made at 304 South Stewart
3. Pertinent excerpts from City Council minutes of October 27, 2009, and January 26, 2010

Participants in discussion
1. Ms. Linda Price, Revitalization Manager
2. Mr. Ronnie Argo, 520 Beech, Lexington, owner of 304 South Stewart Avenue

Item 48, continued:

and the question being upon allowing the Revitalization Manager to update City Council regarding the progress made at 304 South Stewart Avenue, a vote was taken with the following result:

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

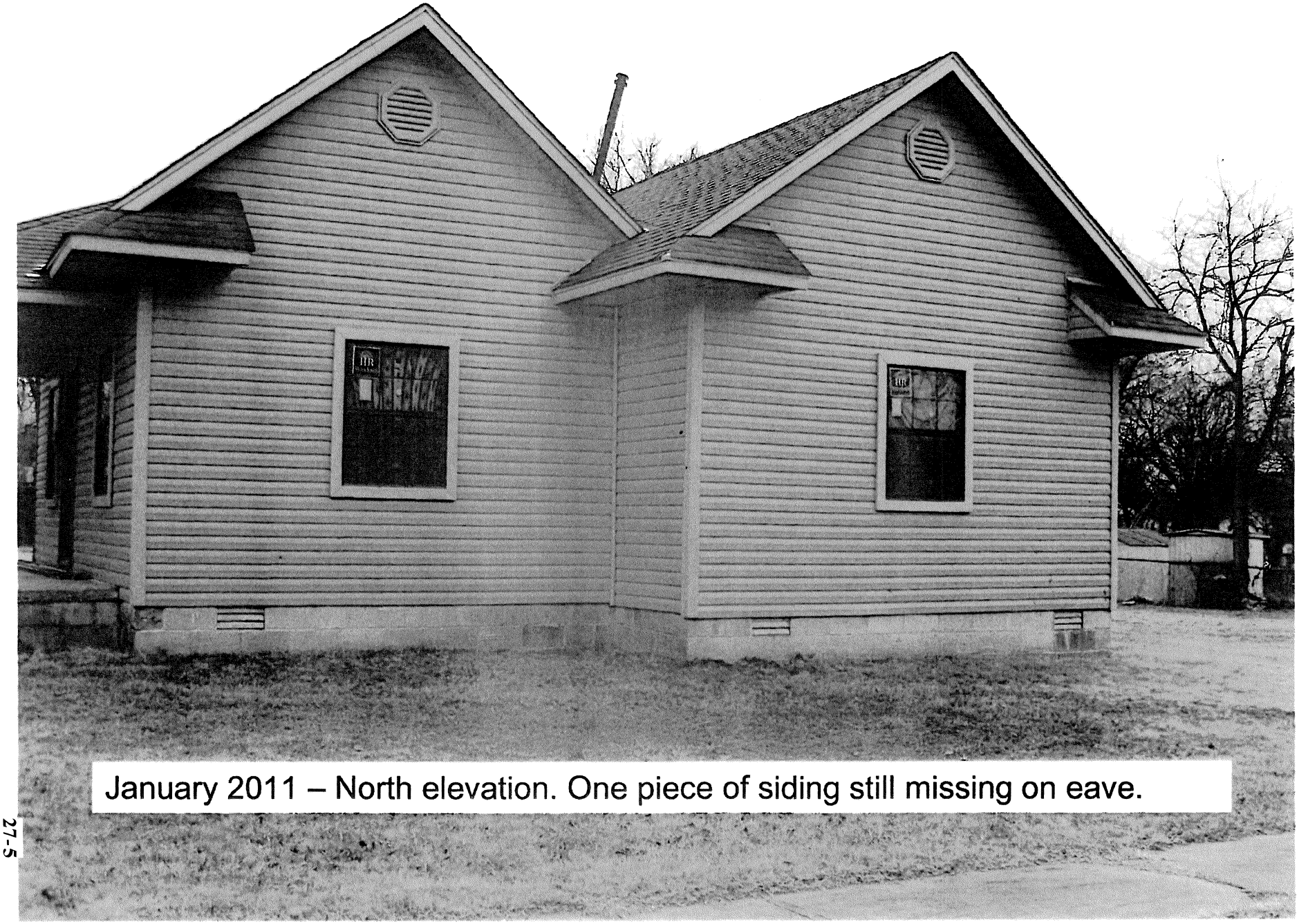
The Mayor declared the motion carried and the Revitalization Manager was allowed to update City Council regarding the progress made at 304 South Stewart Avenue.

Thereupon, Councilmember Dillingham moved that an update to City Council regarding the progress made at 304 South Stewart Avenue be provided in six months, which motion was duly seconded by Councilmember Kovach, and the question being upon providing an update to City Council regarding the progress made at 304 South Stewart Avenue in six months, a vote was taken with the following result:

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

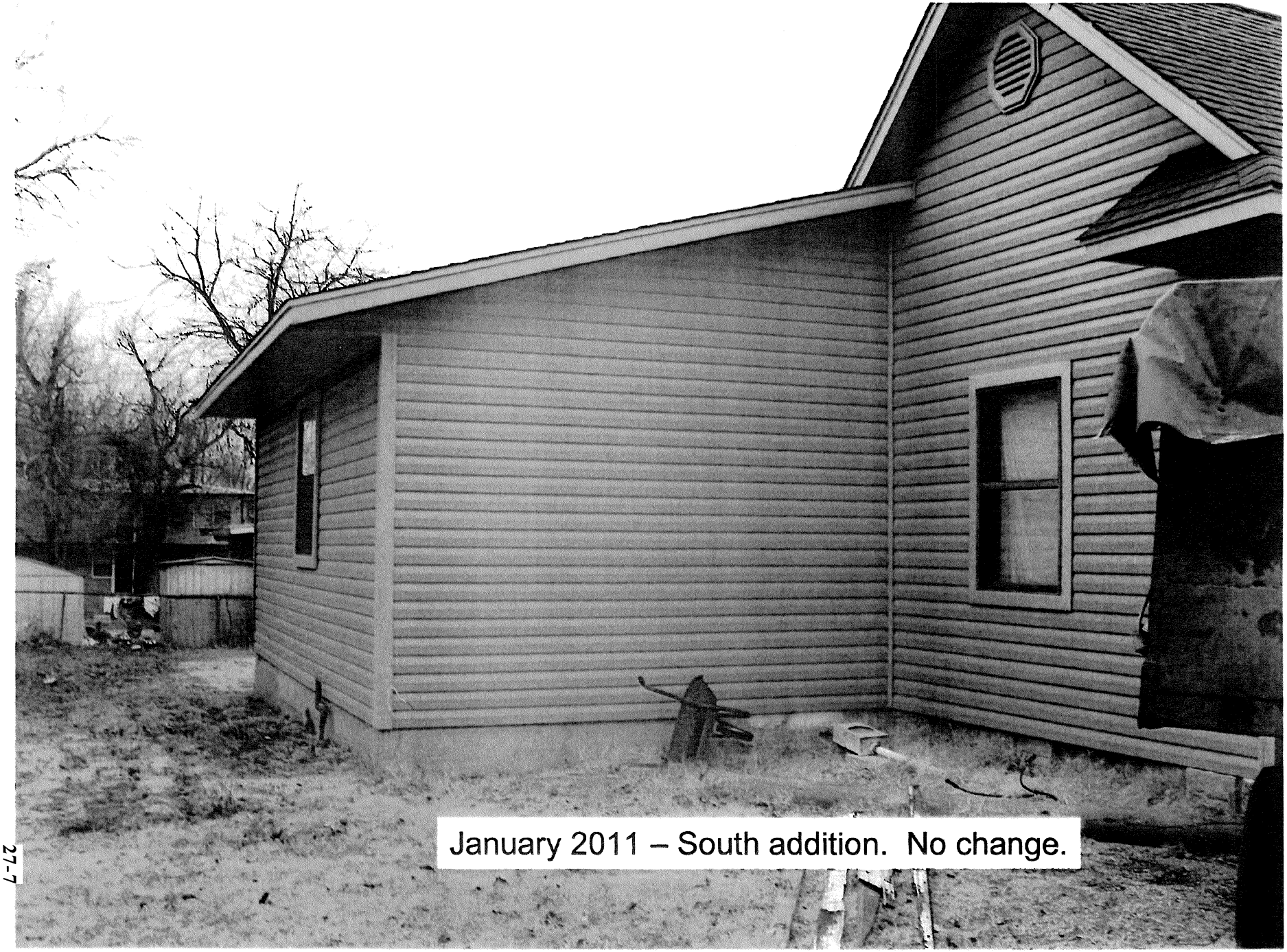
The Mayor declared the motion carried and an update will be provided to City Council regarding the progress made at 304 South Stewart Avenue in six months.

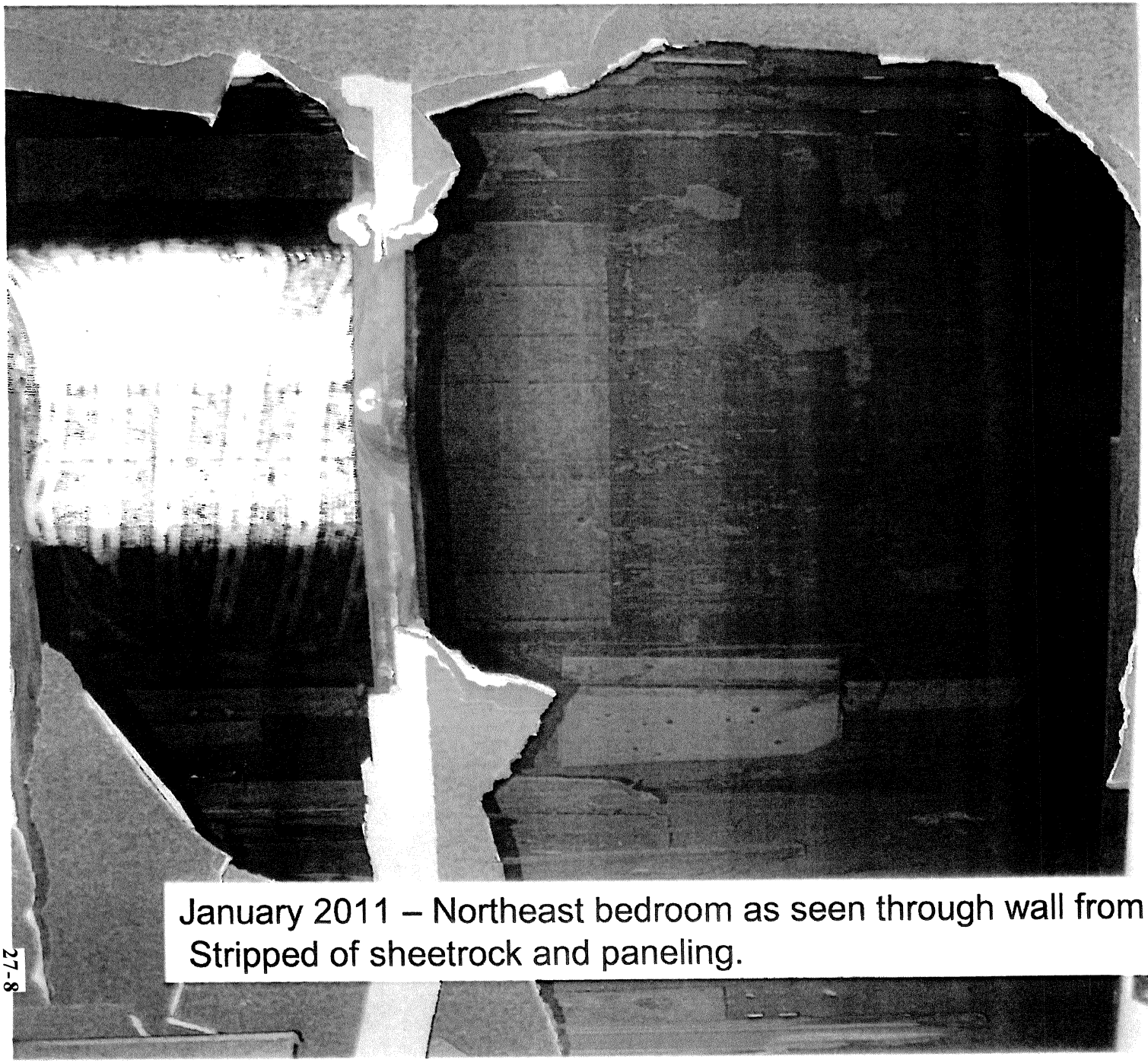
* * * * *



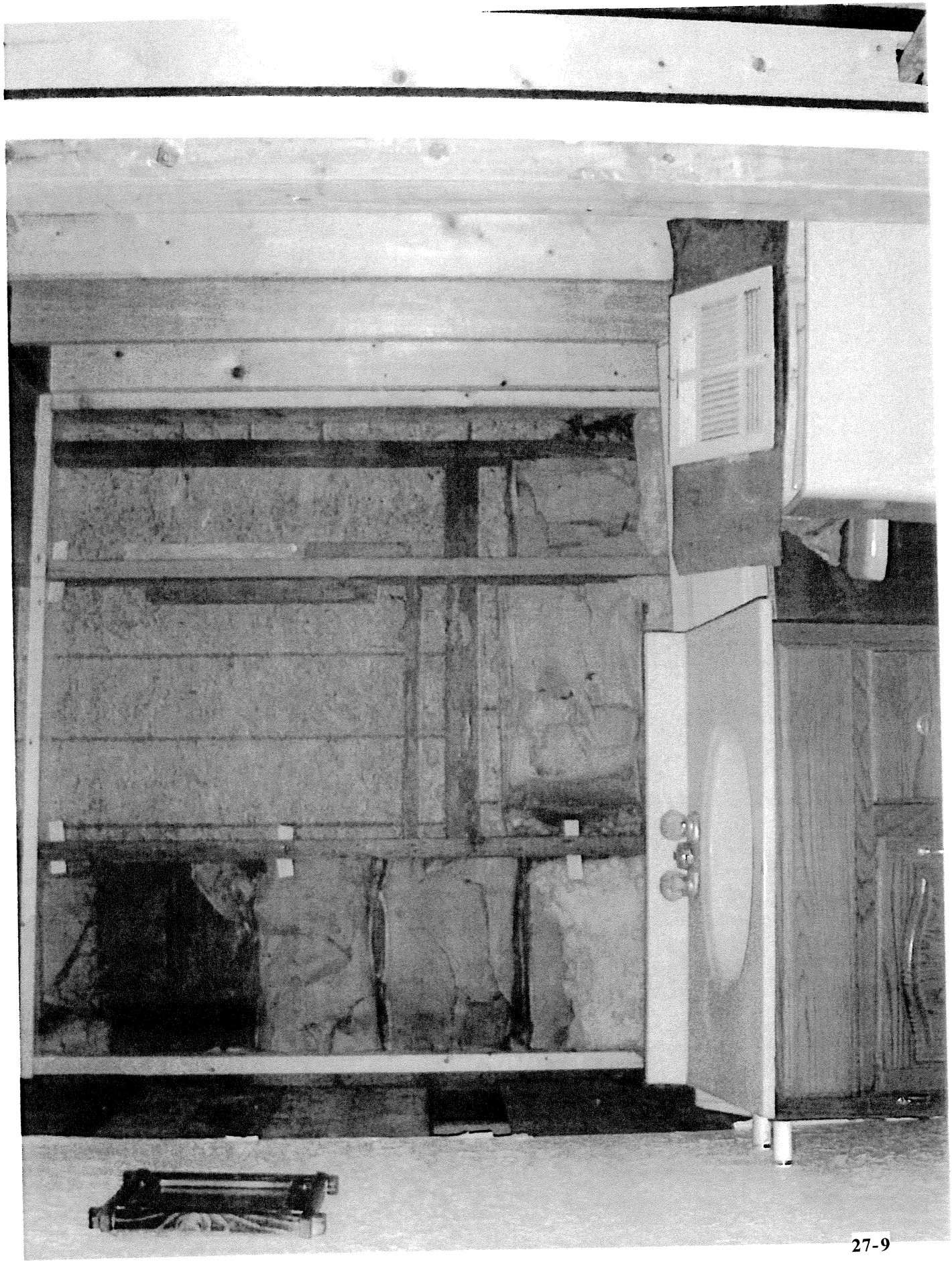
January 2011 – North elevation. One piece of siding still missing on eave.

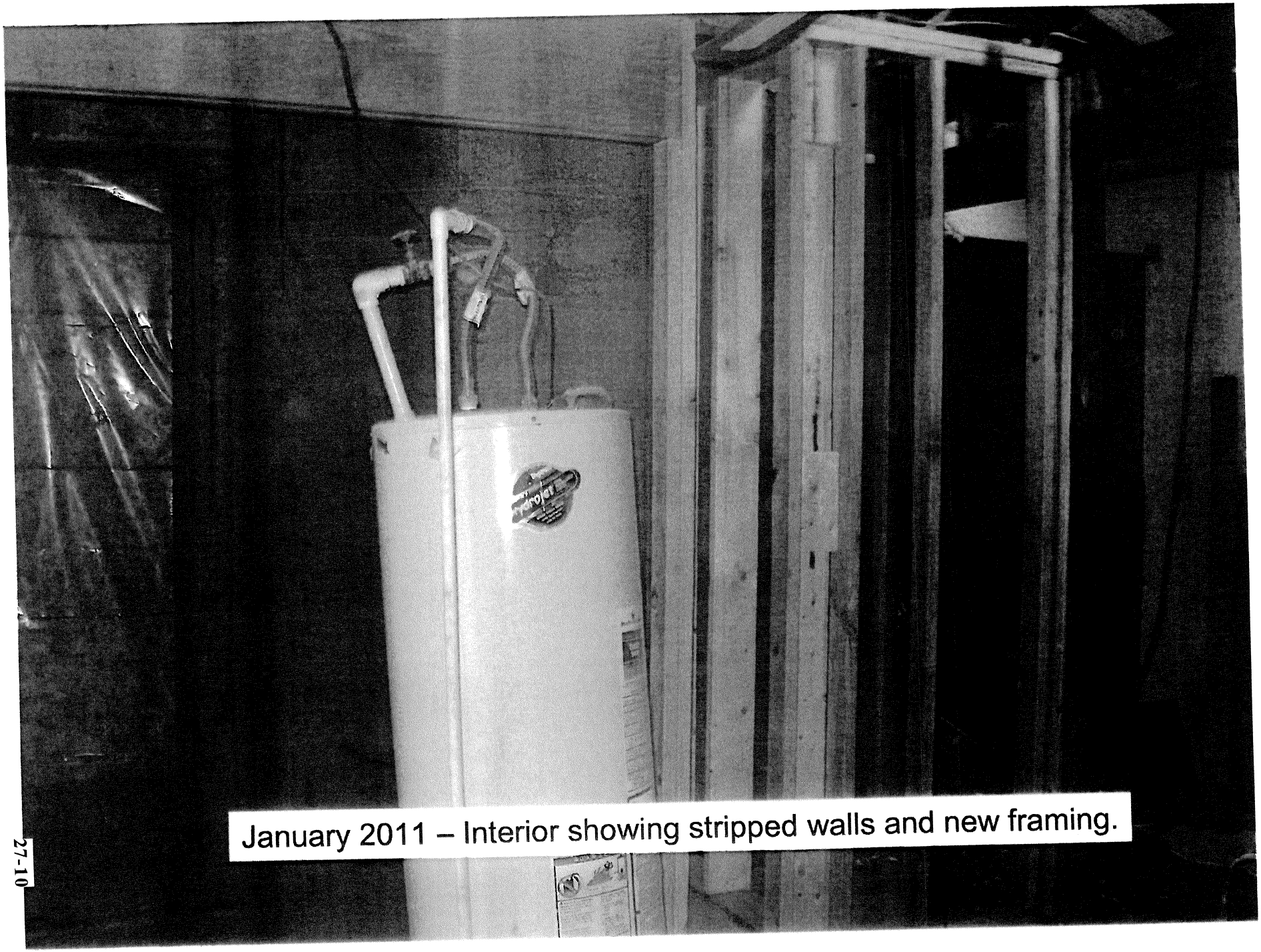
January 2011 – West elevation. No change.


January 2011 – South addition. No change.



January 2011 – Northeast bedroom as seen through wall from living room.
Stripped of sheetrock and paneling.





January 2011 – Interior showing stripped walls and new framing.

CITY COUNCIL AGENDA
JANUARY 25, 2011

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

Item No. 28

Text File Number: R-1011-74

Introduced: 12/14/2010 by Mark Daniels, Utilities Engineer

Current Status: Non-Consent Items

Version: 3

Matter Type: Resolution

Title

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.

ACTION NEEDED: Motion to adopt or reject Resolution No. R-1011-74.

ACTION TAKEN: _____

Body

BACKGROUND: Ordinance O-9697-30 adopted by Council on February 11, 1997 established a process by which the City of Norman or other entities can recover the costs associated with the extension of utility lines through or by undeveloped property. Under this ordinance, the funding entity (or entities) can recover their costs for right of way acquisition, engineering, utility relocations, and construction from property owners who subsequently develop their property and connect to the utility lines.

The benefited property owners would be liable for their pro-rata share of the cost to design and construct the improvements. For the first fifteen years, the payback cost will be adjusted for inflation using the *Engineering News Record* Construction Cost Index (CCI). The annual inflation factor will be 3.41%, based on the January 2005 and January 1995 ENR CCI's of 7297 and 5443, respectively.

At the end of the year fifteen and for each year thereafter, that cost will be reduced by twenty percent. At the end of the year twenty the payback cost will be zero.

In August 2008, *The Links at Norman* (Links) proposed a new lift station and force main as their sewer solution for their 153-acre tract located southeast of Cedar Lane and 24th Avenue SE. Staff suggested, and City Council agreed, that a solution for the entire sewer basin comprising a total of almost 400 acres would be more appropriate and ultimately more cost effective. On February 10, 2009, the preliminary plat for *The Links at Norman* was approved by Council contingent upon implementation of sewer solution serving the entire sewer basin.

On April 14, 2009, the Council adopted Resolution R-0809-133 declaring the Post Oak Lift Station Project a payback project. This allows the Participants to recover their investment from benefiting property owners if the benefiting property develops within the term of the

payback project. Benefited property owners were shown on the Payback Parcel Map (Exhibit A) and were listed along with property descriptions on Exhibit B. Resolution No. R-0809-133 and Exhibits A and B are attached.

The payback project consists of a 12-inch gravity sewer main between the Links property and the Post Oak Lift Station along with a force main along Post Oak to Classen Boulevard to the discharge location in the 24-inch sewer interceptor located NE of the intersection of Ann Branden Boulevard and Classen Boulevard. The downstream interceptor is of adequate capacity to accommodate the estimated peak wastewater flow (PWWF) of 1.94 MGD from the Links tract as well as other potential developments in the sewer basin.

On April 14, 2009, the NUA also approved Contract K-0809-128, which is the cost sharing and payback agreement. It provided a means for funding the Post Oak Lift Station Payback Project and paying back the Participants who provided additional funding beyond that needed for their own parcel. As shown on Exhibit B of the agreement, seven benefited properties were identified as potential wastewater contributors to the Post Oak Lift Station Payback Project. The estimated population equivalent and estimated PWWF for each parcel, as well as the pro-rata share of the project costs are shown on Exhibit C. The Norman Utilities Authority (NUA) administers the payback process but the payback project costs were funded entirely by the Participants. Contract K-0809-128 with Exhibits A, B and C are attached.

Property owners of parcels benefiting from the project are required to pay back their share of the project as their parcels develop. The amount of payback collected is based on the estimated PWWF and the time it is developed. The NUA will track development within the sewer basin, collect payback fees, and pay back the investing Participants at the beginning of each fiscal year.

DISCUSSION: Links contracted with Crafton Tull Sparks ((CTS) to design and administer the Post Oak Lift Station Payback Project. As noted in Exhibit A to the payback agreement, engineering fees were estimated at $90,300. As noted in the attached October 26, 2010 letter from CTS, the final cost for engineering services was $94,389; the NUA has documentation to support the total fees paid by Links to CTS.

Links contracted with M&M Ditching (M&M) to construct the Post Oak Lift Station Payback Project. As noted in Exhibit A to the payback agreement, construction costs were estimated at $903,000. As noted in the October 26, 2010 letter from CTS, the final construction cost was $917,083; the NUA has documentation to support the total fees paid by Links to M&M. The Post Oak Lift Station Payback Project construction was accepted by the City of Norman Development Committee on August 10, 2010. No costs were incurred for easement or right-of-way acquisition.

The NUA has notified the benefiting property owners regarding consideration of this agenda item. By adopting proposed Resolution R-1011-74, the final payback cost and the pro-rata shares of the costs to design and construct the project will be established. The resolution will be filed of record and essentially places a lien on the benefiting property

until the payback project term expires in 20 years or their share of the project cost is recovered. As benefiting parcels are developed, payback fees will be collected with funds deposited into Wastewater Recoupment Account 032-0000-366.12-54. Unless previously paid, the payback cost will be inflated at 3.41% per year from the project bid date of July 8, 2009 and a 2% fee added to cover NUA administrative costs.

As shown on the location map, Exhibit A, seven property owners within the sewer basin may contribute wastewater to the Post Oak Lift Station Payback Project and would have been responsible for the construction of the project if they had developed simultaneously. The pro-rata share of the project costs is based on the estimated PWWF and a final project cost of $1,011,472. The property ownership, property description, and cost share for each parcel is shown in Exhibit B.

RECOMMENDATION: It is recommended that the City of Norman adopt Resolution No. R-1011-74 finalizing the project cost and establishing cost shares for the Post Oak Lift Station Payback Project.

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.

1. WHEREAS, City Council, in its meeting of April 14, 2009, adopted Resolution No. R-0809-133 declaring a payback project for the Post Oak Lift Station Project to recover costs from property owners benefiting from the project; and

2. WHEREAS, Sections 19-207 through 19-209 of Chapter 19 of the code of the City of Norman, provide for utility line extension and improvement responsibilities; and

3. WHEREAS, such improvements have been made and final payback costs for the project have been prepared.

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

4. That a final cost is established for the sanitary sewer improvements for the Post Oak Lift Station Project declared a payback project in Resolution No. R-0809-133 adopted by the Council in its meeting of April 14, 2009, as more particularly described and defined in Exhibits "A" and "B" attached hereto and made a part thereof.

5. Further, that the Council has delineated the boundaries as shown in Exhibit "A", the map, and the final payback costs of the project as shown in Exhibit "B", the list, prepared and made a part of this declaration, which together show all properties subject to payback, be filed of record in the office of the City Clerk and in the office of the County Clerk of Cleveland County giving notice of this payback project, all pursuant to Sections 19-207 through 19-209 of Chapter 19, of the Code of the City of Norman.

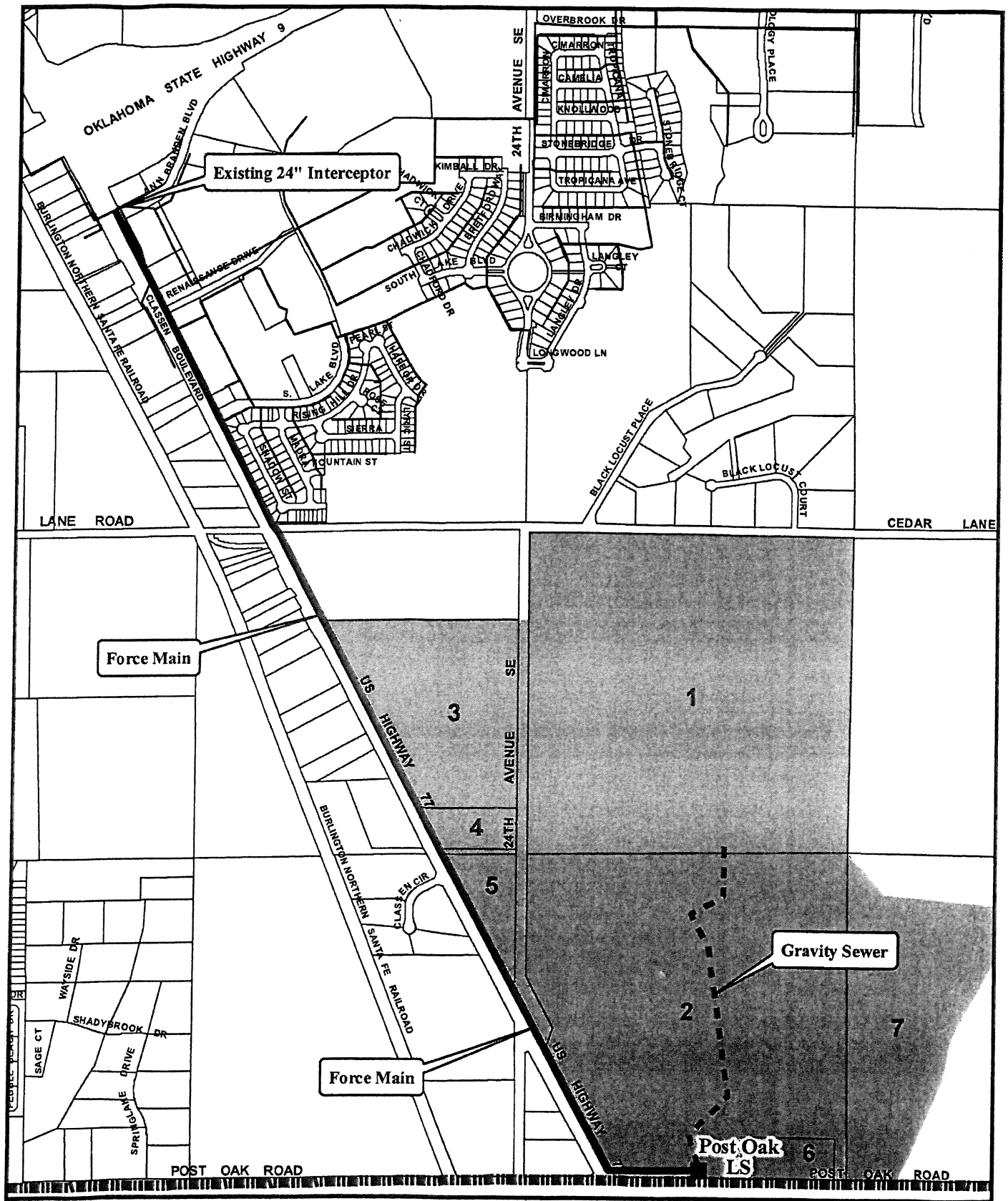
6. Further, that the Director of Utilities, or his designee, be authorized to release and remove from the payback project those properties as their obligations have been fulfilled.

PASSED AND ADOPTED this _____ day of _____, 2011.

_____
Cindy Rosenthal, Mayor

ATTEST:

_____
Brenda Hall, City Clerk



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.

Post Oak Lift Station Sewer Service Area

Payback Parcel Map

Resolution R-1011-74, Exhibit A

- Proposed Force Main
- Proposed Gravity Main
- Post Oak LS Service Area
- Existing Sewer Lines
- Parcels
- City Limits

N W E S

1" = 1,000'

March 6 2009

Resolution R-1011-74

Exhibit B

Post Oak Lift Station Final Payback Costs

Parcel	Owner	Address	Legal Description	Acres	ADF	PWWF	Share	Cost
1	The Links at Norman Management Company, LLC	1200 East Joyce Blvd, Fayetteville, AR 72703	15 8 2W 160 AC NW/4	153.000	184,750	739,000	38.17%	$490,039
2	D. Alan Haws	4401 Northridge Road, Norman, OK 73072	15-8-2W 142.89 AC SW/4 LS PRT SW/4 W OF HWY BEG SW/C SW/4 E618 NW1331.03 S1178. 52 POB & LS PRT SW/4 BEG W100 SE/C N .	137.900	153,250	613,000	31.66%	$267,031
3	Republic Bank of Norman	PO Box 5369, Norman, OK 73070	16-8-2W 61.92 AC NE/4 & SE/4 LYING E HWY77 LS N735.50 ft. NE/4 LYING E HWY 77 (TRS 11,14,15,16,17,18,19,21 & PRT LOTS 12&13	40.358	72,500	290,000	14.98%	$126,328
4	Astellas Pharma Technologies	3300 Marshall Avenue, Norman, OK 73072	SOUTH LAKE INDUSTRIAL PARK LOT 1 BLK 1	5.447	6,750	27,000	1.39%	$11,764
5	Randall P. & Bonnie M. Hawkins	1804 Terryton Drive Norman, OK 73071	16-8-2W 8.75AC PRT NE/4 & SE/4 BEG 2599.24`S NE/C NE/4 S1045.83` S 62D W77.90` N 27D W300` N 28D W300.04` N 27D W612.54` E635.17` POB	7.010	12,625	50,500	2.61%	$21,999
6	Jackie F. Morgan Living Trust, Trustee	2909 E. Post Oak Road, Norman, OK 73068	15-8-2W 6.21+ AC PRT SW/4 BEG 100 ft. WSE/C N363 ft. W750 ft. S363 ft. E750 ft. POB	5.750	375	1,500	0.08%	$651
7	Hattie June Smith Living Trust, c/o Peggy Julian	41270 Yucca Lane, Bermuda Dunes, CA 92201	15-8-2W 160 AC SE/4	48.424	53,750	215,000	11.11%	$93,660

10825 Financial Centre Parkway, Suite 300
Little Rock, Arkansas 72211-3554

501.664.3245 t 501.664.6704 f
www.craftontullsparks.com

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Russellville
Tulsa
Wichita

October 26, 2010

Mr. Mark Daniels, P.E.
City of Norman
Utilities Department
201 W Gray, Bldg C
Norman, OK 73069

RE: The Links @ Norman
Final Offsite Sanitary Sewer Costs
CTS Job No. 088018-00

Dear Mr. Daniels:

This letter shall serve as our certification of final costs associated with the offsite gravity line, lift station, and force main. The final number shall be used as the payback requirements under resolution R-0809-133.

A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, DECLARING A PAYBACK PROJECT FOR COSTS ASSOCIATED WITH THE POST OAK LIFT STATION PROJECT.

Construction cost:	**$917,083.00**
Engineering/Survey cost:	**$94,388.78**
Total cost:	**$1,011,471.78**

The following are attached with this letter as back-up for the final costs:

Exhibit A: Bid Tab (City Concrete was low bid, however they did not have the manpower or equipment necessary to meet the schedule of the project. City Concrete was awarded the site work and M&M Ditching was awarded the offsite)
Exhibit B: Contract Agreement
Exhibit C: Change Order #1 (lift station coating, generator & transfer switch required after bid)
Exhibit D: Change Order #2 (reroute of pressure main required by ODOT, including directional bore)
Exhibit E: Final pay application of original contract

Total construction cost ($620,626.00+$219,964.00+$76,493 = $917,083.00)
(note: the deductions indicated on change order #2 are reflected on the final pay application and are actually $30,642.00)

Exhibit F: Engineering costs backup
Exhibit G: Resolution R-0809-133
Exhibit H: Lift Station operation, maintenance, and replacement agreement

Should you have any questions, or require any additional information, please contact us at your convenience.

Sincerely,

Jerry Kelso, P.E.
Vice President

received
10-28-10

AGREEMENT

This Cost Sharing and Payback Agreement (the "Agreement") is made and entered into as of the 14th day of April, 2009, by and between Links at Norman, a limited partnership ("LINKS"); Alan Haws, an individual ("HAWS"); Republic Bank and Trust, an Oklahoma limited liability company ("REPUBLIC"); (collectively know as "PARTICIPANTS") and the Norman Utilities Authority, an Oklahoma public trust, (the "NUA").

W I T N E S S E T H:

WHEREAS, the NUA adopted a Wastewater Master Plan in November 2001 herein after referred to as the "Plan" which identified an engineering solution to upgrade and provide sewage service in Norman, and;

WHEREAS, part of the identified solution in the Plan was to construct a new lift station located just north of Post Oak Road and east of U.S. Highway 77 (the Lift Station), and a new force main to convey the wastewater generated in Future Sewer Service Area 13 to the Discharge Point at the northeast corner of the intersection of Ann Braden Blvd. and State Highway 77 in southeast Norman; and

WHEREAS, LINKS is obligated to construct an appropriately sized lift station and approximately 7,335 linear feet (LF) of 8-inch diameter force main to the Discharge Point to provide a sewer solution for the LINKS property, and;

WHEREAS, a new off-site gravity sewer consisting of approximately 3160 LF of 12-inch diameter piping and appurtenances is required to convey wastewater from the LINKS property to the new Lift Station, and a new pressure force main consisting of approximately 9,940 LF of 12-inch diameter piping and appurtenances is required to convey wastewater from the Lift Station to the Discharge Point, and the sum of these improvements is herein after referred to as "the Project", and

WHEREAS, the Project is a common element that is necessary to provide sewage service to certain identified property in the Plan (Future Service Area 13 as shown on Exhibit B) and is consistent with the NORMAN 2025 LAND USE AND TRANSPORTATION PLAN, and;

WHEREAS, the PARTICIPANTS own certain property which would benefit from the construction of the Project providing a partial sewer solution for their property, and;

WHEREAS, other adjacent properties would also benefit from the construction of the Project providing a partial sewer solution for their property, and;

WHEREAS, the PARTICIPANTS will jointly fund the Project, with LINKS funding the shares attributed to other adjacent benefiting properties known as Parcels 4, 5, 6 and 7, and;

WHEREAS, LINKS' funding of the shares attributed to Parcels 4, 5, 6 and 7 is eligible for Payback under Chapter 19, Section 19-209 of the City of Norman Code, and;

WHEREAS, the other benefiting properties would be subject to Utility Line Extension Payback under Section 19-209 of the Norman Code once the project is completed, and;

WHEREAS, LINKS will enter into an agreement with the engineering firm of Crafton, Tull, Sparks, and Associates, Inc. herein after referred to as the "Engineer" to prepare the necessary engineering plans and specifications to construct the Project.

42-6

NOW, THEREFORE, in consideration of the mutual benefits, covenants and agreements contained herein, the parties agree as follows:

1. In the event that it becomes necessary to purchase sewer utility easements from other benefited properties to complete the Project, the cost of those easements (and associated administrative and legal fees) will be added to the Project cost and paid back in accordance with Section 19-209 of the City of Norman Code.

2. In the event that it becomes necessary to purchase sewer utility easements to complete the Project from other properties who are not benefited by the Project, the cost of those easements (and associated administrative and legal fees) will be added to the Project cost and shared by the PARTICIPANTS as set forth in item (6) below.

3. The City will assist LINKS Engineer in acquiring necessary utility easements, using its power of eminent domain, if required, to allow construction of the Project in a timely manner.

4. The PARTICIPANTS agree that design and construction administration costs due to Engineer, will be paid jointly by the PARTICIPANTS as set forth in item (6) below. A complimentary set of construction drawings of the sanitary sewer system should be submitted to the Participant's engineers for review and approval, within a reasonable amount of time, prior to the commencement of construction.

5. The NUA and the PARTICIPANTS agree that NUA staff will provide periodic construction inspection services for the Project and that all associated costs will be paid solely by the NUA.

6. Based upon the Engineer's estimate of costs to implement the Project attached hereto as Exhibit A, the PARTICIPANTS agree to contribute a percentage of the actual cost of the Project and provide initial funding as follows:

Participant	Project %	Initial funding
• Parcel 1 (LINKS)	49.344%	$490,039
• Parcel 2 (HAWS)	25.947%	$257,727
• Parcel 3 (REPUBLIC)	12.275%	$121,926
• Parcels 4, 5, 6, and 7 (LINKS)	12.444%	$123,608
	100.000%	$993,300

7. For extraordinary expenses that are incurred during completion of the Project in land areas that are south of the LINKS properties, the PARTICIPANTS agree to provide their percentage pro-rata shares of 100% of the cost adjustment based on wastewater flows as shown below. Extraordinary expenses are those unanticipated costs incurred due to unexpected construction related conditions, but shall **not** include price increases in such items as pipe, materials, or labor costs.

• Parcel 1 (LINKS)	38.17%
• Parcel 2 (HAWS)	31.66%
• Parcel 3 (REPUBLIC)	14.98%
• Parcels 4, 5, 6, and 7 (LINKS)	15.19%
	100.00%

8. The PARTICIPANTS agree to encumber to LINKS their percentage pro-rata share the Engineer's estimate of costs to implement the Project attached hereto as Exhibit A within fifteen (15) calendar days after execution of this agreement.

9. The NUA and PARTICIPANTS agree that LINKS will be responsible to contract with a construction contractor to complete the Project. LINKS shall assure that the provisions of the Oklahoma Competitive Bidding Act, the regulations of the Oklahoma Department of Environmental Quality and ordinances of the City of Norman are complied with for the Project. LINKS will bill the PARTICIPANTS for their proportionate share of the payment each time the Engineer or Project Construction Contractor requests a partial payment under their contract. PARTICIPANTS agree to make payment to LINKS fifteen (15) calendar days after receipt of an acceptable payment request.

10. The NUA and the PARTICIPANTS agree that by contributing their pro-rata share of the cost of the Project, the PARTICIPANTS will be assured capacity for wastewater generated from the identified parcels up to the maximum amounts defined in Exhibit C and will be granted priority for such usage over all other benefited properties.

11. The properties benefited as a result of the Project are shown in the shaded areas of Exhibit B. The expected sewage demand and estimated payback amounts for each benefited property is shown on Exhibit C. While the Project is necessary to provide sewer service to the properties identified, it is not adequate in and of itself to fully serve the properties shown. In all cases, other improvements such as gravity sewer mains will be necessary to complete their sewer solution.

12. LINKS agrees to dedicate a sewer utility easement across its property terminating at its western boundary along 24th Avenue SE such that REPUBLIC may connect to LINKS existing sewer system at Republic's sole option and at its own expense. Any cost necessary to increase the capacity of certain sewer lines internal to the LINKS so sufficient capacity exists to serve REPUBLIC's property, shall be paid by REPUBLIC.

    a) The Links internal sewer system shall be built using the minimum standards of the City of Norman so that the Links internal system can gravity flow into the Regional Sewer System.

    b) REPUBLIC agrees to pay for any additional costs incurred by The Links with regard to its internal sewer system, including but not limited to increased pipe size or increase pipe depth, which are a result of modifying The Links internal sewer system so that REPUBLIC's property will gravity flow into the Regional Sewer System.

    c) Any modification of The Links internal sewer system that is to be done at the option of REPUBLIC shall be done at the time The Links first installs its internal sewer system.

    d) The Links shall provide appropriate connection opportunities (easements which avoid buildings and large amounts of paved surfaces) adjacent to the Section Line road.

e) The Links shall provide concurrent construction opportunities for sewer connection points as described in Exhibit "D". Republic understands it will be responsible for the costs of extending sewer connection points to the west side of the Section Line road.

f) Participant, or their engineer, must review and approve the Links Construction Drawings to confirm compliance with the conditions and requirements of the Regional Sewer Solution as well as the system's design capability to provide for the sewer needs of the Participant's adjacent property.

13. Upon completion of the Project, declaration of a Payback Project, and acceptance by the City of Norman, the Utilities Engineer or his designated agent will prepare a tract map and list including legal descriptions of the benefiting properties and the estimated pro rata share attributable to each tract that remains unpaid. That map and list will be filed in the property records of Cleveland County to permanently identify those benefiting properties subject to payback along with their proportionate share of the Project cost. The proportionate share subject to payback will be based upon the peak wet weather wastewater flow (PWWF) expected from each parcel as tabulated on Exhibit C, and the associated payback for each benefiting property. When the property is developed, the actual payback amount will be based upon the expected PWWF from the development (PWWF = the average daily wastewater flow times a factor of 4). If a property owner proposes a land use that would result in lower wastewater flows, their unused capacity will go into a pool to be allocated to and managed by the NUA. If a property owner proposes a land use that would result in higher wastewater flows, that property owner will be required to either obtain additional capacity from the NUA or engineer a solution, acceptable to the NUA, to accommodate the additional wastewater flow expected from the proposed development. In no case shall a property owner's payback amount be less than the proportionate share of total costs shown in Exhibit C for property that is developed within fifteen (15) years of the date of issuance of the map and list required by Section 19-210 (f) or (g) of the Code of the City of Norman. If excess capacity is generated by a landowner's use of the property, that landowner shall be entitled to reimbursement of that portion of the payback amount paid at such a time as the excess capacity is used by another development. In the event more than one landowner has contributed excess capacity into the pool, all landowners shall be reimbursed in a proportionate manner.

14. The PARTICIPANTS pro rata share as determined under Chapter 19 Section 19-209 of the City of Norman Code shall be satisfied to the extent that the PARTICIPANTS funding will be provided for completion of the Project in accordance with Items (6) and (7) of this agreement.

15. The PARTICIPANTS, other benefiting properties, and the NUA agree that sewer service provided under this agreement is contingent upon NUA approval of a Lift Station Operation, Maintenance, and Replacement Agreement for each property served by the Lift Station.

16. The PARTICIPANTS and the NUA agree that LINKS, as a result of funding the shares of Parcels 4, 5, 6 and 7, may ask the NUA to distribute the additional capacity provided by the Project to any entity whose property can gravity flow to the Lift Station and is willing to payback the pro-rata share of the excess capacity. Said excess capacity is not reserved for only the benefiting properties shown on Exhibit B.

17. In the event that some alternate sewer solution is developed that provides sewer service to some of the properties identified in Exhibit C without using the lines or capacity provided by the Project, those properties that provide sewer service other than that provided by the Project will be exempt from any payback associated with the Project.

18. The following Exhibits are attached hereto and incorporated herein by reference as illustrations of the intent of the parties and the extent of the Project.

    a) Exhibit A - "Cost Estimate for Post Oak Lift Station Project" dated February 18, 2009 and consisting of 1 text page.
    b) Exhibit B - "Post Oak Lift Station Project Property Map" dated March 10, 2009 and consisting of one map.
    c) Exhibit C - "List of Benefited Properties in Post Oak Lift Station Project" dated March 10, 2009 and consisting of one text page.

    d) Exhibit D - concurrent construction opportunities for sewer connection points.

19. Applicable federal law and the laws of the state of Oklahoma shall govern this agreement.

20. Any communication required by this Agreement shall be made in writing to the addresses below:

LINKS: LINKS at Norman, a Limited Partnership
01200 East Joyce Blvd
Fayetteville, AR 72703
(479) 521-6686

REPUBLIC: Republic Bank and Trust
401 West Main
Norman, OK 73069
405-366-2777

HAWS Alan Haws
4401 Northridge Road
Norman, OK 73072
405-329-2815

NUA: Mark Daniels, P.E.
Utilities Engineer
Norman Utilities Authority
P.O. Box 370
Norman OK 73070

Nothing contained in this Article shall be construed to restrict the transmission of routine communications between representatives of NUA and the Participants.

IN WITNESS WHEREOF, the NUA, LINKS, REPUBLIC, and HAWS have executed this Agreement,

DATED this 14th day of April 2009.

42-10

Contract K-0809-128

NORMAN UTILITIES AUTHORITY

By: Cindy Rosenthal
Cindy Rosenthal, Chairman

ATTEST:
Brenda Hall
Brenda Hall, Secretary

APPROVED as to form and legality this 8 day of April 2009.

City Attorney

LINKS at Norman, a Limited Partnership

By:

Name: JAMES E. LINDSEY

Title: MANAGER OF GENERAL PARTNER

Notary or Secretary Attest

REPUBLIC

By: Chuck R. Thompson

Name: Chuck R. Thompson

Title: President

Notary or Secretary Attest

Brenda J. Parks, Secretary

HAWS

By:

Name: ALAN HAWS

Title: OWNER

Notary or Secretary Attest

04/06/09

42-11

Exhibit A
Cost Estimate for Post Oak Lift Station Project

JOB: THE LINKS @ NORMAN - PHASE I
DESC.: PUBLIC STREETS, DRAINAGE, WATER, & SEWER

DATE: 2/18/09

CTSA #: 088018-00

ITEM	DESCRIPTION	UNITS	EST. QTY.	UNIT PRICE	TOTAL
	REGIONAL LIFT STATION (OPTION A)				
1.0	12" PVC GRAVITY SEWER LINE	LF	3,160	$45	$142,200
2.0	MANHOLES	EA	12	$2,800	$33,600
3.0	AIR RELEASE VALVE & VAULT	EA	1	$3,000	$3,000
4.0	TIE NEW LINE TO EXISTING MANHOLE	EA	1	$2,000	$2,000
5.0	PAVEMENT REMOVE & REPLACE	SY	500	$50	$25,000
6.0	SIDEWALK REPLACEMENT	SY	300	$40	$12,000
7.0	SODDING	SY	10,000	$3	$30,000
8.0	DUAL PUMPS AND CONTROLS	LS	1	$188,000	$188,000
9.0	BACKUP GENERATOR	LS	1	$36,000	$36,000
10.0	LIFT STATION, WET WELL, VALVES, MISC	LS	1	$70,000	$70,000
11.0	12" FORCE MAIN	LF	9,940	$30	$298,200
12.0	18" BORE	LF	350	$180	$63,000

CONSTRUCTION COSTS	$903,000.00
DESIGN ENGINEERING 6%	$54,180.00
CONSTRUCTION ENGINEERING 4%	$ 36,120.00
TOTAL COSTS	$ 993,300.00

ITEM	DESCRIPTION	UNITS	EST. QTY.	UNIT PRICE	TOTAL
	LOCAL LIFT STATION (OPTION B)				
1.0	AIR RELEASE VALVE & VAULT	EA	1	$3,000	$3,000
2.0	TIE NEW LINE TO EXISTING MANHOLE	EA	1	$2,000	$2,000
3.0	PAVEMENT REMOVE & REPLACE	SY	470	$50	$23,500
4.0	SIDEWALK REPLACEMENT	SY	300	$40	$12,000
5.0	SODDING	SY	8,150	$3	$24,450
6.0	DUAL PUMPS AND CONTROLS	LS	1	$90,000	$90,000
7.0	BACKUP GENERATOR	LS	1	$12,000	$12,000
8.0	LIFT STATION, WET WELL, VALVES, MISC	LS	1	$50,000	$50,000
9.0	8" FORCE MAIN	LF	7,335	$24	$176,040
10.0	14" BORE	LF	350	$150	$52,500

CONSTRUCTION COSTS	$445,490.00
DESIGN ENGINEERING 6%	$26,729.40
CONSTRUCTION ENGINEERING 4%	$ 17,819.60
TOTAL COSTS	$ 490,039.00

CITY COUNCIL AGENDA
JANUARY 25, 2011

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

Item No. 29

Text File Number: R-1011-65

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

Current Status: Non-Consent Item

Version: 1

Matter Type: Land Use Plan Resolution

Title

RESOLUTION NO. R-1011-65: 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-1011-3, SO AS TO PLACE MOST OF LOT 1, BLOCK 13, TULL'S ADDITION, SECTION 1, TO THE CITY OF NORMAN, CLEVELAND COUNTY, OKLAHOMA, IN THE COMMERCIAL DESIGNATION AND REMOVE THE SAME FROM THE OFFICE DESIGNATION FOR THE HEREINAFTER DESCRIBED PROPERTY. (231 EAST ROBINSON STREET)

ACTION NEEDED: Motion to adopt or reject Resolution No. R-1011-65, Land Use Plan Amendment No. LUP-1011-3; and, if adopted, amend the NORMAN 2025 Land Use and Transportation Plan according thereto.

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 east 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 Councils consideration and action.

Resolution

R-1011-65
LUP-1011-3

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-1011-3**, SO AS TO PLACE MOST OF LOT 1, BLOCK 13, TULL'S ADDITION, SECTION 1, TO THE CITY OF NORMAN, CLEVELAND COUNTY, OKLAHOMA, IN THE COMMERCIAL DESIGNATION AND REMOVE THE SAME FROM THE OFFICE DESIGNATION FOR THE HEREINAFTER DESCRIBED PROPERTY. (231 EAST ROBINSON STREET)

§ 1. WHEREAS, the Council of the City of Norman recognizes citizens' concerns about the future development of Norman; and

§ 2. WHEREAS, the City Council at its meeting of December 19, 2004, reviewed and adopted the NORMAN 2025 Land Use and Transportation Plan; and

§ 3. WHEREAS, TGV Investments II, L.L.C.,, has requested that the following described property be moved from the Office Designation and placed in the Commercial Designation, to wit:

Lot 1, less the South 22 feet, Block 13, TULL'S ADDITION, SECTION 1, to the City of Norman, Cleveland County Oklahoma. Said track contains 0.29 acres, more or less.

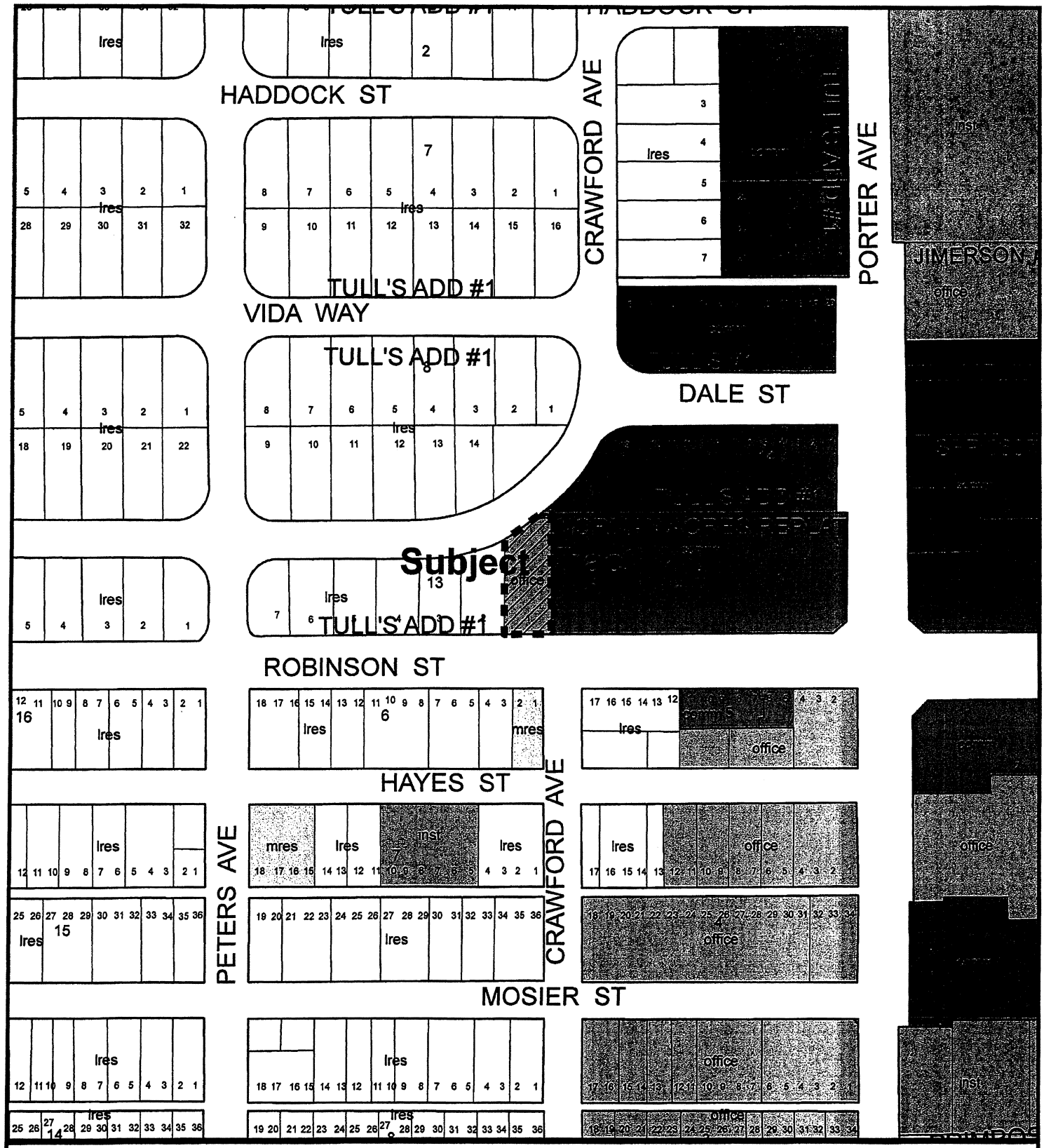
NOW, THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA:

§ 4. That the Council of the City of Norman recognizes the need to control the future growth of the City of Norman; and, that after due consideration, has determined that the requested amendment is compatible with the adopted NORMAN 2025 Land Use and Transportation Plan and does hereby approve the requested amendment.

PASSED and ADOPTED this _____ day of _____, 2011.

ATTEST: _____
Mayor

_____
City Clerk



Norman 2025 Land Use

Map Produced by the City of Norman
Geographic Information System.
(405) 366-5316
The City of Norman assumes no
responsibility for errors or omissions
in the information presented.

N
W E
S

R-1011-65
NORMAN 2025 Amendment
231 East Robinson Street

Owner/Developer: TGV Investments II

RESOLUTION NO. R-1011-65 ITEM NO. 7a

STAFF REPORT

ITEM: 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.

SUMMARY OF REQUEST: The applicant is seeking to relocate an existing Norman business onto this site, and has submitted a request to amend the 2025 Plan to a Commercial Designation. The request is accompanied by a rezoning application for C-2, General Commercial District, which is the zoning of the abutting property.

STAFF ANALYSIS: This tract has long been vacant and was rezoned for office use in 2002 to provide a buffer between the commercial businesses at the intersection and nearby residences. The Porter Avenue Corridor Plan indentified 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 accompanying rezoning request generally reflects those requirements. The proposed use, a retail business which sells and fabricates signs, is similar to many office businesses, and should not have major impacts on the surrounding area.

STAFF RECOMMENDATION: The Porter Avenue Corridor Plan designated this tract as an appropriate location for commercial use, and supports this request to amend the 2025 Land Use Plan. Staff is able to support this amendment to the 2025 Plan.

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 Pailes, 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 25, 2011

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

Item No. 30

Text File Number: O-1011-29

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

Current Status: Non-Consent Items

Version: 1

Matter Type: Zoning Ordinance

Title

ORDINANCE NO. 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; AND PROVIDING FOR THE SEVERABILITY THEREOF. (231 EAST ROBINSON STREET)

ACTION NEEDED: Motion to adopt or reject Ordinance No. O-1011-29 upon Second Reading section by section.

ACTION TAKEN: _____

ACTION NEEDED: Motion to adopt or reject Ordinance No. O-1011-29 upon Final Reading as a whole.

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

_____, 20//.
Mayor

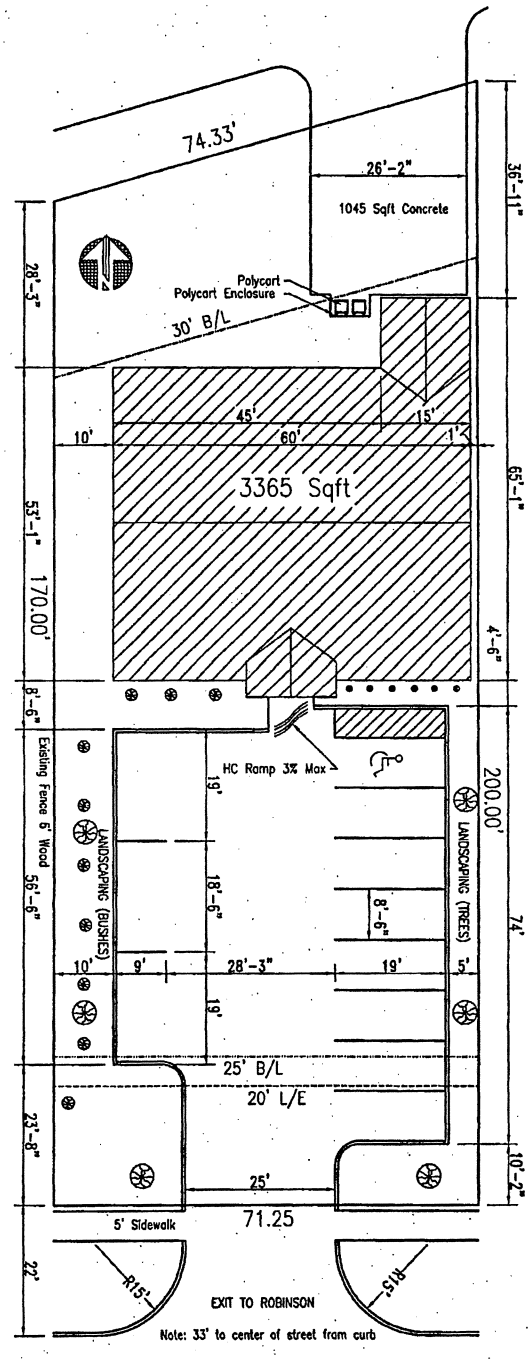
NOT ADOPTED this _____day of

_____, 20//.
Mayor

ATTEST:

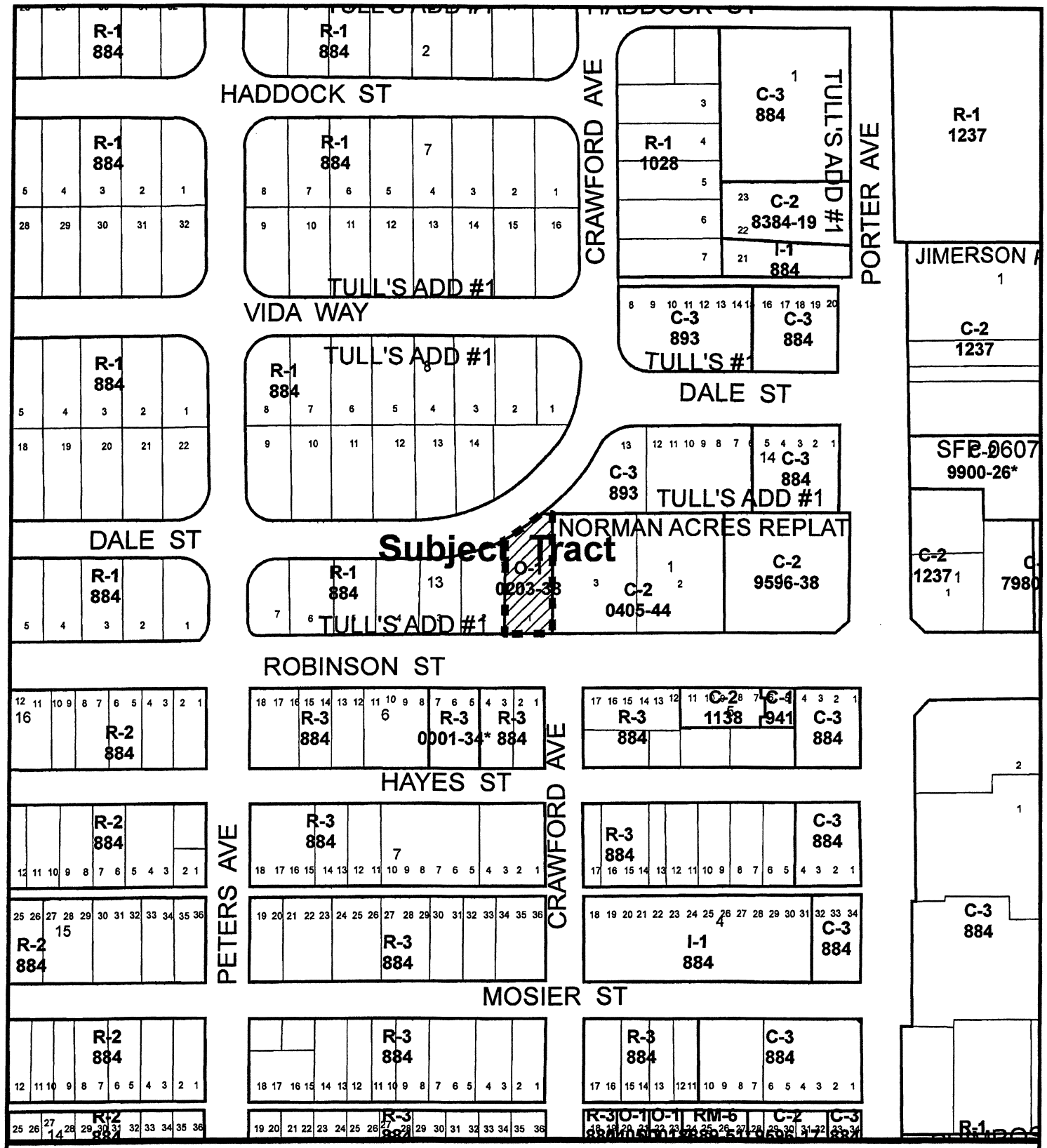
_____
City Clerk

I:\Other Drawings\GENE> SIGNS NOW BUILDING SITE.dwg



IDEAL HOMES
"Quality, Affordable Homes Today and Tomorrow."
1320 N. PORTER
NORMAN, OK 73071
(405) 364-1152
(800) 682-2763

PLAN NAME:	NOTES:	Sheet Title:	DRAWN BY:
SIGNS NOW		SITE PLAN	Joey
PLAN NUMBER: / ELEVATION:		Date: 12/2/10 / Scale: 1"=20'	Sheet No. 1



Location Map

Map Produced by the City of Norman Geographic Information System.
(405) 366-5316
The City of Norman assumes no responsibility for errors or omissions in the information presented.

N W E S

October 11, 2010

0 100 200 Ft.

Subject Tract

Zoning

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 Dwelllings East: Fast Food Restaurants South: Single-Family Dwellling West: Single-Family Dwelllings
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.

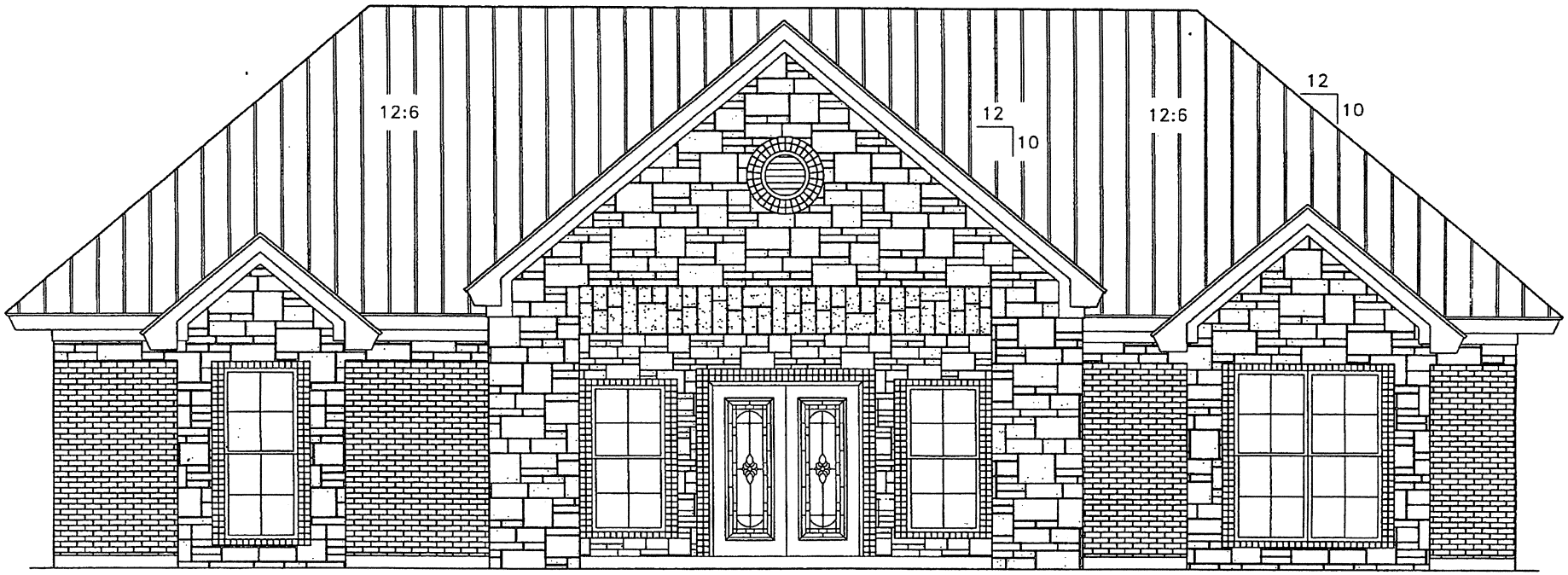
ANALYSIS: The previous item was a plan amendment to Commercial Designation, which is supported by the Porter Avenue Corridor Plan. This lot lies within the Zoning Overlay District that was established to regulate development within the Porter area. There are three basic criteria which must be followed 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 ore, 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 exsting 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 Pailes, 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 25, 2011

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

Item No. 31

Text File Number: O-1011-30

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

Current Status: Non-Consent Items

Version: 1

Matter Type: Zoning Ordinance

Title

ORDINANCE NO. O-1011-30: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 460 OF CHAPTER 22 OF THE CODE OF THE CITY OF NORMAN SO AS TO PLACE 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 adopt or reject Ordinance No. O-1011-30 upon Second Reading section by section.

ACTION TAKEN: _____

ACTION NEEDED: Motion to adopt or reject Ordinance No. O-1011-30 upon Final Reading as a whole.

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.

O-1011-30

AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 460 OF CHAPTER 22 OF THE CODE OF THE CITY OF NORMAN SO AS TO PLACE 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.

_____
(Mayor)

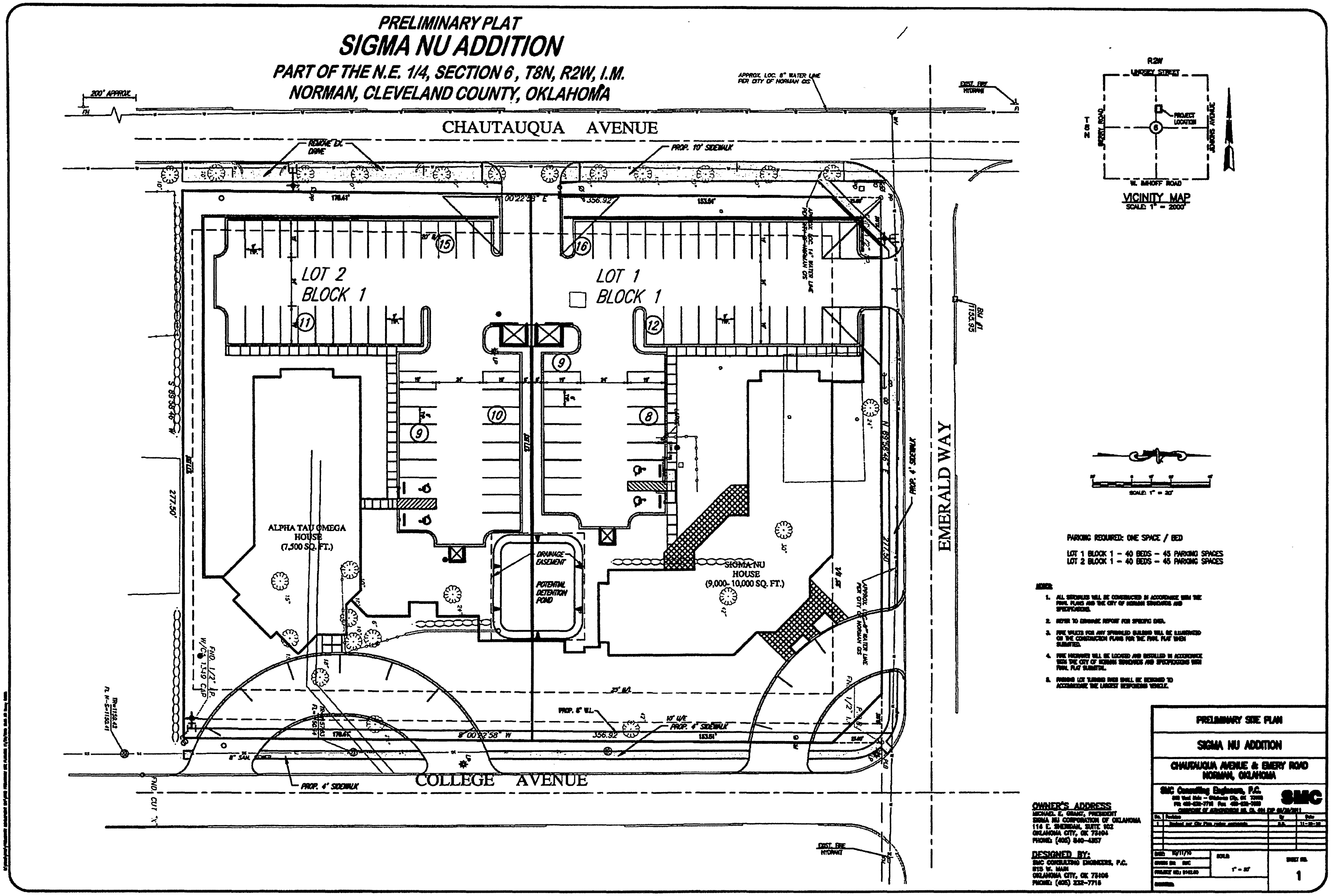
NOT ADOPTED this _____day of

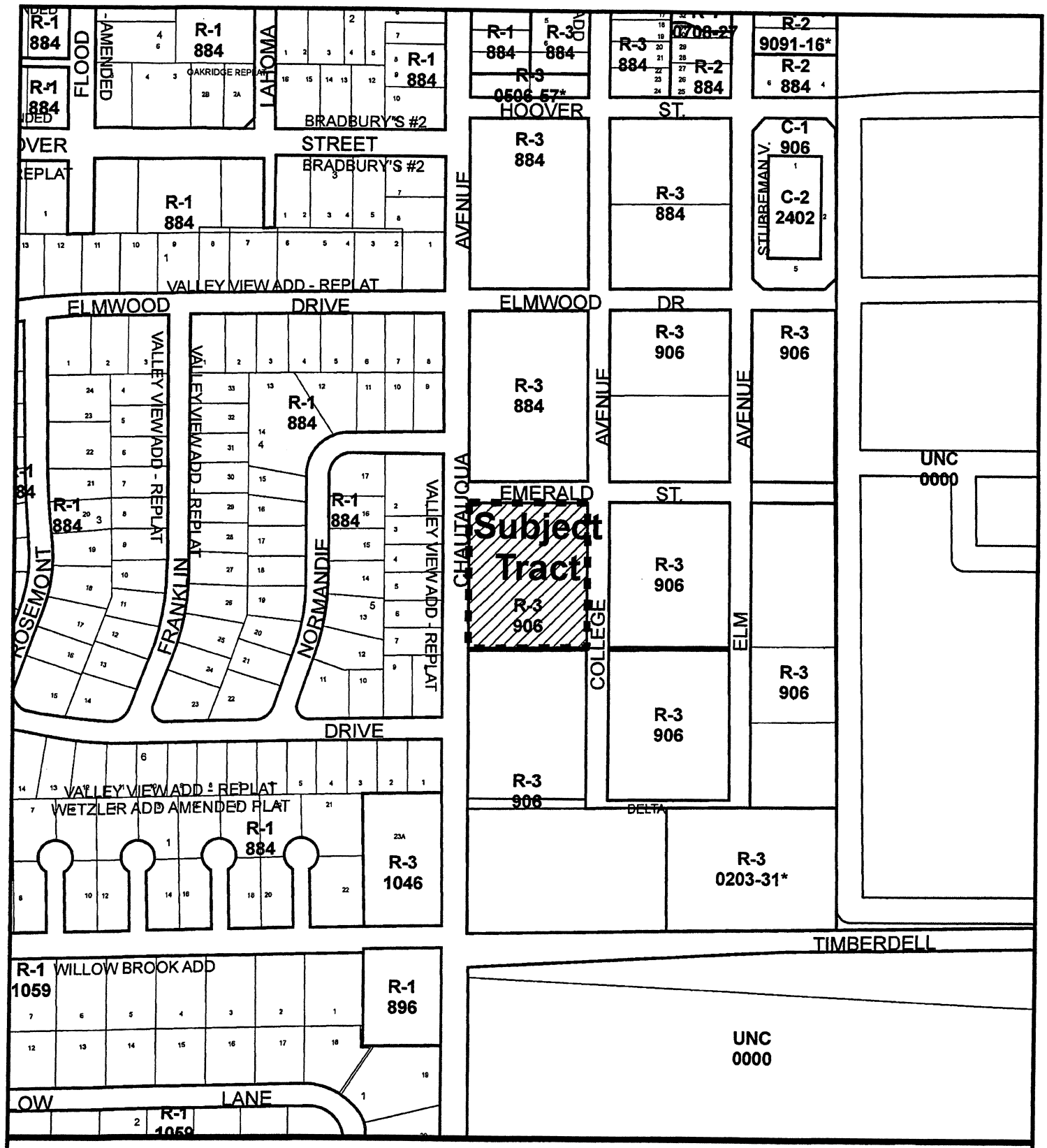
_____, 2011.

_____
(Mayor)

ATTEST:

_____
(City Clerk)


PRELIMINARY PLAT
SIGMA NU ADDITION
PART OF THE N.E. 1/4, SECTION 6, T8N, R2W, I.M.
NORMAN, CLEVELAND COUNTY, OKLAHOMA
CHAUTAUQUA AVENUE
COLLEGE AVENUE
EMERALD WAY
LOT 1 BLOCK 1
LOT 2 BLOCK 1
ALPHA TAU OMEGA HOUSE (7,500 SQ. FT.)
SIGMA NU HOUSE (9,000-10,000 SQ. FT.)
DRAINAGE EASEMENT
POTENTIAL DETENTION POND
PROP. 10' SIDEWALK
PROP. 4' SIDEWALK
REMOVE EX. DRIVE
EXIST. FIRE HYDRANT
200' APPROX.
BM #1 1155.95
277.50'
356.92
FND. 1/2" I.P. W/CAP 1349 CAP
FND. CUT "X"
VICINITY MAP
SCALE: 1" = 2000'
R2W
LINDSEY STREET
W. IMHOFF ROAD
PROJECT LOCATION
SCALE: 1" = 20'
PARKING REQUIRED: ONE SPACE / BED
LOT 1 BLOCK 1 - 40 BEDS - 45 PARKING SPACES
LOT 2 BLOCK 1 - 40 BEDS - 45 PARKING SPACES
OWNER'S ADDRESS
MICHAEL E. GRANT, PRESIDENT
SIGMA NU CORPORATION OF OKLAHOMA
114 E. SHERIDAN, SUITE 102
OKLAHOMA CITY, OK 73104
PHONE: (405) 840-4357
DESIGNED BY:
SMC CONSULTING ENGINEERS, P.C.
815 W. MAIN
OKLAHOMA CITY, OK 73106
PHONE: (405) 232-7715
PRELIMINARY SITE PLAN
SIGMA NU ADDITION
CHAUTAUQUA AVENUE & EMERY ROAD
NORMAN, OKLAHOMA
SMC Consulting Engineers, P.C.
SMC
SCALE 1" = 20'
SHEET NO. 1



Location Map

Map Produced by the City of Norman Geographic Information System. (405) 366-5316
The City of Norman assumes no responsibility for errors or omissions in the information presented.

N W E S

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.

Norman Predevelopment Summary October 28, 2010

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 Pailes, 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 25, 2011

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

Item No. 32

Text File Number: PP-1011-9

Introduced: 11/16/2010 by Ken Danner, Development Manager
Current Status: Non-Consent Item
Version: 1
Matter Type: Preliminary Plat

Title
CONSIDERATION OF A PRELIMINARY PLAT FOR SIGMA NU ADDITION.

ACTION NEEDED: Motion to approve or reject the preliminary plat for Sigma Nu Addition.

ACTION TAKEN: _____

body
BACKGROUND: This item is a preliminary plat for Sigma Nu Addition and is located at the southeast corner of the intersection of Chautauqua Avenue and Emerald Way. This property consists of 2.27 acres and two (2) developable lots. The Norman Board of Parks Commissioners at its meeting of December 2, 2010, recommended fee in lieu of park land. The owners have made a request to place the property in the RM-6 zoning classification with special use for fraternity houses.

Planning Commission, at its meeting of December 9, 2010, on a vote of 6-0, recommended to City Council that this property be placed in RM-6 with Special Use for fraternity houses and recommended approval for the preliminary plat for Sigma Nu Addition.

DISCUSSION: Vehicular access to the Sigma Nu Addition will be from a shared driveway along Chautauqua Avenue, one driveway from Emerald Way, a loop driveway that accesses Emerald Way and College Avenue, and a loop driveway with two access points on College Avenue. The two loop driveways are expected to serve primarily as pick-up and drop-off locations. The shared driveway along Chautauqua Avenue as well as the single driveway along Emerald Way will access the parking areas for the two fraternities. Each of the two fraternities will consist of a 40-bed house. The two fraternities are expected to generate approximately 608 trips per day or 62 p.m. peak hour trips. As such, the trip generation potential for this development is well below the threshold for when a traffic impact study is required. The traffic capacity on the affected roadways exceeds the demand for existing and proposed trips as a result of this development. No negative traffic impacts are anticipated on these facilities, and no off-site roadway improvements are anticipated.

(see attachment - Traffic Impact Analysis)

Public improvements for this property consist of the following:

Fire Hydrants. Fire hydrants will be installed in accordance with approved plans.

Sanitary Sewers. Sanitary sewer mains are existing.

Sidewalks. Sidewalks will be constructed adjacent to Chautauqua Avenue, College Avenue and Emerald Way. The sidewalk along Chautauqua Avenue will be ten (10) feet wide because it will serve as an extension of Legacy Trail. The City will participate in the additional cost of that sidewalk through the Sidewalk Program for Schools and Arterials Project.

Storm Sewers. The owners will pay a fee in lieu of detention. This property is in the lower reach of the basin and the change in the impervious areas is insignificant and there existing outlet will handle the storm water runoff.

Streets. Streets are existing.

Water Mains. Water lines are existing adjacent to Chautauqua Avenue and Emerald Way. An eight-inch (8") water main will installed adjacent to College Avenue.

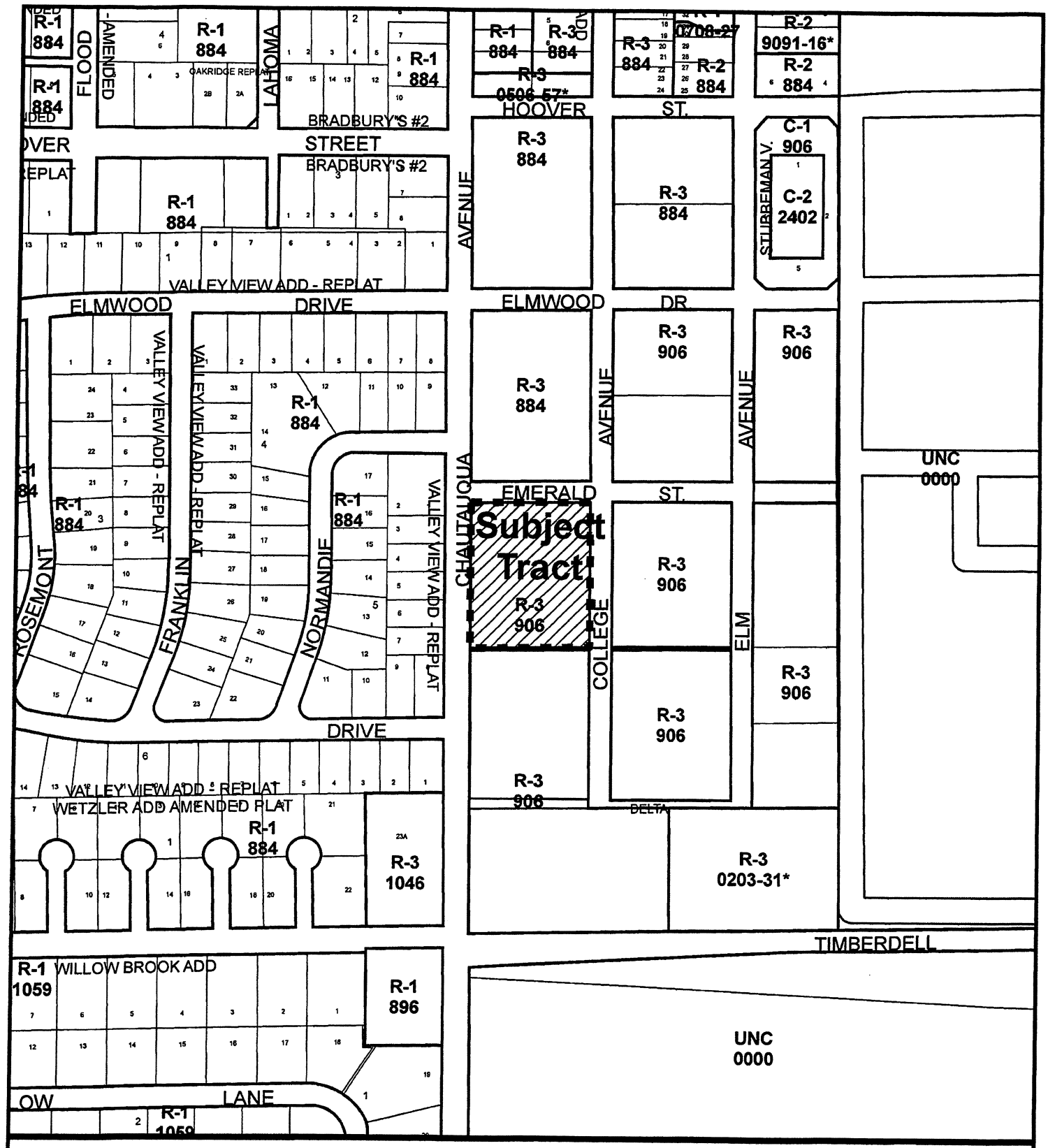
Public Dedications. All rights-of-way and easements will be dedicated to the City with final platting.

Currently there is an existing fraternity house on a single lot. The proposal is to demolish the existing fraternity house and construct a new house and sell the additional lot for the purposes of another fraternity.

STAFF RECOMMENDATION: Based upon the above information, staff recommends approval of the preliminary plat for Sigma Nu Addition.

TRAFFIC IMPACT ANALYSIS TABLE

STREET	NO. OF LANES	PROPOSED DEVELOP-MENT (Veh/day)	EXISTING TRAFFIC (Veh/day)	TOTAL PROJECTED TRAFFIC (Veh/day)	ROADWAY CAPACITY L.O.S. "E"	% CAPACITY USED (EXISTING)	% CAPACITY USED (PROJECTED)
Chautauqua Avenue	2	608	6,795	7,403	17,100	39.74	43.29



Location Map

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

Map Produced by the City of Norman Geographic Information System.
(405) 366-5316
The City of Norman assumes no responsibility for errors or omissions in the information presented.

N W E S

PRELIMINARY PLAT ITEM NO. 8b

STAFF REPORT

ITEM: Consideration of a Preliminary Plat for SIGMA NU ADDITION

LOCATION: Located at the southeast corner of the intersection of Chautauqua Avenue and Emerald Way

INFORMATION:

1. Owners. Sigma Norman, LLC.

2. Engineer. SMC Consulting Engineers, P.C.

HISTORY:

1. July 13, 1954. City Council adopted Ordinance No. 884, placing this property in R-3 zoning classification.

2. December 2, 2010. Norman Board of Parks Commissioners is scheduled to consider the preliminary plat for Sigma Nu Addition. The results of their consideration will be presented separately.

3. December 9, 2010. Planning Commission is scheduled to consider a request to place this property in RM-6 with Special Use for Fraternity Houses and removing it from R-3 zoning classification.

IMPROVEMENT PROGRAM:

1. Fire Hydrants. Fire hydrants will be installed in accordance with approved plans. Their locations have been approved by the Fire Department.

2. Sanitary Sewers. A sanitary sewer main is existing.

3. Sidewalks. Sidewalks will be constructed adjacent to Chautauqua Avenue, College Avenue and Emerald Way.

4. Storm Sewers. Staff recommends fee in lieu of detention based on the fact this property is on the lower reach of the basin and storm water run off will not impact the adjacent property owners.

IMPROVEMENT PROGRAM (con't):

5. Streets. Chautauqua Avenue, College Avenue and Emerald Way are existing.

6. Water Mains. There are existing water mains adjacent to Chautauqua Avenue and Emerald Way. There is a proposed 8-inch water main adjacent to College Avenue.

PUBLIC DEDICATIONS:

1. Easements. All required easements will be dedicated to the City on the final plat.

2. Rights-of-Way. All street rights-of-way will be dedicated to the City on the final plat.

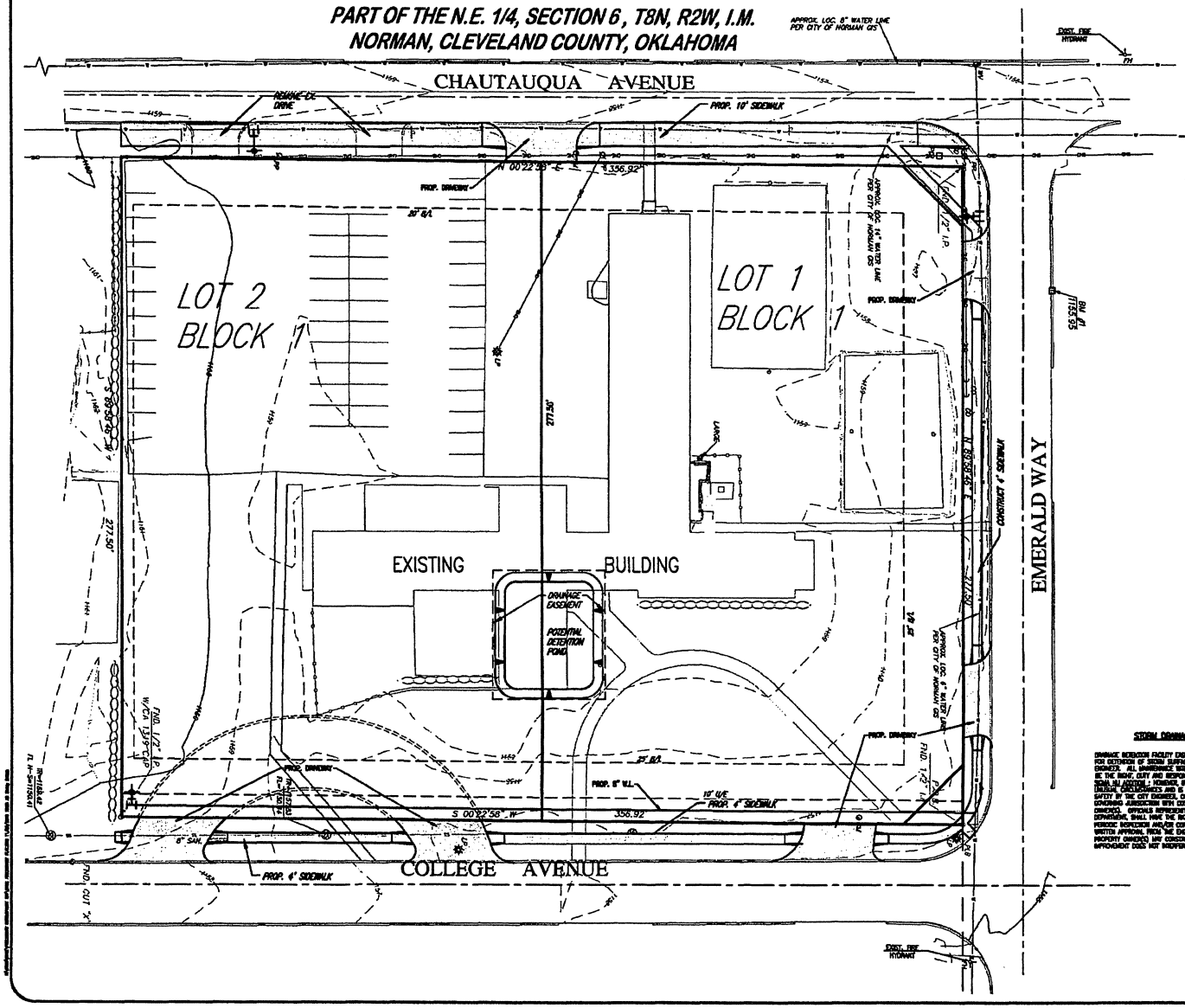
SUPPLEMENTAL MATERIAL: Copies of a location map, preliminary site plan plat, preliminary plat are included in the Agenda Book.

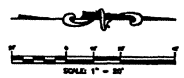
STAFF COMMENTS AND RECOMMENDATION: The owners desire to remove the existing structures and create two (2) lots, with a proposal for the construction of two fraternities on each individual lot.

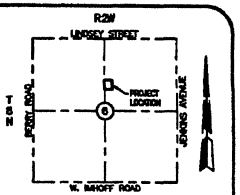
ACTION NEEDED: Recommend approval or disapproval of the Preliminary Plat for Sigma Nu Addition to City Council.

ACTION TAKEN:_____

PRELIMINARY PLAT
SIGMA NU ADDITION
PART OF THE N.E. 1/4, SECTION 6, T8N, R2W, I.M.
NORMAN, CLEVELAND COUNTY, OKLAHOMA







VICINITY MAP
SCALE: 1" = 2000'

LEGAL DESCRIPTION

CERTIFICATE OF SURVEY
Date of Last Field Visit Date of Survey

I, John Powers, Professional Land Surveyor do hereby certify as of the date set forth above that I have made a careful survey of a tract of land described as follows:

TRACT 1

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 2,322.5 feet West and 1,585 feet South of the Northeast Corner of said Northeast Quarter (NE/4);

THENCE South 356.92 feet;

THENCE West 277.50 feet;

THENCE North 356.92 feet;

THENCE East 277.50 feet to the POINT OF BEGINNING.

AND

TRACT 2

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 663.92 feet North and 20.00 feet East of the Southeast Corner of said Northeast Quarter (NE/4);

THENCE East 277.50 feet;

THENCE South 20.00 feet;

THENCE West 277.50feet;

THENCE North 20.00 feet to the POINT OF BEGINNING.

Here accurately described as:

A tract of land lying in 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:

COMMENCING at the Northeast Corner of said Northeast Quarter (NE/4);

THENCE South 00°22'58" West, along East section line a distance of 1,985.61 feet;

THENCE South 89°59'00" West a distance of 2,322.50 feet to the POINT OF BEGINNING;

THENCE South 00°22'58" West a distance of 356.92 feet;

THENCE South 89°59'00" West a distance of 277.50 feet;

THENCE North 00°22'58" East a distance of 356.92 feet;

THENCE North 89°59'00" East a distance of 277.50feet to POINT OF BEGINNING.

Said tract contains 99,046 square feet, or 2.2738 acres, more or less.

NOTES:

1. ALL WORKMAN WILL BE CONDUCTED IN ACCORDANCE WITH THE FINAL PLANS AND THE CITY OF NORMAN ENGINEERING AND SPECIFICATIONS. THE 10' DOUBLE ALARM CONNECTION, WILL BE REVISED TO ACCOMMODATE THE CURRENT NEED THAT WILL BE REQUIRED. THIS WILL BE CONFIRMED TO LANDOWN'S REVIEW OF THOSE NEED WHICH NEED TO BE REVISED. THE FINAL REVISE WILL BE SUBMITTED WITH CONSULTANT PLANS WITH THE FINAL PLAT.
2. REFER TO DRAINAGE REPORT FOR SPECIFIC DATA.
3. FIRE HYDRANTS FOR ANY SPRINKLED BUILDING WILL BE LOCATED ON THE CONSTRUCTION PLANS FOR THE FINAL PLAT WHEN SUBMITTED.
4. FIRE HYDRANTS WILL BE LOCATED AND INSTALLED IN ACCORDANCE WITH THE CITY OF NORMAN ORDINANCE AND SPECIFICATIONS WITH FINAL PLAT SUBMITTAL.

STORM DRAINAGE DETENTION FACILITY EASEMENT

DRAINAGE DETENTION FACILITY EASEMENTS ARE HEREBY ESTABLISHED AS SHOWN TO PROVIDE FOR DETENTION OF SIGNIFICANT SURFACE WATER AND CONSTRUCTED AS APPROVED BY THE CITY ENGINEER. ALL MAINTENANCE WITHIN THE DRAINAGE DETENTION FACILITY EASEMENT SHALL BE THE RIGHT, DUTY AND RESPONSIBILITY OF THE PROPERTY OWNER(S) IN THE PLAT OF SIGMA NU ADDITION. HOWEVER, IF MAINTENANCE IS NEGLECTED OR SUBJECT TO OTHER UNUSUAL CIRCUMSTANCES AND IS DETERMINED TO BE A HAZARD OR THREAT TO PUBLIC SAFETY BY THE CITY ENGINEER, CORRECTIVE MAINTENANCE MAY BE PERFORMED BY THE GOVERNING JURISDICTION WITH COSTS ATTACHED TO AND SUBJECT UPON SAID PROPERTY OWNER(S). OFFICIALS REPRESENTING THE ENGINEERING DIVISION, PUBLIC WORKS DEPARTMENT, SHALL HAVE THE RIGHT TO ENTER UPON THE EASEMENT FOR PURPOSES OF PERIODIC INSPECTION AND/OR CORRECTIVE MAINTENANCE OF THE FACILITY. UPON RECEIVING WRITTEN APPROVAL FROM THE ENGINEERING DIVISION, PUBLIC WORKS DEPARTMENT, PROPERTY OWNER(S) MAY CONSTRUCT IMPROVEMENTS WITHIN THE EASEMENT, PROVIDED THE IMPROVEMENT DOES NOT INTERFERE WITH THE FUNCTION OF THE DETENTION FACILITY.

OWNER'S ADDRESS
MICHAEL E. GRANT, PRESIDENT
SIGMA NU CORPORATION OF OKLAHOMA
114 E. SHERMAN, SUITE 102
OKLAHOMA CITY, OK 73104
PHONE: (405) 840-4357

DESIGNED BY:
SMC CONSULTING ENGINEERS, P.C.
815 W. MAIN
OKLAHOMA CITY, OK 73106
PHONE: (405) 232-7715

PRELIMINARY PLAT

SIGMA NU ADDITION

CHAUTAUQUA AVENUE & EMERALD WAY
NORMAN, OKLAHOMA

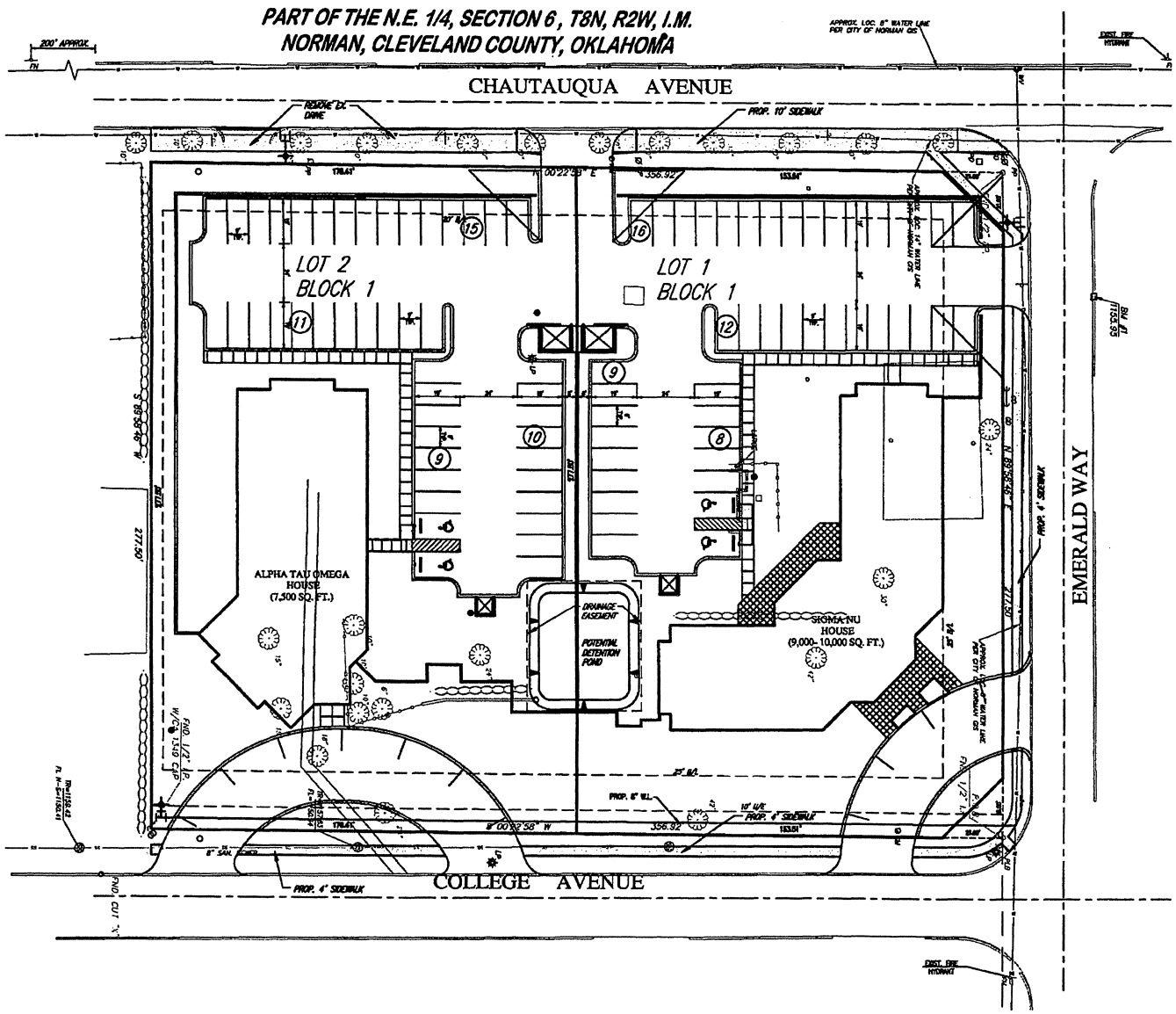
SMC Consulting Engineers, P.C.
815 West Main • Oklahoma City, OK 73106
PH: 405-232-7715 Fax: 405-232-7399
CERTIFICATE OF AUTHORIZATION NO. CA-1463 EXP. 06/30/2011

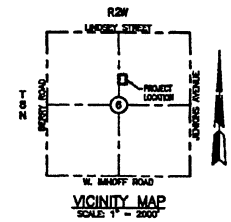
No.	Revision	By	Date
1	Revised per City Plan review comments	JLD	11-18-10

Date: 10/11/10
Drawn By: SMC
Project No.: 0902.00
Scale: 1" = 20'
Sheet No. 1

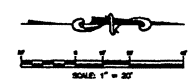
DESIGNER: TOM L. McCALEB, P.E. (13416)

PRELIMINARY PLAT
SIGMA NU ADDITION
PART OF THE N.E. 1/4, SECTION 6, T8N, R2W, I.M.
NORMAN, CLEVELAND COUNTY, OKLAHOMA





VICINITY MAP
SCALE: 1" = 2000'



PARKING REQUIRED: ONE SPACE / BED

LOT 1 BLOCK 1 – 40 BEDS – 45 PARKING SPACES
LOT 2 BLOCK 1 – 40 BEDS – 45 PARKING SPACES

NOTES:

1. ALL SIDEWALKS WILL BE CONSTRUCTED IN ACCORDANCE WITH THE FINAL PLANS AND THE CITY OF NORMAN STANDARDS AND SPECIFICATIONS.
2. REFER TO DRAINAGE REPORT FOR SPECIFIC DATA.
3. FIRE VALVES FOR ANY SPRINKLED BUILDING WILL BE ILLUMINATED ON THE CONSTRUCTION PLANS FOR THE FINAL PLAT WHEN SUBMITTED.
4. FIRE HYDRANTS WILL BE LOCATED AND INSTALLED IN ACCORDANCE WITH THE CITY OF NORMAN STANDARDS AND SPECIFICATIONS WITH FINAL PLAT SUBMITTAL.
5. PARKING LOT TURNING RADII SHALL BE DESIGNED TO ACCOMMODATE THE LARGEST RESPONSING VEHICLE.

OWNER'S ADDRESS
MICHAEL E. GRANT, PRESIDENT
SIGMA NU CORPORATION OF OKLAHOMA
114 E. SHERIDAN, SUITE 102
OKLAHOMA CITY, OK 73104
PHONE: (405) 840-4357

DESIGNED BY:
SMC CONSULTING ENGINEERS, P.C.
815 W. MAIN
OKLAHOMA CITY, OK 73106
PHONE: (405) 232-7715

PRELIMINARY SITE PLAN

SIGMA NU ADDITION

CHAUTAUQUA AVENUE & EMERY ROAD
NORMAN, OKLAHOMA

SMC Consulting Engineers, P.C.
SMC

SCALE: 1" = 20'

SHEET NO. 1

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.

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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 Pailes, 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 25, 2011

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

Item No. 33

Text File Number: O-1011-5

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

Current Status: Non-Consent Item

Version: 1

Matter Type: Ordinance

Title

ORDINANCE NO. O-1011-5: 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 adopt or reject Ordinance No. O-1011-5 upon Second Reading section by section.

ACTION TAKEN: _____

ACTION NEEDED: Motion to adopt or reject Ordinance No. O-1011-5 upon Final Reading as a whole.

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 Norman's 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 _____, 2011.

_____

Cindy Rosenthal, Mayor

NOT ADOPTED this _____ day

of _____, 2011.

_____

Cindy Rosenthal, Mayor

ATTEST:

_____

Brenda Hall, City Clerk

AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA AMENDING ARTICLE 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.

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of _____, 2011.

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Cindy Rosenthal, Mayor

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of _____, 2011.

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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
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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 25, 2011

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

Item No. 34

Text File Number: R-1011-80

Introduced: 1/11/2011 by Blaine Nice, Assistant City Attorney

Current Status: Non-Consent Item

Version: 1

Matter Type: Resolution

Title

RESOLUTION NO. R-1011-80: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, ESTABLISHING AN OBJECTIVE TO EXERCISE BEST EFFORTS TO OBTAIN GOODS AND SERVICES LOCALLY WHEN POSSIBLE.

ACTION NEEDED: Motion to adopt or reject Resolution No. R-1011-80.

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 Norman's 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 of the City of Norman Code of Ordinances. 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. As a result, at their December 15, 2010 meeting, the Committee requested Staff move forward with both the proposed Ordinance amendment and the attached proposed Resolution dealing with local preference for purchasing of goods and services.

DISCUSSION: In conjunction with the proposed Resolution, the proposed Ordinance amendment is scheduled for Second Reading at the January 25, 2011 City Council meeting. The proposed Resolution mirrors 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. It 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 further 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 Resolution R-1011-80 be adopted.

Resolution

R-1011-80

A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, ESTABLISHING AN OBJECTIVE TO EXERCISE BEST EFFORTS TO OBTAIN GOODS AND SERVICES LOCALLY WHEN POSSIBLE.

§ 1. WHEREAS, expressing Norman's support for locally-based businesses; and

§ 2. WHEREAS, the City of Norman has a responsibility to ensure that City funds are spent in an ethical manner; and

§ 3. WHEREAS, locally owned businesses provide essential employment opportunities and contribute to the character and unique identity of our community; and

§ 4. WHEREAS, the City of Norman recognizes the important role that local businesses have in the diversity and sustainability of our economy and is strongly committed to developing our local business base; and

§ 5. WHEREAS, this Resolution is a complement to Resolution R-0910-114, adopted by City Council on May 11, 2010, that established a Buy Local/Buy Fair philosophy to maximize the purchase of locally produced and Fair Trade Certified products and that expressed support for equitable commerce, well-being of small farmers and producers, and support of small local businesses; and

§ 6. WHEREAS, the City of Norman uses the competitive bidding process to secure goods and services to benefit the citizens of Norman; and

§ 7. WHEREAS, Sec. 8-205(e) of the Norman City Code provides that: "Acceptance will be made of that bid most advantageous to the City, considering price, quality, date of delivery, and other pertinent factors;" and

§ 8. WHEREAS, the City has a long standing practice awarding "the lowest and best" bid received; and

§ 9. WHEREAS, the City Council of the City of Norman, Oklahoma, has determined that it is in the best interest of the City to purchase goods and services from local merchants and vendors whenever feasible; and

§ 10. WHEREAS, a local vendor maintains offices in and is a citizen taxpayer of the City of Norman; and

§ 11. WHEREAS, the City should only exercise the preference for a local vendor when the low bidders are substantially equivalent, in order that the City still receive the best price.

RECREATION EDUCATION THE CITY OF NORMAN OKLAHOMA LAKE THUNDERBIRD RESEARCH HEALTH INDUSTRY

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

§ 12. That the City of Norman is directed to give preference to a local merchant or vendor, only in the case of substantially equivalent bids, and when the local bid is the most advantageous; is in the best interest of the City; and meets the needs of the City; and

§ 13. That City of Norman staff is directed to provide information to the City Council and Trustees of City Authorities on the billing and mailing address of all approved bidders within bid award items to be considered by the Council; and

§ 14. That City of Norman staff is directed to encourage bid submissions and request for proposal responses from local vendors to the greatest practical extent.

PASSED AND ADOPTED this _____ day of _____, 2011.

_____
Mayor

ATTEST:

_____
City Clerk

Resolution

R-0910-114

A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, EXPRESSING SUPPORT FOR LOCALLY-BASED, SUSTAINABLE, AND EQUITABLE COMMERCE, WELL-BEING OF SMALL FARMERS AND PRODUCERS, AND SUPPORT OF SMALL AND LOCAL BUSINESSES.

§ 1. WHEREAS, expressing Norman's support for locally-based, sustainable, and equitable commerce, well-being of small farmers and producers, support of small and local businesses; and

§ 2. WHEREAS, the City of Norman annually spends taxpayer dollars purchasing food, apparel, and other goods; and

§ 3. WHEREAS, as consumers, we have a responsibility to be cognizant of the impact that our consumption has on the communities that produce the goods we purchase; and

§ 4. WHEREAS, the City of Norman has a responsibility to ensure that City funds are spent in an ethical manner that promotes local economies both domestically and abroad whenever possible; and

§ 5. WHEREAS, Fair Trade is a system that encourages fair labor practices and a healthy and safe environment and provides consumers with the opportunity to make a positive social impact in communities around the world through:

1. providing decent working and living conditions and fair wages for workers,
2. guaranteeing producers a minimum price for their goods,
3. promoting direct, long-term trade relationships between producers and importers, allowing producers to develop competitive business strategies,
4. environmentally sustainable farming/production practices; and

§ 6. WHEREAS, locally owned businesses provide essential employment opportunities and contribute to the character and unique identity of our community; and

§ 7. WHEREAS, the City of Norman recognizes the important role that local businesses have in the diversity and sustainability of our economy and is strongly committed to developing our local business base; and

§ 8. WHEREAS, though no domestic Fair Trade certification currently exists, we recognize that supporting our local economy by purchasing locally and ethically produced goods and services is in keeping with the values of Fair Trade; and

§ 9. WHEREAS, the City of Norman recognizes and supports the efforts of local organizations working to promote and support locally owned businesses and to increase consumer and business awareness of and commitment to buying local and Fair Trade; and

EDUCATION EDUCATION THE CITY OF NORMAN OKLAHOMA RESEARCH HEALTH INDUSTRY

§ 10. WHEREAS, the City of Norman has the opportunity to lead by example and present a model of economic, environmental, and social responsibility and sustainability for other towns to follow.

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

§ 11. RESOLVED, that the City of Norman establishes a Buy Local/Buy Fair philosophy to maximize purchase of locally produced and Fair Trade Certified products in the process of procuring necessary goods for the City of Norman offices when those products are available and reasonably priced; and be it further

12. RESOLVED, that the Council of the City of Norman expresses support for locally-based, sustainable, and equitable commerce, well-being of small farmers and producers, and support of small and local businesses.

PASSED and ADOPTED this 11th day of May, 2010.

Mayor

ATTEST:

CITY OF NORMAN CORPORATE SEAL OKLAHOMA

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.

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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.
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Dillingham – agrees with reciprocity.

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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

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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

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July 21, 2010

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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

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6. Buying Local is All it's Cracked Up to be and More, Dave Parsons, Iowa City Press-Citizen

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Committee commended Suzanne Krohmer for presentations.

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- Already have increased majority of revenues/fees possible
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- Change in any policies regarding non-profit agency funding will be discussed in November meeting