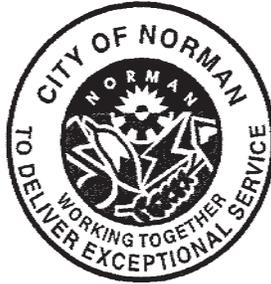


# City of Norman, OK

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



## Meeting Agenda

**Tuesday, May 24, 2011**

**6:30 PM**

**Municipal Building Council Chambers**

### City Council

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

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

1 Roll Call

2 Pledge of Allegiance

3 GID-1011-32 APPROVAL OF THE MINUTES AS FOLLOWS:

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

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:** April 26 Study Session Minutes  
May 3 SS Minutes  
May 10 CC Minutes  
May 11 Reception Minutes

#### Awards and Presentations

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

ACTION NEEDED: Motion to acknowledge receipt of Proclamation No. P-1011-22 proclaiming the week of May 21 through 27, 2011, as National Safe Boating Week in the City of Norman.

ACTION TAKEN: \_\_\_\_\_

**Attachments:** National Safe Boating Week

5 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 6 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: \_\_\_\_\_*

6 O-1011-27

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

ACTION NEEDED: Motion to Introduce and adopt Ordinance No. O-1011-27 upon First Reading by title.

ACTION TAKEN: \_\_\_\_\_

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

- 7      **O-1011-49**      CONSIDERATION OF ORDINANCE NO. O-1011-49 UPON FIRST READING BY TITLE: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 460 OF CHAPTER 22 OF THE CODE OF THE CITY OF NORMAN SO AS TO PLACE A TRACT OF LAND LYING IN THE NORTHWEST QUARTER OF SECTION 3, TOWNSHIP 9 NORTH, RANGE 3 WEST OF THE INDIAN MERIDIAN TO NORMAN, CLEVELAND COUNTY, OKLAHOMA, IN THE PUD, PLANNED UNIT DEVELOPMENT DISTRICT, AND REMOVE THE SAME FROM THE A-2, RURAL AGRICULTURAL DISTRICT, OF SAID CITY; AND PROVIDING FOR THE SEVERABILITY THEREOF. (GENERALLY LOCATED ON THE SOUTH SIDE OF INDIAN HILLS ROAD APPROXIMATELY 1,318 LINEAR FEET EAST OF 48TH AVENUE N.W.)

ACTION NEEDED:      Motion to Introduce and adopt Ordinance No. O-1011-49 upon First Reading by title.

ACTION TAKEN: \_\_\_\_\_

**Attachments:**      O-1011-49

Glenridge Rezoning Location Map

Glenridge PUD Staff Report

Preliminary Plat

Typical Lot Site Plan

GLENRIDGE PUD Narrative

4-14-11 PC Minutes - Glenridge

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

ACTION NEEDED: Motion to introduce and adopt Ordinance No. O-1011-57 upon First Reading by title.

ACTION TAKEN: \_\_\_\_\_

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

9 AP-1011-21 CONSIDERATION OF THE MAYOR'S APPOINTMENTS AS FOLLOWS:

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

CHILDREN'S RIGHTS COORDINATING COMMISSION  
TERM: 05-24-11 TO 10-16-14: HEIDI SMITH, 1121 DESERT WILLOW TERRACE

LIBRARY BOARD  
TERM: 05-01-11 TO 05-01-14: TIM MAULDIN, POST OFFICE BOX 722100  
TERM: 05-24-11 TO 05-01-14: THOMAS SHOWMAN, 609 BRANCHWOOD ROAD  
TERM: 05-24-11 TO 05-01-14: ALEISHA KARJALA, 118 SOUTH MERCEDES DRIVE  
TERM: 05-24-11 TO 05-01-12: KAREN RIEGER, 1025 WHISPERING PINES DRIVE  
TERM: 05-24-11 TO 05-01-12: GLYNIS EDGAR, 3306 HILLVIEW DRIVE

BOARD OF PARKS COMMISSIONERS  
TERM: 05-24-11 TO 01-01-14: HEATHER PERRY, 3726 INDIAN POINT CIRCLE

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

INFORMATION: In accordance with the Mayor's request, the above-described item is submitted for City Council's consideration. Dr. Ginger Noble will replace Dr. Beverly Fritzler who has resigned; Heather Perry will replace Ann Gallagher; Heidi Smith will replace Emily Furney who has resigned; Thomas Showman will replace Karen Rieger; Aleisha Karjala will replace Glynis Edgar; Karen Rieger will fill the unexpired term of Erin Sloan who has resigned; Glynis Edgar will fill the unexpired term of Steven McKinzey who has resigned; and Robert Castleberry, Tim Mauldin, Darrell Janaway, and Joyce Pitchlynn are reappointments.

ACTION NEEDED: Motion to confirm or reject the appointments.

ACTION TAKEN: \_\_\_\_\_

- 10 RPT-1011-41 SUBMISSION AND ACKNOWLEDGING RECEIPT OF THE FINANCE DIRECTOR'S INVESTMENT REPORT AS OF APRIL 30, 2011; AND DIRECTING THE FILING THEREOF.

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

ACTION TAKEN: \_\_\_\_\_

Attachments: Finance Report April 2011

- 11 RPT-1011-42 SUBMISSION AND ACKNOWLEDGING RECEIPT OF THE MONTHLY DEPARTMENTAL REPORTS FOR THE MONTH OF APRIL, 2011, AND DIRECTING THE FILING THEREOF.

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

ACTION TAKEN: \_\_\_\_\_

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

ACTION NEEDED: Motion to accept or reject all bids meeting specifications; and, if accepted, award the bid to Weatherproofing Technologies, Inc., in the amount of \$1,750,000 as the lowest and best bidder meeting specifications; approve Contract No. K-1011-149 and the performance, statutory, and maintenance bonds; authorize execution of the contract; direct the filing of the bonds; and adopt Resolution No. R-1011-119.

ACTION TAKEN: \_\_\_\_\_

**Attachments:** Bid tab Library - Bldg B.pdf

K-1011-149

Perf B-1011-84

Stat B-1011-85

MB-1011-88

R-1011-119

Purchase Req WTI

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

**ACTION NEEDED:** Motion to accept or reject all bids meeting specifications; and, if accepted, award the bid in the amount of \$183,517.06 to Rudy Construction Company as the lowest and best bidder meeting specifications; approve Contract No. K-1011-152 and the performance, statutory, and maintenance bonds; authorize execution of the contract; direct the filing of the bonds; and adopt Resolution No. R-1011-100.

**ACTION TAKEN:** \_\_\_\_\_

**Attachments:**    Bid Tab - Bid 1011-66  
                          K-1011-152  
                          Perf B-1011-89  
                          Stat B-1011-90  
                          MB-1011-90  
                          R-1011-100  
                          Location Map  
                          PR Rudy Construction

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

**ACTION NEEDED:** Acting as the Norman Utilities Authority, motion to accept or reject all bids meeting specifications; and, if accepted, award the bid to Badger Meter, Inc., and HD Supply Waterworks as the lowest and best bidders meeting specifications.

**ACTION TAKEN:** \_\_\_\_\_

**Attachments:**    Bid Tabulation Water Meters

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

ACTION NEEDED: Acting as the City Council and the Norman Utilities Authority, motion to accept or reject all bids meeting specifications; and, if accepted, award the bid to Central Contracting Services, Inc., in the amount of \$397,295; approve Contract No. K-1011-170 and the performance, statutory, and maintenance bonds; authorize execution of the contract; direct the filing of the bonds; adopt Resolution No. R-1011-113; and appropriate \$201,263 from the Capital Fund Balance, (050-0000-253.20-00) to Project No. TR0238, Robinson - 12th N.E., Utilities (050-9079-431.67-01) and \$158,918 from the Water Fund Balance, (031-0000-253-0000) to Project No. WA0157, Robinson/12th N.E. Water Line, Utilities (031-9552-462.67-01).

ACTION TAKEN: \_\_\_\_\_

**Attachments:**    Attachment A-Funding for Project

Bid List-Robinson & 12th

K-1011-170

PB B-1011-98

SB B-1011-99

MB-1011-96

R-1011-113

Purchase Req Central



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

ACTION NEEDED: Motion to approve or reject Limited License No. LL-1011-17 to place nine (9) ground banners within the public rights-of-way pursuant to a request from the United Way of Norman; and, if approved, authorize the issuance thereof.

ACTION TAKEN: \_\_\_\_\_

**Attachments:**    Application & Letter of Request United Way

List of locations United Way

United Way - Commuter Banners

- 20      K-0809-59      AMENDMENT NO. TWO TO CONTRACT NO. K-0809-59: BY AND  
         Amend 2      BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND  
                          ENGINEERING SERVICES AND TESTING INC., (EST) INCREASING  
                          THE CONTRACT AMOUNT BY \$5,000 TO MODIFY THE WATER  
                          LINE RELOCATION PLANS, SPECIFICATIONS, AND BID  
                          DOCUMENTS ASSOCIATED WITH THE 12TH AVENUE N.E. AND  
                          ROBINSON STREET INTERSECTION IMPROVEMENTS.

ACTION NEEDED: Motion to approve or reject Amendment No. Two to Contract No. K-0809-59 with EST, Inc., increasing the contract amount by \$5,000; and, if approved, authorize the execution thereof.

ACTION TAKEN: \_\_\_\_\_

**Attachments:**    EST Contract

EST-Requisition

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

ACTION NEEDED: Motion to approve or reject Contract No. K-1011-45 with Downey Construction Company, Inc., in the amount of \$43,860 and Maintenance Bond No. MB-1011-14; and, if approved, authorize execution of the contract, direct the filing of the bond, and adopt Resolution No. R-1011-21.

ACTION TAKEN: \_\_\_\_\_

- Attachments:    Tabulation of Quotes Reaves  
                          K-1011-45 & affidavits  
                          MB-1011-14  
                          R-1011-21  
                          Location map  
                          PR Downey

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

ACTION NEEDED: Motion to approve or reject Contract No. K-1011-171 with ODOT, adopt Resolution No. R-1011-121, and authorize execution of the contract and resolution.

ACTION TAKEN: \_\_\_\_\_

- Attachments:    Project Location Map  
                          Contract K-1011-171

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

ACTION NEEDED: Motion to approve or reject Contract No. K-1011-172 with ODOT, adopt Resolution No. R-1011-122, and authorize execution of the contract and resolution.

ACTION TAKEN: \_\_\_\_\_

Attachments:    K-1011-172  
                          Project Location Map

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

ACTION NEEDED: Motion to accept or reject an Urban Area Security Initiative Grant in the amount of \$237,240 from the Oklahoma Office of Homeland Security; and, if approved, approve Contract No. K-1011-173, authorize the execution thereof, and adopt Resolution No. R-1011-20.

ACTION TAKEN: \_\_\_\_\_

Attachments:    OKOHS 131-029 Agenda Packet.pdf  
                          List of equipment  
                          R-1011-20

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

ACTION NEEDED: Motion to adopt or reject Resolution No. R-1011-110.

ACTION TAKEN: \_\_\_\_\_

Attachments:    Attachment A to 5-10-11 Memo  
                          Attachment B R-1011-110  
                          R-1011-110

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

ACTION NEEDED: Motion to adopt or reject Resolution No. R-1011-123.

ACTION TAKEN: \_\_\_\_\_

Attachments:    R-1011-123  
                          2011 BH-2 Water Conservation Plan Update  
                          Pert Exc Oversight Minutes Water

**Non-Consent Items**

27      GID-1011-33

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

INFORMATION: The above-described item appears on City Council's agenda in order that the citizens of Norman might be afforded the opportunity for input concerning the proposed Fiscal Year Ending June 30, 2012, (FYE 2012) Budget. City Council held four study sessions and two budget retreats on the FYE 2012 budget documents. A copy of the public notice and the budget summary for FYE 2012 is included in the Agenda Book and a copy of the proposed FYE 12 budget has been previously distributed. A copy of the Norman Convention and Visitors Bureau FYE 12 Budget and Annual Management Plan is also included in the Agenda Book.

ACTION NEEDED: Motion to conduct a public hearing.

ACTION TAKEN: \_\_\_\_\_

ACTION NEEDED: Motion to close a public hearing.

ACTION TAKEN: \_\_\_\_\_

**Attachments:**    Legal Publication  
                              2012 Destination Management Plan.pdf

- 28      **GID-1011-34**      CONSIDERATION OF AN AMENDMENT TO THE APPROVED SITE PLAN SO AS TO ALLOW A SEASONAL SNOW CONE STAND FOR COSMIC SNOW CONES, L.L.C., TO BE LOCATED AT 1415 WEST MAIN STREET.

ACTION NEEDED: Motion to approve or reject the site plan amendment for 1415 West Main Street

ACTION TAKEN: \_\_\_\_\_

- Attachments:**    Location Map - Flowers  
                          Flowers Site Plan Staff Report  
                          Site Plan - Flowers  
                          Flowers Protest Area Map and Letters  
                          Flowers Minutes

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

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

ACTION TAKEN: \_\_\_\_\_

Attachments:    R-1011-82  
                          2681 Jefferson  
                          Jefferson Street 2025 Staff Report  
                          Jefferson Street Pre-D Summary  
                          Jefferson GES  
                          2-10-11 Jefferson Street Minutes  
                          Request for Postponement  
                          March 22 Minutes R-1011-82  
                          Please postpone to May 24 Council meeting.  
                          Pert. Exc. CC Minutes April 12, 2011 LUP  
                          June 14, 2011

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

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

ACTION TAKEN: \_\_\_\_\_

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

ACTION TAKEN: \_\_\_\_\_

Attachments:    O-1011-41 Jefferson  
                          Jefferson Street Location  
                          Jefferson Street Rezone Staff Report  
                          2-10-11 Jefferson Street Minutes  
                          Request for Postponement  
                          Pert Exc CC Minutes March 22 2011  
                          Please postpone to May 24 Council meeting.  
                          Pert Exc CC Minutes April 12, 2011  
                          *June 14, 2011*

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

ACTION NEEDED: Motion to adopt or reject Ordinance No. O-1011-07 upon Second Reading section by section.

ACTION TAKEN: \_\_\_\_\_

ACTION NEEDED: Motion to adopt or reject Ordinance No. O-1011-07 upon Final Reading as a whole.

ACTION TAKEN: \_\_\_\_\_

**Attachments:** O-1011-7

O-1011-7 Annotated

Pert Exc Oversight Sept 1 2010

Pert Exc Oversight October 13, 2010

Pert Exc Oversight Jan 5, 2011

Pert exc Oversight April 6 2011

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

ACTION NEEDED: Motion to adopt or reject Ordinance No. O-1011-53 upon Second Reading section by section.

ACTION TAKEN: \_\_\_\_\_

ACTION NEEDED: Motion to adopt or reject Ordinance No. O-1011-53 upon Final Reading as a whole.

ACTION TAKEN: \_\_\_\_\_

**Attachments:**    O-1011-53  
                          O-1011-53 Annotated  
                          Exhibit A to O-1011-53  
                          Ordinance Timeline updated April 22, 2011  
                          WQPZ Staff Report  
                          4-14-11 PC Minutes-WQPZOD  
                          April 8 PCDC Minutes  
                          March 8 Conference minutes  
                          February 11 PCDC Minutes

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

ACTION NEEDED: Motion to adopt or reject Ordinance No. O-1011-52 upon Second Reading section by section.

ACTION TAKEN: \_\_\_\_\_

ACTION NEEDED: Motion to adopt or reject Ordinance No. O-1011-52 upon Final Reading as a whole.

ACTION TAKEN: \_\_\_\_\_

- Attachments:   O-1011-52  
                           O-1011-52 Annotated  
                           O-1011-52 Timeline 5-11-11  
                           WQPZ Staff Report from PC meeting  
                           4-14-11 PC Minutes-WQPZOD  
                           April 8 PCDC Minutes  
                           March 8 Conference minutes  
                           February 11 PCDC Minutes

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

ACTION NEEDED: Motion to adopt or reject Resolution No. R-1011-120.

ACTION TAKEN: \_\_\_\_\_

- Attachments:   R-1011-120

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  
MAY 24, 2011**

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

**Item No. 3**

**File Number: GID-1011-32**

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**Introduced:** 5/12/2011 by Brenda Hall, City Clerk

**Current Status:** Consent Item

**Version:** 1

**Matter Type:** Minutes

Title

APPROVAL OF THE MINUTES AS FOLLOWS:

CITY COUNCIL STUDY SESSION MINUTES OF APRIL 26, 2011

CITY COUNCIL STUDY SESSION MINUTES OF MAY 3, 2011

CITY COUNCIL MINUTES OF MAY 10, 2011

NORMAN UTILITIES AUTHORITY MINUTES OF MAY 10, 2011

NORMAN MUNICIPAL AUTHORITY MINUTES OF MAY 10, 2011

NORMAN TAX INCREMENT FINANCE AUTHORITY MINUTES OF MAY 10, 2011

MEET AND GREET RECEPTION FOR POLICE CHIEF CANDIDATES MINUTES OF  
MAY 11, 2011

**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

April 26, 2011

The City Council of the City of Norman, Cleveland County, State of Oklahoma, met in a study session at 5:00 p.m. in the Municipal Building Conference Room on the 26th day of April, 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, Kovach, Mayor Rosenthal

TARDY: Councilmembers Dillingham, and Griffith

ABSENT: Councilmembers Ezzell, and Quinn

### STATUS REPORT FROM CAPITOL DECISIONS ON THEIR EFFORTS TO ADDRESS FUNDING ISSUES FOR THE CITY OF NORMAN.

Mr. J.R. Rescovac, Capitol Decisions, Inc., said Capitol Decisions (CDL) is a boutique sub-company that has a wide range of interests, mainly community development with a unique Oklahoma practice. He said CDL is planning ahead in addressing needs with the scarcity of earmarks. He said Mayor Rosenthal met with legislators in Washington, D.C., this spring regarding a wide range of City projects. He identified the most important projects as water infrastructure needs that fall under the Water Resources Development Act (WRDA) as follows:

- |   |                      |
|---|----------------------|
| ▪ Phase II of the Wastewater Treatment Plant Expansion  | \$21 million         |
| ▪ Water Storage Facility                                | \$2.5 million        |
| ▪ Water Treatment Plant Improvements                    | \$21 million         |
| ▪ Water Storage Facilities for Chromium/Arsenic Removal | \$40 to \$90 million |
| ▪ Strategic Water Supply Plan                           | \$300,000            |

Mr. Rescovac said Community Development Block Grant (CDBG) funding, which serves as a catalyst for financing housing infrastructure and economic development, is not an earmark and the adopted budget for FYE 11 cut funding by 16%. He said cities need to start now in requesting legislature maintain the level of funding with no cuts for FYE 12.

Mr. Rescovac said the City of Norman was successful in acquiring \$1 million from the Recovery and Reinvestment Act to build a Compressed Natural Gas (CNG) Fueling Station, which was trend setting and many Oklahoma communities are interested in how Norman was successful in obtaining that funding. He said CDL also helped the City of Norman acquire funds for alternative fuel projects.

Mr. Rescovac said cities need to protect their funding. He said the Highway Bill funds are protected by statutory authority so there will never be a cut in highway funds designated for cities.

CDL is working with the City of Norman's Public Safety Communication Center to acquire \$1 million to replace its current networking system for Computer Aided Dispatch (CAD).

CDL was able to procure a \$10 million authorization in 2007 for a wide variety of water related infrastructure projects in Norman, who was the largest municipality in the 2007 authorization bill. He said CDL is working with the Senate and Environment and Public Works Committee Staff to include statutory language that will drop low priority projects from the list of projects the Corps of Engineers has been using since 1992 to expedite funding for Norman's water infrastructure requirements. Mayor Rosenthal asked if there is an estimate of how many projects are no longer needed on that list and Mr. Rescovac said approximately 100 projects nationwide are no longer needed due to supplementary funding sources.

Mr. Rescovac said another major reauthorization bill, the Highway Reauthorization Bill, has been temporarily extended to September 30, 2011. He said CDL is working to include the State Highway 9 Widening and 12th Avenue East/Classen Boulevard Widening Projects into that bill. He said the last census placed Norman in the large urban area from small urban area and the University of Oklahoma's (OU) Cleveland Area Rapid Transit (CART) System will lose funding through Central Oklahoma Parking and Transit Authority (COPTA) in Oklahoma City and lose operational money as well. CDL is working to include statutory language to the bill designating Norman as a small urban area to allow continued federal transit funds of approximately \$1.3 million in operational funds to flow directly to CART. He said there are 26 to 28 other communities affected around the country and there is a coalition of Senators working to insure that the Federal Transit Authority (FTA) will grandfather these communities in at some point in the future. He said CART will not be affected until 2013 so there is time to get language added.

Mr. Rescovac said Norman's Chromium 6 issue made national news and Senator Inhofe reached out to CDL to ask if the City of Norman would be interested in sending a representative to Washington for testimony. CDL prepared the draft testimony, which was perfected by Norman Staff, and presented it to the Environmental Protection Working Group (EWG). He said Chromium 6 will become a huge issue and Erin Brockovich has already testified before the Committee. He said Senate Committee Staff has been keeping CDL and Norman updated on EWG activities and providing guidance. Mr. Rescovac said he will meet with Senate Staff after their recess and update the City Manager.

Mr. Rescovac talked about the budget environment and the need to protect funding cities have. He said there are no earmarks for FYE 12 so the City needs to submit Project Interest Forms, engage executive branch agencies, and use large authorization measures to obtain FTA funds.

Mr. Rescovac highlighted CDL's successes over the years and said continuing success rests on finding new creative ways to address the City's needs and objectives.

Mayor Rosenthal said the U.S. Conference of Mayors stated that the Federal Communication Commission (FCC) has decided to get into the business of telling cities how to regulate right-of-way and she feels this will be a huge issue that will require important tracking. Mr. Rescovac said CDL will try to get Norman a federal reference on the subject soon.

Items submitted for the record

1. PowerPoint presentation entitled, "The City of Norman, Oklahoma Federal Issues Briefing," April 26, 2011

DISCUSSION REGARDING THE FYE 2012 BUDGET, ENTERPRISE FUNDS.

Ms. Suzanne Krohmer, Budget Manager, said the Finance Department met with Council last week regarding the budget calendar and process. She said the Council Finance Committee began budget discussions in July 2010, and there has been a series of meetings since. She said tonight's discussion will be Enterprise Funds, next week discussion will be Capital Funds, a public hearing will be held on May 24, 2011, and consideration of budget adoption will be on Council's agenda for June 14, 2011.

Ms. Krohmer said Enterprise Funds are supposed to operate similarly to a business where the cost of providing the goods or services are recovered through user charges. She said the three main funds are water, wastewater, and sanitation. She said there are three sub funds of wastewater that consist of sewer maintenance, new development excise, and sewer sales tax.

Ms. Krohmer highlighted water production statistics. She said the City produces over 4.5 billion gallons of water annually, has over 530 miles of waterlines, and the Water Treatment Plant (WTP) operates 24 hours per day, 365 days a year. She said projected revenue growth assumptions for FYE 12 user fees are 6.5% over last years budget with 3% assumed customer growth based on historical average and a 3.5% across the board rate increase.

Ms. Krohmer discussed water rates and said in 1999 citizens approved the inverted rate block structure for conservation efforts and in 2006; voters approved a water rate increase. The current budget assumes a 3.5% annual rate increase. She said Norman has the lowest water rate compared to other communities.

Ms. Krohmer highlighted the Water Fund expenditure assumptions and said the \$1.2 million is budgeted for Central Oklahoma Master Conservancy District (COMCD) and \$262,845 for fleet related replacement purchases. She said the FYE 12 ending fund balance with proposed amendments is \$5,798,110 leaving a reserve deficit of over \$1 million. Ms. Krohmer said the Water Fund has an operating reserve of 8% with a capital reserve that equates to an annual of the next five years project plan. She said major water projects scheduled in FYE 12 are as follows:

▪ Water line replacements	\$1,068,800
▪ 24" new water line - 24th Avenue S.W. and Jenkins	\$2,346,839
▪ Continued painting of Boyd elevated Storage Tank	\$ 100,000
▪ New water storage tank – S.W. or S.E. Norman	\$ 2,700,00
▪ Water Master Plan update	\$ 300,000

FYE 12 amendments include \$267,000 for a high-pressure plane upgrade and an additional \$1,002,161 for the 24" water line at 24th Avenue S.W. and Jenkins. Future projects include the Phase II, Water Treatment Plant design in FYE 12 and construction in FYE 13 and a Strategic Water Supply Plan S.E. Oklahoma Solution.

Councilmember Kovach said 24th Avenue and Jenkins runs along Highway 9 and asked about the reason for the increase. Mr. Ken Komiske, Director of Utilities, said the project's projected cost was \$3.4 million and as total funds were not available, the City backed out of portions of the project to cut costs. Councilmember Kovach asked if the Oklahoma Department of Transportation (ODOT) widened Highway 9, would that interfere with the location of the new line. Mr. Komiske said ODOT does not want the City using their right-of-way (ROW) so the City would have to acquire ROW from approximately 80 homeowners forcing the City to relocate the line or try to convince ODOT to allow the use of their ROW. Mayor Rosenthal asked if the ROW in question is the part the City was delegated to take over mowing and Mr. Komiske said yes. Councilmember Atkins said if ODOT does not agree to the ROW use, does the City have to re-engineer the water line and Mr. Komiske said yes, the City would have to choose another location as it would be almost impossible to acquire all the easements necessary. Councilmember Atkins asked the estimated cost of re-engineering the project and Mr. Steve Lewis, City Manager, said the City is still consulting with ODOT and felt it premature to think it will not happen.

Mayor Rosenthal asked if the Phase II, Water Treatment Plant design was constructed for personal care products and pharmaceuticals and Mr. Komiske said yes, as well as ozone and manufacturing chlorine.

Councilmember Kovach asked what would be included in the fleet related purchases and Mr. Komiske said \$130,000 for a dump truck for the Line Maintenance Division as well as a couple of smaller pickup trucks.

Ms. Krohmer said major revenue assumptions for the Sanitation Fund include a 3% growth rate per year. She said a sanitation rate increase was approved by voters on March 1, 2011, and became effective April 1, 2011. She said user fees are now \$14.00 per month with an additional \$3.00 per month curbside recycling fee and on June 1, 2011, a \$1.00 increase is proposed for additional polycarts bringing the fee to \$16.00. She said, as with water, Norman's sanitation rates are one of the lowest compared to other communities.

Ms. Krohmer said sanitation expenditure assumptions are \$461,500 for capital improvements, which include a Container Maintenance Facility and a proposed, temporary east side drop off recycling center, \$905,560 for fleet related replacement purchases (CNG trucks), and \$1,820,034 for landfill tipping fees. She said it also assumes an ending fund balance of \$1,822,654 with a targeted fund balance of \$2,430,394 and a projected reserve deficit of \$607,000, which would not meet policy.

Mayor Rosenthal asked if the Container Maintenance Facility was planned in order for the City to provide curbside recycling service instead of contracting the service and Mr. Komiske said yes, but it would come at a cost even though it would bring in another revenue stream. He said, due to costs, the City would not be able to provide a complete Materials Recovery Facility (MRF) to recycle glass, aluminum, metals, etc. Councilmember Cubberley said the City is going through the recycling service rebidding process and should think about whether or not the City wants to bid on that contract and should look at the cost benefits in terms of doing a stand alone MRF as well as total costs and Mr. Komiske agreed. Councilmember Atkins asked if the contract required reauthorization of the voters and Mayor Rosenthal said no, not unless the rates change.

Councilmember Griffith asked if the bulky pickup option would use a dump truck with the articulate arm and if that is still the number one option being considered. Mr. Komiske said yes, Staff is still reviewing that as a viable option. Councilmember Griffith asked the estimated cost of the truck and Mr. Komiske said the bulk clean up cost is approximately \$140,000 and the value of the truck is at least that plus cost of time and labor. He said the City would amortize the cost of the truck over a five year period then review whether or not service levels can be maintained or improved. Councilmember Griffith said he thought purchasing the truck would save money due to the need for less personnel and overtime. Mr. Komiske said it is not so much about saving money, but providing better customer service. He said instead of having a single Saturday in one month to place bulk items on the curb, bulk pickup would give the customer the option to choose a day in a three month period. Councilmember Kovach felt constituents preferred Spring and Fall cleanup. He asked if the \$905,000 for fleet purchases included the purchase two CNG trucks and Ms. Krohmer said yes. Mayor Rosenthal reminded everyone CNG is \$1.39 per gallon right now.

Future sanitation actions include review of bulky pickup options, beginning initial planning or rebidding of a curbside recycling services contract, and alley pickup route optimization.

Ms. Krohmer highlighted major revenue assumptions for the Wastewater Fund and said rates have not been raised in 15 years. She said the current base rate is \$3.90 and \$1.60 per 1,000 gallons of treated wastewater. She said in October of 2001, an additional \$5.00 fee was added for sewer maintenance and user fee revenues for FYE 12 are budgeted at a projected 4.7% decrease from FYE 11. She said the City's wastewater rates are low compared to other communities.

Ms. Krohmer said expenditure assumptions for the Wastewater Fund are recommended by the Finance Committee and approved by Council. She said last year Council increased the transfer from the General Fund for right-of-way usage from 2% to 5% and that assumption continues.

Ms. Krohmer said the main source of revenues for the Sewer Maintenance Fund is the \$5.00 per month fee on the monthly utility bills and the fifty cent per month capital improvement charge. She said major projects in FYE 12 consist of \$2,511,500 in sewer line replacements and all sewer maintenance rate projects must be on a pay-as-you-go basis.

Ms. Krohmer said the main source of revenue for the New Development Excise Tax Fund is derived from new construction project building permits based on square footage. She said revenues have been decreasing since FYE 06 due to an economic slow down of new construction. Councilmember Kovach asked how the Development Excise Tax Fund was enacted and Mr. Anthony Francisco, Director of Finance, said it was enacted as part of the combination of a Citizen's Wastewater Oversight Committee's recommendations on how to finance inflow and infiltration problems in wastewater lines causing wastewater surcharges. Councilmember Kovach asked if there had been any discussion on an impact fee for future water needs and Mr. Francisco said there was discussion in 2006, regarding the connection fee that "sort of" addresses that. Councilmember Cubberley asked how many miles of sewer lines have been replaced in the last six to seven years and Mr. Mark Daniels, Utilities Engineer, said an average of 20,000 to 25,000 per year.

Ms. Krohmer said projected revenues for the New Development Excise Tax Fund for FYE 12 are \$2,000,000 consisting of \$1,600,000 from residential projects and \$400,000 from commercial projects. The FYE 12 Budget also includes \$11,674,521 for the WWTP Phase II Expansion Project.

Ms. Krohmer said the Sewer Sales Tax Fund was funded with a temporary 1/2% sales tax implemented on October 1, 2001, and ended September 30, 2006. She said the WWTP Improvement Project in the amount of \$1,342,479 is budgeted for FYE 12.

Mayor Rosenthal said Staff has been working on costs associated with the Stormwater Utility and there had been a question as to whether the Norman Utilities Authority (NUA) provided a legal framework for stormwater and asked Mr. Lewis to speak about that. Mr. Lewis said the Finance Committee discussed the stormwater utility and whether the NUA Trust Indenture was broad enough to encompass all the stormwater related projects including creek maintenance, drainage easement acquisition, etc. He said, based upon input from legal and bond counsel, the current trust indenture is broad enough to incorporate a stormwater utility.

Councilmember Butler noted that the 2011 Energy Project indicates electrical consumption at aeration basins will be reduced by 35% in the first year of operation. Mr. Komiske said the project was funded in part by a Department of Energy grant and the motors have been delivered but not installed, but pre-electrical work is done.

Mr. Daniels said another wastewater project in the amount of \$7.6 million is Lift Station D and pumps are scheduled for delivery in June 2011.

Mayor Rosenthal said one project that is complete is the Griffin Park Pond Irrigation System Project. Mr. Komiske said, previously, Griffin Park, one of the largest parks with ball fields, used potable water to water ball fields and was using the most water. He said the pond was constructed to serve as the irrigation system for the ball fields and the City also used a well that was not storing potable water to fill the pond. He said this will be the first summer the irrigation system will be used with 2,000 to 3,000 gallons of water per day coming from the pond. Councilmember Cubberley asked how many gallons of non-potable water are being saved at the WWTP and Mr. Komiske said approximately 400,000 gallons per day. Mr. Lewis said the Griffin Park savings is almost identical to savings at the Westwood Golf Course. Mayor Rosenthal said Staff has done a great job on setting a standard for water conservation.

Councilmember Kovach asked about the Sanitation Fund and said Staff discussed using a pilot study area for placing polycart service from alleys to the street and asked if the pilot program had started. Mr. Komiske said there are a few alleys in the central parts of Norman where moving the polycarts from the alley is not feasible so Staff is taking a closer look at individual neighborhoods. Councilmember Kovach said, in areas where it is not feasible, has Staff notified those citizens to place polycarts back in the alleys and Mr. Komiske said no notices were ever sent requesting customers relocate their polycarts. He said when a pilot area is selected, the neighborhood will be notified, and neighborhood meetings held for input from the customers. He said for areas not feasible, customers will be asked to place polycarts on the non-utility side of the alley, which will be a benefit to all.

Items submitted for the record

1. PowerPoint presentation entitled, "City Council Fiscal Year 2011-2012 Budget Study Session Enterprise Funds," dated April 26, 2011

The meeting adjourned at 6:10 p.m.

ATTEST:

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City Clerk

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Mayor

## CITY COUNCIL STUDY SESSION MINUTES

May 3, 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 3rd day of May, 2011, and notice and agenda of the meeting were posted at the Municipal Building at 201 West Gray, and the Norman Public Library at 225 North Webster 48 hours prior to the beginning of the meeting.

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

ABSENT: None

### DISCUSSION REGARDING THE FYE 2012 BUDGET – CAPITAL FUND.

Mr. Steve Lewis, City Manager, said tonight's presentation will include the FYE 2012 Capital Improvement Plan (CIP) Budget and felt it is important to remember the CIP is the management plan and process for City facilities. He said the CIP projects often take two to four years to complete and the CIP represents the multi-year scheduling of public infrastructure improvements and expansion.

Ms. Linda Price, Revitalization Manager, said the FYE 2012 Plan Budget includes FYE 2013 – 2016 Capital Improvements Plan (CIP) and said the benefits of adopting a Plan include:

- Offers vital link between the Comprehensive Land Use and Transportation Plan (2025 LUP) and the actual construction of public improvements to support the Plan
- Ensures that plans for community facilities are carried out
- Improves coordination and scheduling of public improvements that require more than one year to construct
- Provides an opportunity for residents and community interest groups to participate in decisions that impact their quality of life
- Acts as a public information document to advise residents of how the City plans to address significant capital needs over the next five years
- CIP is a flexible plan that can be altered as conditions, funding, priorities, and regulations change
- Each year projects are reassessed for financial feasibility, environmental impact, conformance to previously adopted plans, and priorities from citizen input processes

The Capital Budget includes the following 14 Funds with fund summaries, project tables and detailed project forms:

- |                                   |   |
|-----------------------------------|---|
| ▪ Special Grants Fund             | ▪ Sewer Sales Tax Capital Fund            |
| ▪ Campus Corner TIF Fund          | ▪ Sanitation Fund                         |
| ▪ Westwood Fund                   | ▪ Capital Fund                            |
| ▪ Water Fund                      | ▪ Park Land and Development Fund          |
| ▪ Wastewater Fund                 | ▪ Hall Park Fund                          |
| ▪ Sewer Maintenance Fund          | ▪ University North Park TIF District Fund |
| ▪ New Development Excise Tax Fund | ▪ Arterial Road Recoupment Fund           |

Sewer Excise Tax is the largest source of funds for the FYE 2012 Capital Budget at 27.41% or \$11,674,521, and following closely is the Capital Sales Tax at 26.90% or \$11,456,538. Other sources of funds for the FYE 2012 Capital Budget include General Obligation Bond (16.39%); User Fees (11.03%); Sales Tax TIF (7.99%); Sewer Maintenance Rate (5.40%); Capital Improvements Charge (4.08%); Sewer Replacement Charge (0.54%); Grant (0.17%); Community Park Fee (0.08%); and Private (0.02%).

Expenditures in the Capital Budget total \$43,599,256 and are categorized as follows:

▪ Capital Outlay	\$ 2,895,912	6.64%
▪ Services and Maintenance	\$ 16,375	0.04%
▪ Maintenance of Existing Facilities	\$ 678,050	1.56%
▪ Personnel	\$ 833,497	1.91%
▪ Street Maintenance	\$ 1,511,240	3.47%
▪ Transportation	\$ 9,089,231	20.85%
▪ Buildings and Grounds	\$ 2,857,500	6.55%
▪ Parks and Recreation	\$ 385,000	0.88%
▪ Sanitation	\$ 461,500	1.06%
▪ Wastewater	\$16,165,000	37.08%
▪ Water	<u>\$ 8,705,951</u>	<u>19.97%</u>
TOTAL	\$43,599,256	100.00%

The proposed FYE 2012 Capital Fund Budget is \$13,984,070 and the Capital Fund expenditures by category include Capital Outlay, Street Maintenance, Maintenance of Existing Facilities, Other Capital Projects, Salaries and Benefits, Transfers, and Bond Projects.

Since FYE 2009, Staff has updated Council on projects related to intense construction on streets, bridges, signalization, traffic calming, sidewalks, and trails by both the City and Oklahoma Department of Transportation (ODOT). Ms. Price said these projects have a large impact on the public and provided an overview of the status of the 2005 General Obligation (GO) Bond projects as follows:

**Proposition 1:**

- Duffy Railroad Crossing and Realignment – complete
- Robinson Street Underpass – construction began in June 2010; Flood Avenue south of Robinson is underway; excavation and temporary railroad bridge under construction; and expected completion scheduled for December 2011.

**Proposition 2:**

- Main Street and 36<sup>th</sup> Avenue N.W. Signal and Intersection Improvement - complete
- 24<sup>th</sup> Avenue S.E., Imhoff Road to Lindsey Street widening – complete
- Lindsey Street: Oakhurst Avenue to 24<sup>th</sup> Avenue S.E. widening – complete
- Main Street: Carter Avenue to 12<sup>th</sup> Avenue N.E. widening – complete
- Rock Creek Road: Porter Avenue to Queenston Avenue widening – complete
- Jenkins Avenue and Imhoff Road Signal – complete
- Lindsey Street: Jenkins Avenue to Classen Boulevard widening – Bid awarded May 2, 2011, and construction to begin as early as May 16, 2011, to be completed before school resumes in August 2011. Lindsey Street will only be allowed to be closed for a maximum of 28 days to complete bridge work.

**Proposition 3:**

Rural Road Improvements:

- Post Oak Road: 108<sup>th</sup> Avenue S.E. to 132<sup>nd</sup> Avenue S.E. – complete
- 132<sup>nd</sup> Avenue S.E.: Post Oak Road to Cedar Lane – complete
- Tecumseh Road: 156<sup>th</sup> Avenue S.E. to 168<sup>th</sup> Avenue S.E. – complete

Street Maintenance – Urban Asphalt and Urban Concrete:

- Overall 99% complete; 99% of year five complete in both the Urban Asphalt category and Urban Concrete category.

**Proposition 4:**

- Fire Station 3 relocation – complete

Ms. Price provided a status update for the 2010 G.O. Bond Projects as follows:

**Proposition 1:**

- Street Maintenance – Year one/2010 - \$3,794,333
  - Urban Asphalt Pavement – to start May 15, 2011
  - Urban Concrete Pavement – started April 11, 2011, and is 15% complete
  - Rural Road Reconstruction – City/County and is 50% complete
  - Road Reconstruction – FYE 2011 and FYE 2012 required additional engineering and will bid in July

**Proposition 2:**

- Outdoor Emergency Warning System - complete

Ms. Price said there are a number of impact projects currently underway and highlighted those projects as follows:

**Underway:**

- Fire Station No. 8 construction
- Rock Creek Road Overpass
- Robinson Street Underpass
- Roofs, HVAC and Lighting in Municipal Buildings
- Hall Park Dam Repair – plans have been prepared and Staff waiting for Oklahoma Water Resource Board (OWRB) approval to ensure the City is in compliance with mandates
- State Highway 9 Multi-modal Path and State Highway 9 Widening from 24th Avenue S.E. to 84th Avenue S.E.
- Compressed Natural Gas Facility – Bid(s) accepted on equipment and Phase 2 will bid June or July
- Lindsey Street: Jenkins Avenue to Classen Boulevard reconstruction
- 60th Avenue N.W.: Tecumseh Road to Indian Hills Road Widening
- Infrastructure improvements related to Cleveland County Detention Facility
- Robinson Street and I-35 N.E. ramp

**Upcoming:**

- Robinson Street and 12th Avenue N.E. signal and intersection improvements
- Classen Boulevard and Imhoff Road intersection improvements and signalization
- Interstate 35: Main Street to Canadian River Bridge (ODOT project)
- Fire Station No. 9

Residential area projects include residential street overlay and reconstruction projects; sidewalks; accessibility modifications; new neighborhood park development; and playground equipment upgrades in neighborhood parks.

Project assumptions included in the FYE 2012 Capital Budget include: FYE 2011 decreases street rehabilitation by using GO Bond 2005 funds in the amount of \$780,492; FYE 2012 decreases asphalt street rehabilitation by using GO Bond 2005 funds and Association of Central Oklahoma Governments (ACOG) funds in the amount of \$644,425; postponements of recreation center interior renovations, 24<sup>th</sup> Avenue S.E. widening from Lindsey Street to Alameda Street, and a Fire apparatus/equipment storage building for a total savings of \$1,160,000; and deletion of funding for one year for traffic calming; miscellaneous drainage maintenance projects; drainage construction projects; and greenbelt acquisition projects for a total savings of \$505,000.

Proposed new infrastructure projects include Fire Station No. 6 restoration and repairs (\$20,000); Senior Citizen Center elevator compliance upgrades (\$10,000); Westwood Tennis Center HVAC replacement (\$6,000); Police Communications Uninterrupted Power Supply (UPS) replacement and upgrade (\$78,750); Police Safety Range wall repair (\$12,000); Fleet Maintenance backup generator (\$35,000); Kennedy Safe Route to School match (\$37,500); Legacy Trail multi-modal path extension (\$70,000); Roadway lighting on Jenkins Avenue, State Highway 9, and Constitution Street (\$10,000); Little Axe Center improvements (\$60,000); trail replacement in Hall Park greenbelt (\$80,000); and Transportation Master Plan Scoping Survey (\$30,000).

Other projects in the Capital Improvements Plan (CIP) include the maintenance of existing facilities, i.e., Police Communications, Sooner Theatre, Smalley Center, and Library Lighting; improvements to neighborhood parks; and sidewalk and accessibility projects. Ms. Price provided an update on the Smalley Center and stated the Army is waiting for guidance from the Nuclear Regulatory Commission (NRC) so they can proceed with radiological clearance and assessment on the brack sites. Councilmember Kovach asked how long the process will take once the guidance is received from the NRC and Ms. Price said Staff asked but were not given a timeframe.

Mayor Rosenthal asked whether the funds released as a result of the March 1, 2011, election authorizing to unlock certain Parkland fees for parks development are currently in the CIP and Mr. Jud Foster, Director of Parks and Recreations, said the funds are not currently in the CIP. Mayor Rosenthal asked the process for determining which parkland funds will be allocated first and Mr. Foster said a public input process will be conducted on a site by site, neighborhood by neighborhood, basis. Councilmember Kovach requested Staff to issue a press release providing information to citizens as to the subdivisions and area park(s) that have collected parkland fees but said fees have not been spent to date.

Ms. Price highlighted federal funds received between FYE 2007 and 2011, as well as those anticipated for Norman for Federal Fiscal Years 2012 and 2013. She said project readiness is critical in the score of the project and although Norman did fairly well in this process, we did not do as well as prior years due to the lack of funding for engineering design, right-of-way acquisition, and utility relocations. Ms. Price said when projects are “bumped out” it lowers the City’s ability to have readiness points and by moving projects, i.e., 24<sup>th</sup> Avenue S.E. and Porter Avenue Projects, etc., it will make a significant impact in the amount of Federal funds the City may receive.

In February Staff suggested options that would allow the City to get back into the position of obtaining readiness points because the Capital Budget does not have enough resources to complete some of the larger projects. Staff proposed a GO Bond funding option to include 24<sup>th</sup> Avenue S.E., from Lindsey Street to Robinson Street; 36<sup>th</sup> Avenue N.W., from Tecumseh Road to Franklin Road; Cedar Lane from 12<sup>th</sup> Avenue S.E. to Classen Boulevard; Franklin Bridge, one half mile west of 12<sup>th</sup> Avenue N.W.; Main Street Bridge, one half mile west of 36<sup>th</sup> Avenue; and West Lindsey roadway and drainage improvements from Interstate 35 to Berry Road.

GO Bond funding would provide several advantages to include:

- Projects would be supplemented with federal transportation funds, developer fee, and recoupment fee in excess of fifty percent.
- Could meet needs more quickly on major corridors.
- Project costs in excess of \$31,000,000 with City share at \$15,000,000 for first five projects; Lindsey Street costs would be \$10 million to \$20 million.

Councilmember Ezzell asked Staff to give more information about the trail replacement in Hall Park and Ms. Price said utility companies are doing a lot of utility work in the area and the greenbelt in this particular location needed to be replaced. The City is using this opportune time, while utility companies have already cleared out the area, to re-do the trail at the same time. Mr. Foster said the trail is a pre-existing concrete walkway in Hall Park that badly deteriorated over the years and a new walkway is being proposed. Councilmember Kovach asked the status of Fire Station No. 9 bid opening and Mr. James Fullingim, Fire Chief, said a preliminary site design is being reviewed by Staff and will be given to the City Manager later this week for final approval.

Councilmember Kovach said if the Smalley Center is going to be delayed for another 10 -12 months the City may have the opportunity to do some of the initial projects that were pushed back. Ms. Price said she could not answer for certain but felt City Staff will receive information from the Army and/or NRC before the FYE 2012 Budget is adopted. Councilmember Kovach suggested Staff have alternatives ready should the Smalley Center be delayed and Mr. Lewis said Staff will prepare alternatives for Council.

Councilmember Kovach asked whether the Transportation Master Plan (TMP) will be in place to <sup>assist</sup> with the implementation of the potential Lindsey Street Project and Mayor Rosenthal felt both the TMP and Lindsey Street

Project should be proceeding along because of the technical planning but also the consensus building process that needs to take place. She felt the TMP and Lindsey Street Project may not necessarily proceed sequentially, but rather in parallel to one another. Councilmember Kovach wondered if the technical planning for the Lindsey Street Project should be prepared this year since the scoping process for the TMP will be done this year and the TMP is proposed for 2012. Mr. Shawn O'Leary, Director of Public Works, felt the Lindsey Street Project will not begin until 2015 and the engineering for the project will take 18 months to two years.

Mayor Rosenthal said the Citizen's Public Safety Oversight Committee (CPSOC) recommended Staff look at additional fire station sites and asked Staff to elaborate on those discussions, as well as other public safety capital needs that are not listed in FYE 2012 Budget. Mr. Lewis said when the Public Safety Sales Tax (PSST) was approved by the voters, there was a provision that stated if excess funds were generated over the life of the PSST those funds could be used for other purposes and specific criteria was placed in the ordinance as to how those funds could be used. He said the CPSOC encouraged Staff to look at acquiring sites for future fire stations and they also included the recommendation in the CPSOC annual report to Council. Mr. Lewis said Staff is currently working with the CPSOC on capital needs, i.e., Computer Aided Dispatch (CAD) System Upgrade and major apparatus for the Fire Department, etc., should the funds become available. He said as part of the discussion process, Staff has tried to impress upon CPSOC these funds are preferred to be used for one-time capital expenses such as land and equipment. Mayor Rosenthal asked whether Staff should be looking at alternative capital projects that would be appropriate as well as looking how to determine how much fund balance is needed to finish PSST projects. Councilmember Butler agreed and said she supported the one-time expenditure(s) for the PSST capital needs.

Councilmember Kovach asked whether Staff has been looking at acquiring fire apparatus to accommodate taller facilities being constructed in Norman and Chief Fullingim said proposed future fire apparatus needs include the replacement of fire truck with an 85 foot ladder. Councilmember Cubberley said because the PSST is a temporary tax he felt there is need for a transition fund if authorization is not given to continue the PSST and Council agreed. Mayor Rosenthal requested Staff prepare potential revenue scenarios for future meeting as well as priority projects (possibly the presentation Staff will be giving to the CPSOC).

Councilmember Kovach suggested the Traffic Calming Program be changed to assessment districts on a neighborhood basis and would rather use the money for sidewalk improvements and police patrol. Councilmember Cubberley said even with the extra police officers hired due to the PSST, there are still not enough officers to be everywhere to keep traffic from speeding. He felt the Traffic Calming Program is still needed and Mayor Rosenthal felt Council should look at a holistic approach for traffic calming. Councilmember Cubberley said public safety needs should be in an un-programmed category so that it would help Council to prioritize issues.

Items submitted for the record

1. Memorandum dated April 28, 2011, from Ms. Linda R. Price, Revitalization Manager, to Honorable Mayor and Council Members
2. Capital Fund Summary - Fund 50 Update from FYE 2012 Annual Budget
3. PowerPoint Presentation entitled, "FYE 2012 Capital Improvement Projects Budget and FYE 2013 - 2016 Capital Improvements Plan (CIP)"
4. Traffic Congestion Mitigation Projects (FYE 2012 - 2016)

The meeting adjourned at 6:40 p.m.

ATTEST:

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

May 10, 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 10th day of May, 2011, at 6:30 p.m., and notice and agenda of the meeting were posted at the Municipal Building at 201 West Gray and at the Norman Public Library at 225 North Webster 24 hours prior to the beginning of the meeting.

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

ABSENT: Councilmember Quinn

The Pledge of Allegiance was led by Mayor Rosenthal.

\* \* \* \* \*

AWARDS AND PRESENTATIONS

Item 3, being:

CONFIRMATION OF NOMINEES TO THE NORMAN YOUTH COUNCIL.

Gary Cox	Mir Ghouri	Drew Mullinex
Ryan Domstead	Trevor Herrian	Dustin Mullinex
Ann Estes	Ellie Johnson	Payton Phillips
Manon Fisher	Caroline Lott	Paige Portwood
Holly Forsyth	Sarah McKenzie	Caleb Sturtz
Jordan Franks	Jefferson McKnight	Margaret Vittitow
Autumn Fryar	Albert Odell-Miller	Karey Whittier
	Steven Mudd	

Councilmember Griffith moved that the nominees to the Norman Youth Council be confirmed, which motion was duly seconded by Councilmember Atkins;

Items submitted for the record

1. Text File No. AP-1011-20 dated April 14, 2011
2. Children's Rights Coordinating Commission minutes of April 11, 2011

Participants in discussion

1. The Mayor confirmed the nominations of the Norman Youth Council and thanked those who were in attendance this evening

and the question being upon confirming the nominees to the Norman Youth Council, a vote was taken with the following result:

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

NAYES: None

The Mayor declared the motion carried and the nominees to the Norman Youth Council were confirmed.

\* \* \* \* \*

Item 4, being:

PROCLAMATION NO. P-1011-17: A PROCLAMATION OF THE MAYOR OF THE CITY OF NORMAN, OKLAHOMA, PROCLAIMING FRIDAY, MAY 20, 2011, AS BIKE TO WORK DAY IN THE CITY OF NORMAN.

Councilmember Kovach moved that receipt of Proclamation No. P-1011-17 proclaiming Friday, May 20, 2011, as Bike-to-Work Day in the City of Norman be acknowledged and the filing thereof be directed, which motion was duly seconded by Councilmember Butler;

Items submitted for the record

- 1. Text File No. P-1011-17 dated April 26, 2011, by James Briggs, Park Planner
- 2. Proclamation No. P-1011-17

Participants in discussion

- 1. Ms. Sara Reichardt, Chairman of the Bicycle Advisory Committee, accepted the proclamation and thanked the Council

and the question being upon acknowledging receipt of Proclamation No. P-1011-17 proclaiming Friday, May 20, 2011, as Bike-to-Work Day 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, Mayor Rosenthal
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NAYES:	None
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The Mayor declared the motion carried and receipt of Proclamation No. P-1011-17 proclaiming Friday, May 20, 2011, as Bike-to-Work Day in the City of Norman acknowledged; and the filing thereof was directed.

\* \* \* \* \*

Item 5, being:

PROCLAMATION NO. P-1011-18: A PROCLAMATION OF THE MAYOR OF THE CITY OF NORMAN, OKLAHOMA, PROCLAIMING THE WEEK OF MAY 15 THROUGH 21, 2011, AS EMERGENCY MEDICAL SERVICES WEEK IN THE CITY OF NORMAN.

Councilmember Kovach moved that receipt of Proclamation No. P-1011-18 proclaiming the week of May 15 through 21, 2010, as Emergency Medical Services Week 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-1011-18 dated April 26, 2011
- 2. Proclamation No. P-1011-18

Participants in discussion

- 1. Dr. Pat Cody, Norman Regional Health Systems Emergency Room Physician, and Mr. Eddie Simms, Chief/Manager of EMSTAT, Norman Regional Hospital, accepted the proclamation and thanked the Council

and the question being upon acknowledging receipt of Proclamation No. P-1011-18 proclaiming the week of May 15 through 21, 2011, as Emergency Medical Services Week in the City of Norman and upon the subsequent directive, a vote was taken with the following result:

YEAS:	Councilmembers Atkins, Butler, Cubberley, Dillingham, Ezzell, Griffith, Kovach, Mayor Rosenthal
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NAYES:	None
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The Mayor declared the motion carried and receipt of Proclamation No. P-1011-18 proclaiming the week of May 15 through 21, 2011, as Emergency Medical Services Week in the City of Norman acknowledged; and the filing thereof was directed.

\* \* \* \* \*

Item 6, being:

PROCLAMATION NO. P-1011-19: A PROCLAMATION OF THE MAYOR OF THE CITY OF NORMAN, OKLAHOMA, PROCLAIMING THE WEEK OF MAY 8 THROUGH 14, 2011, AS NATIONAL TRAVEL AND TOURISM WEEK IN THE CITY OF NORMAN.

Councilmember Dillingham moved that receipt of Proclamation No. P-1011-19 proclaiming the week of May 8 through 14, 2011, as National Travel and Tourism Week in the City of Norman be acknowledged and the filing thereof be directed, which motion was duly seconded by Councilmember Kovach;

Items submitted for the record

- 1. Text File No. P-1011-19 dated April 26, 2011
- 2. Proclamation No. P-1011-19

Participants in discussion

- 1. Mr. Stephen Koranda, Executive Director of the Norman Convention and Visitors Bureau, accepted the proclamation and thanked the Council
- 2. Mr. Roger Gallagher, 1522 East Boyd Street, asked questions

and the question being upon acknowledging receipt of Proclamation No P-1011-19 proclaiming the week of May 8 through 14, 2011, as National Travel and Tourism Week in the City of Norman and upon the subsequent directive, a vote was taken with the following result:

YEAS:	Councilmembers Atkins, Butler, Cubberley, Dillingham, Ezzell, Griffith, Kovach, Mayor Rosenthal
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NAYES:	None
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The Mayor declared the motion carried and receipt of Proclamation No. P-1011-19 proclaiming the week of May 8 through 14, 2011, as National Travel and Tourism Week in the City of Norman acknowledged; and the filing thereof was directed.

\* \* \* \* \*

Item 6A, being:

PROCLAMATION NO. P-1011-21: A PROCLAMATION OF THE MAYOR OF THE CITY OF NORMAN, OKLAHOMA, PROCLAIMING SUNDAY, MAY 15, 2011, AS PEACE OFFICERS' MEMORIAL DAY AND THE WEEK OF MAY 15 THROUGH 21, 2011, AS NATIONAL POLICE WEEK IN THE CITY OF NORMAN.

Councilmember Kovach moved that receipt of Proclamation No. P-1011-21 proclaiming Sunday, May 15, 2011, as Peace Officers' Memorial Day and the week of May 15 through 21, 2011, as National Police Week 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-1011-21 dated May 8, 2011
- 2. Proclamation No. P-1011-21

Participants in discussion

- 1. Mr. Phil Cotten, Police Chief, accepted the proclamation and thanked the Council

and the question being upon acknowledging receipt of Proclamation No P-1011-21 proclaiming Sunday, May 15, 2011, as Peace Officers' Memorial Day and the week of May 15 through 21, 2011, as National Police Week in the City of Norman and upon the subsequent directive, a vote was taken with the following result:

YEAS:	Councilmembers Atkins, Butler, Cubberley, Dillingham, Ezzell, Griffith, Kovach, Mayor Rosenthal
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NAYES:	None
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The Mayor declared the motion carried and receipt of Proclamation No. P-1011-21 proclaiming Sunday, May 15, 2011, as Peace Officers' Memorial Day and the week of May 15 through 21, 2011, as National Police Week in the City of Norman acknowledged; and the filing thereof was directed.

\* \* \* \* \*

Item 7, being:

CONSENT DOCKET

Councilmember Kovach moved that Item 8 through Item 20 excluding Item 10 be placed on the consent docket by unanimous vote, which motion was duly seconded by Councilmember Griffith and the question being upon the placement on the consent docket by unanimous vote of Item 8 through Item 20 excluding Item 10, a vote was taken with the following result:

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

The Mayor declared the motion carried and Item 8 through Item 20 excluding Item 10 were placed on the consent docket by unanimous vote.

\* \* \* \* \*

Item 8, being:

- CITY COUNCIL STUDY SESSION MINUTES OF APRIL 10, 2011
- CITY COUNCIL FINANCE COMMITTEE MEETING OF APRIL 20, 2011
- CITY COUNCIL MINUTES OF APRIL 26, 2011
- NORMAN UTILITIES AUTHORITY MINUTES OF APRIL 26, 2011
- NORMAN MUNICIPAL AUTHORITY MINUTES OF APRIL 26, 2011
- NORMAN TAX INCREMENT FINANCE AUTHORITY MINUTES OF APRIL 26, 2011

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

Items submitted for the record

1. City Council Study Session minutes of April 19, 2011
2. City Council Finance Committee minutes of April 20, 2011
3. City Council minutes of April 26, 2011
4. Norman Utilities Authority minutes of April 26, 2011
5. Norman Municipal Authority minutes of April 26, 2011
6. Norman Tax Increment Finance Authority minutes of April 26, 2011

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

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

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

\* \* \* \* \*

Item 9, being:

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

Councilmember Kovach moved that Ordinance No. O-1011-07 be Introduced and adopted upon First Reading by title, which motion was duly seconded by Councilmember Butler;

Items submitted for the record

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

and the question being upon the Introduction and adoption of Ordinance No. O-1011-07 upon First Reading by title, a vote was taken with the following result:

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

The Mayor declared the motion carried and Ordinance No. O-1011-07 was Introduced, read, and adopted upon First Reading by title.

\* \* \* \* \*

Item 10, being:

CONSIDERATION OF ORDINANCE NO. O-1011-49 UPON FIRST READING BY TITLE: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 460 OF CHAPTER 22 OF THE CODE OF THE CITY OF NORMAN SO AS TO PLACE A TRACT OF LAND LYING IN THE NORTHWEST QUARTER OF SECTION 3, TOWNSHIP 9 NORTH, RANGE 3 WEST OF THE INDIAN MERIDIAN TO NORMAN, CLEVELAND COUNTY, OKLAHOMA, IN THE PUD, PLANNED UNIT DEVELOPMENT DISTRICT, AND REMOVE THE SAME FROM THE A-2, RURAL AGRICULTURAL DISTRICT, OF SAID CITY; AND PROVIDING FOR THE SEVERABILITY THEREOF. (GENERALLY LOCATED ON THE SOUTH SIDE OF INDIAN HILLS ROAD APPROXIMATELY 1,318 LINEAR FEET EAST OF 48TH AVENUE N.W.)

Item 10 was withdrawn at the request of staff.

\* \* \* \* \*

Item 11, being:

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

Councilmember Kovach moved that Ordinance No. O-1011-52 be Introduced and adopted upon First Reading by title, which motion was duly seconded by Councilmember Butler;

Items submitted for the record

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

and the question being upon the Introduction and adoption of Ordinance No. O-1011-52 upon First Reading by title, a vote was taken with the following result:

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

The Mayor declared the motion carried and Ordinance No. O-1011-52 was Introduced, read, and adopted upon First Reading by title.

\* \* \* \* \*

Item 12, being:

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

Councilmember Kovach moved that Ordinance No. O-1011-53 be Introduced and adopted upon First Reading by title, which motion was duly seconded by Councilmember Butler;

Items submitted for the record

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

Item 12, continued:

and the question being upon the Introduction and adoption of Ordinance No. O-1011-53 upon First Reading by title, a vote was taken with the following result:

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

NAYES: None

The Mayor declared the motion carried and Ordinance No. O-1011-53 was Introduced, read, and adopted upon First Reading by title.

\* \* \* \* \*

Item 13, being:

CONSIDERATION OF AWARDING OF BID NO. 1011-68; CONTRACT NO. K-1011-156 WITH CENTRAL CONTRACTING SERVICES, INC., IN THE AMOUNT OF \$1,181,068.04, PERFORMANCE BOND NO. B-1011-93; STATUTORY BOND NO. B-1011-94; AND MAINTENANCE BOND NO. MB-1011-92 FOR THE PHASE 2A, WELL FIELD DEVELOPMENT WATER LINE CONSTRUCTION PROJECT AND BUDGET TRANSFER.

Acting as the Norman Utilities Authority, Trustee Kovach moved that all bids meeting specifications be accepted; the bid in the amount of \$1,181,068.04 be awarded to Central Contracting Services, Inc., as the lowest and best bidder meeting specifications; Contract No. K-1011-156 and the performance, statutory, and maintenance bonds be approved; the filing of the bonds be directed; execution of the contract and the Norman Utilities Authority as part of the contract to pay subcontractors for equipment and supplies at prices agreed to by Central Contracting Services be authorized; and \$150,000 be transferred from Project No. WB0141, FYE 08 16" Water Line Bond Project, Construction (031-9345-462.61-01) to Project No. WB0186, FYE 10 16" Water Line Bond Project, Construction (031-9345-462.61-01), which motion was duly seconded by Trustee Butler;

Items submitted for the record

1. Text File No. K-1011-156 dated April 26, 2011, by Jim Speck, Capital Projects Engineer, with Attachment No. One, funding for Phase 2A Water Supply Lines
2. Bid Summary for Phase 2A, Well Field Development, Water Line Construction Project
3. Contract No. K-1011-156
4. Performance Bond No. B-1011-93
5. Statutory Bond No. B-1011-94
6. Maintenance Bond No. MB-1011-92
7. Location map
8. Purchase Requisition No. 0000185971 dated May 3, 2011, in the amount of \$1,181,068.04 to Central Contracting Services, Inc.

Participants in discussion

1. Mr. Jim Speck, Capital Projects Engineer

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

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

NAYES: None

The Chairman declared the motion carried and all bids meeting specifications accepted; the bid in the amount of \$1,181,068.04 was awarded to Central Contracting Services, Inc., as the lowest and best bidder meeting specifications; Contract No. K-1011-156 and the performance, statutory, and maintenance bonds were approved; the filing of the bonds was directed; execution of the contract and the Norman Utilities Authority as part of the contract to pay subcontractors for equipment and supplies at prices agreed to by Central Contracting Services were authorized; and \$150,000 was transferred from Project No. WB0141, FYE 08 16" Water Line Bond Project, Construction (031-9345-462.61-01) to Project No. WB0186, FYE 10 16" Water Line Bond Project, Construction (031-9345-462.61-01).

\* \* \* \* \*

Item 14, being:

CONSIDERATION OF NORMAN RURAL CERTIFICATE OF SURVEY NO. COS-1011-7 FOR LOT 4, ARMS ACRES. (LOCATED ON THE SOUTH SIDE OF INDIAN HILLS ROAD APPROXIMATELY ONE-FOURTH MILE WEST OF NORTH PORTER AVENUE.

Councilmember Kovach moved that Norman Rural Certificate of Survey No. COS-1011-7 for Lot 4, Arms Acres, be approved and the filing thereof with the Cleveland County Clerk be directed, which motion was duly seconded by Councilmember Butler;

Items submitted for the record

- 1. Text File No. COS-1011-7 dated March 21, 2011, by Ken Danner, Development Manager
- 2. Location map
- 3. Norman Rural Certificate of Survey No. COS-1011-7
- 4. Staff Report dated April 14, 2011, recommending approval
- 5. Pertinent excerpts from Planning Commission minutes of April 14, 2011

and the question being upon approving Norman Rural Certificate of Survey No. COS-1011-7 for Lot 4, Arms Acres, and upon the subsequent directive, a vote was taken with the following result:

YEAS:	Councilmembers Atkins, Butler, Cubberley, Dillingham, Ezzell, Griffith, Kovach, Mayor Rosenthal
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NAYES:	None
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The Mayor declared the motion carried and Norman Rural Certificate of Survey No. COS-1011-7 for Lot 4, Arms Acres, approved; and the filing thereof with the Cleveland County Clerk were directed.

\* \* \* \* \*

Item 15, being:

LIMITED LICENSE NO. LL-1011-16: LIMITED LICENSE TO PLACE FIVE (5) GROUND BANNERS WITHIN THE PUBLIC RIGHTS-OF-WAY PURSUANT TO A REQUEST FROM THE JAZZ IN JUNE COMMITTEE FOR JAZZ IN JUNE TO BE HELD JUNE 23 THROUGH 25, 2011.

Councilmember Kovach moved that Limited License No. LL-1011-16 to place five (5) ground banners within the public rights-of-way pursuant to a request from the Jazz in June Committee be approved and the issuance thereof be authorized, which motion was duly seconded by Councilmember Butler;

Items submitted for the record

- 1. Text File No. LL-1011-16 dated April 26, 2011, by Wayne Stenis, Planner II
- 2. Application for Limited License for five signs dated February 3, 2011, from Debra Levy Martinelli, Jazz in June Committee
- 3. Limited License No. LL-1011-16

and the question being upon approving Limited License No. LL-1011-16 to place five (5) ground banners within the public rights-of-way pursuant to a request from the Jazz in June Committee and upon the subsequent authorization, a vote was taken with the following result:

YEAS:	Councilmembers Atkins, Butler, Cubberley, Dillingham, Ezzell, Griffith, Kovach, Mayor Rosenthal
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NAYES:	None
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The Mayor declared the motion carried and Limited License No. LL-1011-16 to place five (5) ground banners within the public rights-of-way pursuant to a request from the Jazz in June Committee approved; and the issuance thereof was authorized.

\* \* \* \* \*

Item 16, being:

AMENDMENT NO. ONE TO CONTRACT NO. K-0910-61: A CONTRACT BY AND BETWEEN THE NORMAN UTILITIES AUTHORITY AND POE AND ASSOCIATES, INC. IN THE AMOUNT OF \$172,000 TO PROVIDE ENGINEERING DESIGN SERVICES, BIDDING AND CONSTRUCTION SERVICES FOR THE BERRY WATER LINE REPLACEMENT PROJECT .

Acting as the Norman Utilities Authority, Trustee Kovach moved that Amendment No. One to Contract No. K-0910-61 with Poe and Associates, Inc., in the amount of \$172,000 and the execution thereof be authorized, which motion was duly seconded by Trustee Butler;

Items submitted for the record

- 1. Text File No. K-0910-61, Amendment No. One, dated April 26, 2011, by Mark Daniels, Utilities Engineer
- 2. Amendment No. One to Contract No. K-0910-61 with Attachment A, Schedule; Attachment B, Scope of Services; and Attachment C, Compensation
- 3. Purchase Requisition No. 0000185943 dated May 3, 2011, in the amount of \$172,000 to Poe and Associates, Inc.

Participants in discussion

- 1. Mr. Mark Daniels, Utilities Engineer

and the question being upon approving Amendment No. One to Contract No. K-0910-61 with Poe and Associates, Inc., in the amount of \$172,000 and upon the subsequent authorization, a vote was taken with the following result:

YEAS:	Trustees Atkins, Butler, Cubberley, Ezzell, Dillingham, Griffith, Kovach, Chairman Rosenthal
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NAYES:	None
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The Chairman declared the motion carried and Amendment No. One to Contract No. K-0910-61 with Poe and Associates, Inc., in the amount of \$172,000 approved; and the execution thereof was authorized.

\* \* \* \* \*

Item 17, being:

CONSIDERATION OF FINAL ACCEPTANCE AND FINAL PAYMENT OF CONTRACT NO. K-1011-130 BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND LASHAR HOME COMFORT SYSTEMS, L.L.C., FOR THE SENIOR CITIZENS HVAC IMPROVEMENT PROJECT.

Councilmember Kovach moved that the project be accepted and final payment in the amount of \$1,269.60 to Lashar Home Comfort Systems, L.L.C., be directed, which motion was duly seconded by Councilmember Butler;

Items submitted for the record

- 1. Text File No. K-1011-130, Final, dated April 26, 2011, by James Briggs, Park Planner
- 2. Purchase Order No. 197280 dated January 28, 2011, to Lashar Home Comfort Systems, L.L.C., in the amount of \$25,392 subtracting payments totaling \$24,122.40 leaving a balance of \$1,269.60

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

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

NAYES:	None
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The Mayor declared the motion carried and the project accepted; and final payment in the amount of \$1,269.60 to Lashar Home Comfort Systems, L.L.C., was directed.

\* \* \* \* \*

Item 18, being:

CONTRACT NO. K-1011-163: A CONTRACT BY AND BETWEEN THE NORMAN MUNICIPAL AUTHORITY AND DAVID MINIHAN, WESTWOOD TENNIS PROFESSIONAL FOR A TERM OF FIVE YEARS.

Acting as the Norman Municipal Authority, Trustee Kovach moved that Contract No. K-1011-163 with David Minihan for a term of five years be approved and the execution thereof be authorized, which motion was duly seconded by Trustee Butler;

Items submitted for the record

- 1. Text File No. K-1011-163 dated April 18, 2011, by Jud Foster, Director of Parks and Recreation
- 2. Contract No. K-1011-163

Participants in discussion

- 1. Mr. Jud Foster, Director of Parks and Recreation

and the question being upon approving Contract No. K-1011-163 with David Minihan for a term of five years and upon the subsequent authorization, a vote was taken with the following result:

YEAS:	Trustees Atkins, Butler, Cubberley, Dillingham, Ezzell, Griffith, Kovach, Chairman Rosenthal
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NAYES:	None
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The Chairman declared the motion carried and Contract No. K-1011-163 with David Minihan for a term of five years approved; and the execution thereof was authorized.

\* \* \* \* \*

Item 19, being:

CONTRACT NO. K-1011-164: MEMORANDUM OF UNDERSTANDING BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND THE OKLAHOMA OFFICE OF HOMELAND SECURITY REGARDING THE ASSIGNMENT OF GRANT FUNDS RECEIVED FROM THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY.

Councilmember Kovach moved that Contract No. K-1011-164 with the Oklahoma Office of Homeland Security be approved and the execution thereof be authorized, which motion was duly seconded by Councilmember Butler;

Items submitted for the record

- 1. Text File No. K-1011-164 dated April 7, 2011, by Jim Spearman, Grants Coordinator
- 2. Contract No. K-1011-164

and the question being upon approving K-1011-164 with the Oklahoma Office of Homeland Security and upon the subsequent authorization, a vote was taken with the following result:

YEAS:	Councilmembers Atkins, Butler, Cubberley, Dillingham, Ezzell, Griffith, Kovach, Mayor Rosenthal
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NAYES:	None
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The Mayor declared the motion carried and K-1011-164 with the Oklahoma Office of Homeland Security approved; and the execution thereof was authorized.

\* \* \* \* \*

Item 20, being:

CONTRACT NO. K-1011-168: A CONTRACT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND THE ASSOCIATION OF CENTRAL OKLAHOMA GOVERNMENTS (ACOG) TO PROVIDE FUNDING IN THE AMOUNT OF \$10,560 AS A PART OF THE UNIFIED PLANNING WORKS PROGRAM (UPWP) FOR THE COLLECTION OF TRAFFIC DATA AND THE PREPARATION OF TRAVEL TIME/DELAY STUDIES AND BUDGET APPROPRIATION.

Councilmember Kovach moved that Contract No. K-1011-168 with ACOG to provide funding in the amount of \$10,560 as part of the UPWP Program be approved; the execution thereof be authorized; and upon reimbursement of the funds, the Special Revenue Fund Balance (022-0000-253.20-00) be increased by \$10,560 and \$10,560 be appropriated to Maintenance Supplies/Traffic Signal Parts (022-5023-429.32-12), which motion was duly seconded by Councilmember Butler;

Items submitted for the record

1. Text File No. K-1011-168 dated April 22, 2011, by Angelo Lombardo, Traffic Engineer
2. Contract No. K-1011-168 with Exhibit A, Federal-Aid Eligibility Requirements; Exhibit B, Addendum to Form FHWA-1273, Required Contract Provisions; Exhibit C, Nondiscrimination of Employees; and Exhibit D, Oklahoma Department of Transportation Disadvantaged Business/Women’s Business Enterprises Policy Statement and Contracting with Small and Minority Firms, Women’s Business Enterprise and Labor Surplus Area Firms Policy

Participants in discussion

1. Mr. Shawn O’Leary, Director of Public Works

and the question being upon approving Contract No. K-1011-168 with ACOG to provide funding in the amount of \$10,560 as part of the UPWP Program and upon the subsequent authorization, increase, and appropriation, a vote was taken with the following result:

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

The Mayor declared the motion carried and Contract No. K-1011-168 with ACOG to provide funding in the amount of \$10,560 as part of the UPWP Program approved; the execution thereof was authorized and upon reimbursement of the funds, the Special Revenue Fund Balance (022-0000-253.20-00) will be increased by \$10,560 and \$10,560 will be appropriated to Maintenance Supplies/Traffic Signal Parts (022-5023-429.32-12).

\* \* \* \* \*

MISCELLANEOUS DISCUSSION

May 2010 Tornado Event. Mr. Bobby Stevens, 3801 East 108th Avenue S.E., said the City had recovered well from the tornado that struck Norman last May.

\*

Handicap Parking. Mr. Bobby Stevens, 3801 East 108th Avenue S.E., said he recently read an article in the newspaper about a disabled veteran being unable to park in a handicap parking space because it was occupied by someone without a handicap sticker. He said the Oklahoma Department of Public Safety manual states that the property owner or agent is not the only one that can have a car impounded that is parked illegally in a handicap space and that anyone who has a handicap decal could have a vehicle towed.

\*

Mowing on Cedar Lane. Mr. Bobby Stevens, 3801 East 108th Avenue S.E., thanked the City for mowing on Cedar Lane between Highway 77 and 24th Avenue S.E.

\*

## Miscellaneous Discussion

City Council Materials at Library. Mr. Jim Stanley, 3922 Pine Tree Circle, said he recently had problems finding the City Council Agenda and backup materials and the City Calendar at the Norman Public Library. He asked for some type of date stamp for when the items were taken to the Library. Ms. Brenda Hall, City Clerk, said the agenda packets are taken to the Library typically no later than Friday before the City Council meeting and the packet for tonight's meeting was taken to the library last Friday morning. She said this information is kept at the reference desk until the meeting is over and then placed with their City of Norman documents in the back of the library. She said it was a possibility that someone removed the book to read it at the library. While the Library does not allow someone to check out this material, there were times the information is taken from the library. She said she recently spoke to Mr. Nelson Dent at the library after Mr. Stanley's previous inquiries and found the requested records in place. She said she would be happy to go with Mr. Stanley to make sure the records were where they were supposed to be. She said the City Calendar is posted on the bulletin board as you enter the library and she said she would start taking an extra calendar to be placed at the reference desk as well. She asked Mr. Stanley to please contact her when he finds something missing so she could have it replaced.

\*

Flashing Yellow Arrows. Mr. David Riesland, Traffic Engineer, provided an overview of protected permissive left turn signal heads being replaced with the new flashing yellow arrow displays. He said the Public Works and Legal Departments worked on the development of language for a new ordinance that added flashing yellow arrows to the list of traffic signal displays outlined in City Code which was adopted by City Council on January 11, 2011. He said the ordinance also allows for enforcement of violations by the Police Department. Educational outreach efforts have included development of a section of the City's webpage describing different types of signal displays used to control left turn movements at signalized intersections, the meaning of the left turn arrow, and the reason for the change. He said Staff had prepared and distributed an informational brochure that had been mailed to approximately 8,000 households with their utility bills and educational videos had been developed. He said on the engineering and construction front, the City currently has three intersections with flashing yellow arrow displays, the pilot project, Lindsey and 12th Avenue S.E.; 36th Avenue N.W. and Rock Creek Road; and Tecumseh Road and Healthplex Parkway/Journey Parkway. These projects were 100% federally funded and administered through the Oklahoma Department of Transportation. He said there are other intersections scheduled to have flashing yellow arrow displays and the City is currently working on a project to have Light Emitting Diode (LED) signal displays and battery powered backup units at 45 intersections. Once this is completed, each of the 132 traffic signals will be equipped with these types of units. He said as part of that project, eight additional intersections will be upgraded to feature the flashing yellow arrow displays. These intersections are 12th Avenue N.E. at the Norman Public Schools Transportation Center; Constitution Street at Jenkins Avenue; Classen Boulevard at 12th Avenue S.E.; Flood Avenue at Tecumseh Road; and four on Boyd Street at Berry Road, Elm Avenue, Jenkins Avenue, and 12th Avenue S.E. This project will also be 100% federal funded with work to be completed later this month. The last project currently under construction is a new traffic signal in the University North Park area at 24th Avenue N.W. and Rock Creek Road to be completed in July, 2011. He said Staff was able to secure federal funds to pay for 100% of the flashing yellow arrow upgrade costs for the remaining 50 locations and is currently working on construction plans for the project with hopes of having the project under construction this time next year. He concluded his presentation by showing an educational video developed in collaboration with the University of Oklahoma Department of Broadcasting and Media Arts. He thanked Dr. Scott Hodgson and his graduate student, Joshua Shockley, for their excellent work on the video.

Councilmember Dillingham asked if the video would be run on Channel 20 and Mr. Riesland said the video along with two others are presently being broadcast. Mr. Riesland said there was also a link on the Public Works Page of the Website.

\*

Household Hazardous Waste. Councilmember Butler announced that 1,630 vehicles came to the Household Hazardous Waste on April 9, 2011 and over 42,000 pounds of electronic equipment was collected which was a record. She said 52,000 pounds of paint and 96,000 pounds of chemicals were also collected and disposed of properly.

Mayor Rosenthal thanked Councilmembers Butler and Cubberley for working diligently at the event.

\*

Miscellaneous Discussion, continued:

Safe Routes to School. Councilmember Dillingham said there would be a City Council Oversight Committee meeting on Thursday, May 19, 2011, at 5:30 p.m. and she is specifically soliciting additional citizen input regarding the pending Safe Routes to Schools grant which will be coming back for City Council's consideration. She said the City was fortunate to be considered for this grant but there are some issues that need to be discussed such as whether or not to place speed humps around Longfellow Middle and Jefferson Elementary Schools. She said there had been a neighborhood meeting for input but attendance was light because there were many other events going on. She said she hoped that those who resided in the Longfellow/Jefferson area would attend the Oversight Committee meeting and provide input.

\*

Sales Tax. Mr. Steve Lewis announced that the general purpose sales tax remittance for the month of May, 2011, which reflects sales for the month of March was \$4,096,012 which is an increase of \$199,000 or 5.13% over May, 2010, levels. He said our Fiscal Year 2010-2011 sales tax is approximately 4.68% above our prior year levels but only 1.9% above the 2008 levels.

\*

TIGER Grant. Mr. Steve Lewis, City Manager, said a few years ago, Oklahoma City and surrounding communities including Norman worked through a Transportation Investment Generating Economic Recovery (TIGER) grant application as part of Central Oklahoma's effort to secure federal stimulus funds for commuter rail in the area. He said there was a meeting this week with the Association of Central Oklahoma Governments (ACOG) and some of the City Managers in the metropolitan area where they were informed ACOG was able to secure a grant in the amount of \$1 million to be used to conduct an Alternative Analysis. This will use the work already completed and move to the next stage of looking at the commuter routes from Norman to Oklahoma City, Oklahoma City to Edmond, and Oklahoma City to Midwest City/Tinker. He said the cities will be required to provide their pro-rata 20% match of \$250,000 and Norman's share would be approximately \$31,000 based on population. He said additional information will be provided to Council soon to be included for consideration in the FYE 2012 Budget. He said if we are able to move forward, the project would begin in the fall to be completed in approximately 18 months. He said this was a long term move for Central Oklahoma to be able to document the need and purpose of commuter rail and associated costs and to put in the position to track federal funds.

Mayor Rosenthal said citizens still have the opportunity to provide input on the State Rail Plan until the end of May. She commended Councilmember Butler who is City Council's representative to ACOG and also serves on the Alternatives Analysis Committee who is working on a Hub Study to identify an appropriate location for a Multimodal Hub in downtown Oklahoma City. She said the next piece are the rail routes going north and south and east and west that will tie in with the Hub.

\*

Second Friday. Mayor Rosenthal said this Friday is Second Friday in the City. The Downtown Arts Community has a number of events scheduled and many galleries are open to visitors. She said this Friday, May 13, 2011, City Hall is included in the tour because the City is hosting two great exhibits, the Bison Exhibit which comes through the good work of Norman Public Library and sponsored by the National Endowment for the Humanities and a photography exhibit from Clermont-Ferrand, France, one of Norman's sister-cities. She said Clermont-Ferrand is displaying a photography exhibit of Norman in their City simultaneously and this was being done to show what each city looks like bringing us closer together. She said there will be a reception from 5:30 p.m. to 8:00 p.m.

\*

Shop Norman. Mayor Rosenthal said this weekend the City will be filled with many visitors coming to retrieve their graduating seniors. She said they will be leaving and taking their sales tax dollars with them but we will look forward to next fall when new people arrive to spend their sales tax dollars. She said since Councilmember Quinn was not here this evening and on his behalf she urged citizens to "Shop Norman."

\*\*\*\*\*

ADJOURNMENT

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

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

NAYES: None

The Mayor declared the motion carried and the meeting was adjourned at 7:30 p.m.

ATTEST:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor

CITY OF NORMAN  
MEET AND GREET RECEPTION  
FOR THE POLICE CHIEF CANDIDATES  
MINUTES

May 11, 2011

The City Council of the City of Norman, Cleveland County, State of Oklahoma, attended a reception for the Police Chief Candidates at 8:00 a.m. at the Norman Municipal Building on the 11th day of May, 2011, and notice of the reception was posted at the Municipal Building at 201 West Gray 48 hours prior to the event. Although this reception was not a regularly scheduled meeting of Council a quorum of Council was present; therefore, a summary of the reception was recorded as required by the Open Meeting Act.

PRESENT: Councilmembers Atkins, Butler, Dillingham,  
Kovach, Mayor Rosenthal

ABSENT: Councilmember Cubberley, Ezzell, Griffith,  
Quinn

Mr. Phil Cotten, Police Chief, retired from the City of Norman on April 28, 2011. A Committee was formed to search for candidates for a successor to Chief Cotten. This reception was held to introduce the finalists to Councilmembers and Staff.

The reception adjourned at 9:30 a.m.

ATTEST:

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City Clerk

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Mayor



**CITY COUNCIL AGENDA  
MAY 24, 2011**

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

**Item No. 4**

**Text File Number: P-1011-22**

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**Introduced:** 5/10/2011

**Current Status:** Consent Item

**Version:** 1

**Matter Type:** Proclamation

Title

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

**ACTION NEEDED:** Motion to acknowledge receipt of Proclamation No. P-1011-22 proclaiming the week of May 21 through 27, 2011, as National Safe Boating Week in the City of Norman.

**ACTION TAKEN:** \_\_\_\_\_

A PROCLAMATION OF THE MAYOR OF THE CITY OF NORMAN, OKLAHOMA, PROCLAIMING THE WEEK OF MAY 21 THROUGH 27, 2011, AS NATIONAL SAFE BOATING WEEK IN THE CITY OF NORMAN.

- § 1. WHEREAS, on average, 700 people die each year in boating-related accidents in the United States and approximately 70% of these are fatalities caused by drowning; and
- § 2. WHEREAS, the vast majority of these accidents are caused by human error or poor judgment and not by the boat, equipment, or environmental factors; and
- § 3. WHEREAS, a significant number of boaters who lose their lives by drowning each year would be alive today had they worn their life jackets; and
- § 4. WHEREAS, today's life jackets are more comfortable, more attractive, and more wearable than styles of years past and deserve a fresh look by today's boating public.

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

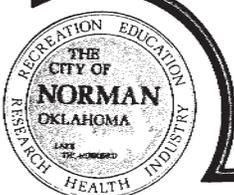
- § 5 Do hereby proclaim the week of May 21 through 27, 2011, as National Safe Boating Week in the City of Norman; support the goals of the North American Safe Boating Campaign and the start of a year-round effort to promote safe boating; and urge all citizens who boat to "Wear It" and practice safe boating habits.

PASSED AND APPROVED this 24th day of May, 2011.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk





# CITY COUNCIL AGENDA MAY 24, 2011

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

## Item No. 6

Text File Number: O-1011-27

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**Introduced:** 5/3/2011 by Leah Messner, Assistant City Attorney

**Current Status:** Consent Item

**Version:** 1

**Matter Type:** Ordinance

**Title**

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

**ACTION NEEDED:** Motion to Introduce and adopt Ordinance No. O-1011-27 upon First Reading by title.

**ACTION TAKEN:** \_\_\_\_\_

**Body**

**BACKGROUND:** On 9 April 2002, City Council approved Ordinance No. O-0102-44. The purpose of the ordinance is to “promote and protect the public health, safety and general welfare by providing for the development of a Community Forestry Plan to address the planting, maintenance and removal of public trees and street tree and shrubs within the City of Norman in order to promote, maintain and improve the urban forest resource of the City of Norman.”

Ordinance No. O-0102-44 also created a Tree Board responsible for studying Norman’s tree issues and developing tree management policies to be forwarded for City Council consideration; one such Tree Board project was the development of the Urban Forestry Master Plan, made possible through an Urban and Community Forestry Grant from the Oklahoma Department of Agriculture, Food and Forestry. The Urban Forestry Master Plan was adopted by City Council on 25 January 2005.

**DISCUSSION:** Ordinance No. O-0102-44 provided that the Tree Board “shall meet at least nine times each year.” The City Forester was an essential staff liaison to the Tree Board providing the professional guidance necessary to assist the Board in their duties. However, the Forester resigned in March 2010 and the position was held vacant for the remainder of Fiscal Year Ending 2010 as a budgetary measure. Subsequently, the forester position was eliminated during the FYE 2011 budget process.

Without the aid of a professional forester to assist with Tree Board projects, the Board Members have discussed the option of reducing the minimum number of meetings held each year.

On 4 April 2011, the Tree Board voted unanimously to recommend changing their meeting requirements to an as needed basis. The current ordinance going before City Council, Ordinance No. O-1011-27, changes the meeting requirements to state, "The Tree Board shall meet as required in the furtherance of its duties set forth herein."

**RECOMMENDATION:** It is recommended that City Council adopt Ordinance No. O-1011-27 to change the Tree Board's meeting frequency requirements.

AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA AMENDING ARTICLE XIII, SECTION 4-1301 OF CHAPTER 4 OF THE CODE OF THE CITY OF NORMAN BY AMENDING THE NUMBER OF MEETINGS HELD BY THE TREE BOARD EACH CALENDAR YEAR; AND PROVIDING FOR THE SEVERABILITY THEREOF.

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

§ 1. That Article XIII, Section 4-1301 of Chapter 4 of the Code of the City of Norman shall be amended to read as follows:

Sec. 4-1301. Duties and powers of the Tree Board.

\* \* \*

(f) Quorum and operation.

\* \* \*

(2) Meeting. The City Tree Board shall meet as required in the furtherance of its duties set forth herein.

\* \* \*

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

ADOPTED this \_\_\_\_\_ day  
of \_\_\_\_\_, 2011.

NOT ADOPTED this \_\_\_\_\_ day  
of \_\_\_\_\_, 2011.

\_\_\_\_\_  
Cindy Rosenthal, Mayor

\_\_\_\_\_  
Cindy Rosenthal, Mayor

ATTEST:

\_\_\_\_\_  
Brenda Hall, City Clerk

AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA AMENDING ARTICLE XIII, SECTION 4-1301 OF CHAPTER 4 OF THE CODE OF THE CITY OF NORMAN BY AMENDING THE NUMBER OF MEETINGS HELD BY THE TREE BOARD EACH CALENDAR YEAR; AND PROVIDING FOR THE SEVERABILITY THEREOF.

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

§ 1. That Article XIII, Section 4-1301 of Chapter 4 of the Code of the City of Norman shall be amended to read as follows:

Sec. 4-1301. Duties and powers of the Tree Board.

\* \* \*

(f) Quorum and operation.

\* \* \*

(2) Meeting. The City Tree Board shall meet ~~at least nine (9) times each year~~ as required in the furtherance of its duties set forth herein.

\* \* \*

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

ADOPTED this \_\_\_\_\_ day  
of \_\_\_\_\_ 2011

NOT ADOPTED this \_\_\_\_\_ day  
of \_\_\_\_\_, 2011.

\_\_\_\_\_  
Cindy Rosenthal, Mayor

\_\_\_\_\_  
Cindy Rosenthal, Mayor

ATTEST:

\_\_\_\_\_  
Brenda Hall, City Clerk

TREE BOARD  
April 4, 2011

The Tree Board of the City of Norman, Cleveland County, State of Oklahoma, met in the Study Session Room on the 4th day of April, 2011 at 4:00 P.M.

---

ITEM 1, being:

ROLL CALL

Present: Chairman Janaway and members, Denton, Dickson, Menzie, Pitchlynn and Winegardner

Absent: Member Fisher, Huffman and Pulvino

City Officials

Present: Sherrel Sheriff, Admin Tech IV

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ITEM 2, being:

APPROVAL OF THE MARCH 7, 2011 MEETING MINUTES

Member Menzie made the motion and member Winegardner seconded to approve the minutes. The vote was taken with the following results:

YEAH: Chairman Janaway and members, Denton, Dickson, Menzie, Pitchlynn and Winegardner

NAY: None

---

ITEM 3, being:

APPROVAL OF THE AGENDA

Member Dickson made the motion and member Menzie seconded to approve the agenda. The vote was taken with the following results:

YEAH: Chairman Janaway and members, Denton, Dickson, Menzie, Pitchlynn and Winegardner

NAY: None

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ITEM 4, being

**FREE TREE GIVEAWAY**

Just a reminder that 550 Trees will be given away on Friday at Reaves Park. More than ½ of the trees were registered for in the first 20 minutes. If anyone is willing to help, please contact Suzanne Terry.

---

ITEM 5, being

**TREE LEGACY NEIGHBORHOOD AWARD DISCUSSION**

Chairman Janaway reported he had spoken with Curtis McCarty with the Norman Builders Association and he expressed an interest. Chairman Janaway stated he would invite him to the next meeting. Member Pitchlynn inquired about the application process. Member Menzie stated he would research signage. Member Winegardner questioned the evaluation process. General discussion occurred regarding the award. No decisions were made.

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ITEM 6, being

**SHADESCAPE INVENTORY**

Chairman Janaway stated he had visited with James Briggs and was told any trees planted in parks would need to have irrigation which adds to the expense of planting trees. He will continue to visit with James regarding parks where trees are needed to shade playgrounds.

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ITEM 7, being

**PROPOSED ORDINANCE CHANGE IN TREE BOARD MEETING  
REQUIREMENTS**

Sherrel Sheriff spoke with the Board regarding the meeting requirements of the Tree Board. In October 2010 during miscellaneous discussion, it was suggested that due to the lack of attendance and inability to maintain a full board the ordinance be changed to meeting a minimum of once per quarter and as needed, versus the 9 times per year requirement. After researching meeting requirements for other City Boards and Commissions, it was discovered only the Tree Board, Public Arts Board, Traffic Appeals Commission and the Greenbelt Commission had meetings addressed in their ordinances.

Ms. Sheriff stated she had checked the requirements for being a Tree City and meeting frequency was not listed as criteria.

Member Pitchlynn made the motion and member Dickson seconded to recommend the ordinance be changed to duplicate the Green Belt Commission requirement and read, "The Tree Board shall meet as required in the furtherance of its duties set forth herein." The vote was taken with the following results:

YEAH: Chairman Janaway and members, Denton, Dickson, Menzie,  
Pitchlynn and Winegardner

NAY: None

---

ITEM 8, being

MISCELLANEOUS

Councilmember elect Dave Spaulding had questions regarding the Eastern Red Cedar and their use of an extreme amount of water and high fire danger. Members discussed that it was a nuisance tree. It is not on the approved list of trees for Norman builders. How to educate the public on removing these trees was also discussed. Sherrel Sheriff said she would forward some information available on the web about help from the State of Oklahoma to Mr. Spaulding.

Member Pitchlynn invited those interested to the Park Foundation's Photography Workshop being held April 11<sup>th</sup> in support of the Tree Photo Contest.

---

ITEM 9, being

ADJOURNMENT

Member Pitchlynn made the motion and Member Menzie seconded to adjourn. The vote was taken with the following results:

YEAH: Chairman Janaway and members, Denton, Dickson, Menzie,  
Pitchlynn and Winegardner

NAY: None.

Passed and approved this \_\_\_\_\_ of \_\_\_\_\_ 2011

Darrell Janaway, Chairperson

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CITY COUNCIL MEETING  
MAY 24, 2011

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

Item No. 7

Text File Number: O-1011-49

**Introduced:** 3/22/2011 by Doug Koscinski, Current Planning Manager

**Current Status:** Consent Item

**Version:** 1

**Matter Type:** Zoning Ordinance

Title

CONSIDERATION OF ORDINANCE NO. O-1011-49 UPON FIRST READING BY TITLE: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 460 OF CHAPTER 22 OF THE CODE OF THE CITY OF NORMAN SO AS TO PLACE A TRACT OF LAND LYING IN THE NORTHWEST QUARTER OF SECTION 3, TOWNSHIP 9 NORTH, RANGE 3 WEST OF THE INDIAN MERIDIAN TO NORMAN, CLEVELAND COUNTY, OKLAHOMA, IN THE PUD, PLANNED UNIT DEVELOPMENT DISTRICT, AND REMOVE THE SAME FROM THE A-2, RURAL AGRICULTURAL DISTRICT, OF SAID CITY; AND PROVIDING FOR THE SEVERABILITY THEREOF. (GENERALLY LOCATED ON THE SOUTH SIDE OF INDIAN HILLS ROAD APPROXIMATELY 1,318 LINEAR FEET EAST OF 48TH AVENUE N.W.)

**ACTION NEEDED:** Motion to Introduce and adopt Ordinance No. O-1011-49 upon First Reading by title.

**ACTION TAKEN:** \_\_\_\_\_

Body

**BACKGROUND:** This is a companion zoning change to the requested NORMAN 2025 Land Use Plan change from Future Urban Service Area to Current Urban Service Area. The applicant owns an approximately 48-acre parcel; they are seeking permission to develop the property as a single-family gated community, Glenridge Addition. The current zoning is A-2; the applicant has requested rezoning from A-2 to Planned Unit Development (PUD) which is required in order to have a gated community with private streets.

**DISCUSSION:** One hundred fifty-four single-family dwellings are proposed as the only use within this development. Lot sizes within the development vary, with the smallest typical lot measuring 60 feet by 130 feet. The overall density is indicated at 3.17 dwelling units per acre. The development includes several open spaces scattered throughout the subdivision, totaling 6.33 acres, yielding 13% of the entire parcel for open space. The open spaces contain large detention ponds, which will allow for walking trails for the residents. All internal open areas are proposed as private park areas, which the Park Board has approved. The PUD narrative indicates that the applicant intends to install trails around all of the detention ponds, which will range from unimproved natural trails to fully paved sidewalks which will connect to the sidewalks along the subdivision streets. There will be one gated access point onto Indian Hills Road and two additional gated exit points on the southeast and southwest ends of this development. Phasing will start at the north end of the subdivision, and proceed south depending on market conditions. Phase one will include an emergency access point into the abutting Bridgeview Church Property. Future phases will

require construction of the additional egress points connected to adjacent subdivisions, at either the southeast or southwest ends of the subdivision.

**RECOMMENDATION:** The design and density of this residential subdivision is similar to nearby additions that have been recently approved. Internal pedestrian circulation and connections to abutting developments are indicated. No adverse impacts are expected from this proposal. Staff supports this request for PUD designation. At the April 14, 2011 meeting of the Planning Commission, no protests were heard and no one spoke in opposition to this request. The Planning Commission, by unanimous vote, recommended that this rezoning be approved.

AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 460 OF CHAPTER 22 OF THE CODE OF THE CITY OF NORMAN SO AS TO PLACE A TRACT OF LAND LYING IN THE NORTHWEST QUARTER OF SECTION 3, TOWNSHIP 9 NORTH, RANGE 3 WEST OF THE INDIAN MERIDIAN TO NORMAN, CLEVELAND COUNTY, OKLAHOMA, IN THE PUD, PLANNED UNIT DEVELOPMENT DISTRICT, AND REMOVE THE SAME FROM THE A-2, RURAL AGRICULTURAL DISTRICT, OF SAID CITY; AND PROVIDING FOR THE SEVERABILITY THEREOF. (GENERALLY LOCATED ON THE SOUTH SIDE OF INDIAN HILLS ROAD APPROXIMATELY 1,318 LINEAR FEET EAST OF 48TH AVENUE N.W.)

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

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

- § 4. That Section 460 of Chapter 22 of the Code of the City of Norman, Oklahoma, is hereby amended so as to place the following described property in the PUD, Planned Unit Development District, and to have the same removed from the A-2, Rural Agricultural District, to wit:

A tract of land lying in the Northwest Quarter (NW/4) of Section 3, Township 9 North, Range 3 West of the Indian Meridian, Cleveland County, Oklahoma, being more particularly described as follows:

COMMENCING at the NE/C of the NW/4 of said Section 3;  
THENCE South 89°43'17" West, along the north line of said NW/4, a distance of 980.00 feet to the POINT OF BEGINNING;

THENCE South 89°43'17" West, continuing along said north line, a distance of 338.72 feet to the NW/C of the NE/4 of the NW/4 of said Section 3;  
THENCE South 00°30'35" East, along the west line of the NE/4 of the NW/4 of said Section 3, a distance of 2,594.35 feet to the SW/C of the NE/4 of the NW/4 of said Section 3  
THENCE North 89°43'18" East, along the south line of the NE/4 of said NW/4, a distance of 1318.96 feet to the SE/C of the NE/4 of the NW/4 of said Section 3;  
THENCE North 00°30'54" West, along the east line of the NE/4 of the NW/4 of said Section 3, a distance of 1,260.87 feet;  
THENCE South 89°43'17" West a distance of 980.00 feet;  
THENCE North 00°30'54" West a distance of 1,333.47 feet to the POINT OF BEGINNING;

Said described tract of land contains a gross area of 2,114,700 square feet or 48.546 acres and a net area (less statutory right-of-way) of 2,105,522 square feet or 48.2902 acres, more or less

§ 5. Further, pursuant to the provisions of Section 22:434.1 of the Code of the City of Norman, as amended, the following condition is hereby attached to the zoning of the tract:

a. The site shall be developed in accordance with the PUD Narrative approved April 14, 2011, and supporting documentation submitted by the applicant and approved by the Planning Commission.

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

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

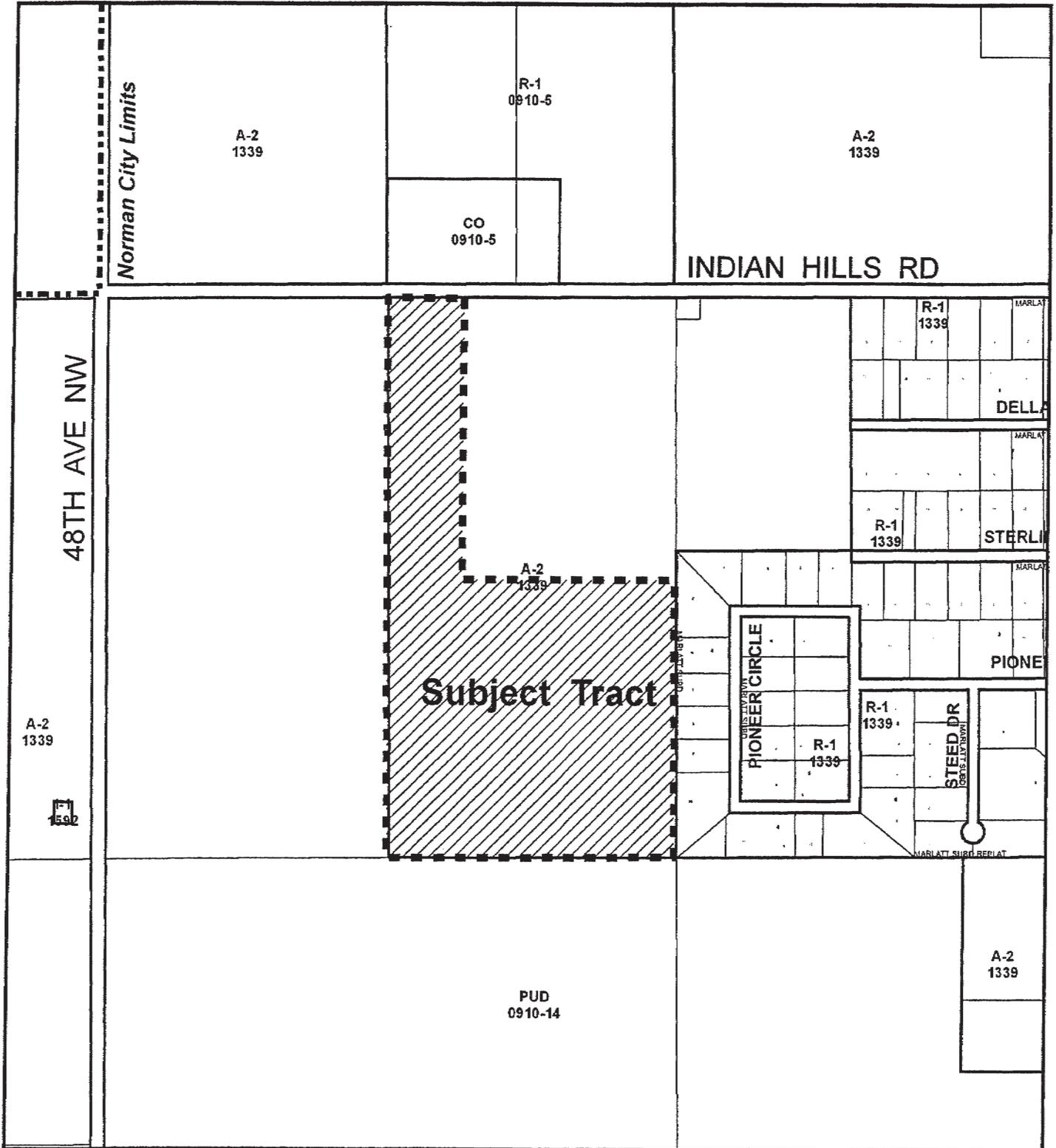
NOT ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

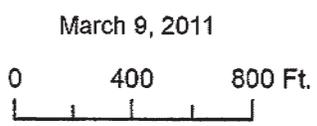


# Location Map

O-1011-49  
 Rezoning from A-2 to PUD  
 Owner: L&S Development II, L.L.C.



Map Produced by the City of Norman  
 Geographic Information System.  
 (405) 366-5316  
 The City of Norman assumes no  
 responsibility for errors or omissions  
 in the information presented.



-  Subject Tract
-  Zoning

---

ORDINANCE NO. O-1011-49

ITEM NO. 8b

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**STAFF REPORT**

**GENERAL INFORMATION**

APPLICANT	L&S Development II, L.L.C.
REQUESTED ACTION	Rezoning to PUD, Planned Unit Development District
EXISTING ZONING	A-2, Rural Agricultural District
SURROUNDING ZONING	North: CO and R-1 East: R-1 South: PUD West: PUD
LOCATION	South side of Indian Hills Road and approximately 1,318 linear feet east of 48 <sup>th</sup> Avenue N.W.
SIZE	48.546 acres, more or less
PURPOSE	Single-family residential, gated community
EXISTING LAND USE	Vacant
SURROUNDING LAND USE	North: Vacant East: Proposed church & Single-family residential South: Vacant West: Vacant

**SYNOPSIS:** This is a companion zoning change to the requested NORMAN 2025 Land Use Plan change from Future Urban Service Area to Current Urban Service Area. The applicant owns a 48 acre parcel; they are requesting permission to develop the property for their future single-family gated community, Glenridge Addition. The current zoning is A-2; the applicant has requested rezoning from A-2 to PUD.

**ANALYSIS:** The particulars of this PUD include:

1. **DENSITY** One hundred fifty-four single-family dwellings are proposed as the principal use for the development. The individual lots within the development vary in size and the PUD narrative states there are approximately 3.17 dwelling units per acre.
2. **OPEN SPACE** The development includes several open spaces scattered throughout the subdivision, totaling 6.33 acres, yielding 13% of the entire parcel for open space. That amount of open space/green space meets the minimum required for a residential PUD. Large detention ponds planned in the center of the subdivision will provide walking trails for the residents. The applicant will be creating private park area within the PUD.
3. **DESIGN** There will be one gated access point and two additional exit points on the south and west ends for this development. The homes will be a minimum 1,700 square feet constructed of 50% brick and other similar materials. The design of the streets promotes traffic calming. Large open spaces located in the center of the subdivision will serve as a focal point for residents and natural trails around the detention ponds will provide an additional amenity.
4. **PARKING** Each home will have, at a minimum, a two-car garage with two spaces in front of the garage.
5. **PHASES** The applicant has indicated that phasing will start at the north end of the subdivision, Phase 1, and proceed south depending on market fluctuations. The development cannot continue into additional phases without an additional egress point completed on either the south or west end of the subdivision.

**ALTERNATIVES/ISSUES:**

- **IMPACTS** The residential design of this request is similar in density to nearby additions that have been recently approved. Therefore, no adverse impacts are expected from this proposal.
- **ACCESS** There is one ingress/egress point designated along Indian Hills Road. There are two additional designated egress points on the south and west end of the development. There is an emergency access point on the east side of the development via Bridgeview Church property.
- **CONNECTIVITY** Sidewalks will connect all lots to an internal open space as well as adjacent subdivisions.

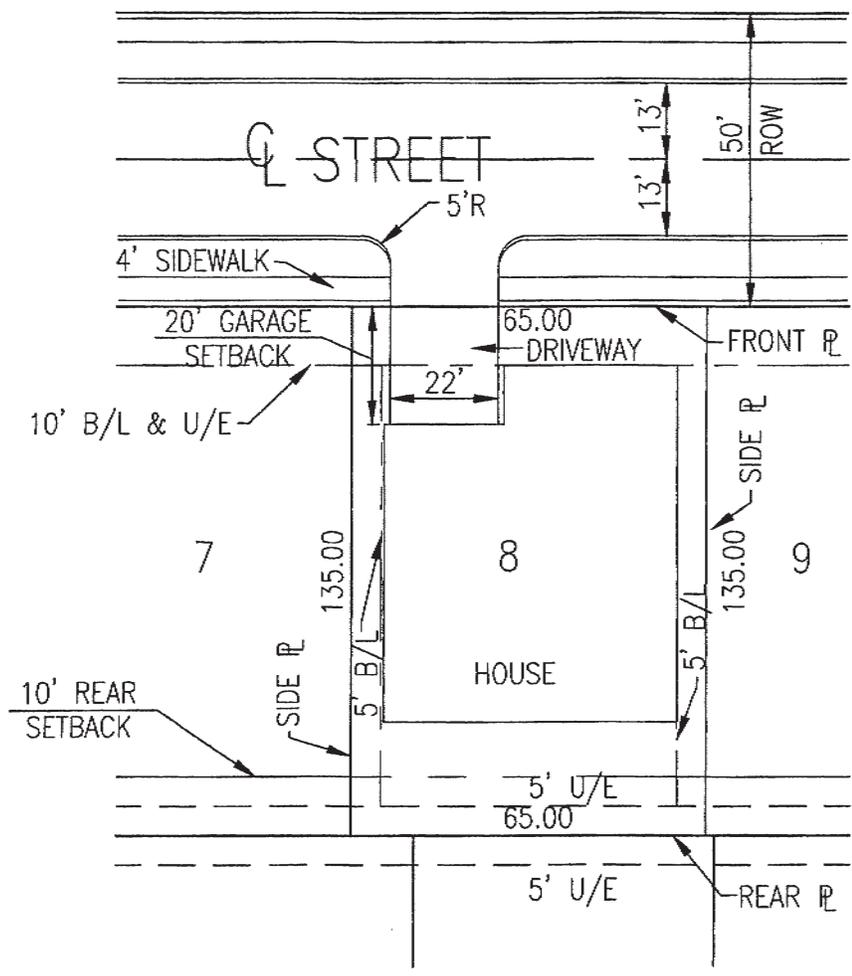
**OTHER AGENCY COMMENTS:**

- **PARK BOARD** With the open space and proposed private park the applicant has satisfied the Park Board's requirements. Therefore, there will be no fee-in-lieu of parkland required.

- **GREENBELT COMMISSION** The Greenbelt Commission determined it is apparent their intent is to align with the desires of Norman's Draft Greenway Master Plan. Although, this is a private development with no connections to the Greenbelt System there are internal trails around the proposed detention ponds for the residents.
- **PUBLIC WORKS** A major sanitary sewer line will serve multiple properties, this project being part of that group. Interior streets will be maintained by the POA as will sidewalks. However, both will be installed to City standards. As a cooperative effort between the Foxworth, Whispering Trails and Bridgeview Church Additions this development will serve as detention for those developments.

**STAFF RECOMMENDATION:** The overall density is within the range of low density developments identified in the 2025 Plan (3-6 units per acre). Several open spaces centrally located within the subdivision offer recreational opportunities for the residents. Therefore, staff supports this request for PUD designation.





TYPICAL LOT SITE PLAN  
 GLENRIDGE ADDITION

SCALE - N.T.S.

# **GLENRIDGE ADDITION**

Norman, Oklahoma

*SASSAN K. MOGHADAM*

Developer

A PLANNED UNIT DEVELOPMENT  
APPLICATION FOR REZONING AND  
PRELIMINARY DEVELOPMENT  
PLAN/PLAT

Submitted 14 March 2011

## TABLE OF CONTENTS

### I. INTRODUCTION

Background and Intent

### II. PROPERTY DESCRIPTION/EXISTING PROPERTY CONDITIONS

- A. Location
- B. Existing Land Use and Zoning
- C. Elevation and Topography
- D. Drainage
- E. Utility Services
- F. Fire Protection Services
- G. Traffic Circulation and Access

### III. DEVELOPMENT PLAN AND DESIGN CONCEPT

- A. Single-Family Residential Community
- B. Open Space and Green Space
- C. Traffic Access/Circulation/ Sidewalks
- D. Development Phasing

### EXHIBITS

- A. Proposed Preliminary Plat
- B. Proposed Open Space Diagram
- C. Proposed Phasing Plan
- D. Proposed Typical Lot Site Plan

## I. INTRODUCTION

This Planned Unit Development (the “**PUD**”) is being submitted for the development of the Glenridge Addition (the “**Addition**”), a gated community in the City of Norman, Oklahoma. The Addition encompasses approximately 48.55 acres located generally on the south side of Indian Hills Road and within the middle of the section bounded on the west by 48<sup>th</sup> Avenue NW and on the east by 36<sup>th</sup> Avenue NW (the “**Property**”). This PUD is intended to provide for greater flexibility in the careful design of the residential lots, homes, open space, utilities, drainage, recreational amenities, and circulation within the Addition. Upon completion, the PUD will provide more sustainable and environmentally friendly designs for open areas than would otherwise be attainable under conventional practices and regulations of the development guidelines of the City of Norman.

The PUD is intended to allow that necessary flexibility in order to create a distinctive open space and environmentally friendly development. Therefore, flexibility in the design and construction of roads and lot sizes is critical. This efficient compaction of developed areas within the property will allow for large amounts of natural open space.

This PUD will enhance the typical R-1 zoning provisions to allow for planning guidelines as further set forth herein. This PUD District will allow the necessary flexibility to create a highly desirable open-space community featuring high quality residential units, enhanced open space areas, and traffic calming circulation patterns.

In order to accomplish these goals, the applicant hereby requests a rezoning of the Property. The rezoning being requested is for a Planned Unit Development (PUD). The Applicant is submitting a Rezoning Application/Preliminary Site Development Plan and Preliminary Plat for approval.

## II. PROPERTY DESCRIPTIONS; EXISTING CONDITIONS

### A. Location

GLENRIDGE Addition is bordered on the north by Indian Hills Road and is currently raw land. To the west and to the south of the GLENRIDGE Addition is land that has been previously preliminary platted as the J&J Addition. To the east of the southern half of the Addition is the Marlatt Addition of residential homes. To the east of the northern half of the Addition is raw unplatted land that is owned by a church and likely to become a church location in the future.

### B. Existing Land Use and Zoning

The Property is currently zoned A-2 Rural Agricultural. The Property is currently unimproved and vacant and has no active uses except tilled crop land. No buildings or structures exist on the property.

The Property is currently designated low density residential future urban service area on Norman 2025. The property is eligible for 2025 amendment to current urban service area due to the ongoing installation of sanitary sewer service to this area of North Norman.

### C. Elevation and Topography

The Property primarily consists of relatively low slope raw land, and therefore presents a good opportunity to carefully design and implement sustainable development methodologies so that the historical runoff patterns can be taken advantage of within the completed development. The end result of such strategies will be additional open space and a more natural and beautified residential experience in a sustainable framework. No portion of the Property is in the 100-year flood plain.

### D. Drainage

A Drainage Impact Analysis has been prepared to better illustrate the detention requirements that are required and the solutions planned. This Addition is intended to be designed and developed substantially under the established principals of sustainable low impact development. Such strategies include minimizing sub-surface drainage systems in the design/layout to encourage maximum efficiency in filtration of runoff water and decrease in velocity of runoff as it travels through the Addition and beyond.

A primary goal of the sustainable low impact designs will be to nurture drainage areas to grow and develop into ideal filtration and drainage mechanisms – all within the Property. Such filtration will clean the runoff naturally and provide much more improved quality of water runoff than would be provided from runoff

through improved artificial surfaces. In addition, the natural systems encompassing large areas of permeable natural ground will allow the storm water to naturally filter back into the ground aquifer, rather than wash off the surface and into storm drains and sewers where City infrastructure must accommodate the volume.

Consequently, storm sewer infrastructure will be minimized using natural methods of taking advantage of the natural topography to manage, control, and direct the runoff.

Primary objectives of this sustainable low impact development is to assist our community in protecting aquatic resources, water quality, and the natural hydrology of the regional watershed as development takes place. Most rainfall infiltrates to the ground, is absorbed by vegetation, or evaporates to the atmosphere. Therefore, this PUD will use sustainable low impact strategies to treat and infiltrate storm water runoff close to where it originates. The large interior natural areas will capture much of the storm water within the Property. In order to best accomplish this, lots will be planned densely in areas of the Addition in order to protect the large natural areas, which also serve as open space for recreation.

**E. Utility Services**

Many of the required utility systems for the project (including water, gas, telephone, and electric) are currently being developed in relatively nearby proximity to the Property, as this area of Norman is experiencing multiple nearby plat proposals, including the adjacent J&J Addition. Sanitary sewer service may be located at the rear of lots where low impact design principals, and/or the location of City of Norman mains, might necessitate such a case.

**F. Fire Protection Services**

Fire protection services will be provided by the City of Norman Fire Department and by developer installed fire hydrants at locations per the City of Norman regulations for such.

**G. Traffic Circulation and Access**

The Addition is currently served with primary vehicular access to the Property by way of the adjacent Indian Hills Road right of way.

### III. DEVELOPMENT PLAN AND DESIGN CONCEPT

#### A. Single-Family Residential Community

The Addition will consist of residential housing with roughly 154 residential lots within 48.55 acres in the Planned Unit Development, which will result in a relatively low density development of roughly 3.17 lots per acre.

##### 1. Housing Construction

Homes in the PUD will be standard construction, single family, detached homes with a minimum 5-foot side yard. The minimum front yard set back requirements will be 20 feet for garages, and 10 feet for the remainder of the house structure, or as noted on the plat. The minimum rear set back requirement will be 10 feet, with the allowance for uncovered patios to extend to the rear property line, except where conflicts with utility easement. Houses will be of standard wood frame construction, and will not exceed three stories in height above grade. Garages will observe a minimum setback of twenty feet.

The minimum square foot area requirements for structures in the Addition shall be 1,700 square feet. This minimum figure is for living space and is exclusive of garages, covered and open porches, basements, detached structures, and breezeways. Each home will include at least a two car garage.

The principal exterior of any residential structure shall be at least fifty percent (50%) masonry and the other fifty percent (50%) balance of the exterior may be of frame, wood shingles or other material, which will blend together with the masonry.

Coverage on each lot of floor area of the residential dwelling structure will not exceed 60% of the lot area. Total impervious area will not exceed 80% of the lot area.

No improvements on any lot in the Addition may be issued a permit by the City of Norman unless and until all such improvements being permitted have been approved in writing by the applicable Property Owners Association "POA" architectural review committee.

##### 2. Signage

The entrance to the Addition as located at the section line road of Indian Hills Road may contain entryway signs and associated walls, fences and decorative features that will identify the Addition. The signs will conform to current City signage requirements (16 square feet per sign, for a total of

32 square feet). The signs may be lighted and landscaped with appropriate vegetation and planter boxes designed so as not to interfere with traffic sight lines. Vegetation may also be located in traffic-calming devices in the Addition.

**3. Fencing**

A fence will be constructed along the rear lot lines of the residential lots that abut the borders of the Addition in this gated community. Construction material may be a combination of masonry, metal/iron, and/or wood, so long as the design of all such fencing is approved by the applicable Property Owners Association "POA" architectural review committee prior to installation. Construction of fencing may be phased along with the development of the PUD.

**4. Amenities**

The Addition is planned to feature large private interior open spaces with walking and jogging trails. These trails are planned to be of varying widths and styles, from unpaved natural type with minimal artificial improvement to constructed trails of hard paved surface.

Park land will be provided as required per the City of Norman ordinances. The proposed parkland will be private park land within the Addition, containing over 6 acres.

**5. Sales Trailers**

No more than one temporary trailer (manufactured units will meet City code) will be allowed for use by sales representatives for the new homes being built in the Addition. The facility will have a reasonable parking area for customers per City specifications. The trailers will be removed 12 months from the date they are placed on the Property. The trailer will be located within 500 feet of the Addition entrance.

**B. Open space and green space**

Large open space areas are located throughout the center of the middle of the Addition. Open space totals roughly 6.33 acres in the Addition, or roughly 13% of the Addition land area.

Coverage ratio for each home lot may be as much as 80% coverage, which will allow for more open space to be provided in the common area of the Addition where the important low impact drainage principals will be featured.

A homeowners association will be formed in order to provide a tool to manage the common areas of the Addition and to provide heightened governance of the residents and construction within the Addition.

Any lighting over any common area will be shielded from adjacent single-family homes and will have 20-foot tall poles. Decorative street lights will be allowed, at the option of the Developer, within the PUD, in the common areas, and along the streets of the PUD.

**C. Traffic access/circulation/ sidewalks**

Primary vehicular access to the Property will be provided by way of the adjacent Indian Hills Road right of way. The entry at Indian Hills Road will be gated with controlled access. The gated entryway will be designed according to City of Norman standards and will accommodate turnaround space for vehicles to return to Indian Hills Road without entering the gates if necessary.

The Addition will also feature emergency and exit locations at the southern ends of the Addition, which will connect with the future J&J Addition as it develops. Finally, the Addition will have yet another emergency access point from the church property that borders the northern half of the Addition to the east.

Landscape buffers will accommodate all City of Norman traffic department sight triangle requirements. All internal streets will have adequate circulation necessary for the fire department and City Waste Management Services.

A five-foot wide City sidewalk will be provided along Indian Hills Road, constructed to City of Norman Standards.

**D. Development Phasing**

The project may be developed in approximately four phases. Market demand will be the determining factor in the number of units constructed. Additional phases beyond the first phase will require a connection to an emergency egress point.



**EXHIBIT B**  
Proposed Open Space Diagram

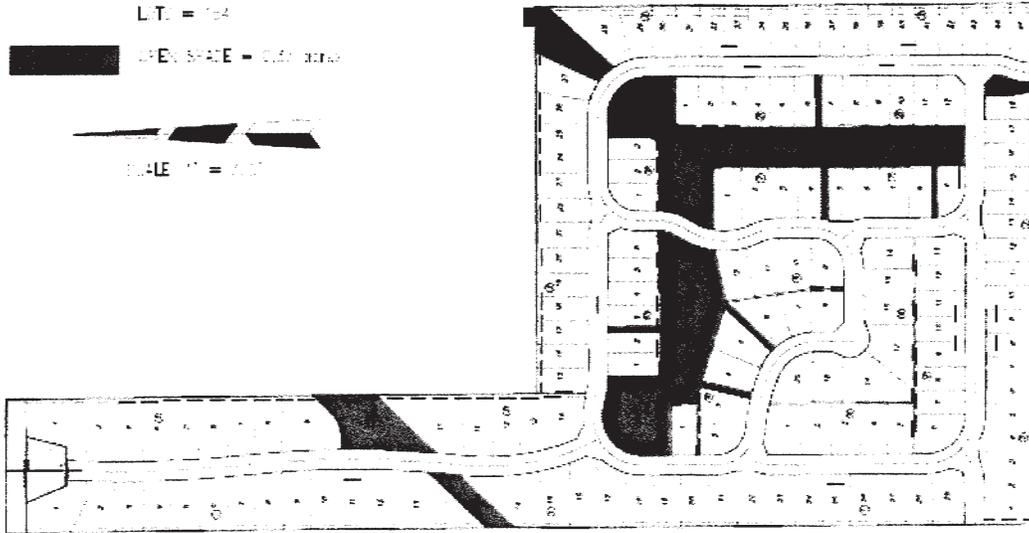
GLENRIDGE ADDITION  
OPEN SPACE EXHIBIT  
MARCH 10, 2011

AREA = 48.56 acres  
L.T. = 164

■ OPEN SPACE = 0.50 acres

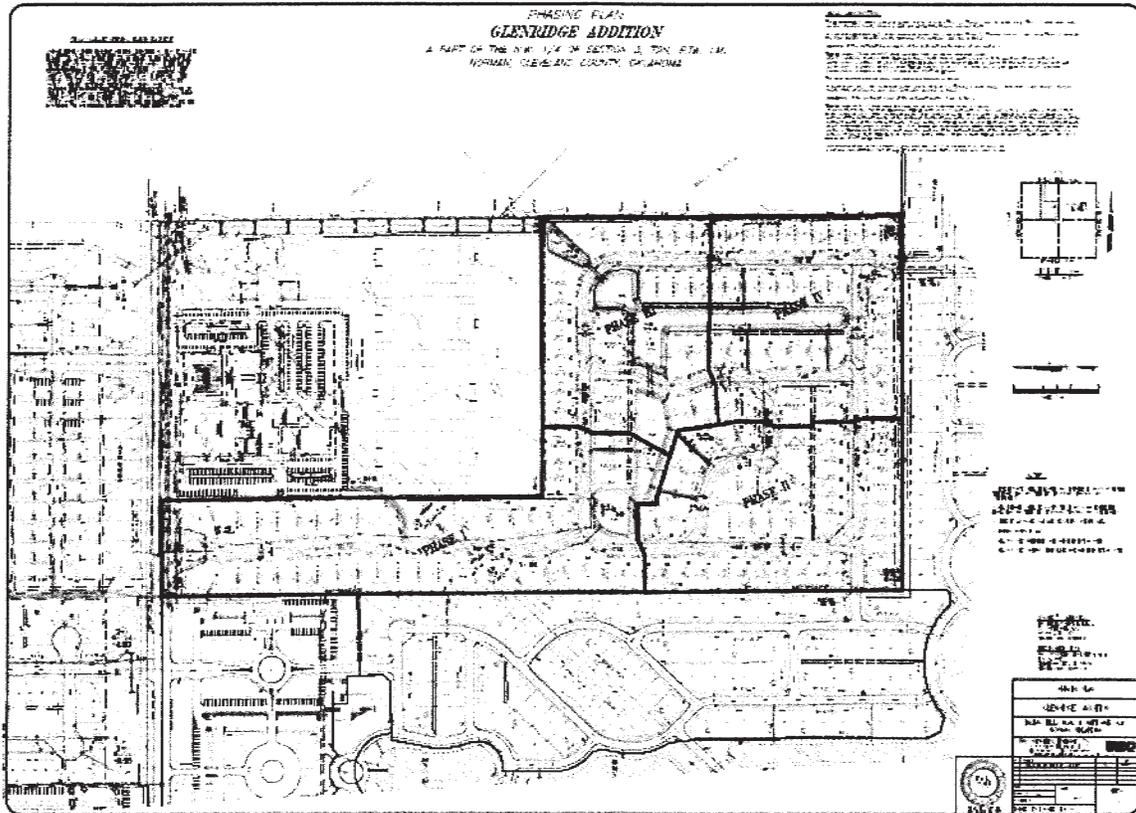


SCALE 1" = 400'

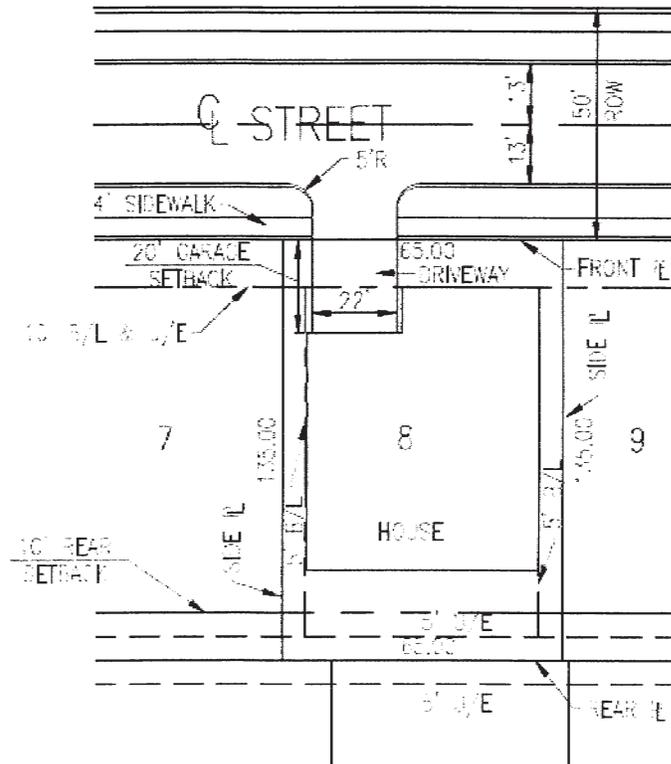


# EXHIBIT C

## Proposed Phasing Plan



**EXHIBIT D**  
**Typical Lot Site Plan**



TYPICAL LOT SITE PLAN  
 GLENRIDGE ADDITION

SCALE - N.T.S.

**NORMAN PLANNING COMMISSION  
REGULAR SESSION MINUTES**

**APRIL 14, 2011**

The Planning Commission of the City of Norman, Cleveland County, State of Oklahoma, met in Regular Session in the Council Chambers of the Norman Municipal Building, 201 West Gray Street, on the 14<sup>th</sup> day of April 2011. Notice and agenda of the meeting were posted at the Norman Municipal Building twenty-four hours prior to the beginning of the meeting.

Chairman Jim Gasaway called the meeting to order at 6:30 p.m.

Item No. 1, being:

**ROLL CALL**

MEMBERS PRESENT

Cynthia Gordon (arrived after Roll Call)  
Diana Hartley  
Tom Knotts  
Chris Lewis  
Curtis McCarty  
Roberta Pailes  
Andy Sherrer (arrived at 7:38 p.m.)  
Jim Gasaway  
Zev Trachtenberg

MEMBERS ABSENT

Tom Knotts

A quorum was present.

STAFF MEMBERS PRESENT

Susan Connors, Director, Planning &  
Community Development  
Doug Kosciński, Manager, Current  
Planning Division  
Ken Danner, Development Coordinator  
Roné Tromble, Recording Secretary  
Kathryn Walker, Asst. City Attorney  
Larry Knapp, GIS Analyst  
Jane Hudson, Planner II  
Shawn O'Leary, Director, Public Works  
Department  
Bob Hanger, Storm Water Engineer

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Item No. 8, being:

**CONSIDERATION OF A REQUEST SUBMITTED BY L&S DEVELOPMENT II, L.L.C., FOR PROPERTY GENERALLY LOCATED ON THE SOUTH SIDE OF INDIAN HILLS ROAD AND APPROXIMATELY 1,318 LINEAR FEET EAST OF 48<sup>TH</sup> AVENUE N.W.**

**8a. RESOLUTION NO. R-1011-106**

**L&S DEVELOPMENT II, L.L.C., REQUESTS AMENDMENT OF THE NORMAN 2025 LAND USE AND TRANSPORTATION PLAN (LUP-1011-9) FROM FUTURE URBAN SERVICE AREA TO CURRENT URBAN SERVICE AREA FOR 48.29 ACRES OF PROPERTY GENERALLY LOCATED ON THE SOUTH SIDE OF INDIAN HILLS ROAD AND APPROXIMATELY 1,318 LINEAR FEET EAST OF 48<sup>TH</sup> AVENUE N.W.**

**ITEMS SUBMITTED FOR THE RECORD:**

1. Land Use Plan Map
2. Staff Report

**8b. ORDINANCE NO. O-1011-51**

**L&S DEVELOPMENT II, L.L.C., REQUESTS REZONING FROM A-2, RURAL AGRICULTURAL DISTRICT, TO PUD, PLANNED UNIT DEVELOPMENT, FOR 48.29 ACRES OF PROPERTY GENERALLY LOCATED ON THE SOUTH SIDE OF INDIAN HILLS ROAD AND APPROXIMATELY 1,318 LINEAR FEET EAST OF 48<sup>TH</sup> AVENUE N.W.**

**ITEMS SUBMITTED FOR THE RECORD:**

1. Location Map
2. Staff Report
3. PUD Narrative

**8c. PP-1011-18**

**CONSIDERATION OF A PRELIMINARY PLAT SUBMITTED BY L&S DEVELOPMENT II, L.L.C. (SMC CONSULTING ENGINEERS, P.C.) FOR GLENRIDGE ADDITION, A PLANNED UNIT DEVELOPMENT, GENERALLY LOCATED ON THE SOUTH SIDE OF INDIAN HILLS ROAD AND APPROXIMATELY 1,318 LINEAR FEET EAST OF 48<sup>TH</sup> AVENUE N.W.**

**ITEMS SUBMITTED FOR THE RECORD:**

1. Location Map
2. Preliminary Plat
3. Staff Report
4. Transportation Impacts
5. Typical Lot Site Plan
6. Pre-Development Summary
7. Greenbelt Commission Comments
8. Greenbelt Enhancement Statement

**PRESENTATION BY STAFF:**

1. Mr. Koscinski explained that this is another of the parcels that have cooperated with each other to install utility services to enable moving this into the Current Urban Service Area. This property is already designated for low-density residential. The rezoning is to a Planned Unit Development because the applicant is proposing a gated community with non-standard setbacks. It will be a single-family development with fairly large lots and a good amount of open space. Because it is a gated community, it must be a Planned Unit Development, and will have private roads. This development wraps around two sides of the Bridgeview Methodist Church site that the Commission

reviewed last month. It has only one access point onto Indian Hills Road. The area is currently all vacant land. This is consistent with the 2025 Plan. It is low-density residential. Staff supports both the Plan change and the PUD rezoning. There were no filed protests. The Pre-Development Summary indicates there were comments from people in the Marlatt Addition to the east, but they were interested in learning what was planned in the area.

**PRESENTATION BY THE APPLICANT:**

1. Sean Rieger, 136 Thompson Drive, representing the applicant – The property is currently a field with the proposed church next to it. This is really very low density; the range for single-family density is 3-6 homes per acre, and this will be 3.17 homes per acre. This development features detention areas with paved walking trails around them. This is really the last piece of a very large puzzle in this northwest area of the community, starting with J&J Addition to the west, and several additions to the north. The staff supports this, and Greenbelt Commission was also favorable. We would appreciate your support tonight.

**PARTICIPATION BY THE AUDIENCE:**

None

**DISCUSSION AND ACTION BY THE PLANNING COMMISSION:**

*Diana Hartley moved to recommend adoption of Resolution No. R-1011-106, Ordinance No. O-1011-49, the Site Development Plan and accompanying documentation, and recommend approval of the Preliminary Plat for GLENRIDGE ADDITION, A Planned Unit Development, to the City Council. Chris Lewis seconded the motion.*

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

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

Recording Secretary Roné Tromble announced that the motion, to recommend adoption of Resolution No. R-1011-106, Ordinance No. O-1011-49, the Site Development Plan and accompanying documentation, and recommend approval of the Preliminary Plat for GLENRIDGE ADDITION, A Planned Unit Development, to the City Council, passed by a vote of 7-0.

\* \* \*



**CITY COUNCIL AGENDA  
MAY 24, 2011**

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

**Item No. 8**

**Text File Number: O-1011-57**

**Introduced:** 4/18/2011 by Doug Koscinski, Current Planning Manager

**Current Status:** Consent Item

**Version:** 1

**Matter Type:** Zoning Ordinance

**Title**

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

**ACTION NEEDED:** Motion to introduce and adopt Ordinance No. O-1011-57 upon First Reading by title.

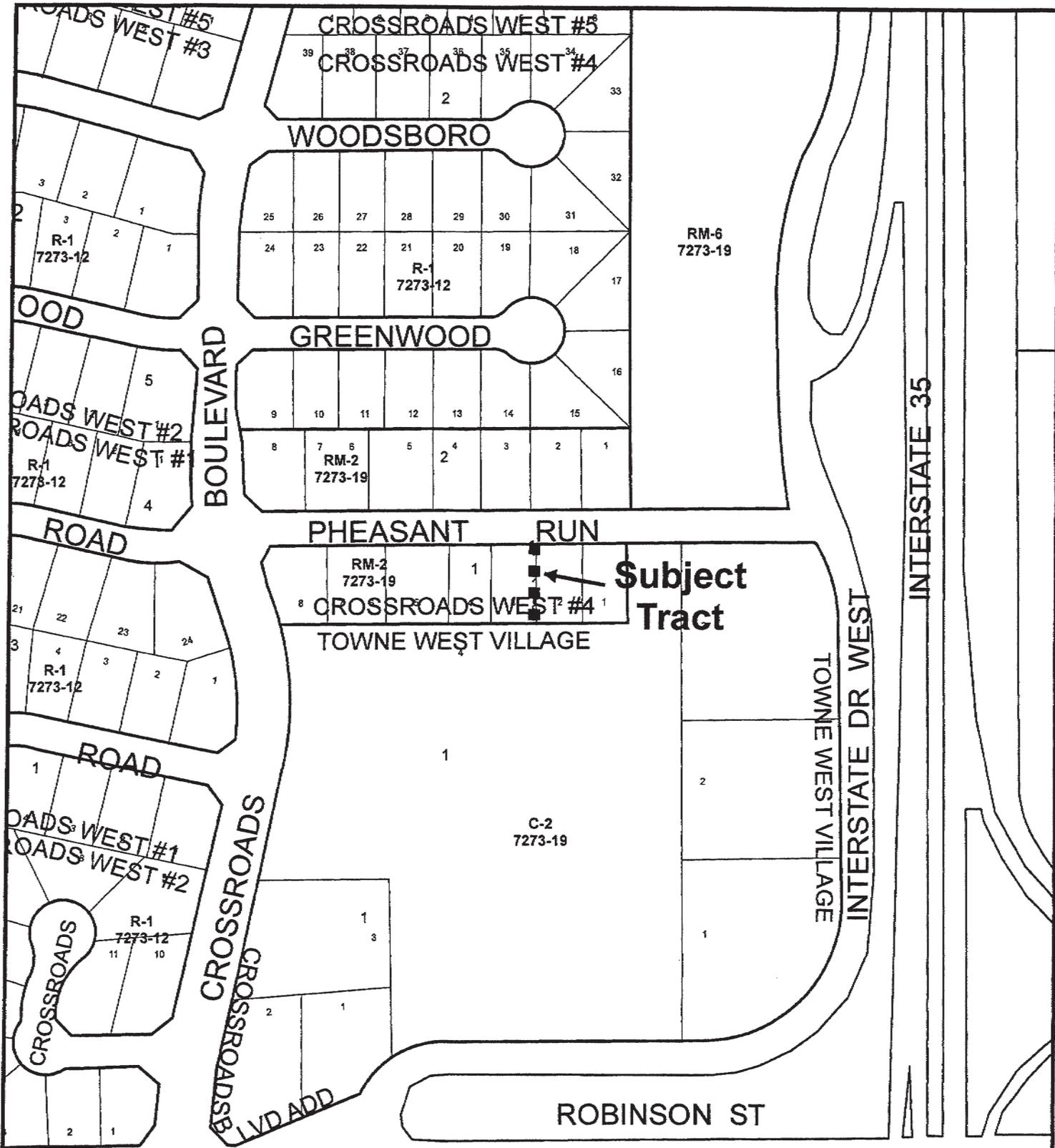
**ACTION TAKEN:** \_\_\_\_\_

**Body**

**DISCUSSION:** Lot 3, Block 1 of Crossroads West No. 4 Addition, 3108 Pheasant Run Road, was platted in 1980 with a 5-foot utility easement on the east side of the lot. The only utility that was ever in the easement was an electric line, which has since been relocated. This lot, and both of the lots to the east, have never been built upon, and remain vacant. The applicant intends to construct at least one duplex, and eliminating this easement will remove the restriction on where a structure could be built.

All franchised utilities were contacted to assess the impact on their facilities if the easement was closed; there were no objections. Water and sewer services for this lot run on the north and south ends of the lot within their own easements and would not be affected by the closing. The request for closure is the first step to removing the easement from the plat, and is followed by an appeal to District court to vacate the platted easement.

**RECOMMENDATION:** There are no utilities currently located within the easement. All utilities have either been removed or were never set since no structures were ever built. The Planning Commission, at their meeting of May 12, 2011, by a vote of 9-0, recommended adoption of this ordinance. Staff supports this request to close the easement.



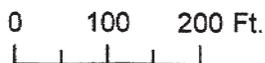
# Location Map



Map Produced by the City of Norman  
 Geographic Information System.  
 (405) 366-5316  
 The City of Norman assumes no  
 responsibility for errors or omissions  
 in the information presented.



April 14, 2011



-  Subject Tract
-  Zoning

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

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

- § 1. That, pursuant to Resolution Number R-8182-66, Jerry and Carroll McConnell, owners of the subject property, have petitioned the City to have a portion of the utility easement on Lot 3, Block 1, CROSSROADS WEST NO. 4 ADDITION closed; and,
- § 2. That, also pursuant to Resolution Number R-8182-66, the proper notice has been given, and the maps, memorandums and other items required by said Resolution have been presented to this Council; and
- § 3. That, also pursuant to Resolution Number R-8182-66, a public hearing has been held regarding said closing; and
- § 4. That, a portion of the utility easement on Lot 3, Block 1, CROSSROADS WEST NO. 4 ADDITION, herein after described, to wit:

The East five feet (5') of Lot 3, Block 1, of Crossroads West No. 4 Addition to the City of Norman, Cleveland County, Oklahoma. 3106 Pheasant Run Road)

is hereby closed.

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

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

NOT ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
(Mayor)

\_\_\_\_\_  
(Mayor)

ATTEST:

\_\_\_\_\_  
(City Clerk)



DATE: April 13, 2011

TO: Jeff Bryant, City Attorney  
Doug Koscinski, Current Planning Manager  
Ken Danner, Development Coordinator  
Ken Komiske, Director of Utilities

FROM: Brenda Hall, City Clerk

A handwritten signature in black ink, appearing to be 'BH', is written over the printed name 'Brenda Hall, City Clerk'.

SUBJECT: Request to Close Easement

I am in receipt of a request to close a utility easement located in the east five feet of Lot 3, Block 1, Crossroads West No. 4 Addition, a/k/a 3108 Pheasant Run Road. The application fee has been paid.

In accordance with Resolution No. R-8182-66, I am forwarding the request; location map; radius map; and certified ownership list to your office and requesting that your office send notice to the furnished list of property owners and have the necessary ordinance prepared. If further action is needed from my office, please notify me.

BH:smr  
attachments

office memorandum

**DAVID T. HOPPER**

*Attorney at Law*  
1620 Oriole Drive  
Norman, Oklahoma 73071

April 13, 2011

City of Norman  
c/o City Clerk's Office  
Norman City Hall

re: Utility easement closing petition of **Jerry D. McConnell and Carrol Lee McConnell,**  
**Trustees of the Jerry D. McConnell Revocable Trust**

Dear Brenda:

Enclosed are the following:

1. Petition to close platted utility easement;
2. List of surrounding property owners, certified by Old Republic Title Company of Okla.
3. Check for \$400 for the City's filing fee.

Please let me know if anything else is needed.

Sincerely,



David T. Hopper

cc: Ken Danner, Pub. Works Dept.  
Clients

To: City of Norman, c/o City Clerk Brenda Hall  
Norman City Hall, Norman, OK

Re: **Petition to close a part of a utility easement in CROSSROADS WEST NO. 4**,  
Norman, OK

Date: April 13, 2011

1. The undersigned Applicants, **Jerry D. McConnell and Carrol Lee McConnell, Trustees of the Jerry D. McConnell Revocable Trust dtd Feb. 26, 1996**, are the beneficial owners of all the land on both sides of the portion of utility easement, described below, which is proposed for closing.

2. It is in the best interest of both the undersigned and the City of Norman to release, close, and subsequently vacate, and foreclose the right to reopen in District Court the following-described portion of an interior utility easement in Crossroads West No. 4 Addition to Norman:

The East five (5') feet of Lot 3, Block 1, of Crossroads West No. 4 Addition to the City of Norman, Cleveland County, Oklahoma, shown on the attached "Exhibit A" map and hereinafter referred to as "**the Subject Property**".

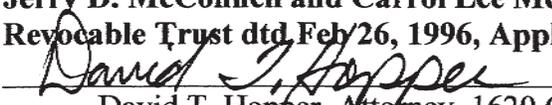
3. If there are utility lines or facilities in, on, under or over any part(s) of Subject Property, Applicants will cause same to be respected and protected, as required by law.

4. An ownership list certified by a bonded abstracter, reflecting all owners of record, according to County Treasurer records, of property within 300 feet in any direction of the above-described Subject Property is submitted herewith. A map which is attached to said ownership list shows the location of the ownership lines for each owner of record whose name appears on the ownership list. Enclosed is a check for the required filing fee of \$400.

5. Action by the Board of County Commissioners of Cleveland County is not necessary. The undersigned will pay the cost of newspaper publication of the required Notice.

**Wherefore**, pursuant to Resolution 8182-66, as amended, of the City of Norman, the undersigned Applicants request official closing of the above-described Subject Property, by enactment of an ordinance by the City Council of the City of Norman.

**Jerry D. McConnell and Carrol Lee McConnell, Trustees of the Jerry D. McConnell Revocable Trust dtd Feb 26, 1996, Applicants, by:**

  
\_\_\_\_\_  
David T. Hopper, Attorney, 1620 Oriole Dr., Norman, OK 73071  
Telephone (405) 360-3591

cc: Ken Danner, CON Public Works  
Clients

**CARTOGRAPHIC COMPANY**

McCONNELL BUILDING  
103 North Mercedes Drive, Suite C  
Norman, Oklahoma  
73069

Phone/Fax (405) 447-9697  
Oklahoma State Board of Engineers and Land Surveyors  
Certificate of Authorization No. 2408  
email: cartographic @ att.net

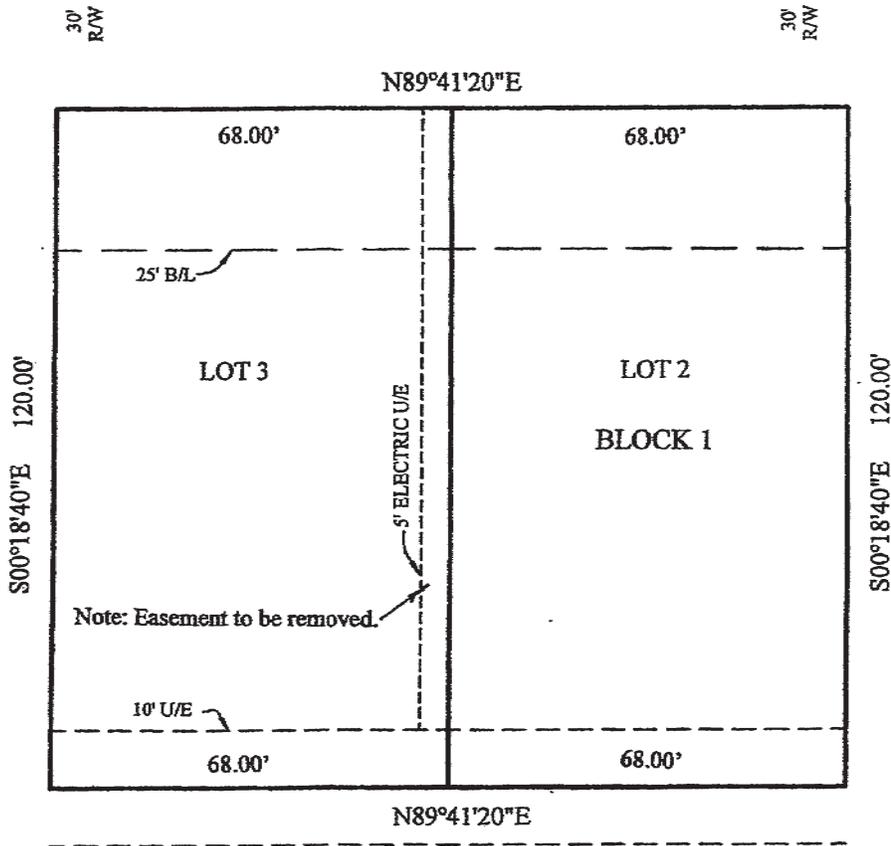
CROSSROADS WEST NO. 4 ADDITION  
Norman, Oklahoma

Lot 3, in Block 1,  
Platted 5' Electric U/E Location

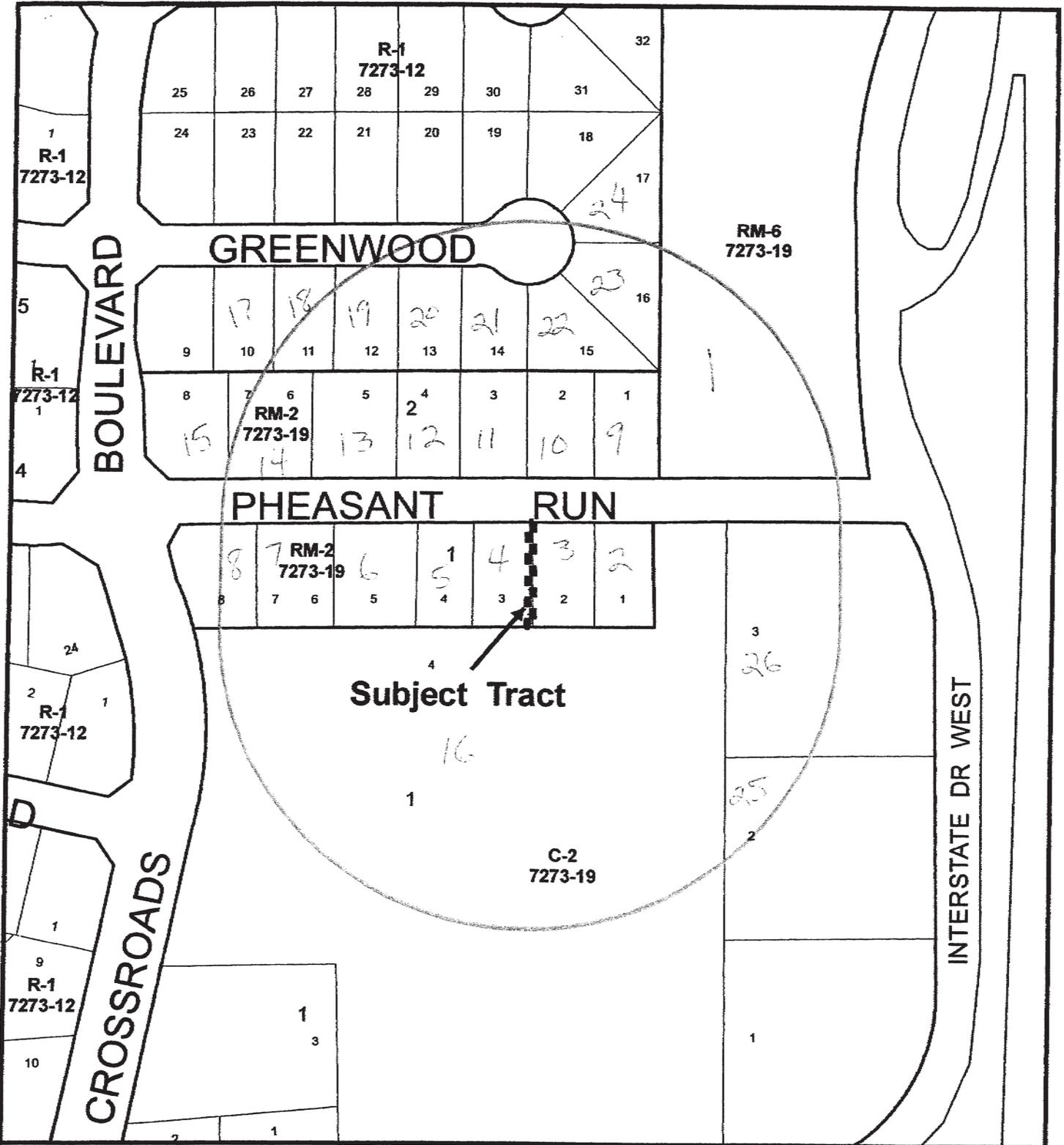
 PHEASANT RUN ROAD



1" = 60'



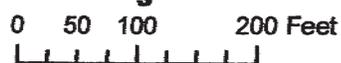
*Exhibit "A"*



# Radius Map



Map Produced by the City of Norman  
 Geographic Information System.  
 (405) 366-5316  
 The City of Norman assumes no  
 responsibility for errors or omissions  
 in the information presented.



April 6, 2011

-  Subject Tract
-  Radius
-  Zoning
-  Parcels
-  Notification Area

---

ORDINANCE NO. O-1011-57

ITEM NO. 9

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**STAFF REPORT**

**GENERAL INFORMATION**

APPLICANT

Jerry & Carroll McConnell

REQUESTED ACTION

Closure of a five foot (5') utility easement

**BACKGROUND.** Lot 3 of Crossroads West No. 4 Addition, 3108 Pheasant Run Road, was platted in 1980 with a 5' U/E on the east side of the lot. Lot 3, and Lot 2 which abuts it on the east, have never been improved, and remain vacant. The applicant intends to construct at least one duplex, and eliminating this easement will remove the restriction on where a structure could be built.

**DISCUSSION.** All franchised utilities were contacted to assess the impact on their facilities if the easement was closed; there were no objections. Water and sewer services for this lot run on the north and south ends of the lot within their own easements and would not be affected by the closing. The request for "closure" is the first step to removing the easement from the plat, and is followed by an appeal to District court to vacate the platted easement.

**RECOMMENDATION.** There are no utilities currently located within the easement. All utilities have either been removed or were never set since no structures were ever built. Staff supports this request to close the easement.

Item No. 9, being:

**O-1011-57 – JERRY & CARROL McCONNELL REQUEST CLOSURE OF A FIVE (5) FOOT WIDE UTILITY EASEMENT LOCATED ON THE EAST SIDE OF LOT 3, BLOCK 1, CROSSROADS WEST NO. 4 ADDITION.**

**ITEMS SUBMITTED FOR THE RECORD:**

1. Location Map
2. Staff Report
3. Site Plan

**PRESENTATION BY STAFF:**

1. Mr. Koscinski stated this is northwest of Robinson and I-35. There is a large commercial area with a row of duplexes to the north of the commercial area. The last three lots have never been built upon and the owner is now intending to build and discovered an easement with nothing in it. It used to have an electric line in the easement, which has been moved. There were no negative comments from any other utility companies. The easement is in the way of developing additional duplexes. Staff supports the closure.

**PRESENTATION BY THE APPLICANT:**

1. David Hopper, 1620 Oriole Drive, representing the applicant – The electric line has already been moved a couple of years ago. The applicant has a purchaser ready for the property and is ready to move forward with developing it.

**PARTICIPATION BY THE AUDIENCE:**

None

**DISCUSSION AND ACTION BY THE PLANNING COMMISSION:**

*Chris Lewis moved to recommend adoption of Ordinance No. O-1011-57 to the City Council. Zev Trachtenberg seconded the motion.*

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

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

Recording Secretary Roné Tromble announced that the motion, to recommend adoption of Ordinance No. O-1011-57 to the City Council, passed by a vote of 9-0.

\* \* \*



**CITY COUNCIL AGENDA  
MAY 24, 2011**

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

**Item No. 9**

**Text File Number: AP-1011-21**

**Introduced:** 5/3/2011

**Current Status:** Consent Item

**Version:** 1

**Matter Type:** Appointment

Title

CONSIDERATION OF THE MAYOR'S APPOINTMENTS AS FOLLOWS:

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

CHILDREN'S RIGHTS COORDINATING COMMISSION  
TERM: 05-24-11 TO 10-16-14: HEIDI SMITH, 1121 DESERT WILLOW TERRACE

LIBRARY BOARD  
TERM: 05-01-11 TO 05-01-14: TIM MAULDIN, POST OFFICE BOX 722100  
TERM: 05-24-11 TO 05-01-14: THOMAS SHOWMAN, 609 BRANCHWOOD ROAD  
TERM: 05-24-11 TO 05-01-14: ALEISHA KARJALA, 118 SOUTH MERCEDES DRIVE  
TERM: 05-24-11 TO 05-01-12: KAREN RIEGER, 1025 WHISPERING PINES DRIVE  
TERM: 05-24-11 TO 05-01-12: GLYNIS EDGAR, 3306 HILLVIEW DRIVE

BOARD OF PARKS COMMISSIONERS  
TERM: 05-24-11 TO 01-01-14: HEATHER PERRY, 3726 INDIAN POINT CIRCLE

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

INFORMATION: In accordance with the Mayor's request, the above-described item is submitted for City Council's consideration. Dr. Ginger Noble will replace Dr. Beverly Fritzler who has resigned; Heather Perry will replace Ann Gallagher; Heidi Smith will replace Emily Furney who has resigned; Thomas Showman will replace Karen Rieger; Aleisha Karjala will replace Glynis Edgar; Karen Rieger will fill the unexpired term of Erin Sloan who has resigned; Glynis Edgar will fill the unexpired term of Steven McKinzey who has resigned; and Tim Mauldin, Darrell Janaway, and Joyce Pitchlynn are reappointments.

ACTION NEEDED: Motion to confirm or reject the appointments.

ACTION TAKEN: \_\_\_\_\_



**CITY COUNCIL AGENDA  
MAY 24, 2011**

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

**Item No. 10**

**Text File Number: RPT-1011-41**

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**Introduced:** 5/9/2011 by Anthony Francisco, Finance Director

**Current Status:** Consent Item

**Version:** 1

**Matter Type:** Communication or Report

Title

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

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

**ACTION TAKEN:** \_\_\_\_\_

DATE: 04-May-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

FUND	MONTHLY COMPARISON				ANNUAL COMPARISON			
	MONTHLY BUDGETED INTEREST EARNINGS FYE11	MONTHLY INTEREST EARNINGS April 2011	MONTHLY % INCREASE (DECREASE)	MONTHLY % OF PORTFOLIO HOLDINGS	ANNUAL BUDGETED INTEREST EARNINGS FYE10-YTD	INTEREST EARNINGS YTD FYE11	YTD % INCREASE (DECREASE)	YTD % PORTFOLIO HOLDINGS
GENERAL FUND	\$22,917	\$5,363	-76.60%	7.99%	\$229,167	\$49,872	-78.24%	8.16%
PUBLIC SAFETY SALES TAX FUND	N/A	\$4,849	100.00%	7.23%	N/A	\$45,670	100.00%	7.47%
ROOM TAX FUND	\$250	\$105	-58.13%	0.16%	\$2,500	\$969	-61.25%	0.16%
CAPITAL PROJECTS FUND	\$29,167	\$15,639	-46.38%	23.31%	\$291,667	\$139,853	-52.05%	22.87%
SINKING FUND	\$2,083	\$4,945	137.34%	7.37%	\$20,833	\$27,684	32.88%	4.53%
G.O. BOND FUND	\$167	\$147	-11.84%	0.22%	\$1,667	\$1,163	-30.20%	0.19%
WESTWOOD FUND	\$625	\$52	-91.67%	0.08%	\$6,250	\$5,908	-5.48%	0.97%
WATER FUND	\$10,000	\$8,625	-13.75%	12.86%	\$100,000	\$79,816	-20.18%	13.05%
WASTEWATER FUND	\$25,000	\$7,004	-71.98%	10.44%	\$250,000	\$67,436	-73.03%	11.03%
HALLPARK FUND	N/A	\$0	100.00%	0.00%	N/A	\$0	100.00%	0.00%
DEVELOPMENT EXCISE	\$16,667	\$9,889	-40.66%	14.74%	\$166,667	\$87,981	-47.21%	14.39%
SEWER SALES TAX	\$16,667	\$6,052	-63.69%	9.02%	\$166,667	\$57,556	-65.47%	9.41%
SANITATION FUND	\$2,500	(\$79)	-103.15%	-0.12%	\$25,000	\$3,825	-84.70%	0.63%
PARKLAND FUND	\$2,255	\$1,004	-55.48%	1.50%	\$22,551	\$9,360	-58.49%	1.53%
TRUST & AGENCY FUNDS	N/A	\$4	100.00%	0.01%	N/A	\$41	100.00%	0.01%
TAX INCREMENT DISTRICT	\$417	\$1,489	100.00%	2.22%	\$4,167	\$15,771	100.00%	2.58%
SPECIAL GRANTS FUND	N/A	\$889	100.00%	1.32%	N/A	\$8,058	100.00%	1.32%
CLEET FUND	N/A	\$21	100.00%	0.03%	N/A	\$164	100.00%	0.03%
HOUSING	N/A	\$0	100.00%	0.00%	N/A	\$133	100.00%	0.02%
SITE IMPROVEMENT FUND	N/A	\$34	100.00%	0.05%	N/A	\$322	100.00%	0.05%
ARTERIAL ROAD FUND	N/A	\$686	100.00%	1.02%	N/A	\$6,641	100.00%	1.09%
SEIZURES	\$42	\$372	791.94%	0.55%	\$417	\$3,286	688.74%	0.54%
	<u>\$128,755</u>	<u>\$67,090</u>	<u>-47.89%</u>	<u>100.00%</u>	<u>\$1,287,551</u>	<u>611,509</u>	<u>-52.51%</u>	<u>100.00%</u>

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 \$ 115.73 million as of 4/30/11 are represented by working capital cash balances of all City funds of approximately \$ 66.24 million, outstanding encumbrances of \$19.95 million, General Obligation Bond proceeds of \$7.08, NUA revenue bond proceeds of \$14.0 million, NMA bond proceeds of \$4.09 million, and UNP TIF reserve amounts of \$4.37 million.

**INVESTMENT BY TYPE**

April 30, 2011

<u>LIST BY TYPE</u>	<u>SEC. NO.</u>	<u>PURCHASED</u>	<u>MATURITY</u>	<u>YIELD</u>	<u>EARNED INTEREST</u>	<u>COST</u>	<u>MARKET</u>
<b>**Checking</b>							
BANK OF AMERICA	NUA REV. FD.				\$0.00	\$0.00	\$0.00
BANK OF AMERICA	GEN'L DEP.			0.30%	\$2,624.26	\$12,606,613.90	\$12,606,613.90
BANK OF AMERICA	WARRANTS PAYABLE				\$0.00	(\$1,646,708.97)	(\$1,646,708.97)
BANK OF AMERICA	PAYROLL				\$0.00	(\$3,276,532.35)	(\$3,276,532.35)
BANK OF AMERICA	COURT BOND REFUNDS				\$0.00	\$246,553.49	\$246,553.49
BANK OF AMERICA	INSURANCE CLAIMS				\$0.00	(\$153,062.88)	(\$153,062.88)
BANK OF AMERICA	HALLPARK			0.01%	\$1.33	\$164,926.51	\$164,926.51
<b>**Subtotal</b>					<b>\$2,625.59</b>	<b>\$7,941,789.70</b>	<b>\$7,941,789.70</b>
<b>**Money Market</b>							
BANCFIRST-NUA	MONEY MKT.			0.01%	\$2.25	\$632,622.54	\$632,622.54
BANCFIRST-NMA Sanitat.	MONEY MKT.			0.01%	\$28.10	\$3,721,682.98	\$3,721,682.98
BANCFIRST-NMA Golf	MONEY MKT.			0.01%	\$0.64	\$371,938.73	\$371,938.73
BANCFIRST-NUA Water	MONEY MKT.			0.01%	\$80.76	\$13,375,066.72	\$13,375,066.72
Bank of Oklahoma UNP TIF	MONEY MKT.			0.01%	\$19.85	\$3,772,938.27	\$3,772,938.27
REPUBLIC BANK UNP TIF	MONEY MKT.			0.60%	\$272.26	\$598,582.62	\$598,582.62
FIRST FIDELITY	MONEY MKT.			0.40%	\$51.40	\$0.00	\$0.00
BANK OF AMERICA	MONEY MKT.			0.01%	\$4.31	\$442,516.11	\$442,516.11
BANK OF AMERICA	MONEY MKT.			0.06%	\$13.93	\$287,530.40	\$287,530.40
BANK OF AMERICA - Drinking W	MONEY MKT.			0.30%	\$66.77	\$270,959.16	\$270,959.16
BANK OF AMERICA - Clean Wate	MONEY MKT.			0.30%	\$0.43	\$195,023.39	\$195,023.39
BANK OF AMERICA-2008A	MONEY MKT.			0.30%	\$297.53	\$775,212.86	\$775,212.86
BANK OF AMERICA-2008B	MONEY MKT.			0.30%	\$669.48	\$2,288,757.04	\$2,288,757.04
BANK OF AMERICA-2010	MONEY MKT.			0.30%	\$1,067.93	\$4,019,940.94	\$4,019,940.94
<b>**Subtotal</b>					<b>\$2,575.64</b>	<b>\$30,752,771.76</b>	<b>\$30,752,771.76</b>
<b>**Sweep/Overnight</b>							
JP MORGAN	SHORT TERM			0.00%	\$0.00	\$447,759.30	\$447,759.30
<b>**U.S. Treasury Securities</b>							
FHLB	3133XFJY3	08/31/09	06/10/11	1.11%	5,634.73	5,555,000.00	\$5,583,330.50
FHLMC	312SX1EJ2	12/31/09	05/22/13	2.08%	3,649.08	2,000,000.00	\$2,144,720.00
FHLB	3133XWD71	12/31/09	02/28/12	1.24%	5,153.67	5,000,000.00	\$5,033,150.00
T-Note	912828KP4	12/31/09	05/15/12	1.31%	6,550.23	6,000,000.00	\$6,060,874.43
FHLB	3133XWD71	12/31/09	02/28/12	1.25%	5,176.49	5,000,000.00	\$5,033,150.00
T-Note	912828KP4	12/31/09	05/15/12	1.31%	7,369.60	6,750,000.00	\$6,834,603.08
FFCB	31331G2R9	03/31/10	12/07/12	1.58%	132.38	100,000.00	\$102,141.00
FHLB	3133XTS49	03/31/10	06/20/12	1.30%	109.55	100,000.00	\$101,700.00
FNMA	31398AZ47	07/29/10	07/29/13	1.19%	3,973.88	4,000,000.00	\$4,009,000.00
FHLB	3133XYHD0	07/22/10	06/14/13	1.05%	3,547.07	4,000,000.00	\$4,074,640.00
FNMA	313359MNU3	11/30/10	08/01/12	0.73%	5,208.52	8,000,000.00	\$8,473,120.00
FHLB	313371WK8	11/30/10	02/25/14	1.00%	1,458.33	1,750,000.00	\$1,735,562.50
FNMA	31398A5Q1	12/02/10	11/08/13	1.06%	7,313.34	8,250,000.00	\$8,189,775.00
U.S. STRIPS	912833JW1	12/30/10	05/15/11	0.22%	3,280.00	20,000,000.00	\$19,999,600.00
U.S. STRIPS (Hallpark)	912833KC3	06/09/04	05/15/14	5.12%	431.27	79,860.00	\$127,645.32
FHLMC	called discount gain 3128Y9KQ2	03/31/10	11/10/11	0.99%	6,883.06	0.00	\$0.00
FHLMC	called premium loss 3128X9C40	03/31/10	08/26/13	2.15%	(3,982.69)	0.00	\$0.00
<b>**Subtotal</b>					<b>61,888.51</b>	<b>76,584,860.00</b>	<b>\$77,503,011.82</b>
<b>**TOTAL**</b>					<b>67,089.74</b>	<b>115,727,180.76</b>	<b>\$116,645,332.58</b>

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  
MAY 24, 2011**

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

**Item No. 11**

**Text File Number: RPT-1011-42**

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**Introduced:** 5/9/2011 by Carol Coles, Administrative Assistant

**Current Status:** Consent Item

**Version:** 1

**Matter Type:** Communication or Report

Title

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

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

**ACTION TAKEN:** \_\_\_\_\_



**CITY COUNCIL AGENDA  
MAY 24, 2011**

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

**Item No. 12**

**Text File Number: K-1011-149**

**Introduced:** 4/18/2011 by Brenda Hall, City Clerk

**Current Status:** Consent Item

**Version:** 1

**Matter Type:** Contract

**Title**

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

**ACTION NEEDED:** Motion to accept or reject all bids meeting specifications; and, if accepted, award the bid to Weatherproofing Technologies, Inc., in the amount of \$1,750,000 as the lowest and best bidder meeting specifications; approve Contract No. K-1011-149 and the performance, statutory, and maintenance bonds; authorize execution of the contract; direct the filing of the bonds; and adopt Resolution No. R-1011-119.

**ACTION TAKEN:** \_\_\_\_\_

**Body**

**BACKGROUND:** City Council, in its meeting of July 13, 2010, approved Contract No. K-1011-41 with Weatherproofing Technologies, Inc., (WTI) in conjunction with Redding Linden Burr Consulting Engineers to provide engineering design and project oversight services for a Mechanical Renovation Project for the Norman Public Library and Municipal Building B/Police Department/Municipal Court Mechanical Renovation Project. Staff worked directly with Redding, Linden, and Burr throughout the design phase and reviewed the final plans extensively prior to their release at the mandatory pre-bid meeting.

**DISCUSSION:** The Norman Public Library is approximately 50,000 square feet with a boiler chiller system and Building B is approximately 23,000 square feet with a boiler and roof top unit system. Both systems have exceeded their useful life and require daily maintenance to keep them functioning.

Bid documents and specifications for the project were advertised according to state law. Four (4) potential bidders acquired plans and specifications and attended the mandatory pre-bid conference held on March 18, 2011. Three (3) bids were received on March 31, 2011.

The low bid was received from WTI in the amount of \$1,750,000, which is \$588,600 less than the next lowest bidder. The preliminary estimate for the project was \$1.8 million. The

project should be completed by February 2012. The contractor will be required to work with the project manager to phase work during the project in such a manner that has the least amount of impact to the operation of the two facilities, which will remain open throughout the project.

WTI's corporate headquarters are located in Houston, Texas, and they have a local office in Oklahoma City. They have been in business for 37 years and do work throughout the United States. WTI also worked with staff in preparing preliminary assessments and budget estimates for several mechanical systems in City facilities included in the Facility Assessment Report. Additionally, testing, balancing and commissioning of the heating and air conditioning systems, to be conducted by a third party paid for by the mechanical contractor, are required as a part of this project.

Funds for this project have been appropriated and are available in the Capital Budget, Project No. EF1003, Building Maintenance Needs-Mechanical, Construction (050-9540-419.61-01).

**RECOMMENDATION:** Staff recommends Bid No. 1011-65 for the Norman Public Library and Municipal Building B/Police Department/Municipal Court Mechanical Renovation Project be awarded to WTI in the amount of \$1,750,000 as the lowest and best bidder meeting specifications. Upon the awarding of the bid, staff further recommends approval of following contract, bonds, and project agent resolution granting tax-exempt status:

Contract No. K-1011-149  
Performance Bond No. B-1011-84  
Statutory Bond No. B-1011-85  
Maintenance Bond No. MB-1011-88  
Project Agent Resolution No. R-1011-119

Bid No. 1011-65  
Norman Public Library and Municipal Building B/Police Department/Municipal  
Court Mechanical Renovation Project  
March 31, 2011

The following is a tabulation of bids received by the City of Norman for the Norman Public Library and Municipal Building B/Police Department/Municipal Court Mechanical Renovation Project

<u>Bidder</u>	<u>Bid</u>
Weatherproofing Technologies, Inc. Houston, TX	\$1,750,000
United Mechanical, Inc. Oklahoma City, OK	\$2,338,600
Streets, LLC Oklahoma City, OK	\$2,465,800

RECOMMENDATION: Staff recommends Weatherproofing Technologies, Inc., be awarded the bid for the above-referenced project. Project No. EF1003, Building Maintenance Needs-Mechanical, Construction (050-9540-419.61-01).

Forwarded by:

Matthew Smith  
Facility Maintenance Superintendent

CONTRACT

THIS CONTRACT made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2011, by and between Weatherproofing Technologies, as Party of the First Part, hereinafter designated as the CONTRACTOR, and the City of Norman, a municipal corporation, hereinafter designated as the CITY, Party of the Second Part.

WITNESSETH

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

**LIBRARY AND BUILDING B / POLICE DEPARTMENT / COURT/ MECHANICAL RENOVATION PROJECT**

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

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

WHEREAS, the CITY, in the manner provided by law, has publicly opened, examined, and canvassed the proposals submitted and has determined and declared the above-named CONTRACTOR to be the lowest and best Bidder on the above-prepared project, and has duly awarded this CONTRACT to said CONTRACTOR, for the sum named in the proposal, to wit: One million seven hundred fifty thousand Dollars (\$ 1,750,000.00 );

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, Instruction 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.

Contract No. K-1011-149

Page 1 of 5

- 2) Contractor shall receive payment for accepted work at 25%, 50%, 75%, and 100% completion. Percentage of completion is to be determined by the project manager who has sole authority in this matter.

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

On completion of the work, but prior to the acceptance thereof by the 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 retainage) 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 240 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 work is 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.
- 11) IN WITNESS WHEREOF, the parties hereto have caused this instrument to be executed, in three (3) duplicate originals, the day and year first above written.

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

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

STATE OF Texas )  
COUNTY OF Harris )

Craig Nelson, 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.

Submitted and sworn to before me this 20 day of April, 2011.

LeCIA L. HOGAN  
Notary Public

**LECIA L. HOGAN**  
Notary Public, State of Ohio, Cuy. Cty.  
My commission expires Feb. 20, 2012

My Commission Expires:

2/20/12

IN WITNESS WHEREOF, the said parties of the First and Second Part have hereunto set their hands and seals respectively the 20<sup>th</sup> day of April, 2011, and the \_\_\_\_\_ day of \_\_\_\_\_, 2011.

(Corporate Seal) (Where applicable)

ATTEST:

[Signature]  
Corporate Secretary (where applicable)

[Signature] Craig Nelson  
Principal

Signed: [Signature]  
Authorized Representative  
Vice President Construction Operations  
Title

Address: 16902 El Camino Real, 4C  
Houston TX 77058

Telephone: 281-480-7900

CITY OF NORMAN

Approved as to form and legality this 3 day of May, 2011.

[Signature]  
City Attorney

Approved by the City of Norman this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

ATTEST:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor

EXECUTED IN TRIPLICATE  
**PERFORMANCE BOND**

Bond No. 14059209

Know all men by these presents, that Weatherproofing Technologies, 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 One Million Seven Hundred Fifty Thousand and Zero Cent DOLLARS, (\$ 1,750,000.00), 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:

**LIBRARY AND BUILDING B / POLICE DEPARTMENT / COURT MECHANICAL RENOVATION PROJECT**

has entered into a written CONTRACT (K-1011-149) with THE CITY OF NORMAN, dated           , for the erection and construction of this PROJECT, that CONTRACT being incorporated herein by reference as if fully set forth.

NOW, THEREFORE, if PRINCIPAL shall, in all particulars, well and truly perform and abide by 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 expenses 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 or as determined by a court on appeal.

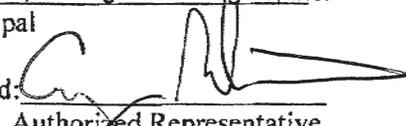
IN WITNESS WHEREOF, the PRINCIPAL has caused these presents to be executed in its name and its corporate seal (where applicable) to be hereunto affixed by its duly authorized representative(s), and the 14th day of April, 2011, and the SURETY has caused these presents to be executed in its name and its corporate seal to be hereunto affixed by its authorized representative(s) on the 13th day of April, 2011.

(Corporate Seal) (where applicable)

Weatherproofing Technologies, Inc.  
Principal

ATTEST:

Signed:



Authorized Representative  
Vice President  
Title

Dwight M. Kuder  
Corporate Secretary (where applicable)

Address: 3735 Green Rd. Beachwood OH 44122  
Telephone: 216-292-5000

(Corporate Seal) (where applicable)

Liberty Mutual Insurance Company  
Surety

ATTEST:

Signed:



Authorized Representative  
Attorney-in-Fact  
Title

Alice V. Halter  
Corporate Secretary (where applicable)

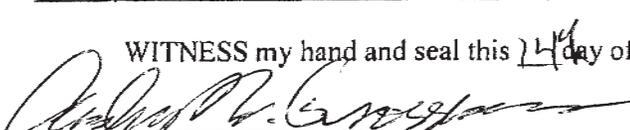
Address: 200 Public Square, Suite 1000  
Cleveland, Ohio 44114  
Telephone: 216-937-1700

**CORPORATE ACKNOWLEDGMENT**

STATE OF Ohio )  
~~OKLAHOMA~~ )  
COUNTY OF CUYAHOGA )

The foregoing instrument was acknowledged before me this 14th day of April, 2011, Craig Nelson (Name & Title) of Vice President, a Weatherproofing Technologies Inc. corporation, on behalf of the corporation.

WITNESS my hand and seal this 14th day of April, 2011.

  
Notary Public

My Commission Expires: Andrew W. Grossman  
Notary Public  
in and for the State of Ohio  
My Commission Expires  
June 1, 2014

Page 2 of 3  
Performance Bond No. B-1011-84

**INDIVIDUAL ACKNOWLEDGMENT**

STATE OF OKLAHOMA \_\_\_\_\_ )  
COUNTY OF \_\_\_\_\_ )

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2011, by \_\_\_\_\_ of \_\_\_\_\_, (Name and Title) of \_\_\_\_\_.

WITNESS my hand and seal this \_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_

**PARTNERSHIP ACKNOWLEDGMENT**

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2011, by \_\_\_\_\_ partner (agent) on behalf of \_\_\_\_\_, a partnership.

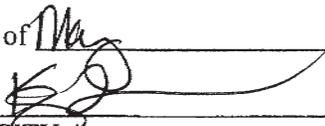
WITNESS my hand and seal this \_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_

**CITY OF NORMAN**

Approved as to form and legality this 3 day of May, 2011.

  
\_\_\_\_\_  
CITY Attorney

Approved by the CITY OF NORMAN this \_\_\_\_ day of \_\_\_\_\_, 2011.

ATTEST:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor

EXECUTED IN TRIPLICATE  
STATUTORY BOND

Bond No. 14059209

Know all men by these presents that Weatherproofing Technologies, 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 State of Oklahoma in the sum of One Million Seven Hundred Fifty Thousand DOLLARS (\$1,750,000.00), 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:

**LIBRARY AND BUILDING B / POLICE DEPARTMENT / COURT MECHANICAL RENOVATION PROJECT**

has entered into a written CONTRACT (~~K-1011-149~~) with THE CITY OF NORMAN, dated       , for the erection and construction of this PROJECT, that CONTRACT being incorporated herein by reference as if fully set forth.

NOW, THEREFORE, if the PRINCIPAL, shall properly and promptly complete the work on this PROJECT in accordance with the CONTRACT, and shall well and truly pay all indebtedness incurred for labor and materials and repairs to an 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 and 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.

Page 1 of 3  
Statutory Bond No. B-1011-85

IN WITNESS WHEREOF, the PRINCIPAL has caused these presents to be executed in its name and its corporate seal (where applicable) to be hereunto affixed by its duly authorized representative(s), on the \_\_\_ day of \_\_\_\_\_, 2011, and the SURETY has caused these presents to be executed in its name and its corporate seal to be hereunto affixed by its authorized representative on the 13th day of April, 2011.

(Corporate Seal) (where applicable)

Weatherproofing Technologies, Inc.  
Principal

ATTEST:

Devin M. Keenan  
Corporate Secretary (where applicable)

Signed: [Signature]  
Authorized Representative  
Craig Nelson  
Title Vice President

Address: 3735 Green Rd. Beachwood OH 44122  
Telephone: 216-292-5000

(Corporate Seal) (where applicable)

Liberty Mutual Insurance Company  
Surety

ATTEST:

Alice V. Halter  
Corporate Secretary (where applicable)

Signed: [Signature]  
Authorized Representative  
Attorney-in-Fact  
Title

200 Public Square, Suite 1000  
Address: Cleveland, Ohio 44114  
Telephone: 216-937-1700

**CORPORATE ACKNOWLEDGMENT**

STATE OF ~~OKLAHOMA~~ Ohio )  
COUNTY OF Cuyahoga )

The foregoing instrument, was acknowledged before me this 14th day of April, 2011, by Craig Nelson, Vice President (Name and Title) of Weatherproofing Technologies Inc. a corporation, on behalf of the corporation.

WITNESS my hand and seal this 14th day of April, 2011.

[Signature]  
Notary Public

**Andrew W. Grossman**  
Notary Public  
My Commission Expires: **In and for the State of Ohio**  
**My Commission Expires**  
**June 1, 2014**

**INDIVIDUAL ACKNOWLEDGMENT**

STATE OF OKLAHOMA \_\_\_\_\_ )  
COUNTY OF \_\_\_\_\_ )

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2011, By \_\_\_\_\_ of \_\_\_\_\_, (Name and Title) of \_\_\_\_\_.

WITNESS my hand and seal this \_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_

**PARTNERSHIP ACKNOWLEDGMENT**

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2011, by \_\_\_\_\_ 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 3 day of May, 2011.

  
\_\_\_\_\_  
City Attorney

Approved by the CITY OF NORMAN this \_\_\_\_ day of \_\_\_\_\_, 2011.

ATTEST:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor

EXECUTED IN TRIPLICATE  
CITY OF NORMAN  
MAINTENANCE BOND

Bond No. 14059209

Know all men by these present that Weatherproofing Technologies, 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, OKLAHOMA, a Municipal Corporation of the State of Oklahoma, herein called CITY, in the sum of One Million Seven Hundred Fifty Thousand and Zero Cent DOLLARS (\$ 1,750,000.00 ----), 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:

**LIBRARY AND BUILDING B / POLICE DEPARTMENT / COURT MECHANICAL RENOVATION PROJECT**

has entered into a written CONTRACT (K-1011-149) with THE CITY OF NORMAN, dated \_\_\_\_\_, for the erection and construction of this PROJECT, that CONTRACT being incorporated herein by reference 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 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.

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

Page 1 of 3  
Maintenance Bond No. MB-1011-88

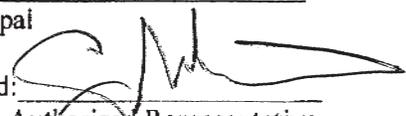
IN WITNESS WHEREOF, the said PRINCIPAL has caused these presents to be executed in its name and its corporate seal (where applicable) to be hereunto affixed by its duly authorized representative(s), on the day of \_\_\_\_\_, 2011, and the SURETY has caused these presents to be executed in its name its corporate seal to be hereunto affixed by its authorized representative(s) on the day of April 13, 2011.

(Corporate Seal) (where applicable)

Weatherproofing Technologies, Inc.

Principal

ATTEST:

Signed: 

Authorized Representative

Craig Nelson

Title Vice President

Address: 3735 Green Rd. Beachwood OH 44122

Telephone: 216-292-5000

  
Corporate Secretary (where applicable)

(Corporate Seal) (where applicable)

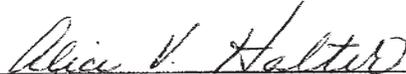
Liberty Mutual Insurance Company

Surety

ATTEST:

Signed: 

Authorized Representative

  
Corporate Secretary (where applicable)

Attorney-in-Fact

Title 200 Public Square, Suite 1000

Address: Cleveland, OH 44114

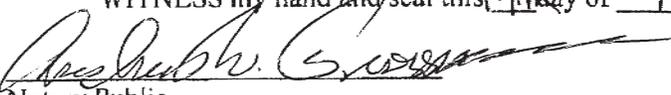
Telephone: 216-937-1700

**CORPORATE ACKNOWLEDGMENT**

STATE OF OKLAHOMA Ohio  
COUNTY OF CUYAHOGA

The foregoing instrument was acknowledged before me this 14th day of April, 2011, by Craig Nelson Vice Pres (Name & Title) of Weatherproofing Technologies, Inc. corporation, on behalf of the corporation.

WITNESS my hand and seal this 14th day of April, 2011.

  
Notary Public

**Andrew W. Grossman**

**Notary Public**

My Commission Expires **and for the State of Ohio**

**My Commission Expires**

**June 1, 2014**

Page 2 of 3

Maintenance Bond No. MB-1011-88

**INDIVIDUAL ACKNOWLEDGMENT**

STATE OF OKLAHOMA \_\_\_\_\_ )  
COUNTY OF \_\_\_\_\_ )

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2011, by \_\_\_\_\_ of \_\_\_\_\_, (Name and Title) of \_\_\_\_\_.

WITNESS my hand and seal this \_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_

**PARTNERSHIP ACKNOWLEDGMENT**

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2011, by \_\_\_\_\_ 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 3 day of May, 2011.

  
\_\_\_\_\_  
City Attorney

Approved by the CITY OF NORMAN this \_\_\_\_ day of \_\_\_\_\_, 2011.

ATTEST:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor

# Resolution

R-1011-119

A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AUTHORIZING AND APPOINTING WEATHER-PROOFING TECHNOLOGIES, INC., AS PROJECT AGENT FOR THE NORMAN PUBLIC LIBRARY AND MUNICIPAL BUILDING B/POLICE DEPARTMENT/ MUNICIPAL COURT MECHANICAL RENOVATION PROJECT.

- § 1. WHEREAS, the City of Norman, Oklahoma, does hereby acknowledge that the tax-exempt status of this political subdivision is a significant factor in determining the agreed contract price bid by Weatherproofing Technologies, Inc., for the Norman Public Library and Municipal Building B/Police Department/Municipal Court Mechanical Renovation Project; and
- § 2. WHEREAS, the City of Norman, Oklahoma, in compliance with State law, desires to confer on Weatherproofing Technologies, 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, Weatherproofing Technologies, Inc., to purchase materials which are in fact used for the Norman Public Library and Municipal Building B/Police Department/Municipal Court Mechanical Renovation Project; and
- § 3. WHEREAS, this limited agent status is conferred with the express understanding that Weatherproofing Technologies, 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 24th day of May, 2011, did appoint Weatherproofing Technologies, Inc., who is involved with the Norman Public Library and Municipal Building B/Police Department/Municipal Court Mechanical Renovation Project an agent of the City of Norman, Oklahoma, solely for the purpose of purchasing, on a tax-exempt basis, materials and tangible personal property to be used exclusively for the Norman Public Library and Municipal Building B/Police Department/Municipal Court Mechanical Renovation Project.

PASSED AND ADOPTED THIS 24th day of May, 2011.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk



PURCHASE REQUISITION NBR: 0000185487

REQUISITION BY: SRUNYON

STATUS: DIVISION APPROVAL

REASON: CONTRACT NO. K-1011-149

DATE: 4/20/11

SHIP TO LOCATION: BUILDING MAINTENANCE

SUGGESTED VENDOR: 10741 WEATHERPROOFING TECHNOLOGIES I

DELIVER BY DATE: 4/27/11

LINE NBR	DESCRIPTION	QUANTITY	UOM	UNIT COST	EXTEND COST	VENDOR PART NUMBER
1	CONTRACT NO. K-1011-149 FOR THE NORMAN PUBLIC LIBRARY AND MUNICIPAL BUILDING B/POLICE DEPT/ MUNICIPAL COURT MECHANICAL RENOVATION PROJECT CONTINGENT UPON CITY COUNCIL APPROVAL ON 5/24/11	1.00	EA	1750000.0000	1750000.00	

COMMODITY: CONSTRUCTION SERVICES, HE  
 SUBCOMM: MAINTENANCE, REPAIR, AND

REQUISITION TOTAL: 1750000.00

-----  
A C C O U N T I N F O R M A T I O N  
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LINE #	ACCOUNT	PROJECT	%	AMOUNT
1	05095404196101	Capital Projects Construction	100.00	1750000.00
		Building HVAC/Mechanical		1750000.00

REQUISITION IS IN THE CURRENT FISCAL YEAR.



**CITY COUNCIL AGENDA  
MAY 24, 2011**

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

**Item No. 13**

**Text File Number: K-1011-152**

**Introduced:** 4/11/2011 by Angelo Lombardo, Traffic Engineer

**Current Status:** Consent Item

**Version:** 1

**Matter Type:** Contract

**Title**

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

**ACTION NEEDED:** Motion to accept or reject all bids meeting specifications; and, if accepted, award the bid in the amount of \$183,517.06 to Rudy Construction Company as the lowest and best bidder meeting specifications; approve Contract No. K-1011-152 and the performance, statutory, and maintenance bonds; authorize execution of the contract; direct the filing of the bonds; and adopt Resolution No. R-1011-100.

**ACTION TAKEN:** \_\_\_\_\_

**Body**

**BACKGROUND:** The City of Norman, sponsor of an application with the Norman Public Schools, was chosen to receive funding in the first Oklahoma cycle (for the combined years 2006-2009) of the federal Safe Routes to School Program. This is a 100% reimbursable federal aid program. The only local project selected in this cycle by the Oklahoma Department of Transportation (ODOT), the programs administrator in Oklahoma, was for the Jefferson Elementary/ Longfellow Middle Schools.

The funds granted for the Jefferson/Longfellow project include \$198,900 for infrastructure and \$5,000 for non-infrastructure activities. The scope of the infrastructure part of the project includes sidewalk and ramp improvements in the vicinity of the schools, installation of 11 traffic calming speed tables on streets next to the schools, installation of an in-pavement lighted crosswalk system across Main Street at Cockrel Avenue, delivery of bicycle racks to Longfellow School, and construction of mast arm flashers to replace the conventional school beacons on the Classen Boulevard-Porter Avenue corridor which runs near the Longfellow Middle School and nearby Lincoln Elementary (which is within 1 mile of the Jefferson/Longfellow Schools).

**DISCUSSION:** On May 26, 2009, the City Council approved Contract No. K-0809-151, the Safe Routes to School Project Agreement Number 1008 for Federal-Aid Project Number SRS-155F(709)ST and SRS-155F(710)ST, State Job 26337(04)ST and 26337(05)ST, between the City of Norman and the Oklahoma Department of Transportation. The infrastructure design plans were prepared by BWR, Inc. of Oklahoma City, Oklahoma. Project inspection will be performed by the City's capital projects inspectors.

The following locations are scheduled to receive sidewalk and ramp improvements as a result of this project:

Gray Street (north side) in vicinity of Ponca Ave/Gray St. intersection  
Gray Street (north side) between Stewart Ave. and Cockrel Ave.  
Stewart Ave. (east side) between Gray St. and Acres St.  
Findlay Avenue (east side) between Hughbert St. and Frank St.  
Findlay Avenue (west side) between Main St. and Gray St.  
Acres Street (north side) between Findlay Ave. and Stewart Ave.  
Hughbert Street (north side) between Stewart Ave. and Cockrel Ave.  
Hughbert Street (south side) between Cockrel Ave. and Carter Ave.  
Cockrel Avenue (east side) between Main St. and Gray St.

The following locations are scheduled to receive speed tables as a result of this project:

Ponca Avenue, between Gray St. and Hughbert St. (3 speed tables)  
Gray Street, between Porter Ave. and Cockrel Ave. (4 speed tables)  
Acres Street, between Cockrel Ave. and Carter Ave. (1 speed table)  
Findlay Ave. between Gray St. and Frank St. (3 speed tables)

The process of selecting a construction contractor for the Jefferson-Longfellow Safe Routes to School Infrastructure Project, including bid advertisement, was done in accordance with State Law.

BWR, Inc. prepared the bid documents, and City staff solicited bids through advertising. Ten companies picked up bid packages, and four companies submitted bids for the April 7, 2011 scheduled bid opening. Rudy Construction Company was the low bidder with a bid of \$183,517.06.

Since this is a 100% refundable program, it was necessary to set up Capital Fund Construction Account No. 050-9082-431.61-01 (TR-0072) to track the payment of invoices and receipt of expense refunds for this project. There is currently \$198,175.20 in that project numbers account.

**RECOMMENDATION NO. 1:** Staff recommends award of Bid No. 1011-66 to Rudy Construction Company, the low bidder. Up-front funding will come from the Capital Fund FYE 2011 (Longfellow-Jefferson Safe Routes to School) Construction Account No. 050-9082-431.61-01, Project No. TR 0072.

**RECOMMENDATION NO. 2:** Staff recommends that upon approval of Bid No. 1011-66, and contingent on approval by the City Attorney, that the Mayor be authorized to sign Contract No. K-1011-152 between the City of Norman and Rudy Construction Company, in the amount of \$183,517.06, as well Performance Bond No. B-1011-89, Statutory Bond No. B-1011-90, and Maintenance Bond No. MB-1011-90. Staff also recommends approval of Resolution No. R-1011-100 designating Rudy Construction Company as the City's agent for the purchase of materials associated with the Jefferson-Longfellow Safe Routes to School Infrastructure Project.

**BID LIST**  
**Jefferson- Longfellow Safe Routes to School Infrastructure Project**  
**Award of Bid 1011-66**  
**Contract No. K-1011-152**

	<b>CONTRACTOR</b>	<b>CITY/STATE</b>	<b>AMOUNT</b>
	Engineer's Estimate	Norman, OK	<b>\$ 198,428.40</b>
1	Rudy Construction	Oklahoma City, OK	\$ 183,517.06
2	Shell Construction	Oklahoma City, OK	\$ 189,578.00
3	Redlands Contracting	Edmond, OK	\$ 219,620.28
4	Nash Construction	Oklahoma City, OK	\$ 221,425.00

## C O N T R A C T

THIS CONTRACT made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by and between  Rudy Construction Company  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.

### W I T N E S E T H

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:

#### **“Jefferson-Longfellow Safe Routes to School Infrastructure Project”**

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

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

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

One hundred eighty-three thousand, five hundred seventeen and 06/100 DOLLARS  
(\$ 183,517.06 );

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.

Contract No. K- 1011-152  
Page 1 of 4

- 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 14 days following receipt of a NOTICE-TO-PROCEED, and prosecute the same vigorously and continuously, and complete the same 90 calendar days (Base Bid Proposal), 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)

Rudy Construction Co.  
Principal

ATTEST:

Signed: [Signature]  
Authorized Representative  
President  
Title

[Signature]  
Asst Corporate Secretary (where applicable)

Address Box 14575  
Oklahoma City, OK 73113  
Telephone: 405-478-9900

CITY OF NORMAN:

Approved as to form and legality this 25 day of April, 2011.

[Signature]  
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 )

Doug Walker, of lawful age, being first duly sworn, on oath says that (s)he is the Agent authorized by the Firm of Rudy Construction Co. 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.

D Walker  
CONTRACTOR

Subscribed and sworn to before me this 22<sup>nd</sup> day of April, 2011.

Sherry Nauki  
Notary Public



My Commission Expires:

Feb. 25<sup>th</sup>, 2013.

PERFORMANCE BOND

Bond No. 58676420

Know all men by these presents, that Rudy Construction Company as PRINCIPAL, and Western Surety Company a corporation organized under the laws of the State of South Dakota, and authorized to transact business in the State of Oklahoma, as SURETY, are held and firmly bound unto THE CITY OF NORMAN, a Municipal Corporation of the State of Oklahoma, herein called CITY, in the sum ~~One Hundred Eighty Three Thousand Five Hundred Seventeen & 06/100~~ Dollars, (\$ 183,517.06), 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:

**"Jefferson-Longfellow Safe Routes to School Infrastructure Project"**

has entered into a written CONTRACT (K-1011-152) 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 \_\_\_\_ day of \_\_\_\_\_, 20\_\_ 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 21st day of April, 2011.

(Corporate Seal) (where applicable) Rudy Construction Co.  
Principal

ATTEST:

Benay Nauri  
Corporate Secretary (where applicable)

Signed: [Signature]  
Authorized Representative

Title President  
Address: Box 14575 OKC, OK 73113  
Telephone: 405-478-9900

(Corporate Seal) (where applicable)

Western Surety Company  
Surety

ATTEST:

Sunny Choate  
Corporate Secretary (where applicable)  
Witness

Signed: [Signature]  
Authorized Representative

Title Teresa Ray, Attorney-in-Fact  
Address: 1700 N Broadway  
Moore, OK 73160  
Telephone: 405-799-3311



**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 25 day of April, 2011.

[Signature]  
City Attorney

Approved by the Council of the City of Norman this \_\_\_ day of \_\_\_\_\_, 20\_\_.

ATTEST:

\_\_\_\_\_  
Clerk

\_\_\_\_\_  
Mayor

STATUTORY BOND

Bond No. 58676420

Know all men by these presents that Rudy Construction Company, as PRINCIPAL, and Western Surety Company, a corporation organized under the laws of the State of South Dakota, and authorized to transact business in the State of Oklahoma, as Surety, are held and firmly bound unto the State of Oklahoma in the sum of One Hundred Eighty Three Thousand Five Hundred Seventeen & 06/100 DOLLARS (\$ 183,517.06 ), 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:

**"Jefferson-Longfellow Safe Routes to School Infrastructure Project"**

has entered into a written CONTRACT (K – 1011-152 ) 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.

Page 1 of 4  
Statutory Bond No. B-1011-90

IN WITNESS WHEREOF, the PRINCIPAL has caused these presents to be executed in its name and its corporate seal (where applicable) to be hereunto affixed by its duly authorized representative(s), on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_, 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 21st day of April, 2011.

(Corporate Seal) (where applicable)

Rudy Construction Co.

Principal

ATTEST:

*John N. Nouri*  
Corporate Secretary (where applicable)

Signed: *D. D. D.*  
Authorized Representative

President  
Title

Address: BOX 14575

Oklahoma City, OK 73113

Telephone: 405-478-9900

Corporate Seal (where applicable)

Western Surety Company

Surety

ATTEST:

*Sunny Choate*  
Corporate Secretary (where applicable)  
Witness

Signed: *Teresa Ray*  
Authorized Representative

Teresa Ray, Attorney-in-Fact

Title

Address: 1700 N Broadway

Moore, OK 73160

Telephone: 405-799-3311

# Western Surety Company

## POWER OF ATTORNEY APPOINTING INDIVIDUAL ATTORNEY-IN-FACT

Know All Men By These Presents, That WESTERN SURETY COMPANY, a South Dakota corporation, is a duly organized and existing corporation having its principal office in the City of Sioux Falls, and State of South Dakota, and that it does by virtue of the signature and seal herein affixed hereby make, constitute and appoint

**Horace Phillips, Robin Petschel, Don W Jacks, Shawn L Warren, Teresa Ray, Larry Johnson, Dawn D Foy, Kathryn R Rose, Kimberly N Allred, Individually**

of Moore, OK, its true and lawful Attorney(s)-in-Fact with full power and authority hereby conferred to sign, seal and execute for and on its behalf bonds, undertakings and other obligatory instruments of similar nature

**- In Unlimited Amounts -**

and to bind it thereby as fully and to the same extent as if such instruments were signed by a duly authorized officer of the corporation and all the acts of said Attorney, pursuant to the authority hereby given, are hereby ratified and confirmed.

This Power of Attorney is made and executed pursuant to and by authority of the By-Law printed on the reverse hereof, duly adopted, as indicated, by the shareholders of the corporation.

In Witness Whereof, WESTERN SURETY COMPANY has caused these presents to be signed by its Senior Vice President and its corporate seal to be hereto affixed on this 27th day of April, 2009.



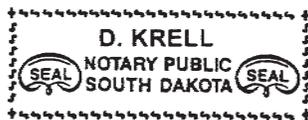
WESTERN SURETY COMPANY

Paul T. Bruflat, Senior Vice President

State of South Dakota }  
County of Minnehaha } ss

On this 27th day of April, 2009, before me personally came Paul T. Bruflat, to me known, who, being by me duly sworn, did depose and say: that he resides in the City of Sioux Falls, State of South Dakota; that he is the Senior Vice President of WESTERN SURETY COMPANY described in and which executed the above instrument; that he knows the seal of said corporation; that the seal affixed to the said instrument is such corporate seal; that it was so affixed pursuant to authority given by the Board of Directors of said corporation and that he signed his name thereto pursuant to like authority, and acknowledges same to be the act and deed of said corporation.

My commission expires  
November 30, 2012



D. Krell, Notary Public

### CERTIFICATE

I, L. Nelson, Assistant Secretary of WESTERN SURETY COMPANY do hereby certify that the Power of Attorney hereinabove set forth is still in force, and further certify that the By-Law of the corporation printed on the reverse hereof is still in force. In testimony whereof I have hereunto subscribed my name and affixed the seal of the said corporation this 21<sup>st</sup> day of April, 2011.



WESTERN SURETY COMPANY

L. Nelson, Assis. Secretary





CITY OF NORMAN  
MAINTENANCE BOND

Bond No. 58676420

Know all men by these presents that Rudy Construction Company, as Principal, and Western Surety Company, a corporation organized under the laws of the State of South Dakota, and authorized to transact business in the State of Oklahoma, as SURETY, are held and firmly bound unto THE CITY OF NORMAN, a Municipal Corporation of the State of Oklahoma, herein called the CITY, in the sum of One Hundred Eighty Three Thousand Five Hundred Seventeen & 06/100 DOLLARS (\$ 183,517.06), 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 Twenty Seven Thousand Five Hundred Twenty Seven & 56/100 DOLLARS (\$ 27,527.56), such sum being no less than fifteen percent (15%) of the total contract price of said improvements for a period of four years 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:

**"Jefferson-Longfellow Safe Routes to School Infrastructure Project"**

as entered into a written CONTRACT K-1011-152 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 five (5) 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 2<sup>nd</sup> to 5<sup>th</sup> year after final acceptance. Otherwise, this obligation shall remain in full force and effect at all times.

Page 1 of 4  
Maintenance Bond No. MB-1011-90

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 \_\_\_\_\_ of \_\_\_\_\_, 20\_\_\_\_, 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 April 21st, 2011.

(Corporate Seal) (where applicable)

ATTEST:

Boang Nauri  
- Boang Nauri  
BS Corporate Secretary (where applicable)

(Corporate Seal) (where applicable)

ATTEST: Sunny Chocte

Rudy Construction Co.  
Principal

Signed: [Signature]  
Authorized Representative  
President  
Title

Address: Box 14575 OKC, OK. 73113  
Telephone: (405) 478-9900

Western Surety Company  
Surety

Signed: [Signature]  
Authorized Representative

Print: Teresa Ray  
Title: Attorney-in-Fact  
Address: 1700 N Broadway, Moore, OK 73160  
Telephone: 405-799-3311

**CORPORATE ACKNOWLEDGEMENT**

STATE OF Oklahoma )  
 )SS  
COUNTY OF Oklahoma )

The foregoing instrument was acknowledged before me this 22<sup>nd</sup> day of April, 2011,  
by Doug Walker, President  
Name and Title  
of Rudy Construction Co., a corporation, on behalf of the corporation.

WITNESS my hand and seal this 22<sup>nd</sup> day of April, 2011.



Sherry Nalini  
Notary Public

My Commission Expires:  
2/25/13

**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:  
\_\_\_\_\_



A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AUTHORIZING AND APPOINTING RUDY CONSTRUCTION COMPANY AS PROJECT AGENT FOR THE JEFFERSON-LONGFELLOW SAFE ROUTES TO SCHOOL INFRASTRUCTURE 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 Rudy Construction Company for the Jefferson-Longfellow Safe Routes to School Infrastructure Project for the City of Norman; and
- § 2. WHEREAS, the City of Norman, Oklahoma, in compliance with State law, desires to confer on Rudy Construction Company 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, Rudy Construction Company, to purchase materials which are in fact used for Jefferson-Longfellow Safe Routes to School Infrastructure Project for the City of Norman; and
- § 3. WHEREAS, this limited agent status is conferred with the express understanding that Rudy Construction Company 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 24th day of May, 2011, did appoint Rudy Construction Company who is involved with the Jefferson-Longfellow Safe Routes to School Infrastructure 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 Jefferson-Longfellow Safe Routes to School Infrastructure Project for the City of Norman.

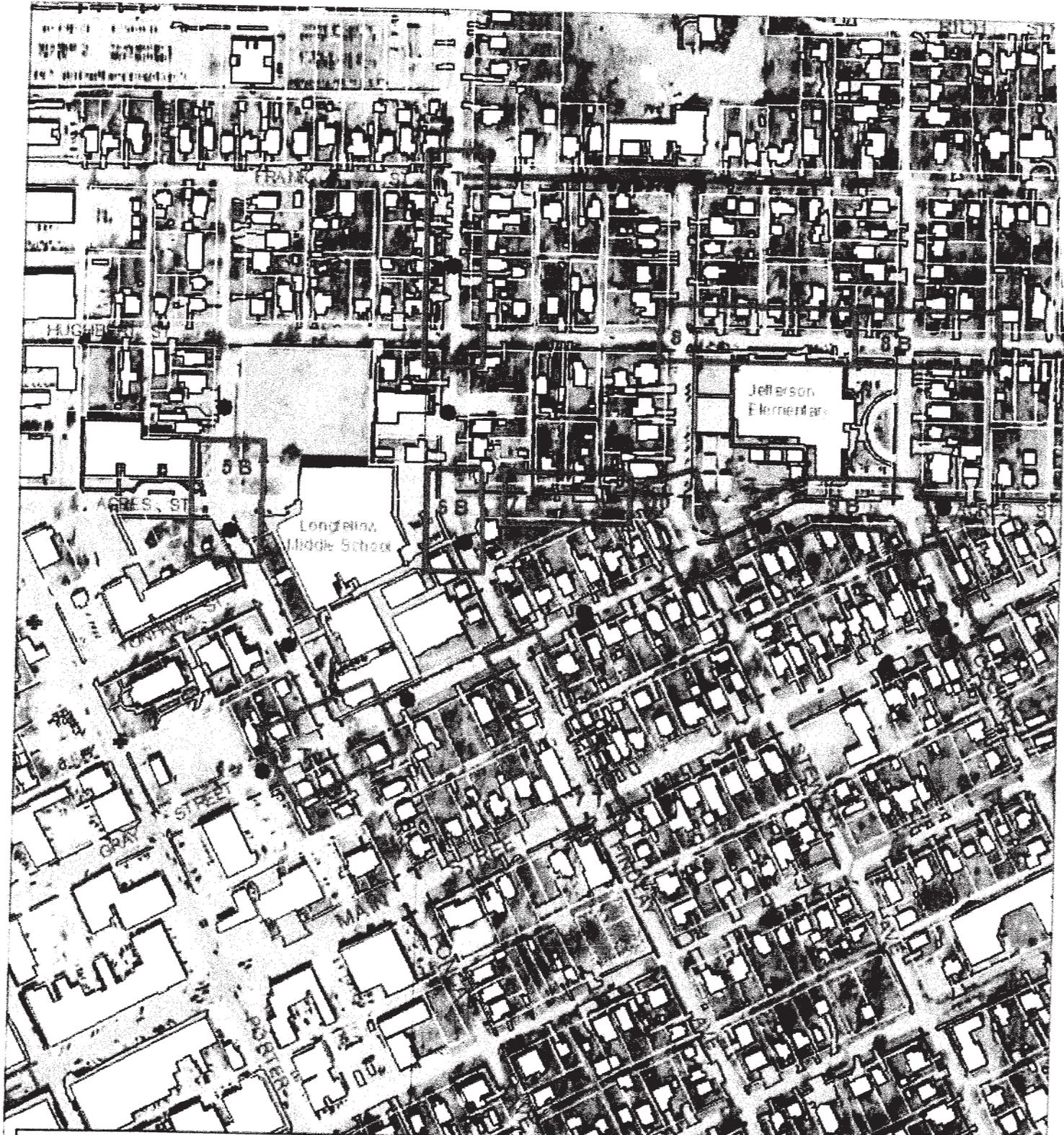
PASSED AND ADOPTED THIS 24th day of May, 2011.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk





✦ Mast Arm Warning

● Speed Table

▭ Sidewalk Area

■ Lighted Crosswalk

**SAFE ROUTES TO SCHOOL**

**Vicinity of Longfellow  
& Jefferson Schools**



1" equals 300'

April 16, 2010



PURCHASE REQUISITION NBR: 0000184984

REQUISITION BY: MRAYBURN  
STATUS: DIVISION APPROVAL  
REASON: JEPPELSON-LONGFELLOW SAFE ROUTES TO SCHOOL CONSTR  
DATE: 4/12/11  
SHIP TO LOCATION: PUBLIC WORKS ADM  
SUGGESTED VENDOR: 6092 RUDY CONSTRUCTION CO  
DELIVER BY DATE: 4/13/11

LINE NBR	DESCRIPTION	QUANTITY	UOM	UNIT COST	EXTEND COST	VENDOR PART NUMBER
1	SAFE ROUTES TO SCHOOL IMPROVEMENTS BID NO. 1011-66 CONFIRMING P.O. - DO NOT MAIL COMMODITY: CONSTRUCTION SERVICES, HE SUBCOMMOD: CONSTRUCTION, SIDEWALK AN	183517.06	DOL	1.0000	183517.06	

REQUISITION TOTAL: 183517.06

ACCOUNT INFORMATION

LINE #	ACCOUNT	PROJECT	AMOUNT
1	05090824316101	Capital Projects Construction	183517.06

REQUISITION IS IN THE CURRENT FISCAL YEAR.



# CITY COUNCIL AGENDA MAY 24, 2011

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

## Item No. 14

File Number: BID-1011-70

**Introduced:** 4/6/2011 by David Hager, Utilities Superintendent

**Current Status:** Consent Item

**Version:** 1

**Matter Type:** Bid

Title

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

**ACTION NEEDED:** Acting as the Norman Utilities Authority, motion to accept or reject all bids meeting specifications; and, if accepted, award the bid to Badger Meter, Inc., and HD Supply Waterworks as the lowest and best bidders meeting specifications.

**ACTION TAKEN:** \_\_\_\_\_

Body

**BACKGROUND:** On May 12, 2011 bids were opened on Bid No. 1011-70 for local register water meters for the Utilities Line Maintenance Division. Funds have been budgeted in the FYE11 and FYE12 budgets for these purchases.

In FYE86 a committee comprised of Public Works staff and Division staff recommended standardizing specifications for turbine, compound and residential cold water meters due to the increasing costs associated with the difficulty in obtaining, inventorying repair parts, and purchasing water meters. The committee recommended acceptance of only Badger, Neptune and Sensus Technologies water meters in the annual cold water meter contract. This option allowed the Division to purchase and implement radio-read meter technology where practical. Local read meters must be physically read by a person. Radio read meters can be read by a receiving computer in a vehicle as you drive by each meter.

Although the radio-read meter technology has proven to be cost-effective for certain installations for the Meter Services section, the cost difference between local read registers and radio-read registers is substantial (approximately \$95.00 per meter). In FYE09 the Division installed 719 local read water meters ranging in size from ¾" to 2" and installed 546 radio-read water meters. In FYE10 the Division installed 770 local read register water meters and 539 radio-read water meters. In FYE 11, through April, the Division has installed 514 local read register water meters and 400 radio-read water meters.

**DISCUSSION:** Bid No. 1011-70 proposals were sent to four (4) suppliers who manufacture water meters meeting City of Norman specifications; there were two (2) responses. The bid provides for the purchase, on an as needed basis, of approximately 800 residential cold water meters beginning in FY12; this bid also allows for purchase of small quantities of large size water meters. Bid prices increased on an average of 15% over the current contract amounts approved in FYE09, due to increased costs associated with brass and copper used in the manufacture of water meters.

**RECOMMENDATION:** It is recommended that Bid No. 1011-70 be awarded to Badger Meter, Inc. and to HD Supply Waterworks as the lowest and best bidders meeting specifications per the attached bid tabulation. Funds are available as follows:

31-5551-462.32-18 Maintenance Supplies Meter Sets/Repairs - remaining account balance for FYE11 \$ 29,443.45

31-5551-462.32-18 Maintenance Supplies Meter Sets/Repairs account balance for FYE12 \$161,000

**LINE MAINTENANCE DIVISION - TABULATION OF BIDS**  
**BID NO. 1011-70 - May 12, 2012**

WATER METERS	WATER PRODUCTS OF OKLAHOMA, INC. OWASSO, OK	BADGER METER, Inc. Milwaukee, WI	NEPTUNE TECHNOLOGY GROUP, INC. TALLASSEE, AL	HD SUPPLY WATERWORKS Oklahoma City, OK
SECTION I 5/8" X 3/4" RCDL 25 BRONZE	NO RESPONSE	\$ 39.10	NO RESPONSE	40.50
SECTION II 1" RCDL 70 Bronze		\$ 92.50		87.50
SECTION III 1 1/2" RCDL 120, Elliptical		\$ 256.00		253.00
SECTION IV 2" RCDL Compound Series		\$ 940.00		755.00
SECTION V 2" RCDL 170, Elliptical		\$ 345.00		350.00
SECTION VI 2" RCDL T-200 Turbo, Elliptical		\$ 452.70		425.00
SECTION VII 3" RCDL Compound Series		\$ 1,080.00		1,180.00
SECTION VIII 3" RCDL T-450 Turbo		\$ 497.60		640.00
SECTION IX 3" RCDL T-450-FH Turbo		\$ 606.90		715.00
SECTION X 4" RCDL Compound Series		\$ 1,570.00		1,455.00
SECTION XI 4" RCDL T-1000 Turbo		\$ 751.11		1010.00
SECTION XII 6" RCDL Compound Series		\$ 2,665.60		1,480.00
SECTION XIII 6" RCDL T-2000 Turbo		\$ 2,160.00		950.00

RECOMMENDATION: That Bid No. 1011-70 be awarded to Badger Meter, Inc., for Sections I, V, VII, VIII, IX, and XI, and to HD Supply Waterworks for Sections II, III, IV, VI, X, XII, and XIII as the lowest bidders meeting all of the specifications.

The materials contracts are effective through May 31, 2012.

Forwarded by: David Hager, Line Maintenance Superintendent



**CITY COUNCIL AGENDA  
MAY 24, 2011**

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

**Item No. 15**

**Text File Number: K-1011-170**

**Introduced:** 5/12/2011 by John Clink, Capital Projects Engineer

**Current Status:** Consent Item

**Version:** 1

**Matter Type:** Bid

Title

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

**ACTION NEEDED:** Acting as the City Council and the Norman Utilities Authority, motion to accept or reject all bids meeting specifications; and, if accepted, award the bid to Central Contracting Services, Inc., in the amount of \$397,295; approve Contract No. K-1011-170 and the performance, statutory, and maintenance bonds; authorize execution of the contract; direct the filing of the bonds; adopt Resolution No. R-1011-113; and appropriate \$201,263 from the Capital Fund Balance, (050-0000-253.20-00) to Project No. TR0238, Robinson - 12th N.E., Utilities (050-9079-431.67-01) and \$158,918 from the Water Fund Balance, (031-0000-253-0000) to Project No. WA0157, Robinson/12th N.E. Water Line, Utilities (031-9552-462.67-01).

**ACTION TAKEN:** \_\_\_\_\_

Body

**BACKGROUND:** On October 14, 2008, City Council approved Contract No. K-0809-59 with EST, Inc., for the engineering design of the Robinson Street & 12th Avenue NE Intersection Project. The purpose of this project is to modify the signal at the intersection of Robinson Street & 12th Avenue NE, to accommodate additional traffic capacity including dual left turn lanes northbound, to rehabilitate the existing four lanes of pavement, and to add sidewalks on the north side of Robinson Street along the east leg to Northcliff Avenue. This project also addresses the elevation difference in grade between the intersection and the existing storm grate on the east leg at the intersection, which is difficult for east/west traffic to negotiate.

On August 10, 2010, City Council approved Contract No. K-1011-48, a Right-of-Way and Utility Agreement with the Oklahoma Department of Transportation, for the construction of the Robinson Street & 12th Avenue NE Intersection Project. This agreement requires the City to acquire right-of-way and relocate utilities for this project.

**DISCUSSION:** Bid documents and specifications for relocation of the city-owned water lines were advertised according to State Law. Seven (7) potential bidders acquired plans and specifications and seven (7) bids were received on May 5, 2011.

The low bidder is Central Contracting Services, Inc., (CCS), of Norman, Oklahoma, in the amount of \$397,295, or approximately \$101,000 less than the next lowest bidder. The Engineer's estimate for the project is \$355,095 or approximately 11% below the low bid. The main reason the Engineer's estimate is lower than the low bid is that the cost of PVC pipe has increased 30 percent in the past month. Industry experts indicate that the cost increases are attributable to a shortage of raw materials.

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

Funding for this water line project is to be allocated from two sources. The first source is the Robinson Street & 12th Avenue NE Project utility account. The funding from this account is to relocate the sections of water line that are necessary for the intersection project. The portion of the water line relocation project attributable to this account is \$238,377. The Robinson Street & 12th Avenue NE Intersection Project Utilities (Account No. 050-9079-431.67-01), Project No. TR0238, currently contains only \$40,114 requiring an additional \$198,263 to cover the cost of the proposed contract.

The reason additional funding is required involves four unanticipated issues as follows:

- Staff was unaware ONG had a private easement in the project area. City Council previously approved Contract K-1011-47 with ONG to relocate their gas line for this project. The project utilities budget was required to pay for the gas line relocation.
- OG&E did not have adequate space in the public right-of-way to relocate their overhead electric power lines. City Council previously approved Contract No. K-1011-128 with OG&E to place their electric lines underground. The project utilities budget was required to pay for the additional cost of underground power lines.
- The City's water line atlas shows the existing water line on the north side of Robinson Street in the project area as a 12-inch line and the project was budgeted accordingly. During a plan review meeting with line maintenance personnel, it was determined the water line on the northwest corner of Robinson Street and 12th Avenue NE is actually a 16-inch line. The entire project was redesigned to include the 16-inch pipeline replacement.
- Recent increase in the cost of PVC pipe.
- In addition to the \$198,263 to cover the cost of the contract, an estimated \$3,000 will be required to pay for the construction testing services, for a total of \$201,263. The testing services will be provided by Standard Testing and Engineering Company of Oklahoma City, Oklahoma as part of the annual contract with the City.

The second source of funding for this construction project is from the Water Fund for the following reasons:

- The water line is an older ductile iron pipe in poor condition. Therefore, it is more cost effective to replace the entire water line than to lower the water line (where necessary) for the roadway project and incur costly repairs in the future.
- The water line will be up-sized from 12-inch to 16-inch for the entire length of the project in order to increase the capacity of the public water system in this area.

The portion of the project attributable to the Water Fund is \$158,918.

Including the additional cost of utility relocation, the City's total share of the Robinson Street and 12th Avenue NE Intersection Project is an estimated \$1,089,443 (41%). An estimated \$1,516,570 (59%) of the total project costs will be paid with federal transportation funds. A summary of the project budget with the construction cost estimate is attached hereto as Attachment A.

**STAFF RECOMMENDATION NO. 1:** Staff and our consultant have reviewed the bids and recommend that Bid No. 1011-72 for the Robinson Street & 12th Avenue NE Water Line Relocation Project be awarded to the low bidder, Central Contracting Services, Inc., of Norman, Oklahoma, for \$397,295.

**RECOMMENDATION NO. 2:** Staff further recommends that, upon approval of Bid No. 1011-72, the following contract and bonds be approved:

Contract No. K-1011-170  
Performance Bond No. B-1011-98  
Statutory Bond No. B-1011-99  
Maintenance Bond No. MB-1011-96

**RECOMMENDATION NO. 3:** Staff further recommends that, upon approval of Bid No. 1011-72, Central Contracting Services, Inc., be authorized and appointed as project agent via Resolution No. R-1011-113.

**RECOMMENDATION NO. 4:** Staff further recommends an appropriation of \$201,263 from the Capital Fund Balance, (Account No. 050-0000-253.20-00) to the Capital Fund, Robinson Street & 12th Avenue NE Intersection Project Utilities (Account No. 050-9079-431.67-01) Project No. TR0238.

**RECOMMENDATION NO. 5:** Staff further recommends an appropriation of \$158,918 from the Water Fund Balance, (Account No. 031-0000-253-0000) to the Water Fund, Robinson Street & 12th Avenue NE Intersection Project Utilities (Account No. 031-9552-462.67-01) Project No. WA0157.

**ATTACHMENT A**

**Robinson Street & 12<sup>th</sup> Avenue NE  
Water Line Relocation Project**

	<b>City Budget</b>	<b>Federal Aid</b>	<b>Total</b>
Design	\$ 170,120		\$ 170,120
Right-of-Way	\$ 40,483		40,483
Utilities (Capital Fund)	\$ 371,263 <sup>(1)</sup>		\$ 371,263
Utilities (Water Fund)	\$ 158,918 <sup>(1)</sup>		\$ 158,918
Construction	\$ 379,142 <sup>(2)</sup>	\$ 1,516,570 <sup>(2)</sup>	\$1,895,712 <sup>(2)</sup>
Total	\$1,089,443	\$ 1,516,570	\$2,636,496

(1) With Budget Appropriation Approval

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

**BID LIST  
 ROBINSON STREET & 12<sup>TH</sup> AVENUE NE  
 WATER LINE RELOCATION PROJECT  
 Contract No. K-1011-72**

	CONTRACTOR	CITY/STATE	AMOUNT
	Engineer's Estimate	Norman, OK	<b>\$ 351,095.50</b>
1	Central Contracting	Norman, OK	\$ 397,295.00
2	Matthews Trenching Co.	Oklahoma City, OK	\$ 498,755.00
3	Krapff-Reynolds Construction Co.	Oklahoma City, OK	\$ 537,494.00
4	FT Construction Co.	Oklahoma City, OK	\$ 564,319.00
5	RDM Construction Inc.	Purcell, OK	\$ 591,175.00
6	Cimarron Construction Co.	Oklahoma City, OK	\$ 617,225.00
7	Wee Construction Co.	Washington, OK	\$ 642,350.00

CONTRACT

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

WITNESSETH

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

**12TH & ROBINSON WATERLINE RELOCATION PROJECT**

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

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

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

THREE HUNDRED NINETY SEVEN THOUSAND TWO HUNDRED NINETY FIVE & NO/100ths- Dollars  
(\$ 397,295.00);

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.

Contract No. K-1011-170  
Page 1 of 5

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 80 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.

Contract No. K-1011-170  
Page 2 of 5

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

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

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

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

9) The CONTRACTOR shall complete the work in accordance with the terms of this Agreement within a period of time not to exceed Eighty (80) calendar days following issuance by the CITY of a Work Order authorizing the CONTRACTOR to commence work on the project. The CONTRACTOR further agrees to pay as liquidated damages as stipulated in the contract document General Conditions for each calendar day thereafter.

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

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

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

Contract No. K-1011-170  
Page 3 of 5

CONTRACTOR, subcontractors, and persons performing labor, furnishing material or in any other way contributing to or assisting in the performance of the obligations of the CONTRACTOR; nor shall any such provisions be interpreted or given legal effect to afford a defense against any obligation owed or assumed by such third person to the CITY or in any way to restrict the freedom of the CITY to exercise full discretion in its dealing with the Contractor.

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

Contract No. K-1011-170  
Page 4 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 \_\_\_\_\_, 2011, and the \_\_\_\_\_ day of \_\_\_\_\_, 2011.

(Corporate Seal) (where applicable)

Central Contracting Services, Inc.

Principal

ATTEST:

Signed: James L. Tipken  
Authorized Representative

James L. Tipken

James L. Tipken  
Corporate Secretary (where applicable)

Title: President

Address: 17301 S. Sunnyslane

Norman, OK 73071

Telephone: 405-495-6250

CITY OF NORMAN:

Approved as to form and legality this 16 day of May, 2011.

[Signature]  
City Attorney

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

ATTEST:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor

Contract No. K-1011-170  
Page 5 of 5

PERFORMANCE BOND

Central Contracting

Know all men by these presents, that Services, Inca PRINCIPAL, and American Safety Casualty Insurance Company a corporation organized under the laws of the State of Oklahoma, and authorized to transact business in the State of Oklahoma, as SURETY, are held and firmly bound unto THE CITY OF NORMAN, a Municipal Corporation of the State of Oklahoma, herein called CITY, in the sum of Three Hundred Ninety Seven Thousand Two DOLLARS, (\$ 397,295.00), 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:

**12TH & ROBINSON WATERLINE RELOCATION PROJECT**

has entered into a written CONTRACT (K-1011-170) with THE CITY OF NORMAN, dated \_\_\_\_\_, 2011, for the erection and construction of this PROJECT, that CONTRACT being incorporated herein by reference as if fully set forth.

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

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

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

Performance Bond No. B-1011-98  
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 \_\_\_\_\_ day of \_\_\_\_\_, 2011, and the SURETY has caused these presents to be executed in its name and its corporate seal to be hereunto affixed by its authorized representative(s) on the \_\_\_ day of \_\_\_\_\_, 2011.

Corporate Seal (where applicable)

Central Contracting Services, Inc.

Principal

ATTEST: James L Tipken

Signed: James L Tipken  
Authorized Representative  
James L. Tipken

Corporate Secretary (where applicable)

Title: President  
Address: 17301 S. Sunnyslane  
Norman, OK 73701  
Telephone: 405-895-6250

Corporate Seal (where applicable)

American Safety Casualty Insurance Company  
Surety

ATTEST: Diana Plachomen

Signed: Tina E Switzer  
Authorized Representative

Corporate Secretary (where applicable)

Tina E. Switzer  
Title: Attorney-in-Fact  
Address: 909 S. Meridian, Ste. 700  
Oklahoma City, OK 73108  
Telephone: 405-568-3008

CORPORATE ACKNOWLEDGEMENT

STATE OF OKLAHOMA )  
 )SS  
COUNTY OF Cleveland )

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

WITNESS my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

Tara N. Switzer  
Notary Public



My Commission Expires:

July 12, 2011

INDIVIDUAL ACKNOWLEDGEMENT

STATE OF OKLAHOMA )  
 )SS  
COUNTY OF \_\_\_\_\_ )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2011,  
by \_\_\_\_\_  
Name and Title of \_\_\_\_\_, a \_\_\_\_\_

WITNESS my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
Notary Public

My Commission Expires:

\_\_\_\_\_

Performance Bond No. B-1011-98  
Page 3 of 4

PARTNERSHIP ACKNOWLEDGEMENT

STATE OF OKLAHOMA )  
 )SS  
COUNTY OF \_\_\_\_\_ )

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

WITNESS my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

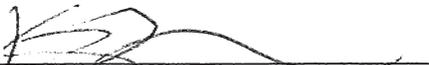
\_\_\_\_\_  
Notary Public

My Commission Expires:

\_\_\_\_\_

CITY OF NORMAN

Approved as to form and legality this 16 day of May, 2011.

  
\_\_\_\_\_  
City Attorney

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

ATTEST:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor

Performance Bond No. B-1011-98  
Page 4 of 4

STATUTORY BOND

Know all men by these presents that Central Contracting Services, Inc., as PRINCIPAL, and American Safety Casualty Insurance Company, a corporation organized under the laws of the State of Oklahoma, and authorized to transact business in the State of Oklahoma, as Surety, are held and firmly bound unto the City of Norman in the sum of Three Hundred Ninety Seven Thousand Two Hundred DOLLARS (\$397,295.00), 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:

**12TH & ROBINSON WATERLINE RELOCATION PROJECT**

has entered into a written CONTRACT (K-1011-170) with THE CITY OF NORMAN, dated \_\_\_\_\_, 2011, for the erection and construction of this PROJECT, that CONTRACT being incorporated herein by reference as if fully set forth.

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

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

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

Statutory Bond No. B-1011-99  
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), on the \_\_\_ day of \_\_\_\_\_, 2011, and the SURETY has caused these presents to be executed in its name and its corporate seal to be hereunto affixed by its authorized representative on the \_\_\_ day of \_\_\_\_\_, 2011.

(Corporate Seal) (where applicable)

Central Contracting Services, Inc.

Principal

ATTEST:

Signed: \_\_\_\_\_

Authorized Representative

James L. Tipken

James L. Tipken  
Corporate Secretary (where applicable)

Title: President

Address: 17301 S. Sunnyslane

Norman, OK 73071

Telephone: 405-895-6250

Corporate Seal (where applicable)

American Safety Casualty Insurance Company

Surety

ATTEST:

Signed: \_\_\_\_\_

Authorized Representative

Tina E. Switzer

Diana Plachomeni  
Corporate Secretary (where applicable)

Title: Attorney-in-Fact

Address: 909 S. Meridian, Ste. 700

Oklahoma City, OK 73108

Telephone: 405-568-3008

CORPORATE ACKNOWLEDGEMENT

STATE OF OKLAHOMA )  
 )SS  
COUNTY OF Cleveland )

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

WITNESS my hand and seal this \_\_\_\_ day of \_\_\_\_\_, 2011.



Kara N Switzer  
Notary Public

My Commission Expires:  
July 12, 2011

INDIVIDUAL ACKNOWLEDGEMENT

STATE OF OKLAHOMA )  
 )SS  
COUNTY OF \_\_\_\_\_ )

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2011,  
by \_\_\_\_\_ Name and Title  
of \_\_\_\_\_, a \_\_\_\_\_

WITNESS my hand and seal this \_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
Notary Public

My Commission Expires:  
\_\_\_\_\_

Statutory Bond No. B-1011-99  
Page 3 of 4

PARTNERSHIP ACKNOWLEDGEMENT

STATE OF OKLAHOMA )  
 )SS  
COUNTY OF \_\_\_\_\_ )

The foregoing instrument was acknowledged before me this \_\_\_ day of \_\_\_\_\_, 2011,  
by \_\_\_\_\_ Name and Title  
partner (agent) on behalf of \_\_\_\_\_ partnership.

WITNESS my hand and seal this \_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
Notary Public

My Commission Expires:

\_\_\_\_\_

CITY OF NORMAN

Approved as to form and legality this 16 day of May, 2011.

City Attorney [Signature]

Approved by the Council of the City of Norman this \_\_\_ day of \_\_\_\_\_ 2011.

ATTEST:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor

CITY OF NORMAN  
MAINTENANCE BOND

Know all men by these presents that Central Contracting Services, a Principal, and American Safety Casualty Insurance Company, a corporation organized under the laws of the State of Oklahoma, and authorized to transact business in the State of Oklahoma, as SURETY, are held and firmly bound unto THE CITY OF NORMAN, a Municipal Corporation of the State of Oklahoma, herein called CITY, in the sum of ~~Three Hundred Ninety Seven~~ Two Hundred Ninety Five and no/100 DOLLARS (\$ ~~397,295.00--~~), such sum being equal to the contract price and being in force for a period of one year from the date of the acceptance of the below described improvements by the City Council, and thereafter for the sum of ~~Fifty Nine Thousand Five Hundred~~ Ninety Four and 25/100 DOLLARS (\$ ~~59,594.25---~~), such sum being not less than fifteen percent (15%) of the total contract price of said improvements for a period of 1 year(s) thereafter, for the payment of which sum PRINCIPAL and SURETY bind themselves, their heirs, executors, administrators, successors and assigns, jointly and severally.

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

**12TH & ROBINSON WATERLINE RELOCATION PROJECT**

as entered into a written CONTRACT (K-1011-170) with the CITY OF NORMAN, dated \_\_\_\_\_, 2011, for the erection and construction of this PROJECT, that CONTRACT being incorporated herein by references as if fully set forth; and,

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

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

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

Maintenance Bond No. MB-1011-96  
Page 1 of 4

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 of \_\_\_\_\_, 2011, and the SURETY has caused these presents to be executed in its name its corporate seal to be hereunto affixed by its authorized representative(s) on the \_\_\_\_ day of \_\_\_\_\_, 2011.

(Corporate Seal) (where applicable)

Central Contracting Services, Inc.

Principal

ATTEST:

*James L Tipken*

Signed:

*James L Tipken*  
Authorized Representative

James L. Tipken  
President

Corporate Secretary (where applicable)

\_\_\_\_\_  
Title

17301 S. Sunnyslane

Address: Norman, OK 73701

Telephone: 405-895-6250

(Corporate Seal) (where applicable)

American Safety Casualty Insurance Company

Surety

ATTEST:

*Diana P. Kicherman*

Signed:

*Tina E Switzer*  
Authorized Representative

Print: Tina E. Switzer

Authorized Representative

Title: Attorney-in-Fact

Address: 909 S. Meridian, Ste. 700

Oklahoma City, OK 73108

Telephone: 405-568-3008

CORPORATE ACKNOWLEDGEMENT

STATE OF OKLAHOMA )  
 )SS  
COUNTY OF Cleveland )

The foregoing instrument was acknowledged before me this \_\_\_ day of \_\_\_\_\_, 2011,  
by James L. Tipken, President Name and Title  
of Central Contracting Oklahoma corporation, on behalf of the corporation.  
Services, Inc.  
WITNESS my hand and seal this \_\_\_ day of \_\_\_\_\_, 2011.



Tara N Switzer  
Notary Public

My Commission Expires:  
July 12, 2011

INDIVIDUAL ACKNOWLEDGEMENT

STATE OF OKLAHOMA )  
 )SS  
COUNTY OF \_\_\_\_\_ )

The foregoing instrument was acknowledged before me this \_\_\_ day of \_\_\_\_\_, 2011,  
by \_\_\_\_\_ Name and Title  
of \_\_\_\_\_, a  
WITNESS my hand and seal this \_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
Notary Public

My Commission Expires:  
\_\_\_\_\_

PARTNERSHIP ACKNOWLEDGEMENT

STATE OF OKLAHOMA )  
 )SS  
COUNTY OF \_\_\_\_\_ )

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

WITNESS my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_, 2011

\_\_\_\_\_  
Notary Public

My Commission Expires:  
\_\_\_\_\_

CITY OF NORMAN

Approved as to form and legality this 16 day of May, 2011.

  
\_\_\_\_\_  
City Attorney

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

ATTEST:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor

Maintenance Bond No. MB-1011-96  
Page 4 of 4

# Resolution

R-1011-113

A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AUTHORIZING AND APPOINTING CENTRAL CONTRACTING SERVICES, INC., AS PROJECT AGENT FOR THE ROBINSON STREET AND 12TH AVENUE N.E. WATER LINE RELOCATION 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 Central Contracting Services, Inc., for the Robinson Street and 12th Avenue N.E. Water Line Relocation Project for the City of Norman; and
- § 2. WHEREAS, the City of Norman, Oklahoma, in compliance with State law, desires to confer on Central Contracting Services, Inc., its special State and Federal sales tax exemptions and in order to achieve such end, finds it necessary to appoint as its direct purchasing agent, Central Contracting Services, Inc., to purchase materials which are in fact used for the Robinson Street and 12th Avenue N.E. Water Line Relocation Project for the City of Norman; and
- § 3. WHEREAS, this limited agent status is conferred with the express understanding that Central Contracting Services, Inc., shall appoint employees and subcontractors as subagents who shall be authorized to make purchases on their behalf.

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

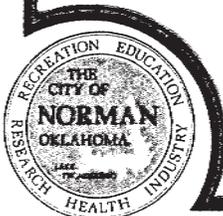
- § 4. That the City of Norman, Oklahoma, on the 24th day of May, 2011, did appoint Central Contracting Services, Inc., who is involved with the Robinson Street and 12th Avenue N.E. Water Line Relocation Project for the City of Norman, an agent of the City of Norman, Oklahoma, solely for the purpose of purchasing, on a tax-exempt basis, materials and tangible personal property to be used exclusively for the Robinson Street and 12th Avenue N.E. Water Line Relocation Project for the City of Norman.

PASSED AND ADOPTED THIS 24th day of May , 2011.

ATTEST:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk



PURCHASE REQUISITION NBR: 0000186523

REQUISITION BY: PUNES  
STATUS: DIVISION APPROVAL  
REASON: WATER LINE RELOCATION  
DATE: 5/16/11

SHIP TO LOCATION: PUB WKS- ENGINEERING  
SUGGESTED VENDOR: 2892 CENTRAL CONTRACTING SERVICES  
DELIVER BY DATE: 5/18/11

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

1 WATERLINE CONTRACT  
AWARD BID NO. 1011-72  
ROBINSON ST & 12TH STREET WATERLINE RELOCATION  
COMMODITY: CONSTRUCTION SERVICES, HE  
SUBCOMMOD: CONSTRUCTION, WATER SYSTE  
238377.00 EA 1.0000 238377.00

2 WATERLINE RELOCATION CONTRACT  
COMMODITY: CONSTRUCTION SERVICES, HE  
SUBCOMMOD: CONSTRUCTION, WATER SYSTE  
158918.00 EA 1.0000 158918.00  
REQUISITION TOTAL: 397295.00

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	100.00	238377.00
2	03195524626701	Capital Projects Utilities	100.00	158918.00
		Robinson/12thne Waterline		397295.00

REQUISITION IS IN THE CURRENT FISCAL YEAR.



**CITY COUNCIL AGENDA  
MAY 24, 2011**

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

**Item No. 16**

**Text File Number: GID-1011-31**

**Introduced:** 5/11/2011 by Mike White, Fleet Superintendent

**Current Status:** Consent Item

**Version:** 1

**Matter Type:** Authorization for Purchase

**Title**

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

**ACTION NEEDED:** Motion to approve or reject authorization for the purchase of an EZ Liner Street Paint Striper in the amount of \$49,972.50 less trade-in allowance of \$2,000 for a total price of \$47,972.50 from PMSI for the Traffic Control Division.

**ACTION TAKEN:** \_\_\_\_\_

**Body**

**BACKGROUND:** The FYE 2011 Capital Budget allocates \$49,750 for the replacement of City Unit No. 642T. This equipment is a 1990 EZ Liner Model AL120 currently used by the Traffic Control Division to paint street markings throughout the City of Norman. The current unit has exceeded its service life. The new Street Paint Striper is sold separately as a removable unit that will require a one ton 10,000 gross vehicle weight (GVW) truck for transport and service use. The new Street Paint Striper will be mounted onto the back of City Unit No. 642, a new one ton 10,000 GVW pickup meeting specified requirements by EZ Liner Industries and scheduled in FYE 2011 to be replaced using the current Oklahoma statewide contract, SW035.

After researching similar paint striping systems, Fleet Management staff and Traffic Control staff have concluded that the EZ Liner Model AL120 is best suited for the City of Norman paint striping application due to the proven performance and longevity of the existing Paint Striper and the ease of use and quality of the finished product.

**DISCUSSION:** In accordance with the City of Norman Code of Ordinances, Chapter 8, Section 202, three quotes were obtained from three separate vendors that distribute EZ Liner products as follow: SASCO Pavement Coatings, Inc of Springfield, Missouri; EZ Liner Industries of Orange City, Iowa; and Pavement Maintenance Supply, Inc (PMSI) of Edmond, Oklahoma, with PMSI being the lowest and best suited quote. In addition, PMSI is located in the Oklahoma City metro area, making them more cost effective for available parts and service work.

PMSI indicates that upon delivery of the paint striping unit to the City of Norman, they will provide operation and maintenance training to the City of Norman employees to ensure optimum operation, performance, and longevity.

**STAFF RECOMMENDATION:** It is recommended that the City Council award the bid to PMSI as follows:

AWARDED TO: PMSI

BASE PRICE: \$49,972.50

LESS TRADE IN ALLOWANCE: <\$2,000>

TOTAL AFTER TRADE IN: \$47,972.50

ACCOUNT NUMBER: 010-5023-429.50-03

ACCOUNT NAME: Traffic Control Service Equipment

AMOUNT BUDGETED: \$49,750

# **EZ-LINER Industries**

Box 223 Orange City, Iowa 51041 Phone 712-737-4018

# **Quotation**

DATE: Revised 4-20-11 Acct.No. \_\_\_\_\_

Quote No. AL120 Norman-OK

To: City of Norman

Ship To: City of Norman-Traffic Control Division

P.O. Box 370/ 1311 Da Vinci St

1311 Da Vinci St

Norman, OK 73070

Norman, OK 73070

Attention: Ted Dumas and Dennis Davis

CUSTOMER PHONE NO's: Ted 405-292-9709

SHIP VIA

F.O.B

Dennis:4053290528

bestway

City of Norman-includes freight

QTY	DESCRIPTION	PRICE	AMOUNT
1	New & Current Model EZ Liner AL120-3 Gun Airless Palletized Paint Striper	\$49,980.75	\$49,980.75
	including all standard features and following options:		
1	(2) Hydraulic Agitators for paint tanks (one per tank)		
3	Graco Paint Guns Model # 238-377		
3	Graco Glass Bead Guns Model #238-338		
1	Skipline Inc Controller-3 & 4 Line in lieu of manual controller		
1	Eartec Intercom System		
1	Safety Light Assembly		
1	Surge Chamber (ASME Certified)		
1	Air System Lubricator/ Oiler		
1	additional Hi Pressure Paint Filter for 3 total, one per paint gun		
1	Paint Gun- Repair Kit #238/339		
1	Model AL120 Training Video/CD	<b>Net Sale Quotation Price:</b>	<b>\$49,980.75</b>
	<b>LESS TRADE-IN ALLOWANCE</b>		deduct (-\$1,750.00)
	<b>NET SALE</b>	<b>TRADE-IN DIFFERENCE</b>	<b>\$48,230.75</b>

**DELIVERY: 30-45 Days after receipt of order**

Quotation written By: TS Tom Schuur-Regional Sales Mgr

CUSTOMER'S NAME  
City of Norman- Ted Dumas 405-292-9709

**SPECIAL INSTRUCTIONS**

Quotation includes delivery to Norman, OK and one day technical service training at time of delivery. The EZ Liner AL120 Striper Equipment Quotation meets and/or exceeds all City of Norman, OK specifications.



**CITY COUNCIL AGENDA  
MAY 24, 2011**

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

**Item No. 17**

**Text File Number: RPT-1011-71**

**Introduced:** 5/3/2011 by Frederick Duke, Procurement Analyst

**Current Status:** Consent Item

**Version:** 1

**Matter Type:** Communication or Report

Title

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

**ACTION NEEDED:** Motion to declare the equipment to be surplus and/or obsolete; and, if so declared, authorize the sale thereof.

**ACTION TAKEN:** \_\_\_\_\_

Body

**BACKGROUND:** Section 8-301 of the Code of Ordinances of the City of Norman provides that "The City Council must declare surplus or obsolete any supplies, materials, or equipment where the valuation exceeds one thousand dollars (\$1,000) prior to the selling of such supplies, materials, or equipment." The Auction will be conducted by Rosenfelt Auction Service. Rosenfelt Auction Service upon sale of any item sold will retain as total commission and compensation 15% of gross sales less sales tax. All items sold at auction are understood to be sold as is. The auction is scheduled for May 28, 2011.

**DISCUSSION:** The attached list is the supplies, materials, or equipment identified as surplus or obsolete, and is therefore being prepared for sale at auction.

**RECOMMENDATION:** It is recommended that the attached list of supplies, materials, or equipment be declared surplus or obsolete, and approved for sale at public auction.





**INVENTORY OF GOODS TO BE AUCTIONED**

3-3-11

DEPARTMENT Fleet Management Division

REVIEWED BY ACCOUNTING

SIGNATURE

*[Signature]*

*[Signature]*

CONDITION*	ITEM AND YEAR	DETAILED DESCRIPTION	SERIAL NUMBER	CITY UNIT NO.
Good	16' recycle trailer	16' recycle trailer		283T
Poor	Toro 6' Mower	Aerator	33787-8012	0790
Good	Recycle trailer inserts			
Good	1990 Boardman	Fire Truck	1091SIEIL3008298	0031
Fair	2003 Ford Crown Victoria	Patrol Full Sized Sedan	2FAFP71W03X107238	1190
Fair	1996 Ford Crown Victoria	Patrol Full Sized Sedan	2FALP71W7TX158769	1146
Good	1996 Ford Crown Victoria	Patrol Full Sized Sedan	2FALP71W1TX158766	1136
Poor	2009 Ford Crown Victoria	Patrol Full Sized Sedan - Wrecked	2FAHP71V29X143702	1100
Poor	2009 Crown Victoria	Patrol Full Sized Sedan - Burnt	2FAHP71V39X143708	1206
Poor	Henke Plow	Snow Plow	n/a	n/a
Poor	n/a	Snow Sander	n/a	n/a
Fair	1998 Target Concrete Saw	Walk behind	291970	373
Fair	1985 Equipment Trailer	3 Axle	001	446TA
Fair	1995 Holt Trailer	Green - used by Park Maintenance	5KK55	443T
Fair	1995 Holt Trailer	Used by Park Maintenance	n/a	437T
Poor	n/a	Sludge Pump	4C020-K-YBD-00 AG00114	n/a
Good	1 Automatic Tarp System	For Roll Off	n/a	n/a
Good	1 Small Fiber Topper	Fits small pickup	n/a	n/a
Good	1 Long Bed Fiber Topper	First long bed, full sized pickup	n/a	n/a
Poor	1 pallet of Miscellaneous	Battery charger, etc...	n/a	n/a
Poor	1982 La France	Aerial Fire Truck	1AFIC1284C1A27550	0031A
Good	1990 Michigan	Front Loader	L90V60977	0589

\*Please indicate if vehicles have been wrecked, burned or are in working order.

\*Good, Fair, Poor







**CITY COUNCIL AGENDA  
MAY 24, 2011**

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

**Item No. 18**

**Text File Number: GID-1011-20**

**Introduced:** 5/9/2011 by Sergeant Jennifer Newell, Community Relations

**Current Status:** Consent Item

**Version:** 1

**Matter Type:** Donation

Title

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

**ACTION NEEDED:** Motion to accept or reject a donation in the amount of \$600 from Republic Bank to reimburse the Police Department for shredding services by ADS during Free Shredding Day for Norman citizens on March 26, 2011; and, if accepted, increase Donations/Organization (010-0000-365.13-72) by \$600 and appropriate \$600 to Business Services/Other (010-6015-421.41-99); and direct payment to ADS.

**ACTION TAKEN:** \_\_\_\_\_

Body

**BACKGROUND:** On two separate occasions, the Norman Police Department has partnered with Absolute Data Shredding (ADS) to provide a free shredding day to Norman residents. In addition to ADS, the police department partnered with Republic Bank on March 26, 2011, to provide this service with Republic sharing the cost with ADS.

**DISCUSSION:** Republic Bank made the check for their portion of the costs to the City of Norman. These funds should have been paid directly to ADS.

**STAFF RECOMMENDATION:** It is recommended the City of Norman accept the check of \$600 from Republic Bank into Contributions-Organizations (010-0000-365.13.73), appropriate funds to Business Services/Other (010-6015-421.41-99), and direct payment to ADS.



CITY COUNCIL AGENDA  
MAY 24, 2011

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

**Item No. 19**

Text File Number: LL-1011-17

Introduced: 5/9/2011 by Wayne Stenis, Planner II

Current Status: Consent Items

Version: 1

Matter Type: Limited License

Title

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

ACTION NEEDED: Motion to approve or reject Limited License No. LL-1011-17 to place nine (9) ground banners within the public rights-of-way pursuant to a request from the United Way of Norman; and, if approved, authorize the issuance thereof.

ACTION TAKEN: \_\_\_\_\_

Body

**BACKGROUND:** Section 18-308 states:

**Festival or Public Event Banners.**

*Signs announcing specific events or promotions that are of a legitimate public benefit to the community at large may be erected within the public right-of-way when authorized by a limited license granted by the City Council. The size, number, type, and wording of such signs must be specified in the license, as well as their location and duration of use. Because of their unique location within the public right-of-way, such banners may not be placed so as to interfere with legitimate traffic and safety concerns.*

**DISCUSSION:** The United Way of Norman, a 501 (c)(3) organization, will host their annual community fund drive. Funds support community social service agencies. They have requested permission to place nine banners at various locations around the community to inform the public of this event. The signs are 5 x 7 in size, and are vinyl material attached to aluminum frames. They will be in place for approximately four months, before and during the event, and will be removed right after the event (June 6, 2011 to October 28, 2011). Text on the banner will be: Designate Norman (7100), Give Where You Live, Thank You [logo].

They have been advised that banners should not be located to obstruct any sight triangle and the proposed locations do not create any obstruction, which is at least twelve feet from any curb. A copy of the letter of request, application, and sign locations are attached for reference.

**RECOMMENDATION:** Staff has prepared the license in accordance with their request, and presents it to the Council for consideration. Conditions may be attached, if the Council desires. Staff supports granting this Limited License, for the specified time period.



United Way of Norman

United Way Plaza  
2424 Springer dr. Ste. 304  
Norman, OK 73069  
Phone: (405) 329-2025

Ellen Usry  
P.O. Box 370  
Norman, Oklahoma 73070

April 1, 2011

Dear Ellen:

We are already in the preparation stages for this year's United Way of Norman annual community fund drive. Our Pacesetter companies will begin in June and we will officially kick off the community-wide portion of the campaign mid-September. Attached are two Limited License applications for our annual Designate Norman banners and United Way Campaign Goal-o-meters.

It's important to let our Norman commuters know that they have the ability to designate their donations back to our community, even if they are working in Oklahoma City. We would like to place nine "Designate Norman" banners on city streets near Highway and Interstate exits. It's a wonderful avenue to inform a large number of people that they may direct their efforts to help keep our community a great place to work and live.

We would like to put the nine "Designate 7100" banners in place by June 6th and remove them by October 28<sup>th</sup> due to the fact that metro area campaigns will begin at the end of June and take place through the end of October.

In order to communicate our progress to the community, we would like to put up twenty two "Goal-o-meters" on various Norman streets. Once again, we would really appreciate your help with this endeavor. With so many factions of the community participating, we have found that this is an effective way of letting them know where we stand. We would like to put up the Goal-o-meters on September 16<sup>th</sup> and leave them in place until November 30<sup>th</sup>.

A list of locations for each type of sign is attached. Please note that these are the same locations approved for our 2010 campaign.

Thank you so much for your assistance and consideration. Please feel free to contact me with any questions.

Sincerely,

A handwritten signature in black ink that reads "Candice Jones". The signature is fluid and cursive.

Candice Jones  
VP, Resource Development

Give. Advocate. Volunteer.

*United Way of Norman unites and strengthens our community by empowering each person to change lives.*

[www.unitedwaynorman.org](http://www.unitedwaynorman.org)

APPLICATION FOR LIMITED LICENSE FOR FESTIVAL OR PUBLIC EVENT BANNER

Date April 1, 2011

Name of Applicant United Way of Norman

Address 2424 Springer dr. Ste. 304 Telephone Number 329-2025

Number of Banners Nine (9)

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

Please see attachment

Banner Size 5' x 7'

Type of Banner Vinyl Banner with Aluminum Frame

Wording of Banner Designate Norman (7100) Give Where  
You Live Thank you (with United Way of Norman logo)

Duration of Use 6-6-11 - 10-28-11

**LIMITED LICENSE NO. 1011-17**

**LIMITED LICENSE TO PLACE NINE  
(9) DESIGNATE 7100" GROUND BANNERS  
WITHIN THE PUBLIC RIGHTS-OF-WAY  
PURSUANT TO A REQUEST FROM THE  
UNITED WAY OF NORMAN.**

An Application has been filed by the United Way of Norman for a Limited License to place nine (9) "Designate 7100" ground banners within the public rights-of-way pursuant to Section 18-308 of Chapter 18 of the Code of Ordinances, which Application is hereby granted pursuant to the conditions and limitations as set forth in said Application.

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

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

License limited for a one hundred forty-five (145) day period from June 6 through October 28, 2011.

Any special conditions which may be outlined in the Staff memorandum or imposed by the City Council.

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

Approved this 24th day of May, 2011.

CITY OF NORMAN

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk



CITY COUNCIL AGENDA  
MAY 24, 2011

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

**Item No. 20**

**File Number: K-0809-59 Amend 2**

**Introduced:** 5/12/2011 by John Clink, Capital Projects Engineer

**Current Status:** Consent Item

**Version:** 1

**Matter Type:** Contract

Title

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

**ACTION NEEDED:** Motion to approve or reject Amendment No. Two to Contract No. K-0809-59 with EST, Inc., increasing the contract amount by \$5,000; and, if approved, authorize the execution thereof.

**ACTION TAKEN:** \_\_\_\_\_

Body

**BACKGROUND:** On October 14, 2008, the City Council approved Contract No. K-0809-59 in the amount of \$165,120 with EST, Inc., for the design of the water line relocation plans associated with the 12th Avenue N.E. and Robinson Street intersection improvements. The purpose of this project is to modify the signal at the intersection of Robinson Street and 12th Avenue NE in order to accommodate additional traffic capacity including dual left lanes northbound, to rehabilitate the existing four lanes of pavement, and to add sidewalks on the north side of Robinson Street along the east leg to Northcliff Avenue. This project also addresses the elevation difference in grade between the intersection and the existing storm grate on the east leg at the intersection, which is difficult for east/west traffic to negotiate.

On April 27, 2010, City Council approved Amendment No. 1 to Contract No. K-0809-59 in the amount of \$32,000 to provide plans, specifications and bidding documents for the relocation of 12-inch and 16-inch water lines. With Amendment No. 1, the total contract amount became \$197,120. Amendment No. 2 presented with this item allows correction of design parameters after it was determined that the existing water line was actually larger than originally thought. The cost increase is \$5,000.

**DESCRIPTION:** The City's water line atlas shows the water line at the northwest corner of Robinson Street and 12th Avenue NE as a 12-inch line and plans were generated accordingly. During a plan review meeting with line maintenance personnel, it was determined that the existing water line on the northwest corner of Robinson Street and 12th Avenue NE is actually a 16-inch line. The entire project was redesigned to include the 16-inch pipeline replacement.

Staff has negotiated a cost of \$5000 with EST, Inc. to modify the plans, specifications, and bidding documents to reflect the 16-inch existing water line. Funds are available to cover the design cost of Amendment No. 2 in the Design Account No. 050-9079-431.62.01, Project No. TR0238.

**RECOMMENDATION:** Staff recommends approval of Amendment No. 2 to Contract No. K-0809-59 with EST, Inc. for \$5000 to modify the water line relocation plans.

**AMENDMENT NO. 2 TO THE CONTRACT NO. K-0809-59  
BETWEEN CITY OF NORMAN AND ENGINEER  
FOR PROFESSIONAL SERVICES**

**12TH AVENUE NE AND ROBINSON STREET INTERSECTION**

This is an agreement made as of the \_\_\_\_ th day of \_\_\_\_\_, 2011 between the City of Norman (OWNER) EST, Inc. (ENGINEER) amending the Original Contract No. K-0809-59 dated October 14, 2008 between the said parties. OWNER intends to expand the design work beyond the scope of work included in the above said Original Contract. The following shall be considered as the additional work beyond the original scope.

- (a) Provide modified plans, specifications and bidding documents necessary to change from a 12 inch waterline to a 16 inch.

OWNER and ENGINEER in consideration of the mutual covenants herein agree to the following in respect to the performance of Professional Engineering Services and the payment for those services by OWNER as set forth below for the above described additional scope of work.

1. ENGINEER shall perform professional services as stated in Attachment A of the Original Contract for the additional scope of work described above.
2. For services performed for the additional scope of work in accordance with this amendment, the OWNER shall pay ENGINEER additional lump sum fee of \$5,000 based on the additional man-hours required to complete the work and as specified on the attached fee schedule (Attachments B).
3. All other requirements of the ENGINEER included in the Original Contract shall remain in effect for the purposes of this agreement.

This Amendment No. 2 is subject to all terms, covenants, and conditions not inconsistent herewith contained in the Original Contract No. K-0809-59 dated October 14, 2008 which terms, covenants, and conditions are hereby reaffirmed and ratified.

**IN WITNESS WHEREOF.** Owner and Engineer have executed this Agreement.

DATED this \_\_\_\_ th day of \_\_\_\_\_, 2011.

**CITY OF NORMAN**

Owner

By: \_\_\_\_\_

Title: Mayor

Date: \_\_\_\_\_

Engineer

By:  \_\_\_\_\_

Title: President

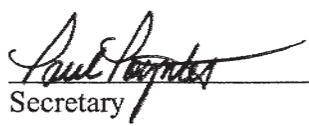
Date: 3/23/11

(Corporate Seal)

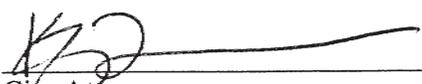
**ATTEST:**

\_\_\_\_\_  
City Clerk

**ATTEST:**

  
\_\_\_\_\_  
Secretary

APPROVED as to form and legality this 16 day of May 2011.

  
\_\_\_\_\_  
City Attorney

**WATER LINE CONTRACT COST PROPOSAL**

COUNTY: Cleveland CITY: Norman  
 STREET NAME: Robinson Street PROJECT DESCRIPTION: US-77/SH-77H and Robinson Street Intersection  
 NAME OF ORGANIZATION SUBMITTING PROPOSAL: EST, Inc.

**DIRECT SALARY COSTS**

Labor Description	Labor Category	
	Design Technician	CADD Technician
Project Engineer	\$43.00	\$21.00
	\$32.00	\$21.00

WATER LINE DEVELOPMENT	HOURS		Task	Activity	Cost
	1	2			
Water Line Preliminary Plan Design	2	6	4		\$362.00
Generate Title Sheet					
Develop Plan and Profile Sheets					
Identify other utility conflicts					
Design all connections and bends	2	6	4	12	
Draft Plan and Profile Sheets					
Water Line Final Plan Design	1	12	22	35	\$888.55
Final water line design location and connections					
Calculate Quantities	1	2	4	7	
Generate Pay Item and General Notes Sheet					
Final all drafting of plans		8	16	24	
Estimates and Meetings, etc.	3	5	0	8	\$289.00
Review Meetings, Meeting Minutes, and Cost Estimates					
As-built plans	3	5			
Bid Package, Specs, Pre-Bid Meeting, Bid Award, and DEQ permit					

Footnote: If an item is not applicable, leave it blank.

**WATER LINE CONTRACT COST PROPOSAL**

<b>DIRECT SALARY COSTS</b>		\$1,639.53
<b>PAYROLL ADDITIVE (Vacation, sick leave, retirement, FICA, etc.) (Input percentage of Direct Salary Costs)</b>	52.37	\$806.19
<b>DIRECT NON-PAYROLL COSTS</b>		
Materials & Supplies		
Reproduction		
Data Processing		
Photogrammetric Mapping		
Travel Expenses		
Equipment Rental		
Outside Engr. Consultants		
Other (specify)		
<b>Subtotal</b>		
<b>Subtotal - All Direct Costs</b>		\$2,345.74
<b>INDIRECT COSTS (Administration, rent, utilities, telephone, etc.) (Input percentage of All Direct Costs)</b>	93.78	\$2,199.71
<b>Subtotal - Direct &amp; Indirect</b>		\$4,545.45
<b>PROFIT</b>	10.00%	\$454.55
<b>TOTAL PROPOSED ROADWAY PLAN DEVELOPMENT FEE</b>		\$5,000.00

Prepared by: Cassidy Doescher Date March 11, 2011

Footnote: If an item is not applicable, leave the box blank.

PURCHASE REQUISITION NBR: 000185930

REQUISITION BY: JCLINK

STATUS: DIVISION APPROVAL

DATE: 5/02/11

REASON: AMENDMENT NO 2 X-0602-59

SHIP TO LOCATION: PUB WKS - ENGINEERING

SUGGESTED VENDOR: 1235 ENGINEERING SERVICES & TESTING

DELIVER BY DATE: 5/02/11

LINE NBR	DESCRIPTION	QUANTITY	UOM	UNIT COST	EXTEND COST	VENDOR PART NUMBER
1	AMENDMENT NO 2 TO CONTRACT X-0602-59 COMMODITY: CONSULTING SERVICES SUBCOMMOD: ENGINEERING CONSULTING	5000.00	EA	1.0000	5000.00	
REQUISITION TOTAL:						5000.00

ACCOUNT INFORMATION

LINE #	ACCOUNT	PROJECT	AMOUNT
1	05090794316201 Capital Projects Design	TR0234 Robinson - 12th SE	5000.00

REQUISITION COMMENTS:

CONTINGENT UPON COUNCIL APPROVAL ON 5/24/2011.  
 REQUISITION REQUIRES A LINE ITEM TRANSFER OF \$5000  
 FROM UTILITY(050-9079-431.67-01) TO DESIGN(050-907  
 9-431.62-01)

REQUISITION IS IN THE CURRENT FISCAL YEAR



CITY COUNCIL MEETING  
MAY 24, 2011

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

**Item No. 21**

Text File Number: K-1011-45

**Introduced:** 5/12/2011 by James Briggs, Park Planner

**Current Status:** Consent Items

**Version:** 1

**Matter Type:** Contract

Title

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

**ACTION NEEDED:** Motion to approve or reject Contract No. K-1011-45 with Downey Construction Company, Inc., in the amount of \$43,860 and Maintenance Bond No. MB-1011-14; and, if approved, authorize execution of the contract, direct the filing of the bond, and adopt Resolution No. R-1011-21.

**ACTION TAKEN:** \_\_\_\_\_

Body

**BACKGROUND:** During the FYE 2010 Capital Budget process, City Council approved funding for the Reaves Park Parking Lot Expansion Project which included installation of drainpipe and covering over the drainage ditch in Reaves Park adjacent to Jenkins Avenue. Additional parking will now be built on top of that area which will primarily service the softball complex. The lot is often overflowing during softball season and during the many other special events in Reaves Park, such as the Medieval Fair and the Norman Day celebration.

During fiscal year 2010, a contractor was hired to clear and grade the drainage ditch and then install the appropriate pipe needed for the project. Once this was done, the pipe was covered and compacted by park maintenance crews. Cardinal Engineering provided construction drawings for the new parking area which will include twenty-two new spaces. Additional patch, repair and overlay work in the existing parking area will be done by city crews separate from this contract.

Funding for the project was approved in the amount of \$100,000. This included funding for work needed to place the pipe into a ditch and cover the area, along with the construction of the new parking and the repair and overlay of the old parking area.

**DESCRIPTION:** City staff has met with three paving contractors, all of whom were given complete access to the site as well as the engineers' drawing and the City's specifications for the new parking area in order to fully evaluate the project. All three contractors submitted bid quotations. The lowest and best quotation was received from Downey Construction Company, Inc., in the amount of \$43,860.

The contractor will complete this project on a turnkey basis. There will be no partial payments made during the project. Only one payment will be made once all work has been completed and accepted; therefore, a performance bond will not be required. Similarly, Downey Construction Company, Inc. will not employ sub-contractors on this project, thereby making a statutory bond un-necessary. A maintenance bond will be obtained for this project, as well as all required Affidavit, Contract, Insurance and Liability forms.

Staff recommends that the contract be awarded to Downey Construction Company, Inc., in the amount of \$43,860, as the lowest and best bidder to meet specifications.

**RECOMMENDATION NO. 1:** It is recommended that City Council accept the quotation from Downey Construction Company, Inc. in the amount of \$43,860 for the Reaves Park Parking Lot Expansion Project for the Parks and Recreation Department. Funding is available from the Capital Fund, Project No. PR0115, Reaves Parking and Drainage, Construction (050-9205-452.61-01). The total amount budgeted for the project is \$100,000.

**RECOMMENDATION NO. 2:** It is further recommended upon approval of the bid, that Contract No. K-1011-45 and Maintenance Bond No. 1011-14 be approved.

**RECOMMENDATION NO. 3:** It is further recommended upon approval of Contract No. 1011-45 that Downey Construction Company, Inc. be authorized and appointed as project agent for the Reaves Park Parking Lot Expansion Project by Resolution No. R-1011-21.

CITY OF NORMAN  
Parks and Recreation Department  
Norman, Oklahoma  
May 5, 2011

TABULATION OF QUOTES

The following is a tabulation of quotes received by the City of Norman for the Reaves Parking Lot Expansion Project. Funding for this project is available in Project No. PR0115, Reaves Drainage and Parking Improvements (050-9205-452.61-01).

<u>Vendors</u>	<u>Total Bid</u>
<b>Downey Construction Company, Inc.</b> Norman, Oklahoma	<b>\$43,860</b>
Texoma Paving and Construction Company Norman, Oklahoma	\$44,744
Mike's Concrete and Asphalt Oklahoma City, Oklahoma	\$50,000

RECOMMENDATION: That the project be awarded to Downey Construction Company, Inc., in the amount of \$43,860 as the lowest and best quote to meet specifications.

City of Norman

Jud Foster, Director of Parks and Recreation

**C O N T R A C T**

THIS CONTRACT made and entered into this \_\_\_\_ day of \_\_\_\_\_, 20\_\_, by and between Downey Construction Company, 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.

**W I T N E S S E T H**

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:

**REAVES PARK PARKING LOT EXPANSION**

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: Forty Three Thousand Eight Hundred Sixty Dollars (\$ 43,860 );

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: Lump sum payment to be made upon satisfactory completion of all work as described in the accompanying design drawings for this project.

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.

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

Downey Construction Company, Inc.

Company Name

ATTEST:

Alfred Downey  
Corporate Secretary

BY

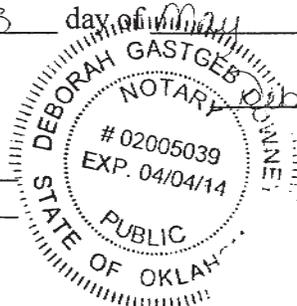
Alfred Downey  
President

STATE OF Oklahoma )  
COUNTY OF Cleveland )

Alfred Downey, 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.

Alfred Downey  
President

Subscribed and sworn to before me this 13 day of May, 2011.



Deborah Gastges Downey  
Notary Public

My Commission Expires: 4-4-14  
Commission Number: 02005039

CITY OF NORMAN

Approved as to form and legality this 13<sup>th</sup> day of May, 2011.

John Klesmer  
City Attorney

Approved by the City Council this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

ATTEST:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

**MAINTENANCE BOND**

WHEREAS, THE UNDERSIGNED Downey Construction, Inc., hereinafter referred to as the Principal, has entered into a certain contract dated \_\_\_\_\_, 20\_\_\_\_, for the construction of:

**REAVES PARK PARKING LOT EXPANSION**

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

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

That the said Principal and Granite Re, Inc., as a corporation organized under the laws of the State of Oklahoma, and authorized to transact business in the State of Oklahoma, as surety, are jointly and severally, firmly held and bound unto said City in the penal sum of Forty Three Thousand Eight Hundred Sixty Dollars (\$ 43,860 ), 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-1011-14

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 10th day of May, 2011.

ATTEST: Debbie Downey  
Corporate Secretary

Downey Construction Company, Inc.  
Company Name

Mailing Address of Principal:  
2700 E. Tecumseh Road  
Norman, OK 73070

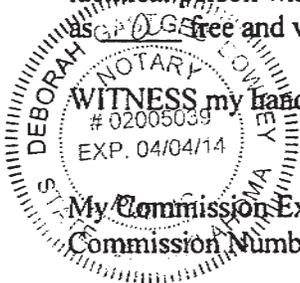
BY Alfred Downey  
Principal

Granite Re, Inc.

BY: Vicki Wilson  
Surety Name  
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 18 day of May, 2011, personally appeared Alfred Downey to me known to be the identical person who executed the foregoing, and acknowledge to me that he executed the same as a 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.

Deborah Gantpub Downey  
Notary Public

My Commission Expires: 4-4-14  
Commission Number: 02005039

Approved as to form and legality this 17<sup>th</sup> day of May, 2011.

John Mesner  
City Attorney

Approved by the Council of the City of Norman, this \_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Mayor

ATTEST: \_\_\_\_\_  
City Clerk

# Resolution

R-1011-21

A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AUTHORIZING AND APPOINTING DOWNEY CONSTRUCTION COMPANY, INC., AS PROJECT AGENT FOR THE REAVES PARK PARKING LOT EXPANSION 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 Downey Construction Company, Inc., for the Reaves Park Parking Lot Expansion Project for the City of Norman; and
- § 2. WHEREAS, the City of Norman, Oklahoma, in compliance with State law, desires to confer on Downey 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, Downey Construction Company, Inc., to purchase materials which are in fact used for Reaves Park Parking Lot Expansion Project for the City of Norman; and
- § 3. WHEREAS, this limited agent status is conferred with the express understanding that Downey 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 24th day of May, 2011, did appoint Downey Construction Company, Inc., who is involved with the Reaves Park Parking Lot Expansion 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 Reaves Park Parking Lot Expansion Project for the City of Norman.

PASSED AND ADOPTED THIS 24th day of May, 2011.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk





PURCHASE REQUISITION NBR: 0000186740

REQUISITION BY: TERRY-FOSTER  
STATUS: DIVISION APPROVAL  
REASON: REAVES PARK PARKING LOT EXPANSION PROJECT  
DATE: 5/19/11  
SHIP TO LOCATION: PARKS AND RECREATION  
SUGGESTED VENDOR: 949 DOWNEY CONSTRUCTION COMPANY  
DELIVER BY DATE: 5/19/11

LINE NBR	DESCRIPTION	QUANTITY	UOM	UNIT COST	EXTEND COST	VENDOR PART NUMBER
1	REAVES PARK PARKING LOT EXPANSION PROJECT CITY COUNCIL 5-24-2011 ACCT#050-9205-452.6101 PRO115 COMMODITY: CONSTRUCTION SERVICES, HE SUBCOMM: CONSTRUCTION AND UPGRADES	43860.00	EA	1.0000	43860.00	COUNCIL 5-24-2011

REQUISITION TOTAL: 43860.00

ACCOUNT INFORMATION

LINE #	ACCOUNT	PROJECT	%	AMOUNT
1	05092054526101	Capital Projects Construction	100.00	43860.00
		Reaves Drainage & Parking		43860.00

REQUISITION IS IN THE CURRENT FISCAL YEAR.



**CITY COUNCIL AGENDA  
MAY 24, 2011**

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

**Item No. 22**

**File Number: K-1011-171**

**Introduced:** 5/12/2011 by John Clink, Capital Projects Engineer

**Current Status:** Consent Item

**Version:** 1

**Matter Type:** Contract

Title

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

**ACTION NEEDED:** Motion to approve or reject Contract No. K-1011-171 with ODOT, adopt Resolution No. R-1011-121, and authorize execution of the contract and resolution.

**ACTION TAKEN:** \_\_\_\_\_

Body

**BACKGROUND:** The I-35/Robinson Street Interchange Northeast Quadrant Project involves reconfiguring the northbound on-and-off ramps, a new traffic signal, drainage improvements and extending Interstate Drive from Robinson Street to Mount Williams Drive.

On August 22, 2006, City Council approved Contract No. K-0607-45 (Development Agreement No. 1) by and between the City of Norman and University Town Center L.L.C. This contract outlined initial project activities associated with traffic improvements needed to mitigate the additional traffic generated by the University North Park development. One of the projects listed in this contract is reconstruction of the I-35 northbound Robinson Street on-and-off ramps.

In 2006, the developer contracted with SMC Consulting Engineers to develop engineering plans for the modification of this portion of the interchange. In April 2007, a plan review meeting was held with the Oklahoma Department of Transportation (ODOT) to review the preliminary plans for this project. Since then, the project has been on hold awaiting the results of the frontage road study and the availability of funds through the Tax Increment Financing (TIF) district. On August 24, 2010, City Council approved Contract No. K-1011-56 with SMC Consulting Engineers, P.C., for the final design of the I-35/Robinson Street Interchange Northeast Quadrant. In addition, at the same council meeting, Council approved Resolution No. R-1011-27 requesting Federal Surface Transportation Program Urbanized Area funds (STP/UZA) for the Interstate Drive portion of this project.

**DISCUSSION:** Since requesting STP/UZA funding, the Oklahoma Department of Transportation (ODOT) created two internal projects and tied them together in order to track the funding. ODOT requires a separate Right-of-Way and Utility Relocation Agreement for each project. Since there are two ODOT project numbers, the City is

required to sign an agreement for each project. This agreement covers the reconstruction of I-35 northbound Robinson Street on-and-off ramps. The project location map is referenced hereto as Attachment "A". The funding for this portion of the project will be provided by the City of Norman.

Prior to purchasing right-of-way and relocating utilities, ODOT requires the City of Norman to enter into the above-mentioned agreement. The agreement stipulates that the City will acquire all right-of-way required for the project, pay relocation costs for people who are displaced by this project, grant ODOT access to and the use of the right-of-way for this project, remove all encroachments and to indemnify and hold ODOT harmless.

Right-of-way plans have been approved and ODOT has requested the City to approve the attached agreement. The agreement and resolution have been prepared by ODOT and require four (4) approved copies for their execution. The design phase of this project is complete. We have received the construction plans from the consultant engineer and utility relocation is expected to be completed by the end of July. The ODOT bid letting for the interchange project is scheduled in January 2012. Construction of the interchange ramp will begin in April 2012 and will be completed in November 2012.

**STAFF RECOMMENDATION NO. 1:** Staff recommends approval of Contract No. K-1011-171 for a Right-of-Way and Utility Agreement with ODOT for reconstruction of the I-35 northbound Robinson Street on-and-off ramps, and if approved, authorize the execution thereof.

**STAFF RECOMMENDATION NO. 2:** Staff further recommends the adoption of Resolution No. R-1011-121 for a Right-of-Way and Utility Agreement with ODOT for reconstruction of the I-35 northbound Robinson Street on-and-off ramps.

**RIGHT-OF-WAY, PUBLIC UTILITY  
AND ENCROACHMENT AGREEMENT**

This Agreement, made and entered into this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by and between the City of NORMAN, CLEVELAND COUNTY, Oklahoma, hereinafter called the City and the Department of Transportation of the State of Oklahoma, hereinafter called the Department,

Witnesseth:

That for and in consideration of the covenants and agreements hereinafter set forth, it is mutually agreed by and between the parties hereto as follows:

In connection with the location and improvement of a portion of the CITY STREET System within the corporate limits of the City, now designated as I-35 at Robinson in Norman, Reconstruct Northbound on and off ramps under plans and specifications for , SAP-1114A(184), Job No. 24029(04).

WHEREAS, legislative authorization and the rules, regulations, and policies of the Department provide the basis of cooperation between the parties to effect such highway improvements.

NOW, THEREFORE, the parties hereto agree as follows:

The City agrees:

1. To the location of said highway, acknowledges receipt of and adopts the plans for said project as the official grade and drainage plans of the Underwriter for the streets, boulevards, or arterial highway included therein. Further, and in addition to the provisions contained elsewhere herein, City hereby grants to the Department access to and the use of all rights-of-way belonging to or controlled by the City and City shall not permit the vacation of any such street, alley or other rights-of-way without the prior written approval of Chief, Right of Way & Utilities Division, Department of Transportation, State of Oklahoma.

2. That prior to the advertising of the project for bids (as to that part of the project lying within the present corporate limits) it will:
  - (a) Grant to the Department and its contractors, the right-of-entry to all existing streets, alleys, and City owned property when required, and other rights-of-way shown on said plans.
  - (b) Remove at its own expense, or cause the removal of, all encroachments on existing streets as shown on said plans, including all signs, buildings, porches, awnings, porticos, fences, gasoline pumps and islands, and any other such private installations. Said removal shall be accomplished immediately on execution of this agreement and shall include necessary legal action where required.
  - (c) Prohibit parking on that portion of the project within the corporate limits of the Local Public Agency.
  - (d) Comply with the Department's standards for construction of driveway entrances from private property to the highway, in accordance with the Department's manual entitled "Policy on Driveway Regulation for Oklahoma Highways", Rev. 5/96, 69 O.S. (2001) § 1210.
  - (e) Maintain all right of way acquired for the construction of this project, as shown on said plans, in a manner consistent with applicable statutes, codes, ordinances and regulations of the Department and the State of Oklahoma.
  
3. That City will:
  - (a) Determine and locate, with the Department's approval, a detour route over existing city streets, if a re-routing of traffic or a detour is necessary during the period of construction.
  - (b) Be responsible during or subsequent to construction, for all costs for the operation and any maintenance necessary to the approved detour route over existing City streets, or any other street as a result of additional traffic.
  - (c) Be responsible for all costs for repairs or maintenance to any City street, during or subsequent to construction, which results from additional traffic where construction is performed under traffic.

- (d) To the extent permitted by the **Oklahoma Governmental Tort Claims Act**, Title 51 Oklahoma Statutes, Sections 151 *et seq.* and by Oklahoma Constitution Article 10, section 26 and as otherwise permitted by law, the City shall indemnify and save harmless the Department, its officers and employees, and shall process and defend at its own expense all claims, demands, or suits whether in law or equity brought against the City or the Department arising from the City's execution, performance, or failure to perform, and provisions of this agreement or alleged negligence in the location, design, construction, operation, or maintenance of a portion of the City Street System within the corporate limits of the City. Provided, nothing herein shall require the City to reimburse the Department for damages arising out of bodily injury to persons or damage to property caused by or resulting from the sole negligence of the Department. When any alleged act, omission, negligence, or misconduct may be subject to the limitations, exemptions, or defenses which may be raised under the **Oklahoma Governmental Tort Claims Act**, 51 O.S. § 151 *et seq.*, all such limitations, exemptions, and defenses shall be available to and may be asserted by City. No liability shall attach to the Department except as expressly provided herein.
  - e) Comply with all applicable laws and regulations necessary to meet the Oklahoma Department of Environmental Quality (ODEQ) requirements for pollution prevention including discharges from storm water runoff during the planning and design of this project. Further, the City agrees and stipulates as stated in the ODEQ's *General Permit OKR10*, dated September 13, 2002, or latest revision, to secure a storm water permit with the ODEQ, for utility relocations when required. It is agreed that the storm water management plan for the project previously described in the document includes the project plans and specifications, required schedules for accomplishing the temporary and permanent erosion control work, the storm water pollution prevention plan and the appropriate location map contained in the utility relocation plans
4. That subsequent to the construction of said project, City will:
- (a) Keep all permanent right-of-way shown on said plans free from any encroachment and take immediate action to effect the removal of any encroachments upon notification by the Department, including all necessary legal action when required.

- (b) Erect, maintain, and operate traffic control signals, including speed limit and traffic control signs, only in accordance with 47 OS 2001, Section 15-104, 15-105 and 15-106, and subject to the approval, direction and control of the Department.
  - (c) Regulate and control traffic on said project, including but not limited to, the speed of vehicles, parking, stopping, and turns, in accordance with 47 OS 2001, 15-104, et seq. and to make no changes in the provisions thereof without the approval of the Department.
  - (d) Maintain all that part of said project within the corporate limits of the City.
  - (e) The City shall have the authority pursuant to 69 O.S. 2001 § 1001 and 69 O.S. 2001 § 1004 to sell any lands, or interest therein, which were acquired for highway purposes as long as such sale is conducted in accordance with the above cited statutes. Prior written approval by the Chief, Right-of-Way & Utilities Division for the Department shall be required before any sale is made.
5. That all covenants of this Agreement shall apply to any area hereinafter annexed to the City which lies within the limits of this project.
  6. That it will, by resolution, duly authorize the execution of this Agreement by the proper officials, and attach copies of such resolution to this Agreement.
  7. To acquire all right-of-way, if any, be responsible for the total costs for removing and relocating outdoor advertising signs and for the relocation assistance payments to persons displaced by reason of the acquisition of right-of-way and be responsible for the removal or relocation of all utility lines on public or private rights-of-way to accommodate the construction of this project.
- (a) Transmit copies of the instruments, including all deeds and easements, to the Department prior to the advertisement of bids for construction.

- (b) Comply with the provisions of 42 U.S.C.A. § 4601-4655 and 23 U.S.C.A. § 323 (as amended) and, further comply with 49 C.F.R. Part 24 in the acquisition of all necessary right-of-way and relocation of all displacees.
  - (c) That as a condition to receiving any Federal Financial Assistance from the Department, it will comply with Title VI of the Civil Rights Act of 1964, 78 Stat. 252.42 U.S.C. 2000d-35 seq., and all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, "Nondiscrimination of federally-assisted Program of the Department of Transportation-Effectuation of Title VI of the Civil Rights Act of 1964".
8. If the acquisition of right-of-way for this project causes the displacement of any person, business or non-profit organization, the City will provide and be responsible for the Relocation Assistance Program and for all costs associated with the relocation assistance payments. The Department, upon request, will supply a list of service providers who have been prequalified to administer the Relocation Assistance Program. The City agrees to employ a service provider from the Department's prequalified list or advise the Department in writing that their in-house personnel have the knowledge, skills, & abilities to effectively manage the Relocation Assistance Program. The City agrees to comply with all applicable rules, regulations, statues, policies and procedures of both the United States and the State of Oklahoma and specifically The Uniform and Relocation Assistance and Real Property Acquisition Act, 49 CFR 24. The City agrees to create & seat a Relocation Assistance Program Appeals Board pursuant to 49 CFR Sec. 24.10 or submit a written request to the Department requesting that the Department function in such capacity on behalf of the City. Before any relocation assistance payments are made by the City, all files with parcels requiring relocation assistance shall be submitted to the Department for audit & compliance review by the Department. The Department shall be notified in writing within seven (7) days of the date of an offer to acquire being provided to a property owner(s) on any parcel which will require relocation assistance. Written notifications regarding service providers, in-house personnel, appeals, offers to acquire, ect. shall be addressed to Acquisition Branch, Right-of-Way & Utilities Division, Oklahoma Department of Transportation, 200 N.E. 21st Street, Oklahoma City, Oklahoma 73105.

IN CONSIDERATION of the grants and covenants by the City herein contained and the faithful performance thereof by the City, the City agrees to construct said project in accordance with said plans and specifications; provided that the right to review and approve and to make such changes in the plans and specifications as are necessary for the proper construction of said project is reserved to the Department.

IN WITNESS WHEREOF, we have hereunto set our hands and seals, the City on the \_\_\_ day of \_\_\_\_\_, 20\_\_, and the State on the \_\_\_ day of \_\_\_\_\_, 20\_\_.

ATTEST:

CITY OF NORMAN

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor

APPROVED BY CITY OF NORMAN LEGAL DEPARTMENT  
BY [Signature] DATE 5/11/11

REVIEWED AND APPROVED AS TO  
FORM AND LEGALITY

STATE OF OKLAHOMA  
DEPARTMENT OF TRANSPORTATION

\_\_\_\_\_  
Chief, Legal Division (ODOT)

\_\_\_\_\_  
Director

RESOLUTION

WHEREAS, it appearing reasonable and necessary for the CITY OF NORMAN , CLEVELAND COUNTY, OKLAHOMA, to execute a Right-of-Way, Public Utility and Encroachment Agreement in connection with the construction of a public project known as SAP-114A(184), J/P 24029(04), in accordance with the terms and tenor of 69 O.S. 2001, Sections 1205, 1206, 1401 and 1403.

NOW, THEREFORE, BE IT RESOLVED by the CITY OF NORMAN, CLEVELAND COUNTY, OKLAHOMA, sitting in regular session that such contract be entered and that a copy of same be hereto attached and made a part hereof by reference, all as provided by law.

ATTEST:

\_\_\_\_\_  
CITY CLERK

\_\_\_\_\_  
MAYOR

APPROVED BY CITY OF NORMAN LEGAL DEPARTMENT  
BY: [Signature] DATE: 5/17/11



**EXHIBIT "A"**  
**Blue: Robinson Street**  
**On-and-Off Ramps**



**CITY COUNCIL AGENDA  
MAY 24, 2011**

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

**Item No. 23**

**File Number: K-1011-172**

**Introduced:** 5/12/2011 by John Clink, Capital Projects Engineer

**Current Status:** Consent Item

**Version:** 1

**Matter Type:** Contract

**Title**

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

**ACTION NEEDED:** Motion to approve or reject Contract No. K-1011-172 with ODOT, adopt Resolution No. R-1011-122, and authorize execution of the contract and resolution.

**ACTION TAKEN:** \_\_\_\_\_

**Body**

**BACKGROUND:** The I-35/Robinson Street Interchange Northeast Quadrant Project involves reconfiguring the northbound on-and-off ramps, a new traffic signal, drainage improvements and extending Interstate Drive from Robinson Street to Mount Williams Drive.

On August 22, 2006, City Council approved Contract No. K-0607-45 (Development Agreement No. 1) by and between the City of Norman and University Town Center L.L.C. This contract outlined initial project activities associated with traffic improvements needed to mitigate the additional traffic generated by the University North Park development. One of the projects listed in this contract is to extend Interstate Drive between Robinson Street and Mount Williams Drive and signalization of Robinson Street.

In 2006, the developer contracted with SMC Consulting Engineers to develop engineering plans for the modification of this portion of the interchange. In April 2007, a plan review meeting was held with the Oklahoma Department of Transportation (ODOT) to review the preliminary plans for this project. Since then, the project has been on hold awaiting the results of the frontage road study and the availability of funds through the Tax Increment Financing (TIF) district. On August 24, 2010, City Council approved Contract No. K-1011-56 with SMC Consulting Engineers, P.C., for the final design of the I-35/Robinson Street Interchange Northeast Quadrant. In addition, at the same council meeting, Council approved Resolution No. R-1011-27 requesting Federal Surface Transportation Program Urbanized Area funds (STP/UZA) for the Interstate Drive portion of this project.

**DISCUSSION:** Since requesting STP/UZA funding, the Oklahoma Department of Transportation (ODOT) created two internal projects and tied them together in order to track the funding. ODOT requires a separate Right-of-Way and Utility Relocation Agreement for each project. Since there are two ODOT project numbers for this project, the City is required to sign an agreement for each project. This agreement covers the portion of the project extending Interstate Drive from Robinson Street to Mount Williams Drive and signalization of Robinson Street and Interstate Drive. The project location map is referenced hereto as Attachment "A". The funding for this portion of the project is an 80/20 split between ODOT and the City of Norman.

Prior to purchasing right-of-way and relocating utilities, ODOT requires the City of Norman to enter into the above-mentioned agreement. The agreement stipulates that the City will acquire all right-of-way required for the project, pay relocation costs for people who are displaced by this project, grant ODOT access to and the use of the right-of-way for this project, remove all encroachments and to indemnify and hold ODOT harmless.

Right-of-way plans have been approved and ODOT has requested the City to approve the attached agreement. The agreement and resolution have been prepared by ODOT and require four (4) approved copies for their execution. The design phase of this project is complete. We have received the construction plans from the consultant engineer and utility relocation is expected to be completed by the end of July. The ODOT bid letting for the interchange project is scheduled in January 2012. Construction of the interchange ramp will begin in April 2010 and will be complete in November 2012.

**RECOMMENDATION NO. 1:** Staff recommends approval of Contract No. K-1011-172 for a Right-of-Way and Utility Agreement with ODOT to extend Interstate Drive between Robinson Street and Mount Williams Drive and signalization of Robinson Street and Interstate Drive, and if approved, authorize the execution thereof.

**RECOMMENDATION NO. 2:** Staff further recommends the adoption of Resolution No. R-1011-122 for a Right-of-Way and Utility Agreement with ODOT to extend Interstate Drive between Robinson Street and Mount Williams Drive and signalization of Robinson Street and Interstate Drive.

**RIGHT-OF-WAY, PUBLIC UTILITY  
AND ENCROACHMENT AGREEMENT**

This Agreement, made and entered into this \_\_\_ day of \_\_\_\_\_, 20\_\_\_, by and between the City of Norman, Cleveland, Oklahoma, hereinafter called the City and the Department of Transportation of the State of Oklahoma, hereinafter called the Department,

Witnesseth:

That for and in consideration of the covenants and agreements hereinafter set forth, it is mutually agreed by and between the parties hereto as follows:

In connection with the location and improvement of a portion of the City Street System within the corporate limits of the City, now designated as extension of interstate drive between Robinson Street and Mount Williams Drive and signalization of Robinson and Interstate Drive under plans and specifications for STP-114C(292)AG , Job No. 24029(05).

WHEREAS, legislative authorization and the rules, regulations, and policies of the Department provide the basis of cooperation between the parties to effect such highway improvements.

NOW, THEREFORE, the parties hereto agree as follows:

The City agrees:

1. To the location of said highway, acknowledges receipt of and adopts the plans for said project as the official grade and drainage plans of the Underwriter for the streets, boulevards, or arterial highway included therein. Further, and in addition to the provisions contained elsewhere herein, City hereby grants to the Department access to and the use of all rights-of-way belonging to or controlled by the City and City shall not permit the vacation of any such street, alley or other rights-of-way without the prior written approval of Chief, Right of Way & Utilities Division, Department of Transportation, State of Oklahoma.

2. That prior to the advertising of the project for bids (as to that part of the project lying within the present corporate limits) it will:
  - (a) Grant to the Department and its contractors, the right-of-entry to all existing streets, alleys, and City owned property when required, and other rights-of-way shown on said plans.
  - (b) Remove at its own expense, or cause the removal of, all encroachments on existing streets as shown on said plans, including all signs, buildings, porches, awnings, porticos, fences, gasoline pumps and islands, and any other such private installations. Said removal shall be accomplished immediately on execution of this agreement and shall include necessary legal action where required.
  - (c) Prohibit parking on that portion of the project within the corporate limits of the Local Public Agency.
  - (d) Comply with the Department's standards for construction of driveway entrances from private property to the highway, in accordance with the Department's manual entitled "Policy on Driveway Regulation for Oklahoma Highways", Rev. 5/96, 69 O.S. (2001) § 1210.
  - (e) Maintain all right of way acquired for the construction of this project, as shown on said plans, in a manner consistent with applicable statutes, codes, ordinances and regulations of the Department and the State of Oklahoma.
  
3. That City will:
  - (a) Determine and locate, with the Department's approval, a detour route over existing city streets, if a re-routing of traffic or a detour is necessary during the period of construction.
  - (b) Be responsible during or subsequent to construction, for all costs for the operation and any maintenance necessary to the approved detour route over existing City streets, or any other street as a result of additional traffic.
  - (c) Be responsible for all costs for repairs or maintenance to any City street, during or subsequent to construction, which results from additional traffic where construction is performed under traffic.

- (d) To the extent permitted by the **Oklahoma Governmental Tort Claims Act**, Title 51 Oklahoma Statutes, Sections 151 *et seq.* and by Oklahoma Constitution Article 10, section 26 and as otherwise permitted by law, the City shall indemnify and save harmless the Department, its officers and employees, and shall process and defend at its own expense all claims, demands, or suits whether in law or equity brought against the City or the Department arising from the City's execution, performance, or failure to perform, and provisions of this agreement or alleged negligence in the location, design, construction, operation, or maintenance of a portion of the City Street System within the corporate limits of the City. Provided, nothing herein shall require the City to reimburse the Department for damages arising out of bodily injury to persons or damage to property caused by or resulting from the sole negligence of the Department. When any alleged act, omission, negligence, or misconduct may be subject to the limitations, exemptions, or defenses which may be raised under the **Oklahoma Governmental Tort Claims Act**, 51 O.S. § 151 *et seq.*, all such limitations, exemptions, and defenses shall be available to and may be asserted by City. No liability shall attach to the Department except as expressly provided herein.
- e) Comply with all applicable laws and regulations necessary to meet the Oklahoma Department of Environmental Quality (ODEQ) requirements for pollution prevention including discharges from storm water runoff during the planning and design of this project. Further, the City agrees and stipulates as stated in the ODEQ's *General Permit OKR10*, dated September 13, 2002, or latest revision, to secure a storm water permit with the ODEQ, for utility relocations when required. It is agreed that the storm water management plan for the project previously described in the document includes the project plans and specifications, required schedules for accomplishing the temporary and permanent erosion control work, the storm water pollution prevention plan and the appropriate location map contained in the utility relocation plans
4. That subsequent to the construction of said project, City will:
- (a) Keep all permanent right-of-way shown on said plans free from any encroachment and take immediate action to effect the removal of any encroachments upon notification by the Department, including all necessary legal action when required.

- (b) Erect, maintain, and operate traffic control signals, including speed limit and traffic control signs, only in accordance with 47 OS 2001, Section 15-104, 15-105 and 15-106, and subject to the approval, direction and control of the Department.
  - (c) Regulate and control traffic on said project, including but not limited to, the speed of vehicles, parking, stopping, and turns, in accordance with 47 OS 2001, 15-104, et seq. and to make no changes in the provisions thereof without the approval of the Department.
  - (d) Maintain all that part of said project within the corporate limits of the City.
  - (e) The City shall have the authority pursuant to 69 O.S. 2001 § 1001 and 69 O.S. 2001 § 1004 to sell any lands, or interest therein, which were acquired for highway purposes as long as such sale is conducted in accordance with the above cited statutes. Prior written approval by the Chief, Right-of-Way & Utilities Division for the Department shall be required before any sale is made.
- 5. That all covenants of this Agreement shall apply to any area hereinafter annexed to the City which lies within the limits of this project.
  - 6. That it will, by resolution, duly authorize the execution of this Agreement by the proper officials, and attach copies of such resolution to this Agreement.
  - 7. To acquire all right-of-way, if any, be responsible for the total costs for removing and relocating outdoor advertising signs and for the relocation assistance payments to persons displaced by reason of the acquisition of right-of-way and be responsible for the removal or relocation of all utility lines on public or private rights-of-way to accommodate the construction of this project.
- (a) Transmit copies of the instruments, including all deeds and easements, to the Department prior to the advertisement of bids for construction.

- (b) Comply with the provisions of 42 U.S.C.A. § 4601-4655 and 23 U.S.C.A. § 323 (as amended) and, further comply with 49 C.F.R. Part 24 in the acquisition of all necessary right-of-way and relocation of all displacees.
  - (c) That as a condition to receiving any Federal Financial Assistance from the Department, it will comply with Title VI of the Civil Rights Act of 1964, 78 Stat. 252.42 U.S.C. 2000d-35 seq., and all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, "Nondiscrimination of federally-assisted Program of the Department of Transportation-Effectuation of Title VI of the Civil Rights Act of 1964".
8. If the acquisition of right-of-way for this project causes the displacement of any person, business or non-profit organization, the City will provide and be responsible for the Relocation Assistance Program and for all costs associated with the relocation assistance payments. The Department, upon request, will supply a list of service providers who have been prequalified to administer the Relocation Assistance Program. The City agrees to employ a service provider from the Department's prequalified list or advise the Department in writing that their in-house personnel have the knowledge, skills, & abilities to effectively manage the Relocation Assistance Program. The City agrees to comply with all applicable rules, regulations, statutes, policies and procedures of both the United States and the State of Oklahoma and specifically The Uniform and Relocation Assistance and Real Property Acquisition Act, 49 CFR 24. The City agrees to create & seat a Relocation Assistance Program Appeals Board pursuant to 49 CFR Sec. 24.10 or submit a written request to the Department requesting that the Department function in such capacity on behalf of the City. Before any relocation assistance payments are made by the City, all files with parcels requiring relocation assistance shall be submitted to the Department for audit & compliance review by the Department. The Department shall be notified in writing within seven (7) days of the date of an offer to acquire being provided to a property owner(s) on any parcel which will require relocation assistance. Written notifications regarding service providers, in-house personnel, appeals, offers to acquire, ect. shall be addressed to Acquisition Branch, Right-of-Way & Utilities Division, Oklahoma Department of Transportation, 200 N.E. 21st Street, Oklahoma City, Oklahoma 73105.

IN CONSIDERATION of the grants and covenants by the City herein contained and the faithful performance thereof by the City, the City agrees to construct said project in accordance with said plans and specifications; provided that the right to review and approve and to make such changes in the plans and specifications as are necessary for the proper construction of said project is reserved to the Department.

IN WITNESS WHEREOF, we have hereunto set our hands and seals, the City on the \_\_\_ day of \_\_\_\_\_, 20\_\_, and the State on the \_\_\_ day of \_\_\_\_\_, 20\_\_.

ATTEST:

CITY OF NORMAN

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor

APPROVED BY CITY OF NORMAN LEGAL DEPARTMENT  
BY \_\_\_\_\_ DATE \_\_\_\_\_

REVIEWED AND APPROVED AS TO  
FORM AND LEGALITY

STATE OF OKLAHOMA  
DEPARTMENT OF TRANSPORTATION

\_\_\_\_\_  
Chief, Legal Division (ODOT)

\_\_\_\_\_  
Director

RESOLUTION

WHEREAS, it appearing reasonable and necessary for the CITY OF NORMAN , CLEVELAND COUNTY, OKLAHOMA, to execute a Right-of-Way, Public Utility and Encroachment Agreement in connection with the construction of a public project known a STP-114C(292)AG, J/P 24029(05) , in accordance with the terms and tenor of 69 O.S. 2001, Sections 1205, 1206, 1401 and 1403.

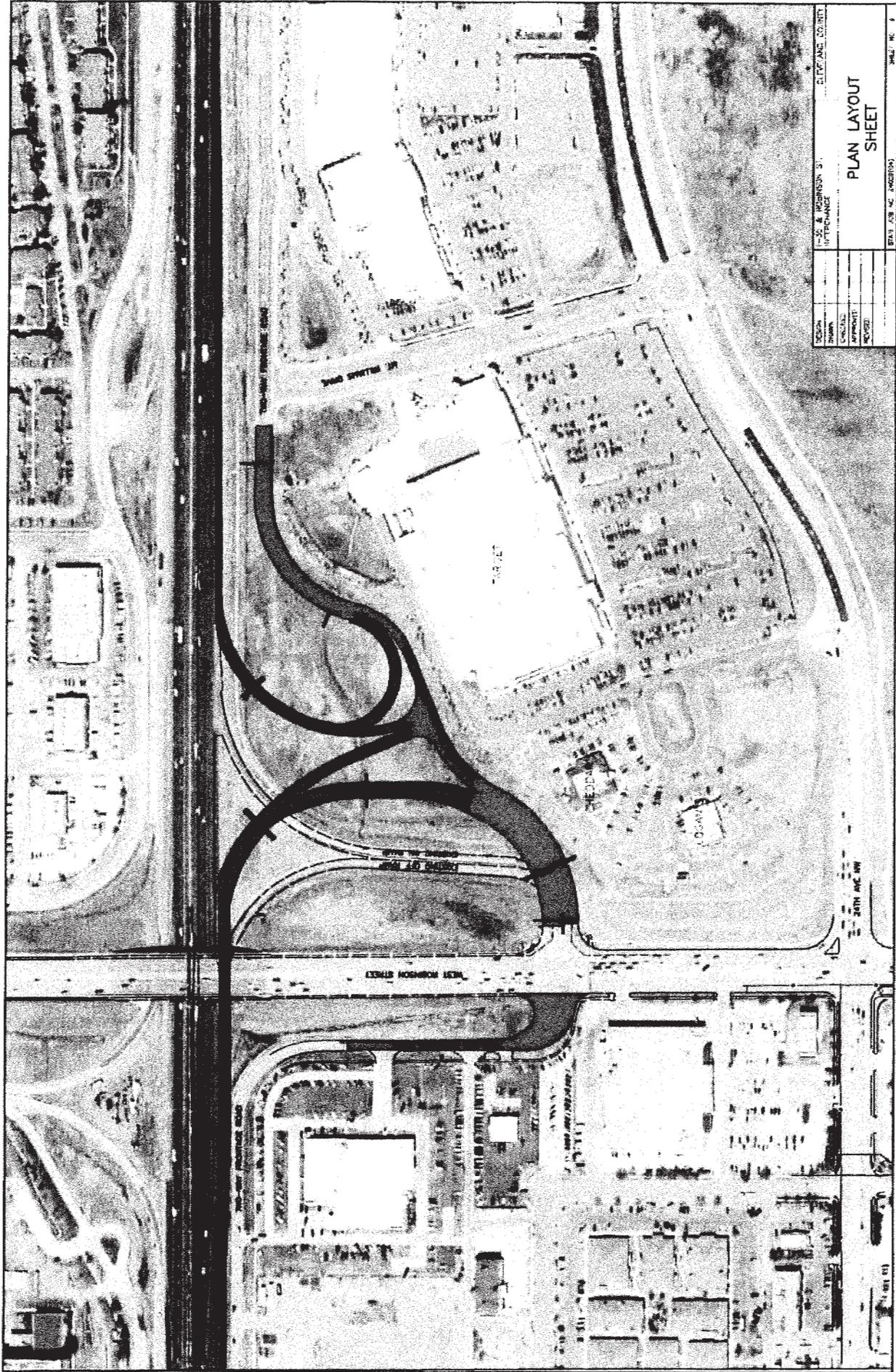
NOW, THEREFORE, BE IT RESOLVED by the CITY OF NORMAN, CLEVELAND COUNTY, OKLAHOMA, sitting in regular session that such contract be entered and that a copy of same be hereto attached and made a part hereof by reference, all as provided by law.

ATTEST:

\_\_\_\_\_  
CITY CLERK

\_\_\_\_\_  
MAYOR

APPROVED BY CITY OF NORMAN LEGAL DEPARTMENT  
BY \_\_\_\_\_ DATE \_\_\_\_\_



**EXHIBIT "A"**  
**Red: Interstate Drive**  
**Between Robinson & Mount Williams**



**CITY COUNCIL AGENDA  
MAY 24, 2011**

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

**Item No. 24**

**Text File Number: K-1011-173**

**Introduced:** 5/2/2011 by Jim Spearman, Grants Coordinator

**Current Status:** Consent Item

**Version:** 1

**Matter Type:** Contract

Title

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

**ACTION NEEDED:** Motion to accept or reject an Urban Area Security Initiative Grant in the amount of \$237,240 from the Oklahoma Office of Homeland Security; and, if approved, approve Contract No. K-1011-173, authorize the execution thereof, and adopt Resolution No. R-1011-20.

**ACTION TAKEN:** \_\_\_\_\_

Body

**BACKGROUND:** The City of Norman has been selected to receive \$237,240.04 from the Oklahoma Office of Homeland Security (OKOHS) FY2008 Urban Area Security Initiative (UASI) grant program. These funds are intended to help strengthen the capability of first responders for hazardous devices units (bomb squads) in the Central Oklahoma Urban Area Security Initiative (COUASI) to prevent, protect, respond to, and recover from chemical, biological, radiological, nuclear and explosive (CBRNE) incidents. The COUASI region includes Canadian, Cleveland, Lincoln, Logan, McClain, Oklahoma and Pottawatomie counties. This grant is fully funded with no matching required. Agencies receiving items purchased with this grant may be responsible for general maintenance of the purchased equipment if federal funds are not available. Grant funds are paid on a reimbursement basis.

**DISCUSSION:** This grant requires the City of Norman to purchase all equipment and then distribute a portion of that equipment to the Midwest City Police Department, Edmond Police Department, and Oklahoma County Sheriff's Office. The City of Norman will receive 89% of equipment purchases and is therefore designated as the prime recipient. Memorandums of Understanding (MOUs) will be signed by each participating agency before the equipment is delivered.

If a CBRNE incident occurs within the COUASI region, Norman Police Officers who are authorized to use equipment obtained with this grant may be required to respond. If Norman Police Officers respond, the City may be eligible for reimbursement of their salary and other expenses.

**STAFF RECOMMENDATION:** It is recommended that the Council accept the grant in the amount of \$237,240.04. Further, it is recommended that an appropriation of the same amount be made from the Special Grant Fund Balance account 022-0000-253.20-00 to the expenditure accounts listed below, and upon reimbursement, received to Other Revenue/Homeland Security 022-0000-331.13-52.

Service equipment/trailers 022-6041-421.50-10 \$49,371  
Telecommunications equipment/other computer 022-6041-421.53-09 \$25,000  
Plant & operating equipment/diagnostic 022-6041-421.51-19 \$92,000  
Plant & operating equipment/camera and photographic 022-6041-421.51-09 \$32,000  
Minor tools/other 022-6041-421.36-99 \$10,000  
Uniform & clothing/safety & protective 022-6041-421.35-02 \$400  
Miscellaneous/pass-thru equipment 022-6041-421.37-54 \$28,469

**Ljst of Equipment to be purchased with Grant Funds**

Item Description	Quantity	Recipient(s)
Robot Response / Command Trailer	1	Norman Police
Electronics Suite for Trailer	1	Norman Police
FirstDefender RMX Raman Spectrometer	1	Norman Police
Videoscope Kit	1	Norman Police
IdentIFINDER digital gamma spectrometer	1	Norman Police
Canberra UltraRadac Alarming Dosimeter	1	Norman Police
Accessories for Canberra ADM-300 Survey Meter	1	Norman Police
Pan and Tilt Camera for Robot Arm	1	Norman Police
Weapon Camera for Robot	1	Norman Police
Blast Machine	1	Norman Police
4 Frag Bags	4	1 each to Norman Police, Midwest City Police, Oklahoma County Sheriff, Edmond Police
4 Hot Stick Manipulators	4	1 each to Norman Police, Midwest City Police, Oklahoma County Sheriff, Edmond Police
4 fiberscopes	4	1 each to Norman Police, Midwest City Police, Oklahoma County Sheriff, Edmond Police
8 ballistic helmets	8	Norman Police (4), Midwest City Police (2), Oklahoma County Sheriff (2)
4 Pocket Mobility Hazmaster	4	1 each to Norman Police, Midwest City Police, Oklahoma County Sheriff, Edmond Police
4 DeWalt cordless Reciprocating Saws	4	1 each to Norman Police, Midwest City Police, Oklahoma County Sheriff, Edmond Police
4 DeWalt cordless Drills	4	1 each to Norman Police, Midwest City Police, Oklahoma County Sheriff, Edmond Police

KIM EDD CARTER  
DIRECTOR



MARY FALLIN  
GOVERNOR

STATE OF OKLAHOMA  
OFFICE OF HOMELAND SECURITY

TO: City of Norman  
Steve Lewis, City Manager  
FROM: Kim Edd Carter, Director *KEC*  
DATE: March 17, 2011  
RE: Oklahoma Office of Homeland Security 2008 Homeland Security Grant Program;  
OKC Urban Area Security Initiative – CBRNE Detection/Response, and  
Decontamination; # 131.029

Your agency has been selected to receive \$237,240.04, (the "Proposed Award"), pursuant to the Oklahoma Office of Homeland Security ("OKOHS") fiscal year 2008 Urban Area Security Initiative ("UASI") Homeland Security Grant Program (the "2008 Program"). Among other initiatives, the 2008 Program provides \$237,240.04 to help strengthen the capability of first responders in the Central Oklahoma Urban Area (OKOHS Regions 6 and 8) to prevent, protect, respond to and recover from Chemical, Biological, Radiological, Nuclear and Explosive (CBRNE) incidents.

The 2008 Program is a federally funded grant using money provided to the State of Oklahoma as a part of the FY 2008 (FEMA/DHS) UASI Grant Program. Like previous FEMA/DHS/OKOHS grant programs, the 2008 Program is a reimbursement grant.

The process requires the following actions:

- (1) Acceptance of the terms and conditions of the 2008 Program including but not limited to those noted on the attached *Schedule "1"*;
- (2) Use of the funding only for projects previously approved by the Central Oklahoma Urban Area Security Initiative ("COUASI") Working Group.
- (3) Submission of a Budget Detail Worksheet ("BDW"), which has been approved by the COUASI Budget Subcommittee, to OKOHS with a list of estimated costs of specific allowable items;
- (4) Receipt of an approval letter from OKOHS with a schedule of approved items. You must have this **OKOHS APPROVAL LETTER IN HAND PRIOR TO EXPENDING FUNDS**;
- (5) After your receipt of the OKOHS Approval Letter, you may purchase approved items in an amount not to exceed the amount of the Proposed Award; and
- (6) Upon receipt of the purchased items, you may submit a Reimbursement Request Form with copies of the associated invoices to OKOHS. (Copies of the Reimbursement Request Form and the BDW are available on the OKOHS website at [www.homelandsecurity.ok.gov](http://www.homelandsecurity.ok.gov)).

Reimbursement checks are generally mailed to sub grantees by OKOHS within 30 days of receipt of the signed Reimbursement Request Form and associated invoices. If this process will cause a significant hardship, please contact OKOHS for further guidance.

If your organization is willing to accept the Proposed Award subject to all the terms and conditions of the 2009 Program, please so indicate by: (1) affixing the signature of the appropriate chief executive officer (i.e. the chair of the county commissioners, the mayor, the agency director, or the city manager) in the space provided below; and (2) returning an original fully executed copy of this letter and each document listed on Schedule "7" (each of which is included with this award packet) to OKOHS **ON OR BEFORE April 7, 2011** Post Office Box 11415, Oklahoma City, Oklahoma 73136.0415.

Should you have questions or need additional assistance contact Ginny Andrews at 405-425-7590 or by e-mail at [gandrews@dps.state.ok.us](mailto:gandrews@dps.state.ok.us).

Thank you for your willingness to participate in this important initiative. We appreciate your efforts to protect our citizens and we look forward to working with you.

Agreed and accepted this \_\_\_ day of \_\_\_\_\_ 2011:

Government/Agency Name: City of Norman

Signature: \_\_\_\_\_

Printed Name: Cindy Rosenthal

Title: Mayor



Oklahoma Office of  
**Homeland Security**  
 Prevent. Protect. Prepare

P.O. Box 11415  
 Oklahoma City, OK 73136  
 (405) 425-7296 Office (405) 425-7295 Fax  
 www.homelandsecurity.ok.gov

**SUB-GRANTEE AWARD**

Sub-grantee – Required for Reimbursement FEI# 736005350		Award Amount \$237,240.04	
City of Norman Cindy Rosenthal, Mayor PO Box 370 201 West Gray Norman, OK 73070		Award Number #131.029	
		Award Effective Date 9/3/2008	
		Project Period 9/1/2008 – 7/31/2011	
Project Title/IJ Urban Area Security Initiative CBRNE Detection, Response, and Decontamination/IJ # 5		CFDA 97.008 (OKOHS # 97.008 - 3400)	
Method of Payment Reimbursement	Applicable Funds Homeland Security Grant Program FY 2008 (UASI - Local)	Region 6 & 8	County All Counties in Regions
Agency/Jurisdiction Chief Executive Officer Information- Primary Authorized Official <small>City or County Official (Mayor, City Manager, County Commissioner)</small>		Project Contact/ Secondary Authorized Official (If Applicable)	
Title of Primary Authorized Official Mayor		Title of Secondary Authorized Official Police Standards Administrator	
Name Cindy Rosenthal		Name Jim Spearman	
Telephone 405-366-5402	Fax	Telephone 405-366-5215	Fax
Email mayor@normanok.gov		Email Jim.spearman@normanok.gov	
Signature of Primary Authorized Official: (Required) _____ Date _____		Signature of Secondary Authorized Official: (Required) <i>Jim Spearman</i> Date 5/3/11	
<b>The Primary Authorized Official certifies:</b> <ul style="list-style-type: none"> <li>• Legal authorization to accept grants on behalf of the named governmental entity.</li> <li>• Proposed project can be completed by July 31, 2011</li> <li>• Sub-Grantee will comply with all laws, regulations, statutes, assurances, certifications, and other requirements referenced in Schedules A, B and C (if applicable) and Schedules 1-6 each of which is attached hereto.</li> <li>• All submitted data is true and correct to the best of signatory's knowledge.</li> </ul>			
<b>Special Conditions</b>			
OKOHS Approving Official Kim Edd Carter Director		OKOHS Contact Information Oklahoma Office of Homeland Security P.O. Box 11415 Oklahoma City, OK 73136-0415	
Signature of OKOHS Approving Official <i>Kim Edd Carter</i>		Telephone (405) 425-7296	Fax (405) 425-7295

## Approval Process:

1. Sub-grantee should select items for purchase that are within the scope of the Project Justification Plan (if applicable) and that are included on the Authorized Equipment List ("AEL"), which can be found at the Responder Knowledge Base website ([www.rkb.us](http://www.rkb.us)).
2. Sub-grantee should then submit to OKOHS a Budget Detail Worksheet ("BDW"), which can be found under the forms page of the Grants section of the OKOHS website ([www.homelandsecurity.ok.gov](http://www.homelandsecurity.ok.gov)). The BDW is the Sub-grantee's list of requested items for which OKOHS's written approval is requested. If a portion of the costs will be paid with local funds, indicate total cost charged to grant. If technical assistance is needed from OKOHS, please so note on the BDW. While the amount of the grant is fixed and cannot be increased, Sub-grantees are encouraged to submit a comprehensive list of items that may be purchased (EVEN IF THE ESTIMATED COST EXCEEDS THE AMOUNT OF THE GRANT). The amount of OKOHS approvals may well exceed the amount of the grant, which will permit greater flexibility in the Sub-grantee's selection process and lessen the likelihood of multiple BDW submissions.
3. **PLEASE NOTE** that grant funds may be used only for items that are both found on the AEL and that are approved in advance by OKOHS by written notice addressed to the Sub-grantee. Funds will be reimbursed **only for items preapproved by OKOHS**.
4. Upon receipt of OKOHS's written approval, the Sub-grantee may initiate procurement of approved items.
5. Upon receipt of the approved item, the Sub-grantee must submit a copy of the invoice supporting the acquisition together with a Reimbursement Request Form (this form is also available on the OKOHS website) that has been signed by an authorized official. For each item, include date of purchase, quantity, total cost, Sub-grantee entity, and discipline. The authorized official's signature represents certification that the item has been received and that payment has been (or will be) made to the vendor in accordance with the terms of the invoice.
6. OKOHS reimbursement of the Sub-grantee's expenditure will generally take approximately 30 days. If this 30 day time period will cause hardship, the reimbursement process can usually be expedited at the request of the Sub-grantee.
7. Purchases must be completed within the applicable project period.

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## Sanctions

If a Sub-grantee materially fails to comply with the terms and conditions of an award, OKOHS or DHS/FEMA may take one or more of the following actions, as appropriate in the circumstances:

1. Temporarily withhold cash payments pending correction of the deficiency by the Sub-grantee.
2. Disallow (that is, deny both use of funds and any applicable matching credit for) all or part of the cost of the activity or action not in compliance.
3. Wholly or partly suspend or terminate the current award.
4. Withhold future awards for the project or program.
5. Pursue any other legal remedy that may be available.
6. Require reassignment any tangible or intangible items purchased with OKOHS grant funding to another local jurisdiction.

Prior to taking action, OKOHS will provide the Sub-grantee reasonable notice of intent to impose measures and will make efforts to resolve the problem informally.

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## Unauthorized Expenditures

Examples of **unauthorized expenditures** include but are not limited to:

- Hiring of Public Safety Personnel
- Construction and Renovation
- General use equipment including but not limited to items jurisdictions would normally be expected to have.
- Items not pre-approved by OKOHS
- Exercise related costs for non expendable equipment items (e.g., electronic messaging signs) and/or vehicle/emergency response apparatus costs (other than the cost of fuel/gasoline, which is allowable)

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## Authorized Official

*Mayor, City Manager, County Commissioner, Board or Trust Director*

\_\_\_\_\_  
Authorized Official

\_\_\_\_\_  
Date

**U.S. DEPARTMENT OF JUSTICE  
OFFICE OF JUSTICE PROGRAMS  
OFFICE OF THE COMPTROLLER**

**CERTIFICATIONS REGARDING LOBBYING; DEBARMENT, SUSPENSION AND OTHER RESPONSIBILITY MATTERS; AND DRUG-FREE WORKPLACE REQUIREMENTS**

Applicants should refer to the regulations cited below to determine the certification to which they are required to attest. Applicants should also review the instructions for certification included in the regulations before completing this form. Signature of this form provides for compliance with certification requirements under 28 CFR Part 69, "New Restrictions on Lobbying" and 28 CFR Part 67, "Government-wide Debarment and Suspension (Non-procurement) and Government-wide Requirements for Drug-Free Workplace (Grants)." The certifications shall be treated as a material representation of fact upon which reliance will be placed when the Department of Justice determines to award the covered transaction, grant, or cooperative agreement.

1. **LOBBYING** As required by Section 1352, Title 31 of the U.S. Code, and implemented at 28 CFR Part 69, for persons entering into a grant or cooperative agreement over \$100,000, as defined at 28 CFR Part 69, the applicant certifies that:

- (a) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the making of any Federal grant, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal grant or cooperative agreement;
- (b) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal grant or cooperative agreement, the undersigned shall complete and submit Standard Form - LLL, "Disclosure of Lobbying Activities," in accordance with its instructions;
- (c) The undersigned shall require that the language of this certification be included in the award documents for all sub-awards at all tiers (including sub-grants, contracts under grants and cooperative agreements, and subcontracts) and that all sub-recipients shall certify and disclose accordingly.

2. **DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS (DIRECT RECIPIENT)**

As required by Executive Order 12549, Debarment and Suspension, and implemented at 28 CFR Part 67, for prospective participants in primary covered transactions, as defined at 28 CFR Part 67, Section 67.510

A. The applicant certifies that it and its principals:

- (a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, sentenced to a denial of Federal benefits by a State or Federal court, or voluntarily excluded from covered transactions by any Federal department or agency;
- (b) Have not within a three-year period preceding this application been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
- (c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and (d) Have not within a three-year period preceding this application had one or more public transactions (Federal, State, or local) terminated for cause or default; and

B. Where the applicant is unable to certify to any of the statements in this certification, he or she shall attach an explanation to this application.

3. **DRUG-FREE WORKPLACE (GRANTEES OTHER THAN INDIVIDUALS)**

As required by the Drug-Free Workplace Act of 1988, and implemented at 28 CFR Part 67, Subpart F, for grantees, as defined at 28 CFR Part 67 Sections 67.615 and 67.620

A. The applicant certifies that it will or will continue to provide a drug-free workplace by:

- (a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;
- (b) Establishing an on-going drug-free awareness program to inform employees about: (1) The dangers of drug abuse in the workplace; (2) The grantee's policy of maintaining a drug-free workplace; (3) Any available drug counseling, rehabilitation, and employee assistance programs; and (4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;
- (c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);
- (d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will (1) Abide by the terms of the statement; and (2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;
- (e) Notifying the agency, in writing, within 10 calendar days after receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to: Department of Justice, Office of Justice Programs, ATTN: Control Desk, 633 Indiana Avenue, N.W., Washington, D.C. 20531. Notice shall include the identification number(s) of each affected grant;
- (f) Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph (d)(2), with respect to any employee who is so convicted (1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or (2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;
- (g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e), and (f).

\_\_\_\_\_  
Authorized Official

\_\_\_\_\_  
Date

**DEPARTMENT OF JUSTICE STANDARD ASSURANCES**

The Sub-grantee hereby assures and certifies compliance with all applicable Federal statutes, regulations, policies, guidelines, and requirements, including OMB Circulars A-21, A-87, A-102, A-110, A-122, A-133; Ex. Order 12372 (intergovernmental review of federal programs); and 28 C.F.R. pts. 66 or 70 (administrative requirements for grants and cooperative agreements). The applicant also specifically assures and certifies that:

1. It has the legal authority to apply for federal assistance and the institutional, managerial, and financial capability (including funds sufficient to pay any required non-federal share of project cost) to ensure proper planning, management, and completion of the project described in this application.
2. It will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.
3. It will give the awarding agency or the General Accounting Office, through any authorized representative, access to and the right to examine all paper or electronic records related to the financial assistance.
4. It will comply with all lawful requirements imposed by the awarding agency, specifically including any applicable regulations, such as 28 C.F.R. pts. 18, 22, 23, 30, 35, 38, 42, 61, and 63.
5. It will assist the awarding agency (if necessary) in assuring compliance with section 106 of the National Historic Preservation Act of 1966 (16 U.S.C. § 470), Ex. Order 11593 (identification and protection of historic properties), the Archeological and Historical Preservation Act of 1974 (16 U.S.C. § 469 a-1 et seq.), and the National Environmental Policy Act of 1969 (42 U.S.C. § 4321).
6. It will comply (and will require any subgrantees or contractors to comply) with any applicable statutorily-imposed nondiscrimination requirements, which may include the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. § 3789d); the Victims of Crime Act (42 U.S.C. § 10604(e)); The Juvenile Justice and Delinquency Prevention Act of 2002 (42 U.S.C. § 5672(b)); the Civil Rights Act of 1964 (42 U.S.C. § 2000d); the Rehabilitation Act of 1973 (29 U.S.C. § 794); the Americans with Disabilities Act of 1990 (42 U.S.C. § 12131-34); the Education Amendments of 1972 (20 U.S.C. §§1681, 1683, 1685-86); and the Age Discrimination Act of 1975 (42 U.S.C. §§ 6101-07); see Ex. Order 13279 (equal protection of the laws for faith-based and community organizations).
7. If a governmental entity:
  - a. it will comply with the requirements of the Uniform Relocation Assistance and Real Property Acquisitions Act of 1970 (42 U.S.C. § 4601 et seq.), which govern the treatment of persons displaced as a result of federal and federally-assisted programs; and
  - b. it will comply with requirements of 5 U.S.C. §§ 1501-08 and §§ 7324-28, which limit certain political activities of State or local government employees whose principal employment is in connection with an activity financed in whole or in part by federal assistance.

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Authorized Official

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Date

## CERTIFICATION OF EQUAL EMPLOYMENT OPPORTUNITY PLAN

For additional information, please visit the OJP Office of Civil Rights online resources at: <http://www.ojp.usdoj.gov/ocr/qa.htm>

**PLEASE COMPLETE THE APPROPRIATE SECTION AS INDICATED BELOW:**

Is the Subgrantee	If YES, Complete
An educational, medical, non-profit, or Indian Tribe entity?	ONLY Section 1
A State/Local Government that receives less than \$25,000 total in federal funds?	ONLY Section 1
A State/Local Government with less than 50 Full-Time and Part-Time Employees?	ONLY Section 2
A State/Local Government with 50 or more Full-Time and Part-Time employees and receives between \$25,000 and \$499,000 in federal funds?	ONLY Section 3
A State/Local Government with 50 or more Full-Time and Part-Time employees and receives an individual grant award of \$500,000 or more OR receives an aggregate of grant awards equal to \$1,000,000 or more within an 18-month period?	ONLY Section 4

### Section 1: Assurance Statement

I, \_\_\_\_\_, (authorizing official) assure that the funded entity will comply with the provisions of Title VI of the Civil Rights Act of 1964 and Section 504 of the Rehabilitation Act of 1973 as required. These statutes prohibit discrimination on the basis of race, color, national origin, age, or disability.

\_\_\_\_\_  
Authorized Official

\_\_\_\_\_  
Date

### Section 2: Assurance and Certification Statement

I, \_\_\_\_\_, (authorizing official) assure that the funded entity will comply with the provisions of Title VI of the Civil Rights Act of 1964 and Section 504 of the Rehabilitation Act of 1973 as required. These statutes prohibit discrimination on the basis of race, color, national origin, age, or disability. Further, I certify that the funded entity has less than 50 full-time and part-time employees.

\_\_\_\_\_  
Authorized Official

\_\_\_\_\_  
Date

### Section 3: Assurance and Certification Statement of EEOP on File

I, \_\_\_\_\_, (authorizing official) assure that the funded entity will comply with the provisions of Title VI of the Civil Rights Act of 1964 and Section 504 of the Rehabilitation Act of 1973 as required. These statutes prohibit discrimination on the basis of race, color, national origin, age, or disability. Further, I certify that the funded entity has formulated an Equal Employment Opportunity Plan (EEOP) in accordance with 28 CFR 42.301 et.seq., subpart E, that it has been signed into effect by the proper authority and disseminated to all employees, and that it is on file in our office located at the subgrantee agency address for review or audit by state or federal officials as require by relevant laws and regulations.

\_\_\_\_\_  
Authorized Official

\_\_\_\_\_  
Date

### Section 4: Assurance and Submission of EEOP

I, \_\_\_\_\_, (authorizing official) assure that the funded entity will comply with the provisions of Title VI of the Civil Rights Act of 1964 and Section 504 of the Rehabilitation Act of 1973 as required. These statutes prohibit discrimination on the basis of race, color, national origin, age, or disability. I certify that the funded entity has formulated an Equal Employment Opportunity Plan (EEOP) in accordance with 28 CFR 42.301 et.seq., subpart E, that it has been signed into effect by the proper authority and disseminated to all employees. Further, I assure that the EEOP will be submitted to OKOHS for submission to the Office of Civil Rights within 30 days of receiving this award document.

\_\_\_\_\_  
Authorized Official

\_\_\_\_\_  
Date



Oklahoma Office of  
**Homeland Security**

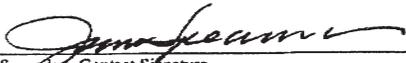
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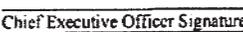
P.O. Box 11415  
Oklahoma City, OK 73136  
(405) 425-7296 Office • (405) 425-7295 Fax  
[www.homelandsecurity.ok.gov](http://www.homelandsecurity.ok.gov)

## SIGNATURE AUTHORIZATION

Required to sign all OKOHS subgrant documents

PROJECT CONTACT/SECONDARY AUTHORIZED OFFICIAL INFORMATION			
<b>PRINT Name</b> Phil Cotten, Chief of Police			
<b>Title</b> Chief of Police			
<b>Agency</b> Norman Police Department			
<b>Mailing Address</b> 201-B West Gray St		<b>State</b> OK	<b>Zip</b> 73069
<b>Phone #</b> 405-366-5201	<b>Fax #</b> 405-217-1066	<b>Email</b> phil.cotten@normanok.gov	
		Date <u>5-3-11</u>	
<small>Primary Contact Signature</small>		<small>Date</small>	

<u>OPTIONAL</u> Secondary Contact		Authorized to sign subgrant documents? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <small>(If "yes," please sign below)</small>	
<b>PRINT Name</b> Jim Spearman		<b>Title / Agency</b> Police Standards Administrator	
<b>Email</b> jim.spearman@normanok.gov		<b>Phone #</b> 405-366-5215	
		Date <u>5/3/11</u>	
<small>Secondary Contact Signature</small>		<small>Date</small>	

AGENCY/JURISDICTION CHIEF EXECUTIVE OFFICER – PRIMARY AUTHORIZED OFFICIAL INFORMATION			
<small>City or County Official (Mayor, City Manager, County Commissioner)</small>			
<i>I hereby authorize the individual(s) identified above to act on my behalf in coordination with the Oklahoma Office of Homeland Security (OKOHS) and to sign all documentation related to this subgrant.</i>			
<b>PRINT Chief Executive Officer Name</b> Cindy Rosenthal		<b>OKOHS Award #</b> 131.029	
<b>Title</b> Mayor		<b>Phone #</b> 405-366-5406	
<b>Jurisdiction (City, County, etc.)</b> Norman, Cleveland		<b>Email</b> mayor@normanok.gov	
<b>Mailing Address</b> PO Box 370, Norman		<b>State</b> OK	<b>Zip</b> 73070
		Date	
<small>Chief Executive Officer Signature</small>		<small>Date</small>	

Form Revised as of: September 10, 2007

*If any of the above information changes please submit a new **SIGNATURE AUTHORIZATION FORM** to OKOHS immediately.*

# Resolution

R-1011-20

A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, INCREASING THE SPECIAL GRANT FUND BALANCE BY \$237,240 WITH FUNDS AWARDED THROUGH AN OKLAHOMA OFFICE OF HOMELAND SECURITY URBAN AREA SECURITY INITIATIVE GRANT AND APPROPRIATING FUNDS TO PURCHASE EQUIPMENT TO BE USED BY HAZARDOUS DEVICE UNITS AT THE CITIES OF NORMAN, MIDWEST CITY, AND EDMOND POLICE DEPARTMENTS AND THE OKLAHOMA COUNTY SHERIFF'S OFFICE.

- § 1. WHEREAS, the State of Oklahoma Office of Homeland Security (OKOHS) has awarded a grant to the City of Norman \$237,240, City of Midwest City, City of Edmond, and the Oklahoma County Sheriff's Office to be used to strengthen the capability of first responders for hazardous devices units (bomb squads) in the Central Oklahoma Urban Area Security Initiative; and
- § 2. WHEREAS, this grant requires the City of Norman purchase all equipment then distribute a portion of that equipment to the Midwest City Police Department, Edmond Police Department, and Oklahoma County Sheriff's Office; and

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

- § 3. WHEREAS, it is recommended that the Special Grant Fund Balance be increased by \$237,240 and the following appropriations be made for the reasons as stated above"

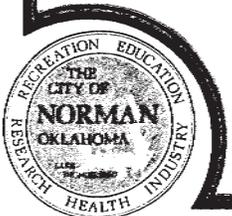
Account Name	Losing Account	Gaining Account	Amount
Service Equipment/Trailers	022-0000-253.20-00	022-6041-421.50-10	\$49,371
Telecomm Equip/Other Computer	022-0000-253.20-00	022-6041-421.53-09	\$25,000
Plant & Operating Equipment/Diagnostic	022-0000-253.20-00	022-6041-421.51-19	\$92,000
Plant & Operating Equipment/Cameras & Photographic	022-0000-253.20-00	022-6041-421.51-09	\$32,000
Minor Equipment & Tools/Other	022-0000-253.20-00	022-6041-421.36-99	\$10,000
Uniform & Clothing/Safety & Protective	022-0000-253.20-00	022-6041-421.35-02	\$ 400
Miscellaneous/Pass-Thru Equipment	022-0000-253.20-00	022-6041-421.37-54	\$28,469

PASSED AND ADOPTED this 24th day of May, 2011.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk





**CITY COUNCIL AGENDA  
MAY 24, 2011**

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

**Item No. 25**

**Text File Number: R-1011-110**

**Introduced:** 3/29/2011 by Clint Mercer, Chief Accountant

**Current Status:** Consent Item

**Version:** 2

**Matter Type:** Resolution

.Title

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

**ACTION NEEDED:** Motion to adopt or reject Resolution No. R-1011-110.

**ACTION TAKEN:** \_\_\_\_\_

Body

**BACKGROUND:** The City of Norman is self-insured for its Workers' Compensation and liability claim costs and pays such costs from the General Fund within its own cost center. This cost center receives its revenues through "charges" to the other City cost centers within the General Fund and the City Funds (i.e., utility enterprise funds, etc.) to offset the payments made to settle medical costs for on-the-job injuries, Workers' Compensation awards and settlements. As noted below, the costs for these expenses have been increasing and have exceeded budget allocations.

It is necessary to seek a supplemental appropriation this Fiscal Year to cover actual and anticipated Workers' Compensation costs. As of March 31, 2011, Workers' Compensation accounts for OJI medical, weekly payments, awards and settlements have been exhausted.

Workers' Compensation Court Award Orders are due and payable within twenty (20) days of the date the Order is filed. In addition, Workers' Compensation claim settlements are funded in the same Fiscal Year in which the settlement is approved.

**DISCUSSION:** The OJI account balances and Workers' Compensation account balances are set yearly by City Council. Those funds are then dispersed to the individual accounts in the Workers' Compensation cost center based on past year's expenditures. The revised budget for all Workers' Compensation expenditures during this Fiscal Year was \$1,169,546. The total amount of funds expended and encumbered through Period 8 is \$1,004,291. Three areas are in need of supplemental appropriation to complete the Fiscal Year. Those areas are addressed below.

**OJI Medical Bills & Weekly Payments:** The revised budget for FYE11 for OJI medical bills and weekly payments was \$750,611. All of those funds have been expended as of March 31, 2011. Overall, OJI medical and weekly payment expenses are higher as of the end of Period 8 when compared to the prior year by approximately 41% or \$192,107. Most

of the increase is within the weekly payments account and is primarily due to employees who were on temporary totally disability (“TTD”) for an extended period of time. In addition, more employees were TTD than in the past years. Medical costs have also risen 18% over the previous year. It is anticipated that an additional \$287,000 is needed to complete the current fiscal year. This supplemental appropriation would make the total for FYE11 \$1,037,611 for these categories.

***WCC Orders/Settlement Payments:*** The revised budget for FYE11 for Workers’ Compensation orders and settlements was \$365,000. All of those funds have been expended as of March 31, 2011. An appropriation is needed to satisfy pending litigation for the remaining fiscal year. It is anticipated that Court awards and settlements for the remainder of the Fiscal Year will be approximately \$374,140.

***Administrative Expenses:*** In addition to the Orders and Settlements account there are other expenses associated with every case that create an additional cost to the City. These expenses include Workers’ Compensation Administrative Tax (2% of award), Special Occupational and Health Tax (.75% of award), Workers’ Compensation filing fees (\$75 per award), Cleveland County District Court filing fees (\$119.30 per award), and mileage reimbursement. An additional \$30,210 is needed to complete the current fiscal year. Budgeted and actual expenses for the Workers’ Compensation costs center during FYE 2011 are depicted in Attachment A.

***Analysis of Increased Expenses:*** It is important to note that the initial budget allocation of \$1,168,900 for workers’ compensation expenses was \$216,449 below last year’s actual total expenses of \$1,385,349 (see Attachment B). The increase in Workers’ Compensation expenses can be attributed to several factors. There has been a 9.8% increase in OJIs since FYE 2006. This is due in part an aging workforce which has contributed to the severity of the injuries and length of employee recovery time. In addition, increased recovery time results in increased temporary total disability (“TTD”) payments which are paid during the time an employee is recovering from an on-the-job injury. The state legislature raised both temporary total disability rates and permanent partial disability (“PPD”) rates on October 1, 2008 by 15.5%.

The increase in OJIs also caused an increase in the number of court awards which have risen 22%. The current composition of the Court has attributed to higher court awards with employees receiving more for an OJI now than they would have five years ago. Moreover, medical treatment costs are reviewed annually by the Court with Workers’ Compensation medical rates being increased yearly. This growth has also been reflected in the City’s rising medical costs. Discussion with other Oklahoma municipalities, including the City of Edmond, indicates that a rise in OJI/Workers’ Compensation expenses has occurred for employers. This increase in OJI/Workers’ Compensation expenses are also denoted in Attachment B.

It is important to note that Council just approved on March 22nd, 2011 a contract with Norman Regional Hospital to receive a 10% discount on OJI medical costs. Staff is also in negotiations with another vendor to receive discounted prices on OJI medical costs provided by others outside of Norman Regional Hospital.

**STAFF RECOMMENDATION:** It is recommended that the City Council approve the appropriation of \$457,692 from the General Fund Balance to complete payments of medical bills and weekly payments for OJI injuries and payment of settlements/awards for Workers' Compensation Claims as follows:

Appropriation of \$457,692 from the General Fund Balance (010-0000-253.20-00)

Transfer \$287,000 to OJI Medical (010-3002-415.40-18)

Transfer \$20,692 to Administrative Expenses (010-3002-415.47-03)

Transfer \$150,000 to WC Orders/Settlements (010-3002-415.21-31)

ATTACHMENT A  
 BUDGETED AND ACTUAL EXPENSES  
 WORKERS' COMPENSATION COSTS CENTER

<b>Item</b>	<b>Revised Budget</b>	<b>FYE 06-10 Exp Avg</b>	<b>Exp Thru 2/28</b>	<b>Add'l Needed</b>	<b>Projected</b>
Settlements/Orders	\$365,000	\$377,250	\$305,949	\$150,000	\$515,000
Weekly Payments	303,875	219,490	250,083	71,125	375,000
Medical & Prescriptions	446,736	452,938	405,941	215,875	662,611
Admin Expenses	53,935	57,265	42,318	20,692	74,627
<b>Total</b>	<b>\$1,169,546</b>	<b>\$1,106,943</b>	<b>\$1,004,291</b>	<b>\$457,692</b>	<b>\$1,627,238</b>

ATTACHMENT B  
INCREASE IN OJI/WORKERS' COMPENSATION EXPENSES

Fiscal Year Ending	Initial Budget Allocation	Actual Expenses
2005	\$604,893	\$696,876
2006	\$604,893	\$750,016
2007	\$604,893	\$972,554
2008	\$765,393	\$1,122,120
2009	\$1,214,500	\$1,304,676
2010	\$1,184,500	\$1,385,349
2011	\$1,168,900	\$1,860,896*

FYE 2011 Expenses estimated based on actual costs to date and pending claims.

# Resolution

R-1011-110

A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, APPROPRIATING \$457,692 FROM THE GENERAL FUND BALANCE FOR PAYMENT OF ON THE JOB INJURY (OJI) MEDICAL EXPENSES AND WORKERS' COMPENSATION ORDERS AND SETTLEMENTS.

- § 1. WHEREAS, The City of Norman is self-insured for its Workers' Compensation and liability claim costs and pays such costs from the General Fund Balance; and
- § 2. WHEREAS, Workers' Compensation medical expenses are required to be paid within the fiscal year in which they occur; and
- § 3. WHEREAS, Workers' Compensation Court Award Orders are due and payable within twenty days of the date the Order is filed; and
- § 4. WHEREAS, the City has seen an increase in on-the-job injuries, recovery time, medical costs, and temporary total disability and permanent partial disability rates; and
- § 5. WHEREAS, it is anticipated an additional \$457,692 is needed for Workers' Compensation Orders and settlement and to pay medical expenses related to settlements for the remainder of FYE 2011; and
- § 6. WHEREAS, it is now necessary to appropriate funds as described below.

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

- § 7. That the following appropriations be made for the reasons as stated above:

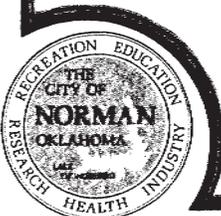
<u>Account Name</u>	<u>Losing Account</u>	<u>Gaining Account</u>	<u>Amount</u>
Workers' Compensation/Medical	010-0000-253.20-00	010-3002-415.40-18	\$287,000
Misc. Services/District Court Filing Fee	010-0000-253.20-00	010-3002-415.47-03	\$ 20,692
Orders/Settlements	010-0000-253.20-00	01-3002-415.21-31	\$150,000

PASSED AND ADOPTED this 24th day of May, 2011.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk





**CITY COUNCIL AGENDA  
MAY 24, 2011**

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

**Item No. 26**

**File Number: R-1011-123**

**Introduced:** 5/12/2011 by Ken Komiske, Director of Utilities

**Current Status:** Consent Item

**Version:** 1

**Matter Type:** Resolution

Title

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

**ACTION NEEDED:** Motion to adopt or reject Resolution No. R-1011-123.

**ACTION TAKEN:** \_\_\_\_\_

Body

**BACKGROUND:** The first City of Norman Water Conservation Plan was developed in 2002 and adopted by Resolution No. R-0203-99. The document reviewed the history of the water system and water system profiles such as supplies, customer usage, and water system management.

In 2006 the City of Norman Water Conservation Plan was updated to include more recent information about customer profile and customer use. In addition, pricing had changed and additional conservation measures that had been adopted by Ordinance were included in the new version of the plan. The Drought Contingency Plan section was also amended to reflect a more comprehensive plan that included stages for water conservation.

**DISCUSSION:** Staff worked on revisions to the Water Conservation Plan this spring and met with the Oversight Committee on April 6 to review changes, solicit feedback, and make additional modifications.

The Water Conservation Plan 2011 has now been updated. All items in the plan have been reviewed with many items changed, expanded, and updated since 2006. Some of the topics that have been updated are:

**Water System Inventory**

- Update water supply well map including wells shut off due to arsenic.
- Flow diagram of the water treatment plant including the ozone contactors
- Water Production
- Update to the water system production graph to 2010

### Water Customers Profile

- Update information on population, number, and type of customer accounts and customer per capita information
- Added Annual Precipitation History 1895 to 2009
- System Loss Profile
- Update water loss information and efforts to reduce water loss
- Water Management
- Added Norman's Lake Thunderbird Usage vs. Permitted Allocation graph
- Added pie chart of average indoor water usage
- Added several water saving techniques and suggestions
- Added web site and example of SIP (Simple Irrigation Plan)
- Added several water conservation practices that the City of Norman has undertaken over the last several years

### Educational Information

- Added information, example of and link to the U.S. Seasonal Drought Outlook web page
- Water Conservation Measures
- Updated the three stages for conservation (voluntary, moderate mandatory and severe mandatory) and their associated trigger points
- For Voluntary Conservation trigger point - added Lake Thunderbird water level of 1034 or less (five feet below the top of the conservation pool)
- For Voluntary Conservation Goals - added the City's participation to water every other day or less
- For Moderate Mandatory Conservation trigger point - reduced the consumption of OKC water from 6 mgd (million gallons per day) to 3 mgd, and added link to drought index web site
- For Moderate Mandatory Goals - added City participation by reducing splash pad working hours by 2 hours per day
- For Severe Mandatory Goal - changed the allowable landscape days to match the sanitation pick up days rather than City quadrants of North, South, East and West

**STAFF RECOMMENDATION:** It is recommended that the City of Norman Water Conservation Plan 2011 be adopted by Resolution R-1011-123.

R-1011-123

A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, ADOPTING THE CITY OF NORMAN WATER CONSERVATION PLAN 2011 WHICH INCLUDES THE DROUGHT CONTINGENCY PLAN.

- § 1. WHEREAS, the Norman City Council believes it is important to plan for Norman's future and water needs; and
- § 2. WHEREAS, the Norman City Council also believes that the conservation of our water helps save our resources as well as the cost associated with providing to all citizens; and
- § 3. WHEREAS, the City of Norman Water Conservation Plan is a starting point for community minded water conservation activities through public education and programs to conserve and reuse our water; and
- § 4. WHEREAS, the City of Norman, the State of Oklahoma, and the Central Plain States are in a drought and proper planning dictates the implementation of a staged drought contingency plan.

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

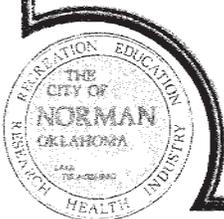
- § 5. That the Council of the City of Norman, Oklahoma, adopts the City of Norman Water Conservation Plan 2011 which includes the Drought Contingency Plan attached hereto and made a part hereof.

PASSED and ADOPTED this 24th day of May, 2011.

\_\_\_\_\_  
Mayor

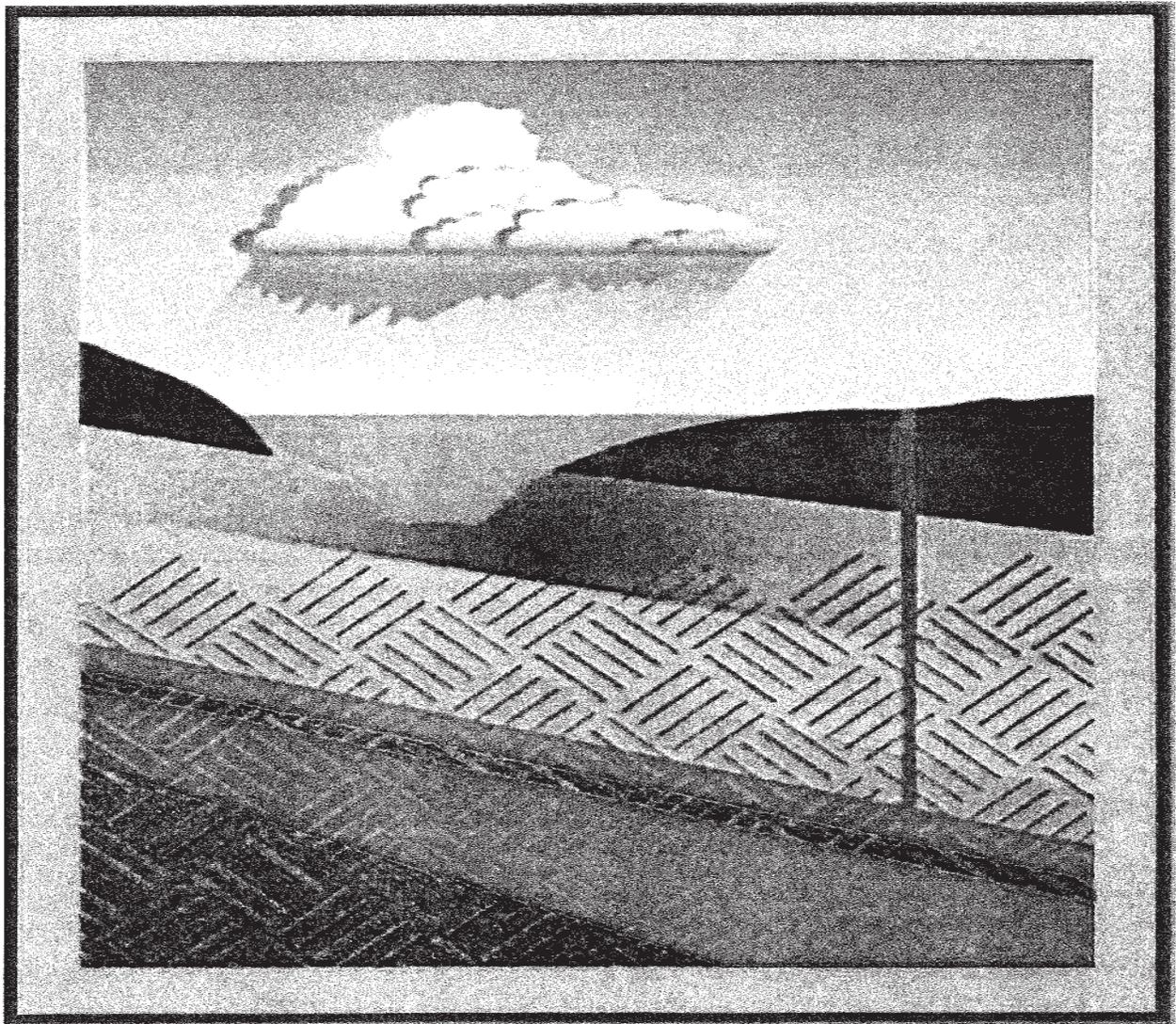
ATTEST:

\_\_\_\_\_  
City Clerk



# City of Norman

## Water Conservation Plan 2011



## Table of Contents

<b>TABLE OF CONTENTS</b> .....	i
<b>LIST OF FIGURES</b> .....	iii
<b>LIST OF TABLES</b> .....	iv
<b>LIST OF APPENDICIES</b> .....	v
<b>1.0 HISTORY OF THE CITY OF NORMAN WATER SYSTEM</b> .....	1
<b>2.0 WATER SYSTEM INVENTORY</b> .....	2
2.1 Water Wells .....	2
2.2 Water Treatment Plant .....	3
2.3 OKC Emergency Connection.....	3
<b>3.0 WATER RIGHTS VS PRODUCTION</b> .....	3
3.1 Water Supply Permitted Rights - Wells.....	3
3.2 Water Supply Permitted Rights – Surface Water .....	4
3.3 Water Production.....	4
<b>4.0 WATER CUSTOMER PROFILE</b> .....	4
4.1 Population.....	5
4.2 Customer Distribution.....	5
<b>5.0 WATER USE PROFILE / RATES</b> .....	5
5.1 Per Capita Consumption Data.....	5
5.2 Water Pricing Structure.....	7
<b>6.0 SYSTEM LOSS PROFILE</b> .....	8
6.1 Water Treatment System Loss .....	8
6.2 Distribution System Loss.....	8
<b>7.0 WATER MANAGEMENT</b> .....	8
7.1 Water Use Issues .....	8
7.2 Water Use Goal .....	10
7.3 Indoor Use and Ideas for Reduction .....	10
7.4 Outdoor Use and Ideas for Reduction .....	11
7.5 City of Norman Water Conservation Measures .....	13
<b>8.0 SELECTED MEASURES AND PROJECTED RESULTS</b> .....	14
8.1 Continuance of Current Fundamental Water Conservation Measures .....	14
8.2 Projected Results of Conservation Efforts .....	14



9.0 EDUCATIONAL INFORMATION.....14

    9.1 **Media Campaign**.....14

    9.2 **School Programs** .....15

    9.3 **Information and Education Program** .....15

    9.4 **Water Conservation Coordinator** .....16

10.0 MANDATORY WATER CONSERVATION MEASURES.....16

    10.1 **Drought Contingency Plan**.....17

11.0 ENVIRONMENTAL REVIEW .....19

12.0 ADOPTION AND IMPLEMENTATION.....19



List of Figures

**Figure 1 – City of Norman, Existing Water Supply Sources .....2**  
**Figure 2 – City of Norman, Liquid Treatment Process Flow Diagram .....3**  
**Figure 3 – City of Norman, Water Production by Source .....4**  
**Figure 4 – City of Norman, Per Capita Usage.....6**  
**Figure 5 – Oklahoma Climatological Survey, Annual Precipitation History .....7**  
**Figure 6 – City of Norman, Historical Demand for Lake Thunderbird.....9**  
**Figure 7 – American Water Works Association, 1999 Residential End Uses of Water .....10**  
**Figure 8 – Oklahoma Mesonet, Simple Irrigation Plan .....12**  
**Figure 9 – City of Norman, Treated Effluent Application.....13**  
**Figure 10 – NOAA, U.S. Seasonal Drought Outlook.....16**



## List of Tables

<b>Table 1 – City of Norman, Historic Total Population .....</b>	<b>5</b>
<b>Table 2 – City of Norman, Water Use Customer Summary for 2011 .....</b>	<b>5</b>
<b>Table 3 – City of Norman, Historical Per Capita Consumption of Water .....</b>	<b>6</b>
<b>Table 4 – City of Norman, Residential Water Rates .....</b>	<b>7</b>
<b>Table 5 – City of Norman, Non-Residential Water Rates.....</b>	<b>8</b>



## List of Appendices

**Appendix A – City of Norman Resolution R-0203-99**



## **1.0 HISTORY OF THE CITY OF NORMAN WATER SYSTEM**

Settlement of public lands near the Little River and the South Canadian River in central Oklahoma progressed rapidly once the area was opened to entry in the late 1800's. In this area, the once known settlement called Camp Norman was incorporated into the City of Norman on May 13, 1891. Since its incorporation, the City of Norman has continually expanded. About this same time, the State of Oklahoma established the University of Oklahoma in Norman. Since then, our histories have traveled together.

For the first 65 years of our history, Norman's water supply was from wells drilled into the Garber Wellington Aquifer located beneath central Oklahoma. The aquifer ranges South to North from Norman to Guthrie. The aquifer ranges west to east from I-35 to Shawnee. In the 1940's, city officials began to realize the need for additional water resources which led to discussions with the Bureau of Reclamation and the ultimate reconnaissance study for a reservoir in 1949.

A Feasibility Study followed in 1954, a Reappraisal Report in 1959, and a Definite Plan Report in 1961. These all led the Federal Government to the conclusion that a surface reservoir was needed to serve area communities. The reservoir was named The Norman Project, eventually to become Lake Thunderbird and was authorized by Congress on June 27, 1960. The Norman Project considered serving Oklahoma City, Tinker Air Force Base, Norman, Midwest City and Del City. Oklahoma City realized the quantity was too small for their efforts. Tinker decided to stay with their wells which left the supply for Norman, Midwest City, and Del City. Three members from Norman, 3 members from Midwest City, and 1 member from Del City were appointed to form the Central Oklahoma Master Conservancy District (COMCD) in 1961. Their purpose was to manage the needs of all project participants. The lake was designed to yield a reliable water supply at 21,600 acre feet per year or approximately 7 billion gallons per year. The contract stated that Norman would receive 43.8%, MWC 40.4%, and Del City 15.8%.

Throughout this time the lake and the water wells were continually used to supply its citizens as needed. In the 1970's increased peak day water demand was stressing the system. In 1982 the water treatment plant was expanded from 7 MGD to 14 MGD. Though this did not expand our annual allocation of water from Lake Thunderbird, it allowed the plant to replenish the water used after peak day demands experienced in the summertime. As the population and associated water demands expanded over time, this led to water shortages and rationing in the 1990's for Norman. Additional water wells began to be constructed and in 1999, 31 wells along with a 14 MGD water treatment plant were being utilized to meet Norman's demand.

In 2000, Norman completed a connection to the treated water supply system of Oklahoma City. This connection served and continues to serve as an emergency reserve supply and is only operated during times of extreme demand or system emergency. Norman produces its own water from the lake and wells at a much lower cost than purchasing water from Oklahoma City so it is more economical for Norman to purchase the additional water needed using Oklahoma City's Peak Rate.

In January of 2006, the arsenic rule became in effect which lowered the arsenic limits from 50 micrograms per liter to 10 micrograms per liter. This lower limit forced the City to turn off several wells and Norman's water supply was reduced to 15 active wells along with the water from Lake Thunderbird. This same year, the citizens of Norman voted to significantly raise their water rates in order to address the impacts of the lowering of the arsenic limits. With the rate



increase, new wells were drilled within Northeast Norman. Also, large irrigation users were reviewed in an effort to replace their potable water needs with irrigation quality water. Norman began encouraging citizens to practice conservation every day.

## 2.0 WATER SYSTEM INVENTORY

2.1 Water Wells Today, Norman utilizes Lake Thunderbird and 26 water wells drilled into the Garber Wellington Aquifer to meet everyday water needs. An additional 10 wells are scheduled to come online August 1, 2011 which will increase our well field to 36 wells. Ground water is pumped from the Garber Wellington Aquifer directly into Norman's water distribution system with the exception of three wells. Of the three considered treated, two are blended with other water sources to meet the arsenic rule. One well has a pilot arsenic removal system set up with chloramination. The remainder of the wells meet current water quality standards with out additional treatment. Feasibility data is being collected to possibly combine several wells that are not active and establish a combined treatment system to reduce arsenic levels. City staff continues to monitor updates to the ground water rule and unregulated contaminants that might be added in the future.

Figure 1 graphically shows the general distribution of the water wells, including those recently closed due to high arsenic, and their physical relation to Lake Thunderbird.

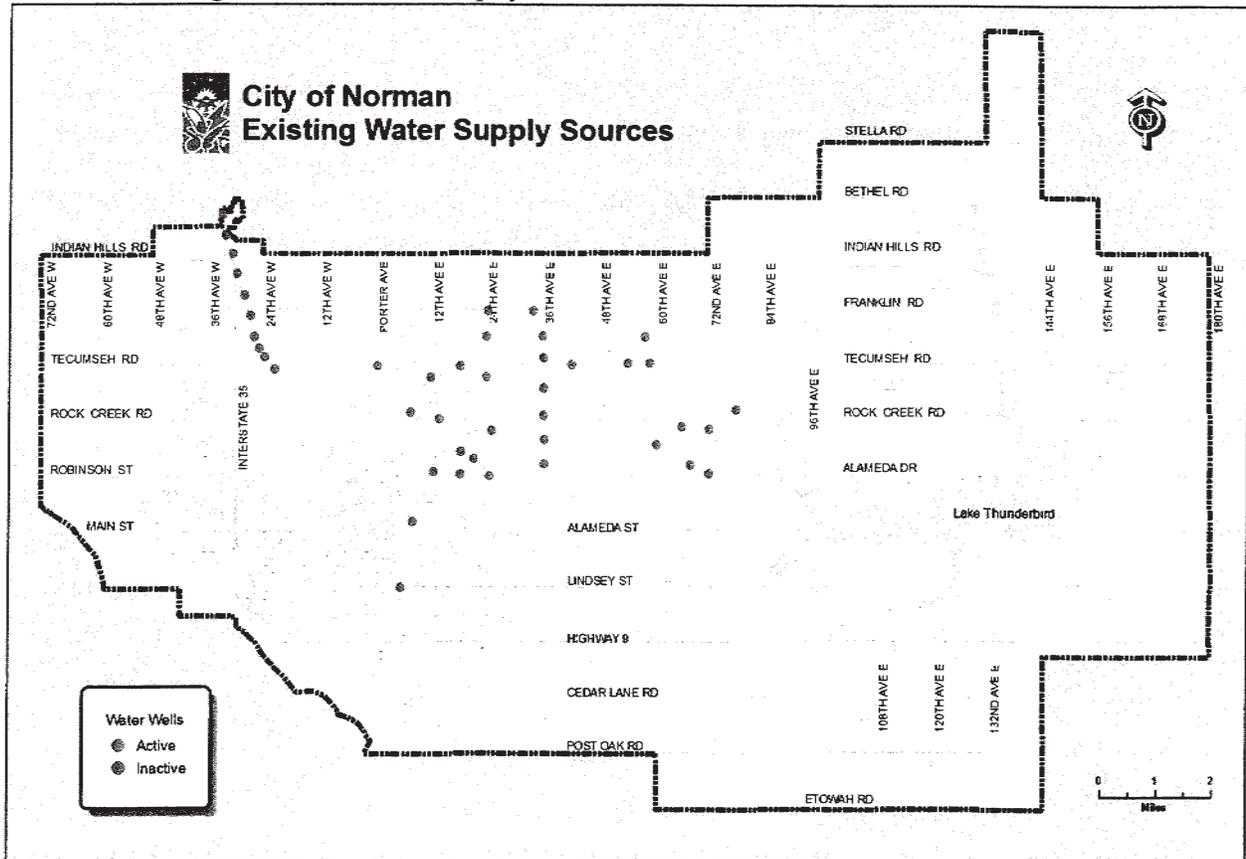


Figure 1.



2.2 *Water Treatment Plant* Raw water is delivered by the COMCD to Norman's water treatment plant. Plant design is conventional softening and it was constructed in the mid 1960's. The plant was upgraded in 1982 and is currently undergoing improvements. Figure 2 is the future treatment process for Norman's water treatment plant.

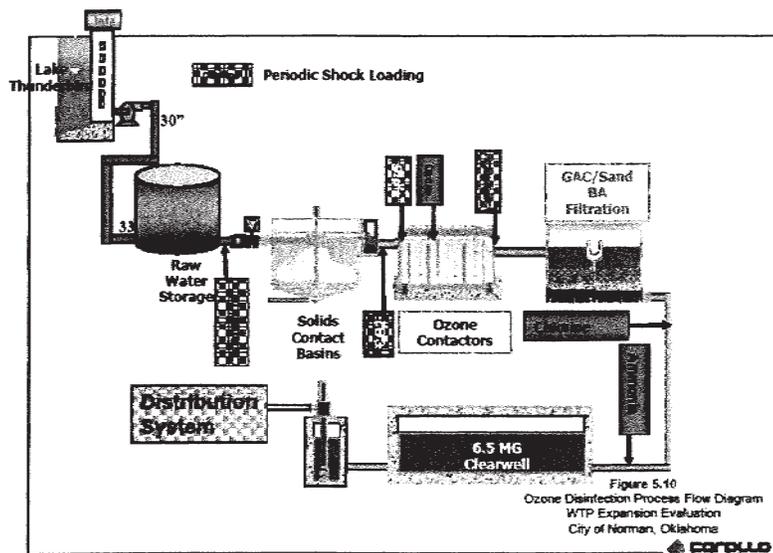


Figure 2.

2.3 *OKC Emergency Connection* The supply line connecting Norman to Oklahoma City provides an emergency supply source. Maximum delivery rate can vary from 6.5 to 9 MGD depending on season and ultimately the pressure differential between Oklahoma City and Norman. This source is a last resort supply since its cost is greater than what Norman's rate structure will support on a continual basis. The vault connection is located at the northwest boundary of City limits.

### 3.0 WATER RIGHTS vs PRODUCTION

3.1 *Water Supply Permitted Rights- Wells* A majority of Norman's ground water right permits are temporary permits which allow withdrawal of 2 acre-ft of water per acre per year. Norman is permitted for approximately 28,600 acre-ft of ground water which equates to roughly 9.3 billion gallons per year. The Garber-Wellington aquifer is currently being studied by the Oklahoma Water Resources Board and the Association of Central Oklahoma Governments (ACOG). Preliminary data suggests that the sustainable yield is much less than the current water rights issued under temporary permits. ACOG indicates the recharge rate is approximately 2 inches per year which suggests that the sustainable yield will probably be between 0.25 and 0.5 acre-ft of water per year. If the decision is made to reduce the yield to 0.5 acre-ft of water per year, the NUA's water rights will be 2.33 billion gallons per year or an average of 6.4 Million Gallons per Day (MGD). This reduced yield would only allow for 36 wells operating 70% of the time throughout the year. Therefore, if the temporary permits are reduced before becoming final permits, additional ground water rights will be necessary.



*3.2 Water Supply Permitted Rights-Surface Water* Norman’s surface water comes from Lake Thunderbird which is controlled by the Central Oklahoma Master Conservancy District. Norman is permitted to use an allotment of 3.083 billion gallons per year. This equates to an average of 8.4 MGD. The Norman water treatment plant and raw water supply line had a maximum daily capacity of 14 MGD until 2011 when it was expanded to 17 MGD. However, since the annual average must remain at 8.4 MGD or less, Norman must use less surface water in the winter months to allow for the additional demand in the summer months.

*3.3 Water Production* Daily records are kept on the operations of each source of supply. Figure 3 represents the annual water usage from the three sources available to Norman. The Oklahoma City supply connection became available in Summer 2000 and is an important part of our current summer peak supply.

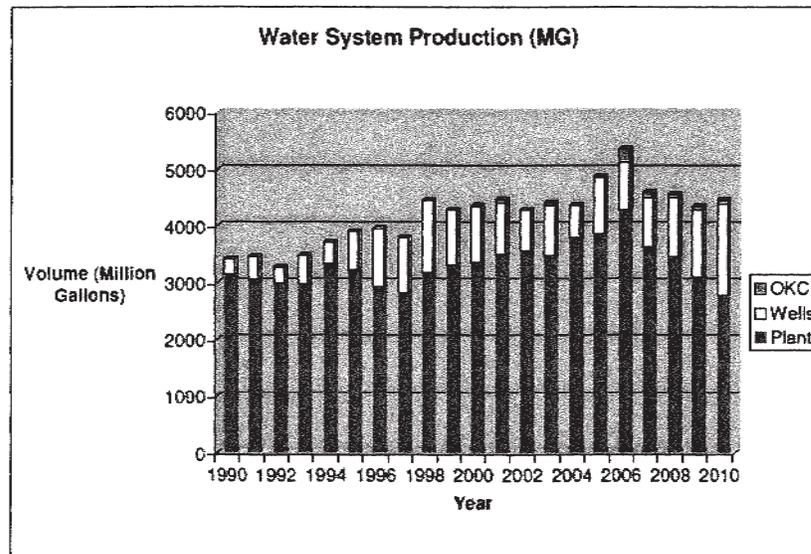


Figure 3.

#### 4.0 WATER CUSTOMER PROFILE

Norman is not a heavily industrialized community. Residential customers consume the majority of the water produced. Within Norman are five purchase water systems operating individually. The University of Oklahoma is the largest followed by Griffin Memorial Hospital followed by three mobile home parks.

Water demand is influenced by the population served, per capita water use, weather conditions and conservation measures, while the water supply capability is largely a matter of the resources available. To assess Norman’s ability to meet future needs, the 2040 Strategic Water Supply Plan was developed to address water system improvements and expansion needs based on projected trends in usage. These efforts were based on historical data collected from Norman’s operational and growth records. Though the Water Supply Plan projected continued gallon per capita day (gpcd) increases, Norman staff has refined earlier projections and tapered forecasts down from original projections.



4.1 *Population* Norman’s continual growth since 1890 is reflected in Table 1. The data provided in Table 1 originated from the United States Census Bureau.

**Table 1 – City of Norman, Historic Total Population**

Year	Total Population
1890	787
1900	2,225
1910	3,724
1920	5,004
1930	9,603
1940	11,429
1950	27,006
1960	33,412
1970	52,117
1980	68,020
1990	80,071
2000	96,065
2005	101,930
2010	110,925

4.2 *Customer Distribution* The City of Norman delivers water to retail customers inside the City Limits. Table 2 provides a customer summary for the City of Norman in 2011. It is worth noting the City of Norman, unlike most cities, does not have a reserve water supply to meet future industrial ventures should a company want to relocate their business to Norman.

**Table 2 – City of Norman, Water Use Customer Summary in 2011**

Category	# of Accounts
Residential	32,500
Commercial	1,848
Industrial	17
Institutional	45
City of Norman	88
Irrigation Only	716
OU	34
<b>Total Customers</b>	<b>35,248</b>

## 5.0 WATER USE PROFILE / RATES

Water customers in Norman exhibit distinctive use patterns. Each category of user described below illustrates the nature of each customer category use pattern.

5.1 *Per Capita Consumption Data* Per capita consumption is determined by dividing the total water produced in a given year, divided by the population served, then divided by 365 days per year. Table 3 provides the calculated per capita information available from 1960 to 2010.



Table 3 – City of Norman, Historical Capita Consumption of Water

Year	Per Capita Consumption (gpcd)
1960	74
1970	81
1980	100
1985	121
1990	133
1995	139
2000	142
2001	142
2002	133
2003	134
2004	130
2005	142
2006	155
2007	132
2008	130
2009	122
2010	125

Values presented in Table 3 represent experienced demands. Though data from 1960 forward shows an increasing trend, data since 1990 indicate no significant change. Figure 4 below illustrates these trends.

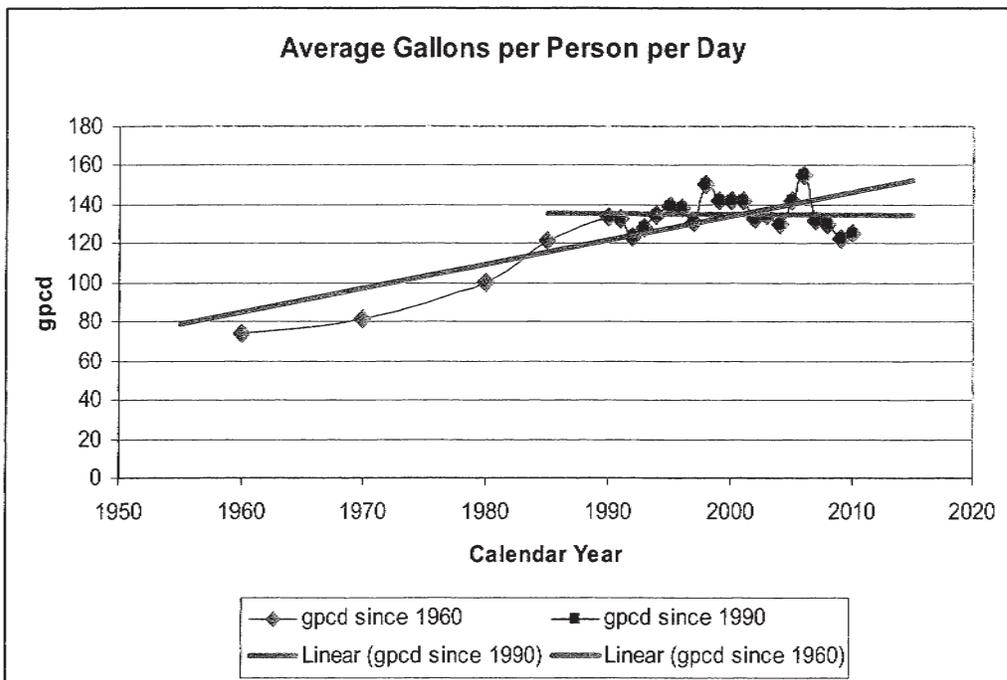


Figure 4.



It is expected that per capita consumption will increase with climate / weather. Data from the Oklahoma Climatological Survey is presented in Figure 5 below. It shows that Oklahoma has been in a period of above average rainfall since about 1983, which may account for the flattening of the water use trend. The state average water use is near 180 gpcd, indicating that Norman has already achieved significant water conservation. Further water conservation will probably be more difficult, and if Oklahoma enters a dry weather trend the increase may outweigh the savings that may be achieved.

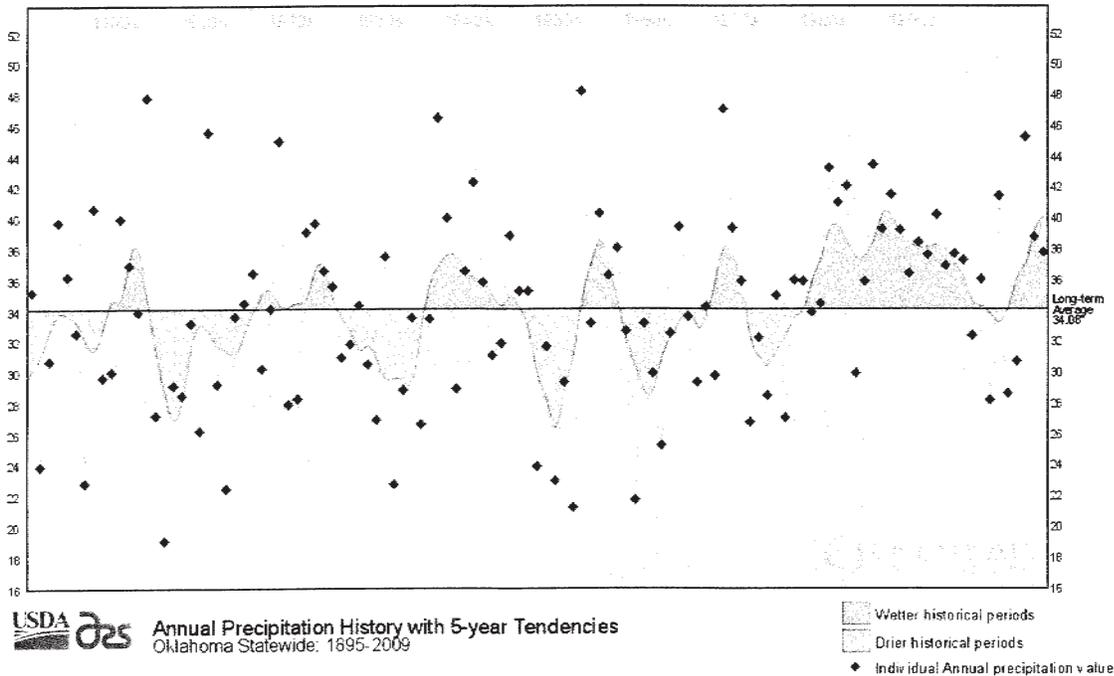


Figure 5

**5.2 Water Pricing Structure** The water rate structure in Norman is established by a majority vote of the public. The city charter prohibits increasing water rates by administrative action. The voters established the water rates currently in effect in 2006. Table 4 presents the water rates currently established for residential customers.

**Table 4 – City of Norman, Residential Water Rates**

Volume	Unit Cost
Base Rate	\$4.00
0 to 5,000 gallons	\$2.00 per 1,000 gallons
5,001 to 15,000 gallons	\$2.10 per 1,000 gallons
15,001 to 20,000 gallons	\$2.75 per 1,000 gallons
20,001 or more gallons	\$4.95 per 1,000 gallons

The voters of Norman also establish the water rates for non-residential. Table 5 reflects the water rates set for non-residential customers.



**Table 5 – City of Norman, Non-Residential Water Rates**

Volume	Unit Cost
Base Rate	\$4.00
0 or more gallons	\$2.10 per 1,000 gallons

The water rates in Norman are in effect year round. No seasonal rate applications exist.

## **6.0 SYSTEM LOSS PROFILE**

Utilities staff continually monitors percent loss within the water distribution system. Utilizing a 12 month running average, Norman’s unaccounted water ranges from 10 – 12%.

*6.1 Water Treatment System Loss* Raw water is delivered to Norman’s water treatment plant by the Central Oklahoma Master Conservancy District. Line losses in their delivery system are unknown. Losses within the boundaries of the treatment plant are thought to be minimal. Recent flow meters have been installed with the plant rehabilitation that will better track water inventories. Losses are usually attributed to the evaporation of filter backwash process water as it is held for extended periods in the residual ponds.

*6.2 Distribution System Loss* As mentioned earlier, system losses are believed to be in the order of 10-12%. To minimize this value, line maintenance personnel are available 24 hours a day to address system failures as they occur. Nighttime crews perform routine tasks until needed for waterline failure. Upon being notified of a failure, they respond with quick corrective action.

Another known source of water loss within the distribution system is from old and or fatigued water meters. The older meters have propellers that spin and account for the water used. The propellers deteriorate over time and are not able to register all of the water delivered to the customers. Line maintenance crews routinely test, remove and replace meters in an effort to improve water accountability. Approximately 550 meters are replaced annually of the 35,248 total meters. This equates to a replacement cycle of once every 64 years. American Water Works Association recommends a replacement cycle of small meters once per 10 years and suggest to annually check large meters accuracy since these usually register larger amounts of water used in the water system.

## **7.0 WATER MANAGEMENT**

Water Management for the City of Norman is very important, considering the historic increases in customer usage along with a growing population. The combination of growth, a slightly increase of customer usage and most importantly a limited local water supply lead to significant water supply problems in the very near future. Recent conservation efforts have resulted in a decrease in per meter usage while the population has increased. However, additional supply is necessary in addition to continued conservation efforts.

*7.1 Water Use Issues* Norman utilizes Lake Thunderbird as its source of surface water supply. In addition to this, water wells into the Garber Wellington aquifer provide the other component of



water supply. Each source is currently experiencing problems with either quantity capability or quality.

Since the 1960's, Lake Thunderbird has historically served the majority of Norman's water demand needs. The annual allotment from Lake Thunderbird is 9,460 acre-feet (3.082 billion gallons). In 1988 Norman exceeded the allotment for the first time. Since then, the water treatment plant use has exceeded the allowed allocation fifteen times. The demands on Lake Thunderbird have increased to the point that it cannot provide the City's supply requirements on a continual basis. Figure 6 depicts Norman continually increasing demand placed on Lake Thunderbird. Only recently efforts were made to operate the well field at a maximum yield to reduce the annual demand from Lake Thunderbird and bring Norman's usage within the permitted allocation. Projected increases over the next 15 years will only get greater as the city approaches 2060.

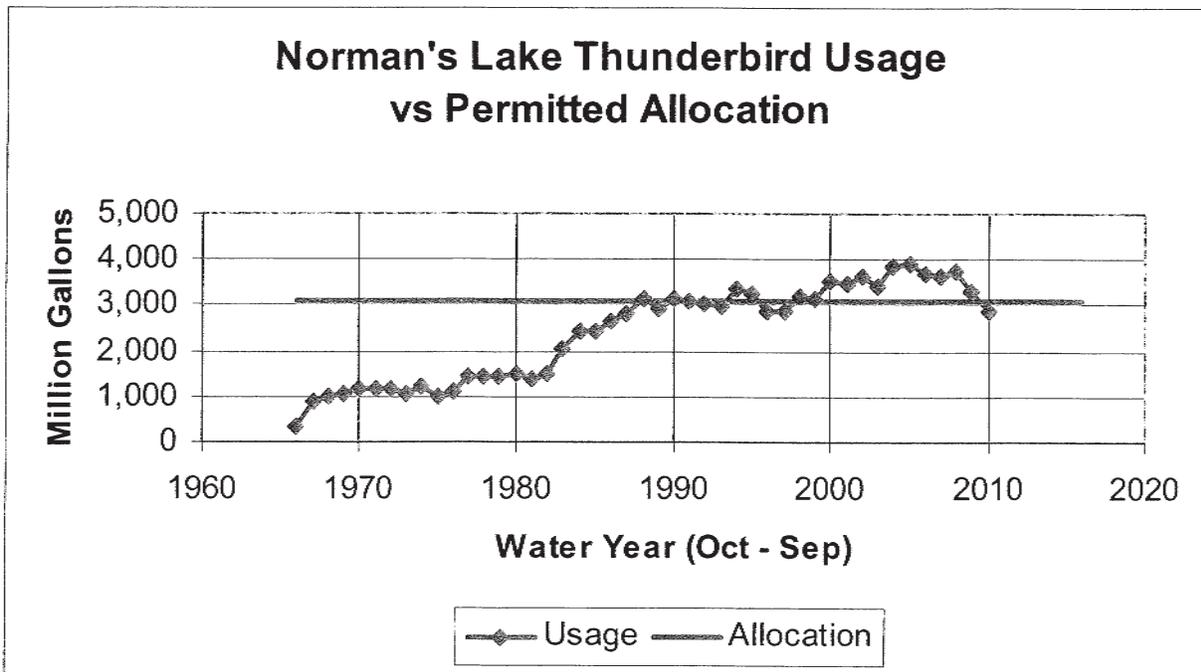


Figure 6.

To reduce the demands on Lake Thunderbird, Norman began to rely heavily on water production from ground water wells to meet demands. This practice allows Norman to limit the extent of exceeding the Lake Thunderbird allotment annually. It is uncertain at this time if the well field can withstand this increased pumping strategy over time. Additionally, Norman must continue to address increased regulations regarding groundwater. The most impacting rule change was the one establishing new limits in the amount of naturally occurring arsenic. This rule change resulted in the loss of fourteen wells from service. In addition, another well failed fluoride testing and one structurally failed. By January of 2006, the loss of these wells reduced Norman's total ability to supply water to a peak rate of 18.4 million gallons per day.

Currently, EPA is reviewing the existing regulatory limits for Chromium. If the current 100 parts per billion (ppb) regulation is reduced to a limit of 10 ppb or less, it will require most of the well field to be shutdown and/or costly treatment added to continue use. EPA has also recently



released candidates for future contaminants of concern which include vanadium. Similar to the other metals, the Garber Wellington well field has levels of vanadium prevalent as well.

*7.2 Water Use Goal* Conserving and reusing water will ultimately save Norman citizens money and decrease the demands placed upon the environment in the form of additional supplies. Norman has accomplished much to reduce the growth of the per capita usage. To further reduce per capita water usage, a combined effort of public education and water pricing will be necessary to achieve this goal. In all cases, Norman will still need additional supplies of water for the future.

*7.3 Indoor Use and Ideas for Reduction* Current indoor use patters are shown in the attached Figure 7.

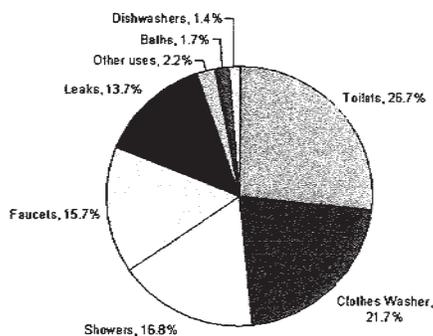


Figure 7.

(Source: American Water Works Association. (1999). Residential End Uses of Water)

Customers can do their part by conserving water and using water wisely. The City has material available on water conservation tips available at the City Hall and on the City website. Some are included here:

\*Take brief showers and/or open faucets only half or three-quarters open to minimize the total water use per shower. Installing a simple restrictor in the shower head or installing a low water use shower head can reduce water use by 25 to 35 percent. However, only opening the faucets part way will accomplish the same thing with no cost or installation required.

\*Place plastic bottles or bags filled with water and a few stones in the toilet tank to reduce the volume of water used with each flush. There are also alternatives of toilet dams or low water use toilets available. These may reduce the total water used by 5 to 20 gallons per day. However, be aware a newer model is probably already a low water use model, and reducing the volume of water per flush may cause improper flushing.

\*Encourage the use of faucet aerators on all kitchen and bathroom faucets, as these reduce the water flow while enhancing the rinsing action of the faucet stream.

\*Use automatic dishwashers sparingly and only for full loads. Most dishwashers use 20 to 30 gallons per wash, and most or all of it is hot water. By washing only full loads or hand washing



small amounts, saves in both water and energy. When cleaning dishes for the dishwasher, wipe them off with a paper towel or napkin rather than rinsing; this will save from 3 to 5 gallons.

\*Wash only full loads of clothes, or match the water setting of the washer to the size of the load.

\*Keep a bottle of water in the refrigerator for a cool drink. Do not run the faucet to chill the water.

*7.4 Outdoor Use and Ideas for Reduction* There are several ways to reduce outdoor water usage. In the summer months, Norman citizens more than double their indoor water usage recorded in the winter months. Outdoor ideas include:

\*Use a nozzle with a cutoff feature on your garden hose when washing the car or other outdoor items. This will cut off the water flow when not needed.

\*Sweep driveways or patios rather than hosing them off, unless they border a flower bed or garden. If so, wash so the water will run to the garden or flower bed. Get double duty from the water used.

\*Plant trees, shrubs and ornamentals that are adapted to dry conditions. Use mulch around plants and shrubs to help limit evaporation and retain water. Use sprinklers sparingly and water after the sun goes down to limit evaporation. Where possible, use soaker hoses instead of sprinklers, as they are more efficient. Don't over fertilize your lawn, since this will make it require more water than normal.

\*If you have a swimming pool, cover it when not in use to control evaporation.



#### Plumbing and Landscaping Ordinances

The City of Norman Code of Ordinances requires the 1997 International Plumbing Code for non-residential construction and 1995 Council of American Building Officials for residential construction be observed. Each requires low flow fixtures in new construction.

In 2005 the City of Norman began to require that all new automatic irrigation systems have a rain sensor and freeze gauges installed to promote water conservation. This measure will help to reduce the overall water usage of Norman.

#### Landscape Programs

The City of Norman carefully monitors its own use of water utilized in public landscape improvements. Irrigation activities only occur when soil conditions require. Attention is given to weather conditions and forecasts in deciding upon irrigation times for public spaces. Many areas have been switched from spray watering to ground level drip irrigation.

As for private landscape programs, Norman encourages but does not enforce acceptable times for irrigation to be allowed. Current practice is to provide public reminders through the local press



and as billing inserts about wasteful activities commonly occurring during irrigation. Through public media contact, self guided direction for landscape practices occur.

How much should I water my lawn?

This question is received from citizens often and the answer is dependent on several variables. Local universities maintain a website that monitors soil conditions and with the expertise in agronomy, it suggests watering quantities for various lawns. Customers are encouraged to visit this website provided by Oklahoma and Oklahoma State Universities team partnership.

The web site is named SIP, an acronym for 'Simple Irrigation Plan'. <http://sip.mesonet.org/>



Figure 8.

Figure 8 above is an example of the SIP website.



7.5 *City of Norman Water Conservation Measures* Treated wastewater as irrigation reuse occurs in Norman. The University of Oklahoma uses an average of 500,000 gallons of effluent per day in the summer to irrigate the golf course. The University installed pumps and piping to connect the golf course to the discharge line leaving the treatment facility. Norman desires to utilize this resource further in the future. Figure 9 shows a typical effluent application at the University of Oklahoma Golf Course. At this time, local state regulations limit the irrigation application of effluent to controlled access areas only.



Figure 9 – City of Norman  
Treated Effluent Application

Since 2004, Norman has implemented a few notable water conservation measures worth mentioning.

1. Westwood Golf Course utilized potable water for irrigation since it was built in 1967. During summer time peak demands, the golf course would use the equivalent of 1 municipal water well or 300,000 gallons per day. During the 2004 remodel project, new large ponds were constructed to capture and hold storm water. In addition, the water utility fund aided in drilling a new non-potable irrigation well for use on the golf course. The irrigation well was purchased for approximately \$300,000 less than the cost of a fully designed, DEQ approved drinking water well.

2. At a cost of \$15,000, a water well not suitable for drinking water was re-purposed for irrigation only to serve the Griffin park complex. This complex too was dependent on Norman's treated water drinking for irrigation purposes. The existing usage was not fully metered so it is estimated that peak summer irrigation days were over 300,000 gallons per day or the equivalent of one well during peak summer demands. Now Griffin park complex has a new irrigation pond and a well that can be used to help supply irrigation water.

3. Wastewater Treatment Plant constructed a non-potable water system to discontinue using potable water for all of the maintenance activities, such as washing clarifier weirs, foam suppression, pump seals, etc.. This is estimated at a savings of 480,000 gallons per day or the equivalent of 1 and 1/2 wells.



4. During the summer months, potable water is utilized by the composting operation to maintain a continual moist environment during processing. The potable water is used in this operation currently to control dust and limit compost drying during warmer periods. Conversion to use treated wastewater effluent will effectively reduce demands placed on treated water supplies. Staff is working with DEQ to allow the non-potable water to be used for the composting operation.

## **8.0 SELECTED MEASURES AND PROJECTED RESULTS**

Conservation efforts undertaken in the last several years have provided a noted reduction in the growth of the per capita usage of water in Norman. Through knowledge and understanding, the citizens of Norman can continue to reduce their annual per person water demands. In addition to continuing existing programs, new efforts will be introduced to further conservation by the citizens of Norman.

*8.1 Continuance of Current Fundamental Water Conservation Measures* Efforts underway in Norman to conserve water will continue into the future. All existing programs will be continued as long as funding allows. Efforts to gain citizen's support of water conserving practices will be pursued through all existing measures.

*8.2 Projected Results of Conservation Efforts* Figure 20 shows the actual per capita increases in potable water consumption since 1960 yet shows a flat growth from 1990 to current. Staff is uncertain as to how much can be attributed to conservation efforts and or the effects of recent climate patterns. If a growth in demand through adding industry and or extended drought patterns develops along with the expanding population sustainability cannot be achieved with current water resources.

With additional rate increases of the conservation based water rates along with the water conservation and reuse programs listed within this document, it is projected that water consumption can be curtailed. Achieving this goal will affect the timeline of implementing water resource projects. It will not eliminate the future need for additional supplies, but will allow time for detailed consideration to be given to options available.

## **9.0 EDUCATIONAL INFORMATION**

Norman promotes water conservation along with pesticide reduction activities as part of their efforts to promote a cleaner environment. Information is distributed to all water customers several times a year through the monthly billing and other avenues.

Annually, the City of Norman provides the Consumer Confidence Report to all customers and dwelling units served by Norman water. In this, along with all required information, extensive conservation tips are given for water use in and around households. In 2010, approximately 30,000 reports were delivered to the citizens of Norman.

*9.1 Media Campaign* To reduce summertime periods of high water usage the City of Norman, along with the local newspaper, publishes daily the previous days overall per capita usage along with a conservation tip. This promotes awareness of what demands the citizens' place on the system when



temperatures are high. In addition, with the help of local news agencies, water use awareness media releases occur to notify citizens of the need to be responsible for their usage of water. Publications have included recommendations to our customers.

*9.2 School Programs* The Norman public schools have implemented a Thursday Folder program in the grade schools whereby every Thursday a folder is sent home with each student containing school information, completed assignments, and public information. Students and parents have to review the materials together with the folder returned the following day with the parent's signature verifying that the materials were reviewed. Over the last several years, multiple distributions of water conservation materials have been made. In 2005, 6,700 fliers and bookmarks noting conservation and protection of our water were distributed through the Thursday Folder program.



*9.3 Information and Education Program*

The items listed in Section 4.0 outline the basis of the information and education program in effect today in Norman. Funds for these actions are provided by the water utility system revenues. Future efforts will continue to expand the public's knowledge of voluntary water conservation practices.

Part of information and education is using the 'drought monitor' web site sponsored by several state and federal organizations. This information is posted weekly at the Water Treatment Plant to keep track of weather patterns, especially related to drought. The web site is; <http://drought.unl.edu/dm/monitor.html>



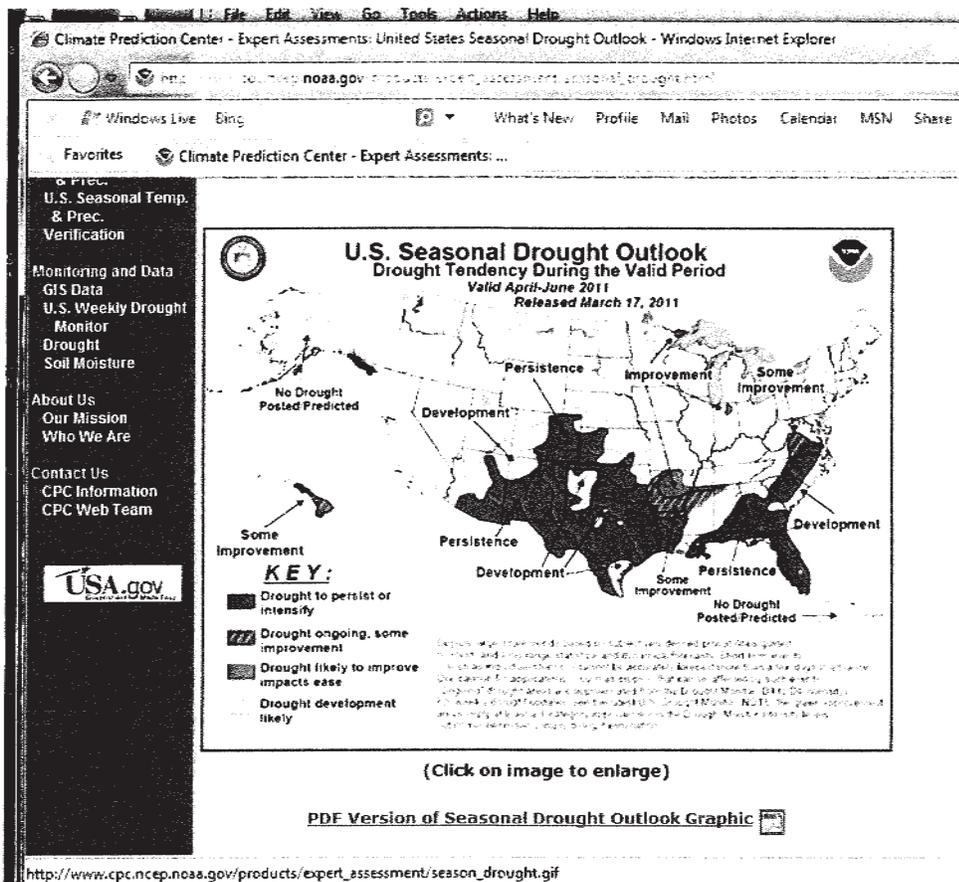


Figure 10.

Figure 10 above is the screen sample of one of the pages from the drought web site.

**9.4 Water Conservation Coordinator** The City of Norman has assigned water conservation information distribution and the direction of public programs to the Environmental Services Coordinator. The responsibilities include coordinating compliance monitoring of industrial customers, coordinating water pollution educational programs, and water conservation education. The mailing address to the City of Environmental Services Coordinator follows:

City of Norman  
Environmental Services Coordinator  
P.O. Box 370  
Norman, OK 73070

## 10.0 MANDATORY WATER CONSERVATION MEASURES

Additional water conservation measures are utilized when drought patterns begin. The City Manager begins with voluntary measures and if conditions persist, must mandate more extreme measures.



*10.1 Drought Contingency Plan Triggers for Stage 1, voluntary water conservation.* The City Manager may implement Stage 1 when one or more of the following criteria are met:

1. The City water demand is expected to equal the NUA's supply capacity.
2. Lake Thunderbird water level drops to a water level of 1034.0.
3. There is a temporary reduction in the source of supply from Lake Thunderbird (i.e. one of the supply pumps not operating, break or damage to raw water line, temporary contamination to water supply).
4. A large portion of NUA's water distribution system is temporarily out of service due to water main breaks, threat of contamination, construction damage, etc.).
5. Oklahoma City emergency connection is not available for use, due to a water line break or reduced source of supply.
6. COMCD (Central Oklahoma Master Conservancy District) requests a slight reduction in member cities usage.

*Goals for use reduction and actions available under Stage 1.* The goal for water use reduction for Stage 1 is to raise public awareness of potential drought or water supply problems. The City Manager may implement any or all of the actions or programs listed;

1. Increase public education on ways to reduce water usage.
2. Review non-essential City water use and reduce when/where possible (e.g. street cleaning, vehicle washing, operation of ornamental fountains, etc.).
3. Reduce City water use for landscape irrigation to every other day or less.
4. Request voluntary reductions in water use by the public.
5. Recommend to all NUA customers voluntary conservation such as;
  - a. Odd/Even watering. House addresses that are even numbered are requested to water on even numbered calendar days only, and house addresses that are odd numbered are requested to water on odd numbered calendar days only.
  - b. Do not operate irrigation sprinklers between 9 am and 6pm. This is the hottest part of the day.
  - c. Maintain and review the irrigation sprinkler operation to repair broken sprinkler heads and prevent watering of sidewalks and streets.
  - d. Irrigate landscaping with a hand operated hose equipped with a positive shut off nozzle. Hand watering of landscape beds is allowed at any time.

*Triggers for Stage 2, Moderate (Mandatory) Conservation.* The City Manager may implement Stage 2 when one or more of the following criteria are met:

1. The City water demand exceeds the NUA's supply capacity by greater than 3 mgd for two consecutive days and there is no weather related relief in the immediate forecast. The following link is used for forecasting extensiveness of drought:

[http://www.drought.unl.edu/dm/DM\\_south.htm](http://www.drought.unl.edu/dm/DM_south.htm)

2. There is a reduction in the long term source of supply from Lake Thunderbird (i.e. supply pumps down, break or extensive damage to raw water line, contamination to water supply).
3. A large portion of NUA's water distribution system is out of service due to failure or damage of major water distribution components.



Goals for Use Reduction and Actions Available Under Stage 2. The goal for water use reduction in Stage 2 is a significant reduction in the water demand to more closely match the supply capability of NUA. Implementation of Stage 2, will require public notification as provided by a Proclamation of the City Manager. Water use restrictions shall apply to all customers connected to the NUA water system.

1. Continue with water conservation actions and programs provided under Stage 1, unless they are amended or replaced by the restrictions provided in Stage 2.
2. Recommend the public, developers and commercial enterprises to wait until the current drought or water emergency has passed before establishing new landscaping. New landscaping installed during any drought stage will be subject to all water use restrictions implemented. Financial loss will not constitute justification for a variance.
3. Eliminate non-essential City water use (e.g. street cleaning, vehicle washing, flushing of water lines, fire hydrant testing, etc.).
4. City to reduce splash pad operation hours by 2 hours per day.
5. Washing or hosing down of buildings, sidewalks, driveways, patios, porches, parking areas or any other paved surfaces is prohibited.
6. Washing of cars, trucks, trailers or other vehicles is prohibited, unless these items are taken to a commercial carwash.
7. Excessive water run-off from any landscaped area onto streets, alleys or parking lots or other paved surfaces is prohibited. Water run-off is excessive when it extends for a distance greater than ten feet from the property's boundary lines or ten feet past the targeted irrigation area.
8. All outdoor watering or irrigation is prohibited between the hours of 9 am and 6 pm.
9. Odd/Even water restrictions for irrigation purposes is required for all customers with additional restriction of NO watering on Wednesday and Thursday of each week.

Triggers for Stage 3, Severe (Mandatory) Conservation. The City Manager may implement Stage 3 when one or more of the following criteria are met:

1. The City water demand exceeds the NUA's supply capacity by greater than 6 mgd for two consecutive days and there is no weather related relief in the immediate forecast.
2. Areas of the water distribution system have reduced water pressures less than 25 psi for 24 hours or more.
3. There is a reduction in the long term source of supply from Lake Thunderbird (i.e. supply pumps down, break or extensive damage to raw water line, contamination to water supply).
4. A large portion of NUA's water distribution system is out of service due to failure or damage of major water distribution components.

Goals for Use Reduction and Actions Available Under Stage 3. The goal for water use reduction in Stage 3 is an immediate and drastic reduction in the water demand to more closely match the supply capability of NUA. Implementation of Stage 3, will require public notification as provided by a Proclamation of the City Manager. Water use restrictions shall apply to all customers connected to the NUA water system.



1. All of the water use restrictions implemented under Stage 1 and 2 shall continue in force except as amended or replaced by the restrictions set out in Stage 3.
2. Landscape watering is limited to one day per week and only early morning or evening watering (no watering between 9 am and 6 pm). Residential landscape watering shall comply with the following mandatory five day watering schedule; watering is allowed only on the day the garbage is collected; for commercial and businesses with more than one day per week garbage pick-up, the schedule follows;

<u>Area</u>	<u>Allowed Landscape Water Day</u>
North Norman	Monday
South Norman	Tuesday
East Norman	Wednesday
West Norman	Thursday
Central Norman	Friday

3. Except as otherwise provided herein, landscape watering is prohibited on weekends.
4. Landscape beds may be watered on any day by using a hand operated hose equipped with a positive shut off nozzle. Soaker hoses for foundation maintenance are authorized as necessary. In all instances, run-off is prohibited.
5. Watering of City property, medians, parks, and athletic complexes will be allowed one day per week, following the North, South, East, West, Central schedule, and only before 9 am or after 6 pm. Golf course watering and irrigation using potable water shall be limited to greens and tee boxes only.
6. City splash pads will be shut off.
7. Pools may use water to maintain operational levels. Use of potable water to refill ponds and lakes is prohibited.
8. Use of potable water at construction sites for dust control, compaction or wash-downs is prohibited.

During periods of rationing, local laws allow for the police enforcement of the limits set in the emergency (City of Norman Code of Ordinances; Section 21-501). This action is a last effort to maintain acceptable water supplies to its citizens. It is not the desire of the City of Norman to inform its citizens how to go about their lives, but instead only implement personal/public directing measures during times of emergency.

### **11.0 ENVIRONMENTAL REVIEW**

Currently the State of Oklahoma does not allow the irrigation of common spaces, such as parks and lawns, with effluent. Irrigation of controlled access Golf Courses is allowed, but common grounds are not. At this time, the State of Oklahoma Department of Environmental Quality is beginning to consider new applications of effluent. If it is approved for use of effluent in common public spaces then the Expanded Wastewater Reclamation Efforts, described in Section 7.2 are expected to occur. If delay in approval of this type of applications occur, then reuse efforts will be limited to current practices.

### **12.0 ADOPTION AND IMPLEMENTATION**



## Appendix A

City of Norman Resolution R-1011-123

Adopting the Water Conservation Plan



Items submitted for the record

1. Memorandum dated March 29, 2011, from Leah Messner, Assistant City Attorney, through Jeff Bryant, City Attorney, to City Council Oversight Committee, Councilmember Atkins, Councilmember Dillingham, Councilmember Griffith, Councilmember Kovach
2. Draft ordinance

UPDATE TO THE CITY OF NORMAN WATER CONSERVATION PLAN 2011.

Mr. Ken Komiske, Director of Utilities, said Chris Mattingly, Utilities Superintendent, worked on the draft Water Conservation Plan (WCP) and Staff would like Council's input. He reviewed the history of the Norman Water System. He said Resolution No. R-0607-18 adopting the Norman Water Conservation Plan 2006, which includes the Drought Contingency Plan, was adopted on July 25, 2006.

Mr. Komiske said there is a SIP (Simple Irrigation Planning) website that is very informative about watering quantities needed for various types of lawns.

Councilmember Kovach asked if the Plumbing and Landscaping Ordinances required inspections of sprinkler systems installed by contractors and Mr. Komiske said no. He said the ordinance requires low flow fixtures be installed in new construction and all new automatic irrigation systems must have rain sensors and freeze gauges to promote water conservation. Chairman Dillingham asked if other cities were more involved than Norman in regulating household irrigation systems and Mr. Komiske said yes. He said Arizona and New Mexico have rebates for every square foot of turf replaced with rocks. Chairman Dillingham asked if other Cities have criteria or guidelines regarding sprinkler systems such as sprinkler head positions or heights and Mr. Komiske said some of the more arid cities have a rogue water ordinance that states the water cannot leave your property. Councilmember Kovach said that is what he hears the most complaints on. He said it not only cost money, but wastes a resource. He said the problem should be addressed through education and he would also like to see follow-through on violations.

Chairman Dillingham said there is a big "what if" factor and asked how dry it would have to get before the City enacted any type of compliance measure. Mr. Komiske said that would have to be decided and said on windy days it is difficult to control where water is spraying. Councilmember Kovach asked how the City would address a sprinkler system that has been misaligned and water is spraying six inches past the curb into street. Mr. Komiske said language could be placed in the WCP to address these problems. Chairman Dillingham said it would be helpful to have some additional guidance on residential water use versus commercial water use.

Chairman Dillingham asked how the City could get citizens to embrace conservation and Councilmember Kovach suggested working with groups such as the Sierra Club, Kiwanis, Rotary, etc., making presentations on water conservation ideas. Councilmember Kovach said the Sierra Club would make great ambassadors for spreading the word. Chairman Dillingham said she would like to be able to put information in school children's Thursday packets that are taken home to parents. She said children can be very passionate and excited when learning how critical water conservation can be and will become "water police" at home. Councilmember Kovach said water conservation is not a new concept and his parents used to place trash cans underneath the eaves of the house to catch rainwater to water the lawn. He said the City could remind citizens that conservation is an old tradition and give them ideas to work with, such as cisterns. Councilmember Atkins suggested using Twitter as a tool for education. Mr. Steve Lewis, City Manager, said the Utilities Division has placed conservation tips on the monthly utility bills in the past and Mr. Komiske thought this is still done.

Ms. Debra Smith, Environmental Services Coordinator, said the City used to promote "Blue Ribbon Week," which encouraged water conservation and said it could be reintroduced. Chairman Dillingham said it would be wonderful if citizens could be educated to a point that the City did not need to institute any type of mandatory conservation.

Councilmember Kovach said conservation education should also include information on "xeriscaping."

Councilmember Atkins suggested putting a five to ten minute video presentation together and running it on Channel 20. Councilmember Kovach suggested talking to local pastors, whose sermons include stewardship of the land, to pass ideas onto their congregations.

Ms. Smith said the Environmental Control Advisory Board (ECAB) is currently discussing holding workshops to promote the use of rain barrels and want to incorporate conservation information into the workshops. Councilmember Kovach suggested working with the Norman Arts Council to have a contest making clay pots for rain barrels and Chairman Dillingham said they could have a rain barrel painting contest. She said many elementary school classes are planting gardens to give children hands-on knowledge of how food is grown and harvested and felt it would be educational for them to use rain barrels to collect water for the gardens.

The Committee discussed various avenues of education and Councilmember Kovach said the Chamber of Commerce has a Greenovation Committee, which would be a good resource to use for education.

Mr. Komiske said talked about the three stages of a Drought Contingency Plan (DCP). He said goals for use reduction and actions available under Stage 1 would consist of:

- Increase public education on ways to reduce water usage
- Review non-essential City water use and reduce when/where possible
- Reduce City water use for landscape irrigation to every other day or less
- Request voluntary reductions in water use by the public
- Recommend voluntary conservation such as odd/even house number watering; not operating irrigation sprinklers between 9:00 a.m. and 6:00 p.m.; maintain and review irrigation sprinkler operation to repair broken sprinkler head and prevent water of sidewalks and streets; and irrigate landscaping with hand operated hose equipped with a positive shut off nozzle.

Stage 2, Moderate (Mandatory) Conservation could be triggered if:

- The water demand exceeds the Norman Utility Authority's (NUA) supply capacity by greater than 4 million gallons per day (mgd) for two consecutive days and there is no weather related relief in the immediate forecast
- There is a reduction in the long term source of supply from Lake Thunderbird (i.e. supply pumps down, break or extensive damage to raw water line, contamination of water supply)
- A large portion of NUA's water distribution system is out of service due to failure or damage of major water distribution components

Goals for use reduction and actions available under Stage 2 would consist of:

- Continue with water conservation actions and programs provided under Stage 1, unless they are amended or replaced by the restrictions provided in Stage 2.
- Recommend the public, developers and commercial enterprises wait until the current drought or water emergency has passed before establishing new landscaping. New landscaping installed during any drought stage will be subject to all water use restrictions implemented. Financial loss will not constitute justification for a variance.
- Eliminate non-essential City water use (street cleaning, vehicle washing, flushing of water lines, fire hydrant testing, etc.)
- Washing or hosing down of buildings, sidewalks, driveway, patios, porches, parking areas, or any other paved surface is prohibited.
- Washing of cars, trucks, trailers or other vehicles is prohibited, unless these items are taken to a commercial car wash.

- Excessive water run-off from any landscaped areas onto streets, alleys or parking lots or other paved surfaces is prohibited. Water run-off is excessive when it extends for a distance greater than ten feet from the property's boundary liens or ten feet past the targeted irrigation area.
- All outdoor watering or irrigation is prohibited between the hours of 9:00 a.m. and 6:00 p.m.
- Odd/Even water restrictions for irrigation purposes is required for all customers with additional restriction of NO watering on Wednesday and Thursday of each week.

Stage 3, Severe (Mandatory) Conservation could be triggered if:

- City water demand exceeds the NUA's supply capacity by grater than 6 mgd for two consecutive days and there is no weather related relief in the immediate forecast.
- Areas of the water distribution system have reduced water pressures less than 25 per square inch (psi) for 24 hours or more.
- There is a reduction in the long term source of supply from Lake Thunderbird (i.e. supply pumps down, break or extensive damage to raw water line, contamination of water supply).
- A large portion of NUA's water distribution systems is out of service due to failure or damage of jamor water distribution components.

Goals for use reduction and actions available under Stage 3 would consist of:

- All of the water use restrictions implemented under Stage 1 and 2 shall continue in force except as amended or replaced by the restrictions set out in Stage 3.
- Landscape watering is limited to one day per week and only morning or evening watering. Landscape watering would be allowed only on the day the garbage is collected and for commercial and businesses with more than one day per week garbage pickup the schedule would be as follows:

AREA	ALLOWED LANDSCAPE WATER DAY
North Norman	Monday
South Norman	Tuesday
East Norman	Wednesday
West Norman	Thursday
Central Norman	Friday

- Except as otherwise provided, landscape watering is prohibited on weekends.
- Landscape beds may be watered on any day by using a hand operated hose equipped with a positive shut off nozzle. Soaker hoses for foundation maintenance are authorized as necessary. In all instances, run-off is prohibited.
- Watering of City property, medians, parks, and athletic complexes will be allowed once per week following the North, South, East, West, Central schedule and only before 9:00 a.m. or after 6:00 p.m. golf course watering and irrigation using potable water shall be limited to greens and tee boxes only.
- Pools may use water to maintain operational levels. Use of potable water to refill ponds and lakes is prohibited.
- Use of potable water at construction sites for dust control, compaction, or wash-downs is prohibited.

Mr. Korniske said droughts do not happen overnight and just because it rains a couple of days does not mean the drought is over. He said Norman is approximately 12 inches short of rain since October 2010. He said Council had discussed ways to cut costs when voters did not approve a water rate increase and part of that discussion included purchasing water from Oklahoma City (OKC). He said it is an economical disadvantage to enter into a long term contract with OKC. He said it costs approximately \$850,000 to purchase 250 million gallons of water.

He asked if the City should change the amount of water they purchase and, if so, how much water the City should purchase from OKC on an emergency basis. He said that could change the mgd triggers in Stages 1 through 3. Mr. Mattingly said the City budget, \$300,000 to \$400,000 per year and suggested instead of using the money, start thinking about using it only if an emergency and not budget to spend. The Committee suggested changing the mgd's to 3mgd in Stage 2 and 6 mgd in Stage 3. Chairman Dillingham asked if immediate forecast would be seven days and Councilmembers suggested five days with seven maximum.

Councilmember Kovach asked how the splash pads would be affected by the DCP and Mr. Komiske said that needs to be determined because when the DCP was being written, the splash pad was recycling the water used, but due to State regulations, gray water cannot be reused. Councilmember Kovach said splash pads could be addressed with swimming pools that can be maintained, but not filled. Councilmember Atkins suggested reducing the hours of the splash pads in Stage 2 from noon to 7:00 p.m. or slightly cut hours in Stage 1, then cut more hours in Stages 2 and 3. Mr. Komiske felt that would be an excellent wake up call to citizens. Chairman Dillingham said many families and day cares use the facility heavily and for some families that may not have air conditioning; this is the way they keep cool. Chairman Dillingham said she would like feedback from the Parks Department.

Committee members discussed ways to educate the public on the DCP and the economic impact of purchasing water from OKC. Chairman Dillingham said education on the WCP is the perfect time to also talk about the importance of water rights and the difference, in the future, between being a seller or buyer.

Councilmember Kovach said he would like to adopt a resolution stating any landscaping on City properties will be xeriscaped and have a retrofit clause. He felt the City should take the lead in setting an example for what they are asking citizens to follow and understand that attractive landscaping can be done without using extra water. Mr. Komiske said landscaping at the Water Treatment Plant is xeriscaped. He said xeriscaping does not mean you have to use a lot of rocks, just mulch and drought resistant plants native to Oklahoma. Chairman Dillingham said the City is moving in the direction of other communities that are more drought prone or just getting used to not using so much water. She said people are creatures of habit and have not had to think about conservation and it is time to begin. Councilmember Atkins suggested an ordinance requiring native trees with low water tolerance.

Mr. Komiske said Councilmember Atkins had recommended tying drought stages to Lake Thunderbird's lake level. Councilmember Kovach felt it would be a great visual tool and would be beneficial to place a picture of the Lake on the website. He said many people do not go to the Lake and are not aware of how a drought impacts the water level. Mr. Komiske said the City could follow the Central Oklahoma Master Conservancy District's (COMCD) rules regarding City's staying within their allocation when lake levels incrementally drop. He said if the City did that, what level would they choose before the City institutes cutting back on their allocation. Chairman Dillingham felt the City needs to be fairly conservative on setting the level. Councilmember Atkins asked if the COMCD was working on anything to limit allocation if there was a sudden algae bloom or anything or would it affect treatment costs and Mr. Mattingly said no, but taste and odor could be associated with that. Mr. Komiske said in between COMCD and the City recommendation could be five feet to trigger Stage 1 and the Committee agreed.

Chairman Dillingham said the Chamber of Commerce places a "word of the day" in the Transcript and they may be willing to change that to a "conservation tip of the day" during the summer. Councilmember Kovach suggested compiling the history of water use and costs to show citizens how drought affects water use and costs. Councilmember Atkins suggested placing information on the screen at Council meetings for people to watch during breaks. Councilmember Kovach said OU students might be persuaded to produce a water conservation video to play on Channel 20. Chairman Dillingham felt the Committee has a lot of good ideas but felt education needed to be citizen driven such as through the Sierra Club or ECAB.

Mr. Komiske said the WCP is a work in progress and he will make the changes and asked whether the Committee wanted to review the plan at their next scheduled meeting. Chairman Dillingham asked if the Committee wanted to meet again or have changes made and reviewed at a Study Session. Councilmember Kovach said he would like to see suggestions for the education piece and the Committee could hold a special meeting, if needed. Councilmember Atkins suggested changes be e-mailed to the Committee for comments and, once solidified, forward for Council's review within the next 60 days.

Chairman Dillingham said she hoped the plan did not have to be enforced and Councilmember Atkins asked if the plan had a penalty phase. Councilmember Kovach said he thought mandatory rationing had a penalty and Mr. Mattingly said citations had been issued in the 1990's, but not recently.

Items submitted for the record

1. City of Norman Water Conservation Plan 2011
2. Calendar Year OKC Water Purchased and Cost graph
3. Annual Precipitation History with 5-year Tendencies
4. U.S. Drought Monitor dated March 29, 2011

MISCELLANEOUS DISCUSSION.

None

The meeting adjourned at 6:47 p.m.



**CITY COUNCIL AGENDA  
MAY 24, 2011**

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

**Item No. 27**

**Text File Number: GID-1011-33**

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**Introduced:** 5/13/2011 by Suzanne Krohmer, Budget Manager

**Current Status:** Non-Consent Items

**Version:** 1

**Matter Type:** Public Hearing

Title

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

INFORMATION: The above-described item appears on City Council's agenda in order that the citizens of Norman might be afforded the opportunity for input concerning the proposed Fiscal Year Ending June 30, 2012, (FYE 2012) Budget. City Council held four study sessions and two budget retreats on the FYE 2012 budget documents. A copy of the public notice and the budget summary for FYE 2012 is included in the Agenda Book and a copy of the proposed FYE 12 budget has been previously distributed. A copy of the Norman Convention and Visitors Bureau FYE 12 Budget and Annual Management Plan is also included in the Agenda Book.

ACTION NEEDED: Motion to conduct a public hearing.

ACTION TAKEN: \_\_\_\_\_

ACTION NEEDED: Motion to close a public hearing.

ACTION TAKEN: \_\_\_\_\_

**CITY OF NORMAN, OKLAHOMA  
FISCAL YEAR ENDING 2012 ANNUAL BUDGET  
SUMMARY OF FUND BALANCES**

CITY FUND CLASSIFICATION	REVENUES			EXPENDITURES			EMP TURNOVER SAVINGS	TOTAL EXPENSES	REVENUES OVER (UNDER) EXPENSES	ENDING FUND BALANCE
	FUND BALANCE	OPERATING REVENUES	INTERFUND TRANSFERS	TOTAL REVENUES	OPERATING EXPENSES	INTERFUND TRANSFERS				
<b>GOVERNMENTAL FUNDS</b>										
General	\$5,600,726	\$61,247,934	\$3,891,680	\$65,139,614	\$69,047,090	\$43,400	\$69,090,490	(\$1,000,000)	\$68,090,490	2,649,850
<b>SPECIAL REVENUE FUNDS</b>										
Public Safety Sales Tax	5,842,824	8,592,793	0	8,592,793	5,984,379	5,984,379	5,984,379		2,608,414	8,451,238
Room Tax	244,590	1,136,000	0	1,136,000	860,520	205,149	1,065,669		70,331	314,921
Seizures and Restitutions	543,058	124,715	0	124,715	109,215	0	109,215		15,500	538,558
Cleet	22,671	32,000	0	32,000	31,005	0	31,005		995	23,666
Tax Increment District	8,823	0	0	0	0	0	0		0	8,823
Art in Public Places	0	12,000	0	12,000	12,000	0	12,000		0	0
Park Land and Development	1,335,983	80,000	0	80,000	35,000	0	35,000		45,000	1,380,983
Westwood Park	0	1,146,406	344,549	1,490,955	1,490,955	0	1,490,955		0	0
<b>GRANT FUNDS</b>										
Community Development	68,088	1,375,874	0	1,375,874	1,375,898	0	1,375,898		(24)	68,064
Special Grants	327,361	135,982	0	135,982	135,982	0	135,982		0	327,361
<b>ENTERPRISE FUNDS</b>										
Water	11,657,152	16,485,830	0	16,485,830	20,403,414	728,903	21,132,317	(56,606)	21,075,711	7,067,271
Wastewater	807,419	8,350,053	0	8,350,053	6,104,336	2,754,558	8,833,645	(25,249)	8,833,645	323,827
Sewer Maintenance	0	3,341,623	2,391,693	5,733,316	5,754,564	0	5,733,316	(21,248)	5,733,316	0
New Development Excise	564,349	17,400,000	0	17,400,000	13,246,330	0	13,246,330		4,153,670	4,718,019
Sewer Sales Tax Capital	1,267,479	75,000	0	75,000	1,342,479	0	1,342,479		(1,267,479)	0
Sanitation	2,427,963	11,974,000	0	11,974,000	12,579,309	0	12,579,309		(605,308)	1,822,654
<b>INTERNAL SERVICE FUNDS</b>										
Risk Management / Insurance	(439,230)	13,215,294	870,000	14,085,294	14,025,760	0	14,025,760		59,534	(379,696)
<b>CAPITAL PROJECTS FUND</b>										
Capital Improvements	6,312,005	10,704,412	0	10,704,412	11,088,158	2,895,912	13,984,070		(3,279,658)	3,032,347
University North Park TIF	3,768,551	3,400,490	0	3,400,490	4,355,621	0	4,355,621		(955,131)	2,813,420
Arterial Roads Recoupment	145,358	0	0	0	0	0	0		0	145,358
<b>DEBT SERVICE FUNDS</b>										
General Debt Service	2,570,122	5,050,356	200,537	5,250,893	4,721,691	870,000	5,591,691		(340,798)	2,229,324
G. O. Bonds	51,651	252,188	0	252,188	0	200,537	200,537		51,651	103,302
<b>GRAND TOTAL ALL FUNDS</b>	<b>\$43,126,943</b>	<b>\$164,132,950</b>	<b>\$7,698,459</b>	<b>171,831,409</b>	<b>\$172,703,706</b>	<b>\$7,698,459</b>	<b>\$180,402,165</b>	<b>(\$1,103,103)</b>	<b>\$179,299,062</b>	<b>\$35,659,290</b>
Less: Interfund Transfers	0	0	(7,698,459)	(7,698,459)	0	(7,698,459)	(7,698,459)	0	(7,698,459)	0
Internal Service Charges	0	(7,678,472)	0	(7,678,472)	(7,678,472)	0	(7,678,472)	0	(7,678,472)	0
Cost Allocation Charges	0	(4,318,953)	0	(4,318,953)	(4,318,953)	0	(4,318,953)	0	(4,318,953)	0
Total Deductions	\$0	(\$11,997,425)	(\$7,698,459)	(19,695,884)	(\$11,997,425)	(\$7,698,459)	(\$19,695,884)	\$0	(\$19,695,884)	\$0
<b>NET TOTAL ALL FUNDS</b>	<b>\$43,126,943</b>	<b>\$152,135,525</b>	<b>\$0</b>	<b>\$152,135,525</b>	<b>\$160,706,281</b>	<b>\$0</b>	<b>\$160,706,281</b>	<b>(\$1,103,103)</b>	<b>\$159,603,178</b>	<b>\$35,659,290</b>

A public hearing will be held on Tuesday, May 24th at 6:30 p.m. in the Council Chambers of the Norman Municipal Building for the purpose of discussion of the proposed budget. The proposed budget may be examined on weekdays at 201 West Gray in the City Clerk's office from 8:00 a.m. to 5:00 p.m. A copy of the proposed budget is also in the Norman Public Library and the City's website (cityofnorman.com) for review. All interested citizens have the opportunity to give written and oral comments.

THE NORMAN CONVENTION AND VISITORS BUREAU

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# NORMAN

Visit [Norman.com](http://Norman.com)

Destination Management Plan  
Fiscal Year 2012  
(July 2011-June 2012)

# Norman Convention & Visitors Bureau

## Destination Management Plan Fiscal Year 2012 (July 2011-June 2012)

### TABLE OF CONTENTS

I.	Executive Summary	3
II.	Situation Analysis	
	a. Tourism Industry Overview	5
	b. Bureau Overview	
	1. CVB Vision and Mission Statements	7
	2. CVB Organizational Structure	7
	c. Market Overview	9
	d. Target Audience Overview	
	1. Meetings/Conventions	12
	2. Tourism (Leisure)	12
	3. Sports	13
III.	Marketing Goals and Objectives	
	a. Tactical Goals	14
	b. Strategic Goals	14
IV.	Strategies	
	a. Destination Development	16
	b. Research	17
	c. Brand Image	17
	d. Meetings/Convention and Sports	18
	e. Tourism (Leisure) Advertising	19
	f. Public Relations	23
V.	Fiscal Year 2012 Budget	24
VI.	References	25
VII.	Appendix A – Benchmark DMO Budgets	26
VIII.	Appendix B – Hospitality Personality Program	27

## I. Executive Summary

The Norman Convention and Visitors Bureau (NCVB) is the Official Destination Marketing Organization for Norman, Oklahoma. We are the only entity solely marketing Norman's tourism attributes to a regional and national audience. The NCVB's primary mission is to improve the local economy by attracting overnight visitors, meetings, conventions and events to the city. This mission is undertaken by a variety of marketing and development strategies designed to promote Norman as a destination to defined markets.

The Norman Convention and Visitors Bureau, Inc. is a not-for-profit corporation. The NCVB is governed by a seventeen member Board of Directors. The Board oversees policies of the NCVB and a contract with the City of Norman. Through this contract, the NCVB receives 50% of the transient guest taxes collected by a state statute and city ordinance on local lodging rooms.

Tourism as an industry in Oklahoma is estimated to generate \$6.3 billion dollars in annual direct traveler expenditures making tourism the third largest industry in Oklahoma. \$971 million dollars in federal, state, and local economy tax revenues are brought in by travelers to Oklahoma. These dollars help fund jobs and public programs such as police, firefighters, education, and road projects. 77,000 jobs are secured by Oklahoma tourism, supporting the economies of all 77 counties in Oklahoma. This represents 4.9% of the state's total non-farm employment. Specifically in Norman, the tourism industry provides an estimated 1,330 careers and has an estimated annual economic impact of over \$146 million dollars.

All forecasts predict increased travel and tourism in 2011 and 2012. The U.S. hotel industry is projected to end 2011 with increases in all three key performance measurements – average daily rate, occupancy and revenue over per available room.<sup>1</sup> Sixteen percent of leisure travelers expect to take more overnight trips in the coming year, while 14 percent intend to take fewer, a net (positive) difference of 2 percent. Among affluent households (those with an annual income greater than \$125,000), fully 20 percent plan to take more leisure trips in the year ahead, while only 9 percent plan to take fewer, for a net (positive) difference of 11 percent.<sup>2</sup> U.S. companies are forecast to spend 5 percent more on travel in 2011 than they did last year. That's a double growth rate from 2010, which followed two years of decline.<sup>3</sup> The meetings industry should see gradual improvement through (2011) and into 2012.<sup>15</sup>

Leading tourism researcher Peter Yesawich shared insights into the American psyche with regards to travel:

*Although most economists have declared the Great Recession over, its specter continues to weigh heavily on the minds of consumers. And they have moderated their spending behavior across most categories, including travel, as a result. Yet spending on leisure travel—seemingly the epitome of discretionary spending—continues to attract nearly a quarter of a trillion dollars each year because leisure travel is and remains a birthright for most Americans. The evidence is compelling: the Great Recession notwithstanding, the average American leisure traveler took an average of four trips during the past year and spent more than \$3,500 on travel services.<sup>16</sup>*

In office, fiscal year 2011 (July 1, 2010 through June 30, 2011) saw the near completion of a tremendous transition for the NCVB. The results of an extensive, research based 'brand

realignment' was unveiled. This process helped identify Norman's brand and lead to the adoption of communication pieces that will truly better attract visitors and groups to Norman. As a result, the NCVB underwent a complete 'facelift' updating marketing materials, collateral and the business suite.

Additionally the NCVB upgraded significantly outdated technology. Far beyond new workstations and a server that allows greater mobility of the staff, was the contracting with a firm to redevelop VisitNorman.com. The new, robust site looks to 'go live' late March/early April, 2011. The main website now interfaces with a mobile site optimized for smartphones to provide greater access to information about Norman for the visitor.

Recognizing a diversified marketing plan that includes significant group sales into staff responsibilities, the staff undertook an aggressive tradeshow/expo schedule promoting Norman at 15 tradeshow/expos. The successful schedule resulted in 5,100 new contacts, 69 'hot leads' and 12 RFPs/leads directly to Norman housing properties. As expected, the increased promotion activity resulted in less time engaged in direct sales and thus, a slight decrease - 17% - in the number of room nights sold by the NCVB through the first six months of the Fiscal Year. With the significant increase in contacts through the tradeshow and expos, and the subscription to EmpowerMINT.com, a database of over 40,000 groups, staff expects to balance the difference the latter part of the fiscal year.

As the NCVB completes its transition in marketing, sales, and operations, the Board and staff have identified key goals to help us fulfill our mission. This Destination Management Plan outlines how the NCVB looks to reach those goals.

## **II. Situation Analysis**

### **Tourism Industry Overview**

Travel and tourism is a \$6.3 billion industry in Oklahoma. Travel and tourism generates \$971 million in tax revenue for local, state and federal governments. Each U.S. household would pay \$950 more in taxes without the tax revenue generated by the travel and tourism industry.

The travel and tourism industry is one of the state's third largest employers with 77,000 direct travel-generated jobs with a direct travel-generated payroll of \$1,757.9 million. Additionally, 1 out of every 8 U.S. non-farm jobs is created directly, indirectly, or is induced by travel and tourism.

Oklahoma Tourism Industry Indicators presented by the Oklahoma Travel and Recreation Department indicate a healthy industry statewide<sup>4</sup>:

- Health of tourism industry segments outperforms general sales tax base
- The Tourism Tax Collection Benchmark was up 6% in FY10 vs. sales tax reapportionment that was down 9%
- Employment in the leisure & hospitality segment held steady in FY10
- Oklahoma hotels have seen a steady growth in occupancy ending July at 56%, an overall annual growth of 1.7%
- Tourism Information Center visitation is up 3.5%
- Oklahoma City airport traffic remained steady; (Tulsa down 2%)

The attraction base around the State continues to develop<sup>4</sup>:

- Boathouse District in Oklahoma City
- Oklahoma Banjo Museum in Oklahoma City
- Red Earth Museum & offices in Oklahoma City
- American Indian Cultural Center & Museum in Oklahoma City
- Chickasaw Cultural Center in Sulphur
- Motorcycle trail programs
- Medicine Park Development - Museum of Natural Science
- Oklahoma Music Trail
- The POP in Tulsa
- 2 million visitors to OKC National Memorial & Museum

While there is tremendous optimism in tourism trends in Oklahoma, it is met with caution as long-time director Hardy Watkins resigned in early 2011. Deby Snodgrass assumed the position. Additionally, the advertising agency of record for the tourism department changed to Jordan & Associates. Partners hope for a smooth and quick transition to keep the momentum going.

Nationally, indicators suggest that travel continues its comeback

- U.S. hotel demand in 2010 saw the highest summer level ever<sup>4</sup>
- The U.S. hotel industry is projected to end 2011 with increases in all three key performance measurements – average daily rate, occupancy and revenue over per available room.<sup>1</sup>
- Average American leisure traveler took an average of four trips during the past year and spent \$3,500 on travel services<sup>4</sup>
- Sixteen percent of leisure travelers expect to take more overnight trips in the coming year, while 14 percent intend to take fewer, a net (positive) difference of 2 percent.<sup>2</sup>
- U.S. companies are forecast to spend 5 percent more on travel in 2011 than they did last year. That's a double growth rate from 2010, which followed two years of decline.<sup>3</sup>
- The meetings industry should see gradual improvement through (2011) and into 2012.<sup>15</sup>
- Air traffic globally & in the U.S. continues to strengthen<sup>4</sup>
- Amtrak shows strong performance<sup>4</sup>

One issue remains at the forefront that could sway travel – gas prices. 54% of Americans say gas prices will determine whether they travel. \$3.00 per gallon is the tipping point that could keep them home (or close to home) and predictions are that drivers could be paying more as much as \$3.75 per gallon this spring.<sup>5</sup> As of March 14, the average price for a gallon of gasoline in the Midwest was \$3.52.

### **Norman Tourism Industry Overview**

The tourism industry is and will continue to be an important source of income and employment for Norman. The tourism industry has an estimated annual economic impact of over \$146 million dollars and provides an estimated 1,330 careers. Additionally, the tourism industry makes the following important contributions to the Norman community:

- Provides economic diversification
- Expands the tax base
- Creates identity and image
- Creates additional local amenities (i.e. restaurants, attractions, etc.)
- Builds audiences for local events

### **Tourism Industry Defined**

Tourists – temporary movement of people to destinations outside their normal place of work and residence,

Tourism – the activities undertaken en route to and during their stay at these destinations and the facilities/services created to cater to their needs which lead to,

Tourism Industry – economic impacts generated by these activities.

## **Bureau Overview**

### **CVB Vision and Mission Statements**

*The Vision of the Norman Convention and Visitors Bureau is to be the leader who proactively markets and develops Norman as the preferred destination in Oklahoma.*

*The Mission of the Norman Convention and Visitors Bureau is to promote the city, to attract overnight meeting, convention, sport and tourism business to the community, and to enhance and contribute to the overall identity and economic well-being of the city.*

### **CVB Organizational Structure**

The Norman Convention and Visitors Bureau, Inc. is a not-for-profit corporation. Incorporated as a 501(c)6 on June 4, 1993, the NCVB is governed by a seventeen member Board of Directors. The Board oversees policies of the NCVB and a contract with the City of Norman. Through the contract – K-9293-136 – the NCVB receives 50% of the transient guest taxes collected by a state statute and city ordinance on local hotel rooms. The city ordinance is Ordinance Number 0-7980-58 or the “Norman Transient Guest Room Tax Ordinance”.

The Bureau By-laws and Amendment Number Six to contract K-9293-136 stipulate how the 13 members of the Board of Directors are appointed. The 13 members shall be composed of the following:

- Seven Directors nominated from the following organizations or industries:
  - The University of Oklahoma Athletic Department;
  - The Norman Public Schools;
  - The Norman Chamber of Commerce;
  - The Norman Arts Council;
  - The Norman hotels and hospitality industry (2); and/or
  - The Norman restaurant and entertainment industry.
  
- Two Directors appointed by the Mayor of the City of Norman representing the University of Oklahoma and organized athletic groups.
  
- Four Directors elected by the NCVB Board of Directors to serve in “at-large” capacities.
  
- Four Ex-Officio representatives as follows:
  - The Mayor of the City of Norman or a City Councilmember appointee;
  - The City Manager of the City of Norman or a designee;
  - The Executive Director of the Norman Chamber of Commerce; and
  - The Executive Director of the Norman Economic Development Coalition, Inc.

Fiscal Year 2011 Board of Directors Members are:

Dr. Roger Brown – Vice Chair, Norman Public Schools  
Kris Glenn – Secretary, At Large, SportsTalk 1400  
Randy Laffoon, Mayor Appointment - Organized Athletics, SportsTalk 1400  
Suzanne M. McAuley, Chamber of Commerce, First American Bank  
William Murray – Treasurer, Norman Hospitality Assn., Montford Inn  
Jim Rickards, Norman Hospitality Association, Embassy Suites  
Sherry Brown, Norman Arts Council, Republic Bank & Trust  
Joe Sparks – Chair, Norman Restaurant Association, Legends Restaurant  
Juna Stovall, Mayor’s Appointment – OU, OU OCCE  
Charlie Taylor, OU Athletics  
Paige Williams, At Large, Chickasaw Nation

Ex-Officio

Brenda Hall, City Manager Designee  
Don Wood, Norman Economic Development Coalition, Inc.  
John Wood, Chamber of Commerce  
Dan Quinn, Mayor/City Council Designee

**NCVB Staff and Titles**

Stephen Koranda, Executive Director  
Ryan Rogowski, Sales Manager  
Michelle Samp, Sales Manager  
Jennifer Tregarthen, Communications Manager

## **Situation Analysis**

### **Market Overview**

The Norman tourism market is strong. According to recent research, virtually everyone who chooses Norman as a destination would return. Our central location in the state, proximity to Oklahoma City and access to I-35 can be used as marketing advantages. The community is seen as friendly, easy-to-navigate, affordable and attractive by visitors. The University of Oklahoma campus, its athletic facilities and museums all have strong community and visitor appreciation. The Downtown Norman revitalization efforts have paid off as the area has been listed among the top Norman destinations two years running. Additionally, Embassy Suites' conference facilities are recognized by the community as a tremendous asset to attracting groups.<sup>6</sup>

A further positive is that the community appears to have vision for continued improvement as well as a general drive to improve Norman for both residents and visitors alike.<sup>6</sup> This is important because leisure travelers are faced with an astonishing array of options in how to spend their time and money. The growth of Oklahoma City's Bricktown as a destination and the recent announcement of an IMAX theatre being constructed in Moore is competition for Norman in attracting drive market visitors.

Further consider the recent announcements of attraction developments around Norman<sup>4</sup>:

- Boathouse District in Oklahoma City
- Oklahoma Banjo Museum in Oklahoma City
- Red Earth Museum & offices in Oklahoma City
- American Indian Cultural Center & Museum in Oklahoma City
- Chickasaw Cultural Center in Sulphur
- Motorcycle trail programs
- Medicine Park Development - Museum of Natural Science
- Oklahoma Music Trail
- The POP in Tulsa

Recently the NCVB has begun incorporating these leisure and entertainment options in its marketing materials. The competition is very real, and in an effort to leverage that in Norman's favor, it is necessary to position Norman as an ideal overnight destination from which visitors can daytrip to "competitive" communities such as Oklahoma City or attractions such as the Arbuckle Mountains. Recent surveys indicate the Norman community recognizes visitors to Norman are likely to visit regional attractions.<sup>6</sup> Research affirmed that 2 of 3 visitors to Norman are visiting OKC attractions.<sup>6</sup> And with 2 million visitors to OKC National Memorial & Museum<sup>4</sup>, it would behoove Norman to continue to market ourselves in relationship to the close proximity to the state's highest traffic attraction and a growing assembly of regional attractions.

However, while Norman celebrates that the attraction base around us continues to develop, the contrast is recognizing the increased competition for visitor spending from surrounding Oklahoma communities and from the increase in these leisure opportunities in general.

Additionally there will be increased competition in the meetings and conventions industry as Oklahoma City continues with site selection for the \$280 million convention center approved through MAPS 3. Thus, Norman must continue to develop our own attractions.

Numerous attractions have been the vision of Norman residents for years:

- National Weather Museum
- Upgraded competitive sport facilities including a competitive swim facility as identified in the Parks and Recreation Master Plan
- Cheer competition facilities
- University North Park
- Norman Music Festival

Recent feedback from the community showed support for further initiatives that could attract more visitors. 84.5% of those surveyed expressed interest in new nightlife options. 83% expressed interest in high-end shopping options. 81% expressed interest in more unique boutique shopping options. Nearly 80% expressed interest in additional fine dining options.<sup>6</sup>

Further community input showed support of the continued development of Norman, specifically through beautification and transportation. 93.5% expressed interest in community beautification initiatives. Over 88% expressed interest in connecting various districts in the city.<sup>6</sup> (For example, connecting Historic Downtown to Campus Corner.) Concepts that have been the vision of Norman residents include:

- Enhancements to entry points and corridors within Norman – Porter, Flood, Main Street, Lindsey, South Classen
- Development of Front Street concepts as proposed by Imagine Norman
- Continued beautification of Downtown Norman and Campus Corner in line with the 'Central Initiative as proposed by Imagine Norman
- Beautification Master Plan as proposed by Imagine Norman
- Wayfinding or Directional signage off I-35 and through-out Norman

As the community looks to further develop Norman as an attraction, the city must continue to foster a pro-business and development environment. We must cultivate a development process that is expeditious and manageable as possible. Additionally we must continue to explore and utilize tax incentives as development tools. (TIF, BID, sales tax abatements, etc.) All interested parties working together for this common goal will exponentially increase opportunities for destination experiences in Norman.

It's as a colleague said,

*"If you build a place people want to visit, you build a place where people want to live.*

*"If you build a place where people want to live, you'll build a place where people want to work.*

*"If you build a place where people want to work, you'll build a place where business has to be.*

*"And if you build a place where business has to be, you'll build a place where people have to visit."<sup>17</sup>*

In addition to increased competition with attraction and meeting space development, Norman continues to face increasing competition from communities regionally and across the nation with similar make-up: 85- to 130,000 in population, within a metropolitan area, and home to major university. Consider the following:

<u>City</u>	<u>Population</u>	<u>DMO Budget</u>
Ann Arbor, MI	114,000	\$2,600,000
Gainesville, FL	124,000	\$2,000,000
Las Cruces, NM	93,570	\$1,549,000
Waco, TX	126,000	\$1,300,000
Columbia, MO	101,100	\$1,300,000
St. Joseph, MO	76,200	\$1,300,000
Fort Smith, AR	86,200	\$ 894,500
Odessa, TX	90,900	\$ 870,000
Boulder, CO	94,200	\$ 727,000
Lawrence, KS	92,000	\$ 685,000
Stillwater	39,000	\$ 580,400
<b>Norman</b>	<b>113,000</b>	<b>\$ 557,500</b>
Edmond	81,000	\$ 452,350

\*excerpt from benchmark comparison of 27 communities. For full list, see Appendix A.

The marketing initiatives outlined in this plan are those that are budgeted at this time, with our limited budget, many initiatives have been left out of the budget. To date, \$374,000 worth of marketing initiatives remain unfunded.

## **Situational Analysis**

### **Target Audience Overview**

The Norman Convention and Visitors Bureau targets three audiences as outlined in our Mission Statement - overnight meeting, convention, sport and tourism business (or leisure travelers).

#### **Meeting/Convention**

Meetings contribute greatly to the economy. 1.8 million meetings were held in the United States in 2009 and contributed \$263 billion in direct spending to the U.S. economy. According to the study, the meetings industry accounts for a total of 1.7 million jobs and generates \$60 billion in U.S. labor income, \$14.3 billion in federal taxes and \$11.3 billion in state and local taxes.<sup>13</sup>

Meeting and convention opportunities are based upon businesses, associations, military, social groups, visiting families and relatives, weddings, reunions and other local, state, regional or national organizations that can be adequately accommodated by Norman meeting facilities and hotel properties.

Research through the brand realignment found that presently Norman is only considered a destination among Oklahoma-based meeting planners.<sup>6</sup> A strategy must be implemented to market to regional meeting planners outside of Oklahoma to bring Norman to the forefront of their considerations.

The same research identified that meeting planners tend to be women between the ages of 30 and 60. Any strategy must recognize this and the design of advertisements or materials and the messages they contain must be created appropriately.

#### **Tourism (Leisure)**

The tourism market is defined as the leisure traveler or any visitor traveling to Norman outside of an organized convention or meeting with interest in Norman's attractions, history, culture, and/or accommodations.

The brand realignment affirmed that women are the primary decision makers for leisure destination planning specifically when traveling to Norman.<sup>6</sup> Based on the demographics of surveys conducted during the brand realignment, the largest pool of decision makers fall in the age range of 40-49. However, there was a fairly even spread among the age ranges 18-69.<sup>6</sup> The interest in Norman comes primarily from Oklahoma and Texas. Missouri, Illinois, Kansas, California, Ohio, Wisconsin, Michigan, Arkansas and Indiana are the other states in the top 10 with regards to states represented most by leisure inquiries.<sup>7</sup>

## **Sports**

Selected sport events and sport organization rights holders, including National Governing Bodies, multi-sports organizations/associations, college and university conferences, and other organizations who own events that are available to Norman through a bid selection process by the NCVB or in conjunction with local sport organizations and associations with similar goals.

Networking is a major strategy to attract events to Norman. Major influencers in the community who can assist in bringing events to Norman are the local sports associations. Results are more successful when these associations are partners with the NCVB in bidding on events.

## **Marketing Goals and Objectives**

### **Tactical Goals**

Through strategic, research based sales, marketing and public relations initiatives, the NCVB tactical goal is to show growth in the following key indicators:

1. Room nights booked for meeting groups
2. Group tour definite bookings
3. Leisure inquiries converted
4. Coop resources raised
5. Media coverage
6. Economic impact of tourism
7. Transient guest tax collections
8. Sales tax collections
9. Hotel occupancy
10. Average daily rate of hotel rooms
11. Length of stay of visitors
12. Per-person expenditure
13. Attraction attendance\*

\*Attraction attendance is suggested without any discussion with Norman attractions and thus, no indication they will be willing to share the information.

### **Strategic Goals**

Continued development of Norman as a destination and further development of the Bureau, the staff and the Board are keys to establishing a strong foundation from which to work. The following strategic goals have been identified by the Board of Directors to address in FY 2012:

1. Focus sales efforts towards those that greatly impact the housing industry as a whole.
2. Aid in the continued development of Norman as a destination. Focus areas to include:
  - A. Districts within Norman as destinations (i.e., Downtown, Porter Corridor, etc.)
  - B. Enhancement of current attractions
  - C. Development and promotion of existing festivals
  - D. Development of new events
  - E. Engagement in public transit initiatives such as current bus system and future expanded rail service
  - F. Engagement in Parks and Recreations' Master Plan initiatives
  - G. Initiatives to aid in hospitality development for the community
3. Review and update bylaws.
4. Explore new, non-tax revenue streams for the CVB.
5. Review *The Randall Study* and propose any outstanding action items from the study.

6. Continue work towards development of long range plan for the NCVB.
7. Review *The Future of Destination Marketing: Tradition, Transition, and Transformation* (“Futures Study”) and propose any initiatives identified under the Value Propositions and/or Key Result Areas.

The NCVB will continue to look for ways we can assist with the development of districts, new festivals, public transit initiatives and the Parks and Recreations Master Plan, and the enhancement of current attractions. We will continue our involvement with community events and send media releases about such events. At present, the Communications Manager is actively involved with the organizing committee or lends media support to over 15 community events. Finally, we are drafting a hospitality development program. A draft of the program is included as Appendix B.

## **Marketing Strategies**

### **Destination Development**

The Board of Directors and staff recognize destination development is just as important as marketing and promotions. So much so, that half of the Strategic Goals for Fiscal Year 2012 are related to destination development.

Aid in the continued development of Norman as a destination. Focus areas to include:

- Districts within Norman as destinations (i.e., Downtown, Porter Corridor, etc.)
- Enhancement of current attractions
- Development and promotion of existing festivals
- Development of new events
- Engagement in public transit initiatives such as current bus system and future expanded rail service
- Engagement in Parks and Recreations' Master Plan initiatives
- Initiatives to aid in hospitality development for the community

The NCVB will continue to look for ways we can assist with the development of districts, new festivals, public transit initiatives and the Parks and Recreations Master Plan, and the enhancement of current attractions. We constantly monitor activities and discussions related to each. We will continue our involvement with community events and send media releases about such events. At present, the Communications Manager is actively involved with the organizing committee or lends media support to over 15 community events. Finally, we are drafting a hospitality development program. A draft of the program is included as Appendix B.

In addition, the NCVB will continue to monitor municipal and State issues that affect community and economic development – i.e. I-35 widening, local road maintenance, the Storm Water and Greenway Master Plan, Greenbelt Commission.

*Almost every aspect of your physical destination presents an opportunity to make favorable impressions. You have a captive audience and a controlled environment where you can communicate your marketing message any way you choose. What will you do with it?<sup>12</sup>*

- Explore design & beautification initiatives
- Explore signage & way-finding programs
- And in general, work on the Norman mojo & ambiance

The need for visitor centers is growing, at least according to a recent survey of DMO professionals conducted by DMAI. 16% of destinations indicated an increase in the number of visitor centers they manage. With 81% of DMOs indicating they manage at least one visitor center, one perspective for this growth is that today's centers are finding fresh ways to draw in visitors. From touch screen technology to ticket sales, today's evolving visitor center is producing new ways to engage leisure travelers.<sup>14</sup> Suggested in the 2001 Randall Study, the NCVB must revisit visibility directly off I-35.

## Research

Continued requests for reports on the economic impact of University athletics, festivals and events has lead to the primary research initiative in Fiscal Year 2012. With cooperation from community partners, the NCVB will contract with a research firm to analyze the spending of attendees at home OU football games and key festivals and events.

Due to budget restraints, the NCVB is limited to secondary research in which to expand our knowledge of visitor needs and desires which would maximize our marketing effectiveness. Through OTRD, USTA, DMAI, and other industry resources we are able to collect national and state-wide psychographics and demographics of current and potential visitors. If the NCVB were to understand the Norman-specific visitor psychographics and demographics, we would be able to segment the databases into niche markets and maximize our marketing effectiveness.

Additionally future studies will look to:

- A. Determine the conversion of potential visitors into actual visitors to Norman.
- B. Determine the awareness of Norman offerings to members in target markets.
- C. Determine the level of satisfaction with the NCVB offerings to visitors.
- D. Monitor success of NCVB objectives and activities.

## Brand Image

Last year, the NCVB and Third Degree Advertising developed a realigned brand image specific to Norman. Staff spent the latter half of 2010 incorporating the graphics, keywords and tagline into all NCVB marketing efforts.

About the Brand Image



The colors employed for the NCVB are based on the features of Norman itself; Red for OU and Blue and Green for the Earth and Sky. The colors are muted to match the OU Crimson and fit well within a color palette that appeals to the target audience.

The typefaces used throughout the NCVB branding are a combination of clean, modern sans-serifs with a bold, traditional serif typeface. Both which reflect the characteristics of Norman.

The icon set is indicative of the main attractions Norman offers – dining, entertainment/arts, and sporting events. Upon reflection of the icons, some in the community have suggested

the fork represents the exemplary customer service Norman offers which can include representatives of hotels, bed and breakfasts, retail outlets, convenience stores, and more.

One element of the brand – the above logo – has already garnered an award receiving the Bronze award for the Elements of Advertising - Logo category in the 2011 Oklahoma City ADDY® Awards. The Logo, designed and submitted by 3rd Degree, competed against 624 entries.

### **Meetings/Convention and Sports**

The NCVB will continue to work with conference centers, hotels and OU's CCE to increase the number of meetings, conferences, and events-related spending in Norman particularly during off-peak time periods. Specific targets to include:

1. Business with 300 peak room nights or more outside Oklahoma in the religious, government, fraternal and hobby markets.
2. Business of any size in the following markets – OU, business transient, business retreat, conference (of any kind), family reunions, and wedding.

Strategies to employ include:

- A. Continuing direct sales to conference and meeting planners. Through FY 2011 marketing efforts, our database of contacts expanded by 5,100. Those contacts in addition to contacts through the EmpowerMINT database will be “worked” this year.
- B. Continue to attend trade shows in all segments listed in the mission. The staff has identified six industry specific tradeshow that we will return to and market Norman through:
  - a. Society of Government Meeting Planners
  - b. Connect
  - c. Rejuvenate
  - d. Religious Conference Management Association
  - e. TEAMS – Travel Entertainment and Management of Sports
  - f. National Association of Sports Commissions Symposium

Staff deemed the above tradeshow successful by gaining significant contacts and more importantly, actual leads as a result of attending. SGMP garnered 2 leads; Connect, 11; Rejuvenate, 10; RCMA, 4; TEAMS, 8; and NASC, 4.

- C. Organize sales blitzes to target markets – Wichita, Kansas City, Little Rock, Dallas-Fort Worth, Houston and St. Louis.
- D. Invite targeted meeting planners for site tours/familiarization tours.
- E. Maximize our presence on the internet identifying opportunities for Norman to be showcased and/or for reviewers to comment on the success of their meeting/event in Norman.
- F. Continue participation in meeting planner associations.
- G. Continue networking with local professionals and residents to identify potential groups, including sport events, that could visit.

## Tourism (Leisure) Advertising

2009 research affirmed there is indeed a market of leisure travelers to Norman outside of home football games. Women, over 35, with a household income between \$45-100,000, and no kids in the household come from a drive market on Friday, Saturday and Sundays between January and August to vacation, visit family and shop. They visit one to three times a year and stay up to three days when they do. They visit Downtown Norman, the OU campus, Sam Noble, Riverwind Casino and Campus Corner.<sup>8</sup>

The research conducted through the brand realignment supported these findings and indicated a greater tendency of our visitors to shop as Downtown Norman, Sooner Mall, Campus Corner, and shopping along I-35 were among the top responses of destinations visited.<sup>6</sup>

Much more secondary research on leisure travelers is available. OTRD provides further insight into the likelihood of travel this year. YPartnership's *2010 Portrait of American Travelers* provides the greatest insights into the psyche, travel patterns and use of technology by the leisure traveler. And Google's *The Traveler's Road to Decision Trends and Key Findings* provides greater understanding of the traveler's use of technology. Key findings include:

- What are the travel plans for 2011? 25% plan a vacation; 25% plan a weekend getaway; 28% plan both a vacation and a weekend getaway; 24% haven't decided yet; 20% don't plan to take a trip (check all that apply.)<sup>4</sup>
- Over half of the travelers plan to vacation within the region. 12% include Oklahoma in their plans up from 7% last year. (By comparison 19% include Texas, 13%, Missouri.)<sup>4</sup>
- Only 36% plan to travel with children.<sup>4</sup>
- Advance Travel Planning... 19% plan their trip one month out. 80% plan their trip less than 6 months out. (2009 SMRI indicates that 64% plan their trip less than one month out.)<sup>4</sup>
- Travel plans are done online... 66% use the internet for travel information; 42% word-of-mouth; 33% state travel websites; 21% brochures; and 18% travel books and magazines.<sup>4</sup>
- Family travelers are more likely to have taken a vacation in their local area (less than 50 miles from home) as an alternative to vacationing in a destination that would have required traveling a greater distance.<sup>2</sup>
- 31% of families took a "last minute" trip last year, departing an average of just six days after deciding to take the trip.<sup>2</sup>
- All family travelers surveyed have access to the Internet at home, and practically all have gone online to get information about travel suppliers and make reservations.<sup>2</sup>
- Search remains the number one planning source for leisure travel. There also has been significant growth in search throughout the purchase funnel, as one-third of travelers say search prompted them to book travel. Search engine users most often search for overnight accommodations, destinations, vacation activities, road trips and air travel.<sup>9</sup>
- Online video use for travel is growing significantly among travelers. Throughout the travel planning process, 41% of personal travelers, 63% of business travelers and 58% of affluent travelers specifically watch travel related video online. YouTube remains the most popular source of online video for these travelers, as 81% of travelers who watch videos visit YouTube.<sup>9</sup>
- Substantiated with the report that YouTube is the second largest search engine in the U.S. (after Google), processing more than 3.5 billion searches on the site each month.<sup>10</sup>

- Personal travelers more than doubled their usage of mobile for travel purposes in the past year alone. Research also shows significant increases in the use of mobile devices for specific behaviors like booking and checking in. Mobile continues to offer immense growth opportunities, as one third of travelers who currently do not use their mobile device for travel will likely do so in the next year.<sup>9</sup>
- In the last 15 years, the Internet has become the foremost influence on the consumer's decision and purchase process, and continues to grow every year. How big is the Internet's influence? According to a June 2007 report titled, "Frames of Reference: Online Video Advertising, Content and Consumer Behavior" (from Online Publishers Association and OTX) the Internet influenced 48-57% of purchase decisions at varying stages of consideration, compared to 20-26% influenced by word-of-mouth and just 18-29% for all other media (radio, magazines, newspapers and television) combined.<sup>11</sup>

The above suggests the need for year-round advertising – with more online – instead of the traditional thought of advertising late-winter/early spring as the traveler plans for the traditional summer vacation. As budget allows we can do more year-round advertising. The above findings further suggest a tremendous shift in strategy – away from bought media as the only outlet and more towards a focus first on 'owned media' – channels that one develops and manages their self, i.e., website, blog, Facebook page, Twitter feed, YouTube channel, and even the destination itself (as already mentioned on page 11.)

#### Owned Media Strategies

The NCVB will focus on further creating our own channels and focus on the tactical executions in those mediums. *This relationship building approach can deliver a richer brand experience, and fosters consumer advocacy and word-of-mouth recommendations that carry great weight and credibility.*<sup>11</sup>

Website: VisitNorman.com is completely being redesigned as this is prepared it is targeted to "go live" in early April, 2010. After the new site goes live, staff will look to leverage search engine optimization and keyword rankings to attract the right audience to the site, develop a content strategy that continuously provides key information, creates a desire for Norman and converts prospects to customers, and continue to serve up photos, videos, and itineraries to fuel the imagination. With further development of the site, we can look to provide visitors the opportunity to share their experiences as testimonials and advocacy.

Mobile: The NCVB already offers a mobile website interface to the right content. As budget allows we will look to add value-added applications that help travelers get the most out of their time and money.

Blog: A blog feature will be included in the redesigned VisitNorman.com. Staff will develop a strategy to add appropriate editorial to the blogs.

Facebook: The Communications Manager works with an intern on the maintenance of the page. As of this writing, a strategy is being developed as to what and when to post as well as further utilizing features.

Twitter: While it's reported only 8% of American adults use Twitter – "evidence that, despite its enormous popularity among tech and media folks--and its massive global user numbers—Twitter has yet to go mainstream"; half of these Twitter users "basically never

listen to a word anyone else says”; and less than a quarter of Twitter users, meanwhile, or 2% of American adults, are heavy Twitter users<sup>11</sup>, the NCVB will still develop a strategy for the use of Twitter.

YouTube channel: Through the redesign of VisitNorman.com, the NCVB's YouTube channel will be significantly populated. Staff will continue to develop a 'man-on-the-street' strategy recording short interviews or features on Norman attractions, festivals and events and including those on our YouTube channel.

TripAdvisor: While the NCVB will pay for sponsorship of the Norman, Oklahoma, 'front page' on TripAdvisor and thus, might be considered paid advertising, we will be able to control the content provided to the visitor to the page and so staff considers TripAdvisor a part of the owned media strategy.

VideoGlobetrotter: Again, another outlet we must pay to utilize but we will be able to control the content on the site. OTRD utilizes VideoGlobetrotter.

Other Internet Channels: Staff will continue to search out further channels to maximize our marketing efforts, Flickr, Foursquare, Trazzler, Dopplr, Glider, Digg, Redit, Stumbleupon, etc., and ensure all outlets on the internet are populated with correct information about Norman.

Printed Literature: In partnership with Key Magazine, 120,000 2011 and 2012 Official Norman Visitors Guides will be printed. 20,000 "Pad Maps" will be printed.

Norman as a destination is another part of the NCVB owned media strategy. In addition to those outlined on page 16, we must provide greater customer service. One way is through consumer facing staff training and customer service development. We are presently developing a hospitality development program. A draft of the program is included as Appendix B. Another opportunity to provide greater customer service is simply being more accessible. Under consideration are revised hours the Welcome Center will be open specifically Saturdays Memorial Day through Labor Day, days of home OU football games, and some Holidays.

#### Paid Media Strategies

Past advertising efforts have targeted those in our target demographic – female, 35-60, married, empty-nester, HHI of \$50- to \$125,000. Recognizing an overnight visit is far more of an economic impact than a "day tripper", past strategy has only focused on key DMAs outside Oklahoma – Dallas/Fort Worth, Houston, Wichita, Kansas City, Wichita Falls/Lawton. Recognizing Oklahomans continued to inquire most about information on Norman more than any surrounding state,<sup>7</sup> paid advertising this year will include more in-state outlets.

Initiatives will include:

#### A. State

##### a. Print Advertising

- Ad in Oklahoma Travel Guide – 375,000 printed
- Ad in FCMA Travel Guide – 100,000 printed
- Ad in Oklahoma Vacation Newspaper Insert. Included in Oklahoma City and Tulsa papers – 320,000 total printed

- Ad in OU Parents Guide – 12,000 printed
  - b. Online
    - Premium Sponsorship on TravelOK.com website – estimated number of impressions – 1,700,000
  - c. Direct mail
    - The 2011 Official Norman Visitors Guide to the over 10,000 prospective visitors in Oklahoma in the NCVB database.
  - d. Brochure Distribution
    - At Oklahoma State Fair (coop with OTRD)
    - At Tulsa State Fair (coop with OTRD)
  - e. Further opportunities, primarily through Frontier Country Marketing Association, have not been released as of this writing. They will be considered as those opportunities are shared.
- B. Regional
- a. Print Advertising
    - Ad in Oklahoma Travel Guide – 375,000 printed
    - Ad in FCMA Travel Guide – 100,000 printed
    - Ad in Oklahoma Vacation Newspaper Insert. Included in Wichita, KS, Amarillo, TX, Ft. Worth, TX, and Dallas, TX papers – 320,000 total printed
    - Ad in Midwest Living March/April Travel Directory – 950,000 circulation
    - Ad in Midwest Living May/June (part of OTRD coop) – 950,000 circulation
    - Ad in Best of the Midwest – 300,000 impressions
    - Ad in Better Homes and Garden May issue Travel Central – 1,502,000 circulation
  - b. Online
    - Premium Sponsorship on TravelOK.com website – estimated number of impressions – 1,700,000
    - Search Ads, general – 1,140,000 impressions
    - Digital Media campaign on ZOOM, MWL's Travel Channel on MidwestLiving.com – 500,000 impressions for two months
  - c. Tradeshows
    - Vision Women's Show (Dallas)
    - Wichita Falls Women's Expo
    - McAllen (TX) International Show
    - Ft. Worth Vacation Show
    - Kansas City Travel Show
    - Wichita Women's Fair
    - Just For Her Expo (Overland Park, KS)
  - d. Direct mail
    - The 2011 Official Norman Visitors Guide to the over 10,000 prospective visitors in Texas, Arkansas, Missouri, and Kansas in the Bureau's database.

C. Target Niche – OU Football Season Ticket Holders

Staff now having gone through two football seasons, feedback from the hotels and bed and breakfasts has informed us that Norman housing properties are indeed, not sold out home football weekends as long thought the case. Speculation is that prior to the recent addition of new properties and 1,200 rooms, the season ticket holder would have to utilize hotels in south Oklahoma City. (As of this writing, staff is in discussion with Sooner Sports Properties as to strategies to reach OU football season ticket holders with the message that there are more rooms in Norman in attempt to change perceived behavior patterns of staying outside of Norman.)

The above are the initiatives budgeted at this time, with our limited budget as cited previously (see page 11), many initiatives have been left out of the budget. To date, \$374,000 worth of marketing initiatives remain unfunded. As budget allows, staff will explore more non-traditional paid tactics including advertising on social networks, paid search, rich media banner advertising, cinema advertising in feeder markets, long form video on demand delivered through cable networks, guerilla strategies at concerts and other large venues, contextual advertising, and digital billboard advertising.

**Public Relations**

“Some of the most trustworthy and reliable recommendations a resort or destination can receive are those of the free press, the unbiased reviews from guests or the opinions of established bloggers. These are the earned media outlets – you don’t control them, but if you deliver an authentic, honest brand experience, you’ll earn their attention and support.”<sup>12</sup>

In addition to assisting with owned media initiatives:

- A. Participate in media blitzes offered through the Frontier Country Marketing Association.
- B. Plan additional four additional media blitzes:
  - Ada/Ardmore/Durant/McAlester,
  - Plano/Sherman/Grapevine/Denton/Ardmore/Sulphur,
  - Lawton,
  - Dallas/Ft. Worth
- C. Host targeted media for familiarization tours.
- D. Continue to establish working relationships with media to promote editorial coverage about Norman and calculate advertising equivalence of generated coverage.
- E. Monitor comments of online media coverage and bloggers to acknowledge critics, correct mistakes and thank fans.
- F. Continue involvement with community events and send media releases about such events. At present, the Communications Manager is actively involved with the organizing committee or lends media support to over 15 community events.
- G. With further development of the site, look to provide visitors the opportunity to share their experiences as testimonials and advocacy.
- H. Sponsor the Norman, Oklahoma, ‘front page’ on TripAdvisor to control content provided to the visitor to the page.
- I. Explore development of Norman content other social networks like Yelp and AroundMe.
- J. Post current news releases, story ideas and pictures on Website for use by media.

## V. Fiscal Year 2012 Budget

### NORMAN CONVENTION & VISITORS BUREAU Fiscal Year 2011-12 Budget

#### REVENUES:

	<u>2011-12</u>	<u>(2010-09)</u>
Transient Guest Tax	550,000	(486,455)
Advertising	8,400	( 46,000)
BookDirect	0	( 600)
Special Events	10,000	( 10,000)
Apparel	0	( 150)
Interest	1,500	( 1,000)
Other/Carryover	0	( 39,045)
<b>TOTAL REVENUES</b>	<b>\$569,900</b>	<b>(583,250)</b>

#### EXPENSES:

Marketing/Advertising	217,045	(227,839)
Research	4,250	( 3,000)
Technology	32,350	( 30,000)
Special Events	10,000	( 10,000)
Operations	76,490	( 97,760)
Personnel	224,137	(214,160)
<b>TOTAL EXPENSES</b>	<b>\$564,272</b>	<b>(582,759)</b>

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5. *USA Today 2/2/11*
6. *3<sup>rd</sup> Degree Advertising, Norman CVB Brand Realignment, 2010*
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14. *DMAI Member Needs Assessment Survey*
15. *Forecast 2011: What The Coming Year Holds for Planners*, Meetings and Conventions
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17. *Maura Gast, DMAI Board Chair and Irving, TX CVB President, remarks at DMAI Annual Convention, 2009*

## Appendix A

Big XII Conference and other Compatible Communities*				
City	Population	DMO Annual Budget	TGT Rate	Percentage of TGT DMO Receives
1. Austin, TX	790,300	\$9,000,000	15%	66%
2. Ann Arbor, MI	114,000	\$2,600,000	5%	67%
3. Lubbock, TX	225,000	\$2,500,000	13%	50%
4. Tempe, AZ	175,500	\$2,381,000	5%	60%
5. Gainesville, FL	124,000	\$2,000,000	5%	40%
6. Bryan/College Station, TX	184,000	\$1,250,000	13%	35%; 27%
7. Lincoln, NE	254,000	\$1,100,000	4%	50%
8. Ames, IA	50,700	\$978,000	7%	71%
9. Manhattan, KS	52,800	\$883,077	6%	88%
<b>10. Norman, OK</b>	<b>113,000</b>	<b>\$557,500</b>	<b>4%</b>	<b>50%</b>
11. Berkeley, CA	102,000	\$365,000	12%	75%

\*population of 100,000 + with a major University within major metro

City of Norman Benchmark Communities				
City	Population	DMO Annual Budget	TGT Rate	Percentage of TGT DMO Receives
1. Oklahoma City, OK	560,000	\$4,980,000	5.5%	45%
2. Las Cruces, NM	93,570	\$1,549,000 ('09)	unknown	unknown
3. Columbia, MO	101,100	\$1,300,000	4%	100%
4. St. Joseph, MO	76,200	\$1,300,000	N/A***N/A	
5. Waco, TX	126,000	\$1,300,000	13%	90%
6. Fort Smith, AR	86,200	\$894,500	3%	100%
7. Odessa, TX	90,900	\$870,000	13%	51%
8. Lawton, OK	93,000	\$780,000*	5%	unknown
9. Boulder, CO	94,200	\$727,000	N/A***N/A	
10. Lawrence, KS	92,000	\$685,000	6%	80%
11. Denton, TX	119,450	\$650,076	13%	51%
12. Stillwater, OK	39,000	\$580,400	4%	100%
<b>13. Norman, OK</b>	<b>113,000</b>	<b>\$557,500</b>	<b>4%</b>	<b>50%</b>
14. Edmond, OK	81,000	\$452,350	4%	100%
15. Broken Arrow, OK	92,000	\$350,000	4%	100%
16. Enid, OK	47,000	\$250,000	8%	0
17. Midwest City, OK	54,000	\$185,000 ('09)	unknown	unknown
18. Westminster, CO	108,850	N/A**	N/A	N/A

\*includes Economic Development  
 \*\*Westminster, CO has no DMO  
 \*\*\*St. Joseph, MO and Boulder, CO's funding structures differ greatly

## Appendix B

### Hospitality Personality Program

In the Spring of 2009, the CVB asked visitors to rate their overall satisfaction of various visitor related issues for the city of Norman. Only 48% indicated they were satisfied or very satisfied with the friendliness of the people. A subsequent survey in the Spring of 2010 revealed 91% indicated they were satisfied or very satisfied with the friendliness of the people. Despite the 2010 results, the CVB recognized the need for continuous customer service or hospitality training.

Upon completion of a 'brand realignment' the CVB further recognized that Norman's brand is not the logo atop this page or a newly designed advertisement. Instead, Norman's brand is the people. To promote this concept, the CVB, in partnership with David Littlefield, has developed the **Hospitality Personality Program**.

#### What is **Hospitality Personality**?

- It's developing programs to recognize and reward outstanding Hospitality Personality behavior.
- It's never missing an opportunity to make a great impression.
- It's becoming an "Ambassador of Hospitality".

Ambassadors are enthusiastic, nice, kind, smile a lot, and are proud to be working in their industry.

In conversations with the Chamber of Commerce and Economic Development Coalition, all three entities recognize that hospitality is not just a "tourism thing" but the proper greeting could encourage one to move to Norman or demonstrating exemplary customer service might drive one to move their business to Norman!

#### Goals:

1. To create a Welcome Feeling throughout Norman
  - Greet people with a smile!*
  - Welcome them in with a "we appreciate you being here!"*
  - As they leave, they hear "thank you for choosing us! Come back again!"*
2. To create a fantastic Customer Service Environment in Norman
3. Increase Norman's ranking by visitors of the friendliness of Norman to above the 2010 mark of 91% satisfied or very satisfied.

**Hospitality is what we do. Being nice is how we do it.**

The Hospitality Personality Program has three steps:

- I. Rally for Norman

At the Annual Tourism Luncheon, June 15, a "Rally for Norman" will be held in which we excite stakeholders of developing a culture of hospitality in Norman.

Subsequent rallies will be held throughout summer in numerous locations throughout the community.

Promotion of the Rally will be through:

- Stories in the CVB, Chamber of Commerce, NCED, and Arts Council e-newsletters;
- Social Media outlets;
- Feeding stories to the area media;
- Inserts in the City water bills;
- Rotating slides on City cable TV channel;
- Presentation to Service Clubs;
- Advertisements in the Norman Transcript and other media outlets as budget allows. (There are no dollars budgeted for this Program at this time but staff will look to identify dollars to allocate towards the Program. We will look to trade for advertisements when possible.)

## 2. Hospitality Incentive Program

Following the Rally for Norman, we will roll out the Hospitality Incentive Program (HIP). Modeled off other successful programs, the Program will make visitor information available and increase awareness of events and attractions in Norman. It will also empower frontline workers with the tools to confidently inform inquiring visitors about Norman's offerings.

Participating businesses will be asked to hang a HIP poster in their front window, display the HIP logo on their front door, place the Visitor Guides in an area that can be seen by customers, make a Hospitality Reference Book available to employees for inquiries, and train employees to answer questions on what there is to do in Norman.

Utilizing "secret shoppers", businesses who provide hospitality, answer questions, and have the afore mentioned prominently displayed will receive a \$25 incentive to the employee that demonstrated hospitality and \$25 incentive to his/her manager.

## 3. Hospitality Feedback

In the spring of 2012, the CVB will conduct a similar survey to those conducted in 2009 and 2010. At that time we will hope to increase Norman's ranking by visitors of the friendliness of Norman to above the 2010 mark of 91% satisfied or very satisfied.

Throughout the year though, we will continuously gain feedback through our website – [www.VisitNorman.com](http://www.VisitNorman.com). Asking *Would you return to Norman because of our Hospitality?*, *What can we do to improve our Hospitality Environment?*, *Is there a business that exemplified outstanding Hospitality?*, *Is there an employee that exemplified outstanding Hospitality?*, we will be able to constantly monitor the satisfaction of hospitality received by visitors.

Long range ideas of the program could include:

- Norman residents creating their own Icon (sans CVB icons in brand logo.) Perhaps someone has an icon different than "the fork", "the guitar" or "the football". We would challenge them to make their own icon and share it with us.

- Pictures... as T-shirts are printed, we would challenge residents to have their picture taken in their Norman shirts as they travel. Send us the picture and we'll post them.
- Facebook posts and Tweets... encourage residents to visit an attraction or event and post about it on Facebook or tweet about it on Twitter. (Better yet, post or tweet about it BEFORE attending. Even better yet, include VisitNorman.com in the post/tweet.) We'll post our favorites on our website.



CITY COUNCIL AGENDA  
MAY 24, 2011

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

Item No. 28

File Number: GID-1011-34

**Introduced:** 4/18/2011 by Doug Kosciński, Current Planning Manager

**Current Status:** Non-Consent Items

**Version:** 1

**Matter Type:** Development, Deferrals  
and Variances

Title

CONSIDERATION OF AN AMENDMENT TO THE APPROVED SITE PLAN SO AS TO ALLOW A SEASONAL SNOW CONE STAND FOR COSMIC SNOW CONES, L.L.C., TO BE LOCATED AT 1415 WEST MAIN STREET.

**ACTION NEEDED:** Motion to approve or reject the site plan amendment for 1415 West Main Street

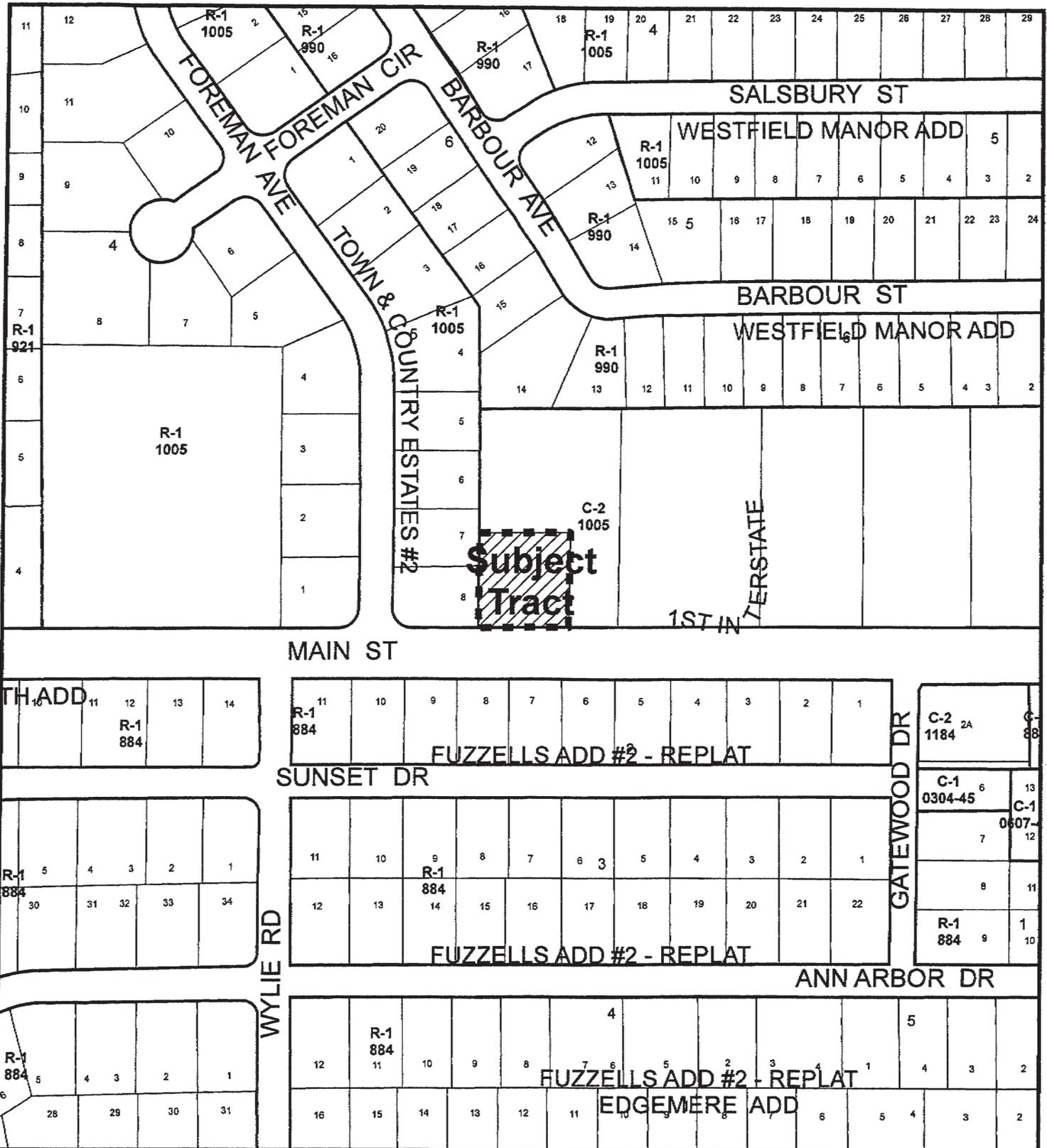
**ACTION TAKEN:** \_\_\_\_\_

Body

**DISCUSSION:** The applicant is seeking approval to install a seasonal snow cone stand near the southeast corner of this lot, which was previously used for a gas station. The gas station has been closed for several years but the owner is in the process of remodeling the facility and hopes to resurrect the business. Even though the gas station is not currently in operation, employees and customers of the snow cone stand will have access to the bathrooms located within the building. When this lot was originally developed, only the gas station was indicated on the site plan. Because of the impacts resulting from the appearance or location of some temporary buildings, staff has suggested that any amendment to the original site plan be approved by a public process.

The City has adopted a requirement that new commercial buildings, including some accessory buildings, be constructed of masonry material. This structure is an 8 x10 temporary snow cone stand, and would be exempt from that requirement because of its small size. The applicant would like to locate the building towards the southeast corner of the lot, approximately 30 from the southern property line. Locating it in the southeast corner of the lot will make the building more visible from Main Street, while minimizing any interference with future gas station traffic. The chosen location is away from the residential use on the west. Like all temporary buildings, this one will be removed at the end of the summer season, and could resume operation some time next year.

**RECOMMENDATION:** This request is a relatively minor amendment to the existing site plan, and should not have any negative impacts on adjacent properties. Two nearby property owners filed letters objecting to this amendment, resulting in a 5.4% protest. Staff supports this request to amend the approved Site Plan and authorize this temporary use as proposed. The Planning Commission, by a unanimous vote at their May 12, 2011 meeting, recommended approval of this amendment.



**Subject Tract**

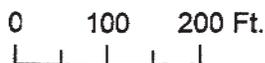
# Location Map



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.



April 18, 2011



Subject Tract

Zoning

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ORDINANCE NO. O-1011-58

ITEM NO. 10

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**STAFF REPORT**

**GENERAL INFORMATION**

APPLICANT	Dagan Flowers
REQUESTED ACTION	Amendment of the Site Development Plan to allow a snow cone stand
EXISTING ZONING	C-2, General Commercial District
SURROUNDING ZONING	North: C-2 East: C-2 South: R-1 West: R-1
LOCATION	1415 West Main Street
SIZE	.46 acres MOL
PURPOSE	Snow Cone Stand
EXISTING LAND USE	Closed Gas Station
SURROUNDING LAND USE	North: Office/Daycare East: Office/Banking South: Single-Family Residential West: Single-Family Residential
2025 LAND USE PLAN DESIGNATION	Commercial
GROWTH AREA DESIGNATION	Current Urban Service Area

**SYNOPSIS:** This lot was previously used for a gas station. The gas station has been closed for several years but the owner is in the process of remodeling the facility with hopes to resurrect the business. The applicant for the Site Plan Amendment is seeking approval to install a seasonal snow cone stand near the southeast corner of the lot, away from the residential use on the west. Even though the gas station is not currently in business, employees and customers will have access to the bathrooms located in the gas station.

**ANALYSIS:**

**APPEARANCE** The City adopted a requirement that new commercial buildings, including some accessory buildings, be construed of masonry material. This structure is an 8 x10 temporary snow cone stand, and would be exempt from that requirement because of its small size.

**LOCATION** The applicant would like to locate the building towards the southeast corner of the lot, approximately 30' from the southern property line. Locating it in the south east corner of the lot will make the building more visible from Main Street, while minimizing any interference with future gas station traffic.

**PARKING** The site is fully paved, and parking appears to be adequate to support all uses, including when the gas station is in operation. Access to Main Street from this site has always been problematic due to the volume of traffic on Main Street.

**SEASONAL USE** Like all temporary buildings, this one will be removed at the end of the summer season, and resume operation some time next year.

**STAFF RECOMMENDATION:** This request is a relatively minor amendment to the existing site, and does not appear to have any negative impacts on adjacent properties. Staff supports this request to amend the approved Site Plan and authorize this temporary use as proposed.

6

90

7

90

8

90

147

140

1415 W. Main St.

Temp. 5 no  
cone stand

0.8'

75

RECEIVED  
Development Services  
APR 12 2011

MAIN ST

Time 3:10 By [Signature]

Map produced by the City of Norman  
Geographic Information System  
The city of Norman assumes no  
responsibility for errors or omissions  
in the information presented.

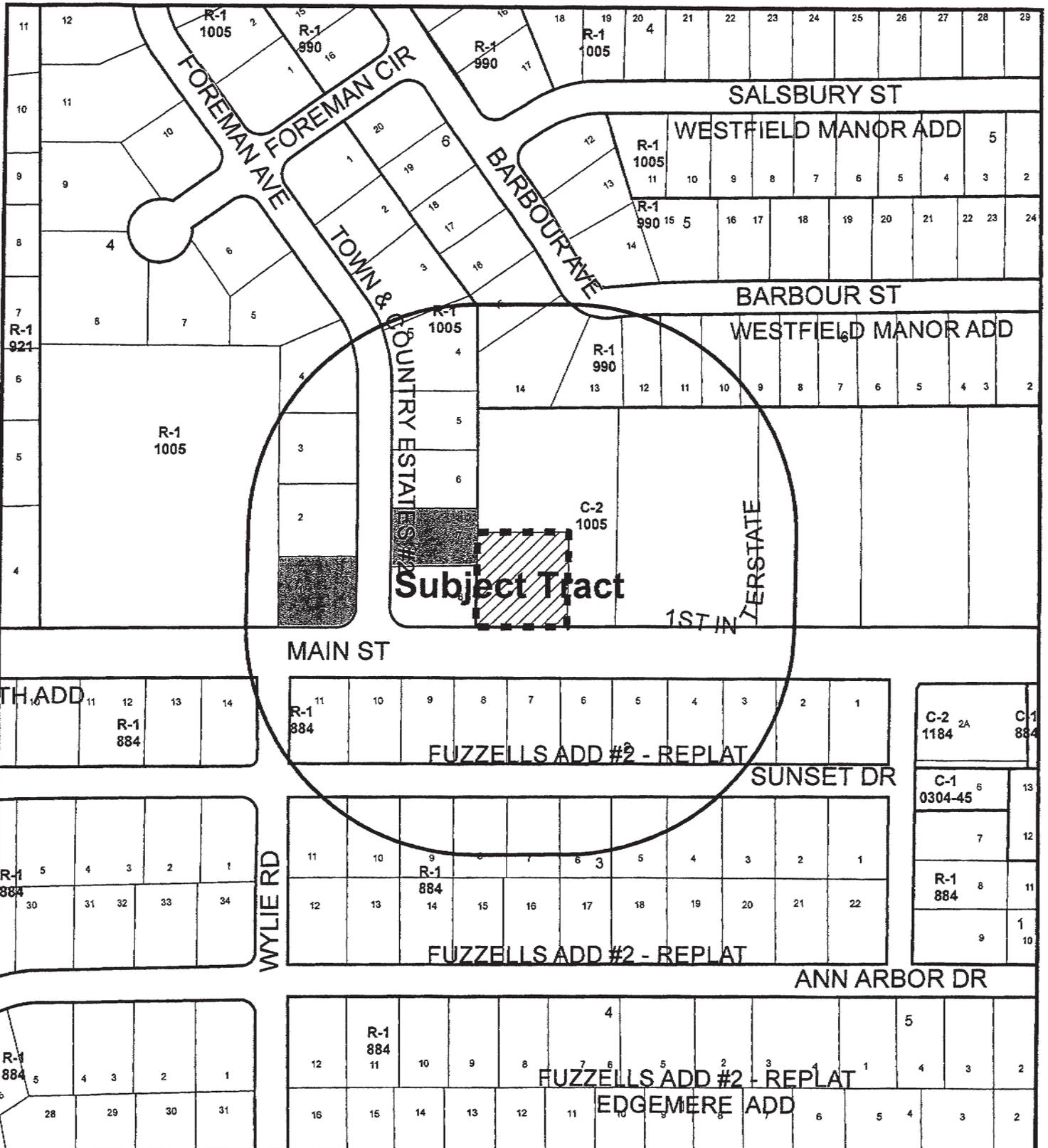
Zoning: C-2

1415 W. Main St.

Scale: 1"=30'



28-4



# Protest Map

5.4% Protest Within Notification Area

Map Produced by the City of Norman  
Geographic Information System.  
(405) 366-5316

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



Scale: 1" = 200'  
May 12, 2011



Subject Tract



Protest



Notification Area

April 26, 2011

Dear Norman Planning Commission  
RE: PROTEST

As a homeowner so close to this site located at 1415 West Main St, I protest the Requested Site Plan amendment which Mr Dagan Flowers is requesting and that his request should NOT be approved.

I believe he can find another site more suitable for his snow cone stand.

Sincerely,

Lois Judge

104 Foreman Avenue  
Norman, OK 73069

We also protest locating Mr Dagan Flowers snow cone stand and the sight plan amendment

Sincerely,

Norris + Lia Griffith

111 Foreman Av

Norman, OK 73069

FILED IN THE OFFICE  
OF THE CITY CLERK

ON 4-28-11 *AK*

Item No. 10, being:

**O-1011-58 – DAGAN FLOWERS REQUESTS AMENDMENT OF THE APPROVED SITE PLAN AT 1415 WEST MAIN STREET TO ALLOW A SEASONAL SNOW CONE STAND.**

**ITEMS SUBMITTED FOR THE RECORD:**

1. Location Map
2. Staff Report
3. Site Plan

**PRESENTATION BY STAFF:**

1. Mr. Kosciński reported that when new installations like this come forward we run them through a public process to get Council approval for the location to see if there are any negative impacts. Technically, we are amending the site plan that was previously approved. There is a building on the property that is not being used at this time. The owner is under negotiations to get it reopened. I have had discussions with an architect. The snow cone stand is already on the site; he applied for a permit and dropped it off the truck and we advised him he needed to go through the process first. It is unused at this point. This site is the last commercial site before an area of residential uses. To the north is an office building, with commercial uses further to the east. There are residential uses to the south that back up to Main Street, and there is a residence immediately to the west behind a double fence. It is staff's opinion that there would not be serious impacts on the residential uses from this proposed use, but there were two protests from two residences. Staff supports the request.

2. Mr. McCarty asked how long a temporary permit is good. Mr. Kosciński responded that it is good for a maximum of six months. We require that the temporary use be removed at the end of the six months, and it must be off-site for six months before it can be brought back. Mr. McCarty asked if it is required that bathroom facilities be open during operation. Mr. Kosciński responded affirmatively. Mr. McCarty asked if the bathrooms will be inspected. Mr. Kosciński indicated they will be inspected. There is a letter from the owner saying he is working on the building to open it up so they can have access to the bathrooms. We will inspect to make sure there is a functioning bathroom; he will not be remodeling to make it ADA compliant, for example. It is not an ordinance requirement, but it has been our practice to require that there be access to a bathroom.

3. Mr. Trachtenberg asked if there are restrictions on the operating hours. Mr. Kosciński responded that the one restriction that is typically imposed is that the bathroom has to be available during hours of operation. This is zoned C-2 and is the broadest commercial zone. Mr. Trachtenberg asked if the applicant has indicated proposed hours of operation. Mr. Kosciński said the applicant has not provided him with that information.

4. Ms. Pailles asked how long this action would be in effect. Mr. Kosciński indicated that the approval of the site plan amendment is permanent, but the buildings have to be renewed whenever they are moved in and out. A different seasonal business could move in there. We are really just approving a site plan, not authorizing the specific business, and making sure there is adequate parking and access. In this case, it is staff's opinion that there is.

**PARTICIPATION BY THE APPLICANT:**

1. Dagan Flowers, the applicant – The health inspector came in today and approved the bathroom. They are planning to operate the snow cone stand from 11:00 a.m. to 11:00 p.m. on Monday through Saturday, and be closed on Sunday.

There being no further public comment, Chairman Gasaway closed the public hearing and turned discussion over to the Planning Commission. He noted the letters of protest that were distributed to the Commission.

**DISCUSSION AND ACTION BY THE PLANNING COMMISSION:**

*Zev Trachtenberg moved to recommend adoption of Ordinance No. O-1011-58 to the City Council. Chris Lewis seconded the motion.*

There being no further discussion, a vote on the motion to recommend adoption of the ordinance was taken with the following result:

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

Recording Secretary Roné Tromble announced that the motion to recommend adoption of Ordinance No. O-1011-58 to the City Council passed by a vote of 9-0.

\* \* \*



**CITY COUNCIL AGENDA  
MAY 24, 2011**

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

**Item No. 29**

**Text File Number: R-1011-82**

**Introduced:** 1/11/2011 by Doug Kosciński, Current Planning Manager

**Current Status:** Non-Consent Items

**Version:** 1

**Matter Type:** Land Use Plan Resolution

Title

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

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

**ACTION TAKEN:** \_\_\_\_\_

Body

**BACKGROUND.** The property was constructed as a hotel in 1983, and was subsequently purchased by the Marriott Corporation, who has operated it since then. The property has been offered for sale, and the new owner wishes to convert the use to apartments. Apartments are not an allowed use under the current commercial zoning, and the new owner has submitted a request to amend the plan designation to High Density Residential and to rezone the property to RM-6, Medium Density Apartment District. The plan designation of High Density would support requests for either RO (a mixed-use High Density District) or RM-6 (a Medium Density Apartment District).

**DISCUSSION.** The hotel units were originally constructed to allow long-term occupancy, as they include kitchens and multiple bedrooms in most cases. Parking is dispersed throughout the property. The conversion process should not be extensive, and the exterior appearance will be similar. There are other apartments nearby, and this conversion should not result in any negative impacts.

**STAFF RECOMMENDATION:** This request satisfies both criteria for plan amendments, essentially, changing circumstances (the number of newer competing hotel rooms in Norman), and no adverse impacts on surrounding properties (existing nearby apartment units). Because the units were initially constructed with a residential appearance, the conversion from commercial to residential will not be visually apparent. The Planning Commission, by a vote of 7-0, recommended adoption of this Resolution. Staff is able to support this request to amend the 2025 Plan and rezone the property to RM-6, Medium Density Apartment District.

# Resolution

R-1011-82  
LUP-1011-5

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

- § 1. WHEREAS, the Council of the City of Norman recognizes citizens' concerns about the future development of Norman; and
- § 2. WHEREAS, the City Council at its meeting of December 19, 2004, reviewed and adopted the NORMAN 2025 Land Use and Transportation Plan; and
- § 3. WHEREAS, 2681 Jefferson Street Holdings, L.L.C., has requested that the following described property be moved from the Commercial Designation and placed in the High-Density Residential Designation, to wit:

Lots 1-10, Block 3; Lots 1-9, Block 4; Lots 1-10, Block 5; and Lot 1, Block 6, PRESIDENTIAL NO. 4 ADDITION, and all of Lots 1-13, Block 1, and Lots 1-6, Block 2, PRESIDENTIAL NO. 3 ADDITION to the City of Norman, Cleveland County Oklahoma. Said track contains 4.88 acres, more or less.

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

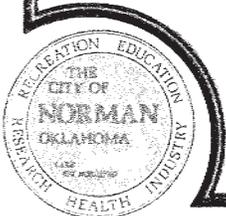
- § 4. That the Council of the City of Norman recognizes the need to control the future growth of the City of Norman; and, that after due consideration, has determined that the requested amendment is compatible with the adopted NORMAN 2025 Land Use and Transportation Plan and does hereby approve the requested amendment.

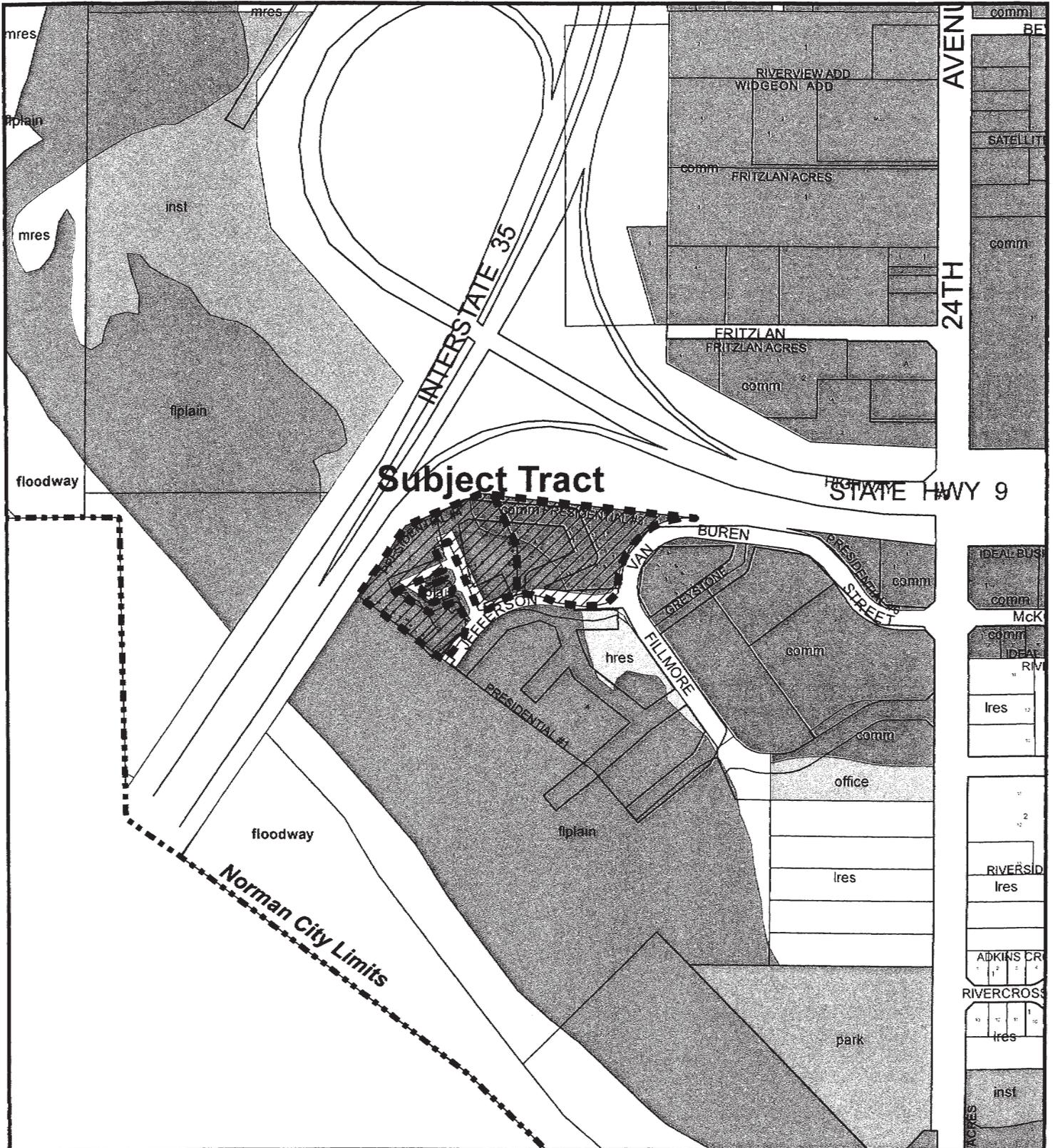
PASSED and ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

ATTEST:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

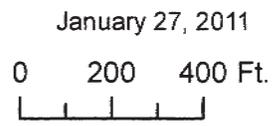




# Location Map



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.



-  Subject Tract
-  Zoning

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RESOLUTION NO. R-1011-82

ITEM NO. 5a

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**STAFF REPORT**

**ITEM:** 2681 Jefferson Street Holdings, L.L.C. requests amendment of the NORMAN 2025 Land Use and Transportation Plan (LUP-1011-5) from Commercial Designation to High-Density Residential Designation for property located at 1801 Jefferson Court and 2681 Jefferson Street (currently Marriott Residence Inn).

**SUMMARY OF REQUEST:** The property was constructed as a hotel in 1983, and was subsequently purchased by the Marriott Corporation, who has operated it since then. The property has been offered for sale, and the new owner wishes to convert the use to apartments. Apartments are not an allowed use under the current commercial zoning, and the new owner is seeking approval to change the plan designation and zoning of the property.

**STAFF ANALYSIS:** The primary reason for the requested change is an acknowledgement that the number of newer hotel rooms available in the Norman area has resulted in a decreased demand for older properties such as this. The hotel units were originally constructed to allow long-term occupancy, as they include kitchens and multiple bedrooms in most cases. Multiple buildings are scattered around the parcel, with parking intermixed throughout. The conversion process should not be extensive, and the exterior appearance will be similar. There are other apartments nearby, and this conversion should not result in any negative impacts.

**STAFF RECOMMENDATION:** This request satisfies both criteria for plan amendments, essentially, "changing circumstances" (the number of newer hotel rooms in Norman), and "no adverse impacts on surrounding properties" (existing nearby apartment units). Because the units were initially constructed with a residential appearance, the conversion from "commercial" to "residential" will not be visually apparent. Staff is able to support this request to amend the 2025 Plan.

**Applicant** 2681 Jefferson Street Holdings, LLC  
**Location** South of intersection of I-35 and Highway 9 East  
**Case Number** PD10-28  
**Time** 6:30—7:00 PM

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Attendee	Stakeholder	Address	Phone
Sean P. Rieger	Applicant's attorney	136 Thompson Drive	329-6070
William Forrest	Commercial realtor	1200 NW 63 <sup>rd</sup> Street OKC 73116	272-5357
Susan Atkinson	City facilitator		366-5392
Doug Koscinski	City Advisor		366-5437
Leah Messner	City Attorney's office		366-7748

**Application Summary.** Applicants are seeking to rezone the majority of a 4.88-acre commercial parcel to an RM-6 Medium Density Apartment District. A portion of the parcel is already zoned RM-6. The applicants are also seeking to amend the *Norman 2025 Land Use Plan* from Commercial to Residential. The entire area is located in a Floodplain Zone as well.

**Applicant's Opportunity.** The applicants are seeking to convert the existing Marriott Residence Inn from a hotel use to an apartment use. The applicants believe this facility was originally built as apartments in the 1980s but was later converted to a hotel use. All units are equipped with kitchens that include full-size stoves and refrigerators in addition to living and dining rooms, bathrooms and bedrooms. There is also a pool and laundry facility on the site similar to apartment developments.

The southernmost portion of this property including the southernmost two buildings are already zoned RM-6. Immediately adjacent to this property is the Presidential Gardens Apartment complex which has been zoned RM-6 since the early 1970s. No additional construction is proposed for this property, so the existing site plan is submitted.

## **GREENBELT COMMISSION MEETING**

### **GREENBELT ENHANCEMENT STATEMENT COMMENTS**

**JANUARY 24, 2011**

PD10-28

Applicant: 2681 Jefferson Street Holding, LLC

Location: This property is located at the southeast corner of the intersection of I-35 and Highway 9.

Request: NORMAN 2025 Land Use Plan from Commercial to Floodplain to High Density Residential and Floodplain and request for zoning change from C-2 (General Commercial) to RM-6 (Medium Density Apartment) to allow for apartment use rather than the extended stay hotel. This property is currently known as the Marriott Residence Inn.

This item was on the consent docket. The consent docket passed unanimously.

Pre-Development Case No. PD 10-28

NORMAN GREENBELT ENHANCEMENT STATEMENT DATE: 11/29/10

The Norman City Council established the Norman Greenbelt Commission and charged the group with reviewing proposed developments in order to increase the preservation of beneficial green spaces and to identify trail system opportunities in new developments where appropriate. This Greenbelt Enhancement Statement form was developed to aid in assessing proposed new developments to insure that green space and trail opportunities are being included in new development designs, whenever possible.

As part of your application and submittal of information for a Pre-Development Meeting, this form should be utilized to address the Greenbelt Commission's review. *The City of Norman ordinances require that you complete this Greenbelt Enhancement Statement and leave it with City of Norman staff at the same time as you submit the required information for a Pre-Development Meeting.*

**Review:** At the time you submit the application and information for a Pre-Development Meeting, you will be provided with both the date of the Pre-Development Meeting and the date of the next Greenbelt Commission meeting. You are urged to attend that Greenbelt Commission meeting where you will be provided an opportunity to present information, to explain and discuss your proposed development, and to answer questions the Greenbelt Commission might have about your submittal. Based upon the review and discussion at the Greenbelt Commission meeting, the Greenbelt Commission will make comments and recommendations about your proposal. Those comments and recommendations will then be recorded and provided to you. The comments and recommendations will also be forwarded to the Planning Commission and City Council as part of their agenda packets whenever you make an application for consideration of your proposed development.

Should you have any questions about this process or any of the questions, please feel free to contact the City of Norman Greenbelt Commission staff at 405-366-5435. (Attached is the adopted Greenbelt Ordinance which includes guidelines.)

**Greenbelt Enhancement Statement for Proposed Developments**

Applicant Name: 2681 JEFFERSON STREET HOLDINGS, LLC  
Date: 11/29/10  
Contact Person: c/o Sean Paul Rieger, Attorney for Applicant  
Telephone/Fax/Email: P 405.329.6070; F 405.329.7103; email sp@riegerilc.com

1. List development name, location, number of acres, and type of development, including types of buildings and their proposed uses.

- Currently called the Marriott Residence Inn
- Just south of the intersection of I-35 and Highway 9 East.

- 1801 JEFFERSON CT, NORMAN OK 73072
  - Roughly 2.73 acres
- 2681 JEFFERSON, NORMAN OK 73072
  - Roughly 2.15 acres
- The development will not change in its built form. This is only a zoning change of the use of the currently developed property. Currently the property is operated as an extended stay hotel. The proposed change will allow for apartment use.

2. How does your proposed development or project incorporate open space(s)? Are those open spaces accessible to the general public, only to the future owners of property within the proposed development, or some other arrangement? Please explain.

- The development will not change in its built form, and thus the current arrangement of open space, sidewalks, trails, paths, etc., will all remain as is. Any open spaces on the property are privately owned and accessible.

3. Does (do) the open space(s) for this development include some kind of trail or path? Indicate all that are applicable.

- The development will not change in its built form, and thus the current arrangement of open space, sidewalks, trails, paths, etc., will all remain as is.

	For access only	Within open space
Sidewalks		
Other paved surface trail		
Unpaved Trail		
Direct Access from lots		

4. Identify the public open space(s), such as a parks or trails, within ½ mile of your proposed development. Explain how the proposed development will connect to that area via a trail, sidewalk, or other means.

- Adkins Crossing Park lies roughly ¼ mile southeast of the property as the crow flies.
- The development will not change in its built form, and thus the current arrangement of open space, sidewalks, trails, paths, etc., will all remain as is.

5. Please provide a short description for each type of proposed trail, if any. The description should include information about anticipated users, connectivity, accessibility to area residents, accessibility by the general public, and other information which you believe would be helpful for the Commission to understand your development's compliance with the Guidelines for Evaluating Greenbelt Enhancement Statements in Sec. 4-2028 of the Greenbelt Commission Ordinance.

- The development will not change in its built form, and thus the current arrangement of open space, sidewalks, trails, paths, etc., will all remain as is.

6. Projects in close proximity to schools, recreational areas (parks, playgrounds), commercial sites, and residential neighborhoods should, ideally, allow connection points promoting non-motorized transportation between key areas. Please describe how the proposed development plan accommodates those using alternative transportation, such as walkers and bicyclists? Examples include sidewalks connecting key areas, designated bike paths, and bike parking.

- The development will not change in its built form, and thus the current arrangement of open space, sidewalks, trails, paths, etc., will all remain as is.

7. Please circle, from the following (or make a list) of geographical and/or environmental factors in your development that might offer opportunities for greenbelts and trails. These may include: storm water channels, detention ponds, floodplains, stream bank/ riparian corridors, utility easements, abandoned or active railroad corridors. How will your development incorporate those elements into greenbelts and trails?

- The development will not change in its built form, and thus the current arrangement of open space, sidewalks, trails, paths, etc., will all remain as is.

8. If after answering the above questions you feel like your proposed development or project has no opportunities to add to nor detract from the City of Norman Greenbelt System, please explain briefly.

- No Greenbelt Opportunity exists in this zoning change, as the development will not change in its built form, and thus the current arrangement of open space, sidewalks, trails, paths, etc., will all remain as is.

9. Other comments:

Signature of Applicant or Contact Person: \_\_\_\_\_

**GREENBELT COMMISSION COMMENTS AND SUGGESTIONS ABOUT PROPOSED DEVELOPMENT AS SUBMITTED FOR PLANNING COMMISSION AND CITY COUNCIL CONSIDERATION (MAY ATTACH AS SEPARATE SHEET):**

**VOTE BY COMMISSION:** \_\_\_\_\_

Item No. 5, being:

**CONSIDERATION OF A REQUEST SUBMITTED BY 2681 JEFFERSON STREET HOLDINGS, L.L.C., FOR PROPERTY LOCATED AT 1801 JEFFERSON COURT AND 2681 JEFFERSON (CURRENTLY MARRIOTT RESIDENCE INN).**

**5a. RESOLUTION NO. R-1011-82**

**2681 JEFFERSON STREET HOLDINGS, L.L.C., REQUESTS AMENDMENT OF THE NORMAN 2025 LAND USE AND TRANSPORTATION PLAN (LUP-1011-5) FROM COMMERCIAL DESIGNATION TO HIGH-DENSITY RESIDENTIAL DESIGNATION FOR PROPERTY LOCATED AT 1801 JEFFERSON COURT AND 2681 JEFFERSON (CURRENTLY MARRIOTT RESIDENCE INN).**

**ITEMS SUBMITTED FOR THE RECORD:**

1. Location Map
2. Staff Report
3. Pre-Development Summary
4. Greenbelt Commission Comments
5. Greenbelt Enhancement Statement

**5b. ORDINANCE NO. O-1011-41**

**2681 JEFFERSON STREET HOLDINGS, L.L.C., REQUESTS REZONING FROM C-2, GENERAL COMMERCIAL DISTRICT, TO RM-6, MEDIUM DENSITY APARTMENT DISTRICT, FOR PROPERTY LOCATED AT 1801 JEFFERSON COURT AND 2681 JEFFERSON (CURRENTLY MARRIOTT RESIDENCE INN).**

**ITEMS SUBMITTED FOR THE RECORD:**

1. Location Map
2. Staff Report

**PRESENTATION BY STAFF:**

1. Mr. Koscinski reported that this project includes a Land Use Plan amendment, because they are changing the designation from commercial to high-density residential, and rezoning from C-2 to RM-6. The property is already developed and platted, so no platting is involved with this request. The entire tract will be designated for high-density residential use. Part of the property is still zoned multi-family from many years ago. The property was originally developed as an extended-stay hotel. It was subsequently purchased by Marriott, who has operated it that way. They are now interested in selling the property and the proposed owner would like to operate it as apartments, which would not be allowed under the existing commercial zoning. The property abuts Highway 9 and I-35. Further east are other commercial uses. To the south, immediately across the street, is multi-family zoning. There were no filed protests on this request. The buildings are existing and will not change, other than how they function.

**PRESENTATION BY THE APPLICANT:**

1. Sean Rieger, 136 Thompson Drive, representing the applicant – He was available to answer any questions. There are no planned improvements to this project. It is simply a change of use to accommodate a buyer.

**DISCUSSION AND ACTION BY THE PLANNING COMMISSION:**

*Zev Trachtenberg moved to recommend adoption of Resolution No. R-1011-82 and Ordinance No. O-1011-41, the Site Development Plan and accompanying documentation, to the City Council. Andy Sherrer seconded the motion.*

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

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

Recording Secretary Roné Tromble announced that the motion, to recommend adoption of Resolution NO. R-1011-82 and Ordinance No. O-1011-41, the Site Development Plan and accompanying documentation, to the City Council, passed by a vote of 7-0.

\* \* \*

**Brenda Hall**

---

**From:** Sean Rieger [sp@riegerllc.com]  
**Sent:** Friday, March 11, 2011 3:09 PM  
**To:** Susan Connors; Doug Koscinski; Brenda Hall; Cindy Rosenthal; Cindy Rosenthal; Steve Lewis; Tom Kovach; hezzell@coxinet.net; Ellen Usry  
**Subject:** Jefferson Street rezoning - Marriott Residence Inn

I represent the applicant in this rezoning for the Marriott Residence Inn in south Norman. This is going to be on the agenda for final second reading at next Council meeting, March 22. I have been advised by the applicant client that due to a delay in their property sale closing that is the impetus for this rezoning, they respectfully request that the rezoning hearing be postponed until the next following City Council meeting on April 12. Please let me know if you need any further notice from me in order to accommodate this postponement and thank you for your assistance. Respectfully and best wishes, Sean.

Sean Paul Rieger

*Attorney • Architect • Broker*



**REAL ESTATE LAW • CONSTRUCTION LAW • BUSINESS LAW**

136 Thompson Drive  
Norman, OK 73069-5245  
405.329.6070 phone  
405.329.7103 fax  
[sp@riegerllc.com](mailto:sp@riegerllc.com) email

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Item 42, being:

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

Councilmember Kovach moved that Resolution No. R-1011-102 be adopted, which motion was duly seconded by Councilmember Quinn;

Items submitted for the record

1. Text File No. R-1011-102 dated March 3, 2011, by Clint Mercer, Chief Accountant
2. Revenue and disbursements from the Arts and Public Places Fund from October 1, 2007, through February 28, 2011
3. Resolution No. R-1011-102

and the question being upon adopting Resolution No. R-1011-102, 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-1011-102 was adopted.

\* \* \* \* \*

Item 43, being:

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

Councilmember Kovach moved that Resolution No. R-1011-82, Land Use Plan Amendment No. LUP-1011-5, be postponed until April 12, 2010, which motion was duly seconded by Councilmember Ezzell;

Items submitted for the record

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

Item 43, being:

and the question being upon postponing Resolution No. R-1011-82, Land Use Plan Amendment No. LUP-1011-5, until April 12, 2011, a vote was taken with the following result:

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

The Mayor declared the motion carried and Resolution No. R-1011-83, Land Use Plan Amendment No. LUP-1011-5, was postponed until April 12, 2011.

\* \* \* \* \*

Item 44, being:

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

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

Items submitted for the record

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

and the question being upon postponing Ordinance No. O-1011-41 until April 12, 2011, a vote was taken with the following result:

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

The Mayor declared the motion carried and Ordinance No. O-1011-41 was postponed until April 12, 2011.

\* \* \* \* \*

**From:** [Sean Rieger](#)  
**To:** [Tom Kovach](#); [hezzell@coxinet.net](mailto:hezzell@coxinet.net); [Dan Quinn](#); [Carol Dillingham](#); [Ward 1 Council Member](#); [Rachel Butler](#); [Cindy Rosenthal](#); [Doug Cubberley](#); [Steve Lewis](#); [Brenda Hall](#); [Ellen Usry](#); [Susan Connors](#)  
**Subject:** Please postpone to May 24 Council meeting.  
**Date:** Monday, April 11, 2011 6:17:28 PM  
**Importance:** High

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Dear Councilmembers,

Per the request of the applicant, please postpone the below Agenda Items 30 and 31 on tomorrow night's Council agenda to the Council meeting on May 24. These agenda items relate to the downzoning of the Marriott Residence Inn extended stay hotel from C-2 General Commercial Zoning to RM-6. This zoning change is being brought pursuant to a change in ownership and the seller and buyer are working to close on the property as simultaneous with the zoning change as possible, thus the postponement request as they work through the sale transaction. We greatly appreciate your assistance with our trying to coordinate of the zoning change with the closing date. There has been no protest throughout on this item, nobody has appeared at any hearing on it, and Staff supports. Please let me know if you have any questions. Thank you very much, best wishes, Sean.

30. ITEM: RESOLUTION NO. R-1011-82: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING THE NORMAN 2025 LAND USE AND TRANSPORTATION PLAN, **LAND USE PLAN AMENDMENT NO. LUP-1011-5**, SO AS TO PLACE LOTS 1-10, BLOCK 3; LOTS 1-9, BLOCK 4; LOTS 1-10, BLOCK 5; AND LOT 1, BLOCK 6, PRESIDENTIAL NO. 4 ADDITION AND ALL OF LOTS 1-13, BLOCK 1, AND LOTS 1-6, BLOCK 2, PRESIDENTIAL NO. 3 ADDITION TO THE CITY OF NORMAN, CLEVELAND COUNTY, OKLAHOMA, IN THE HIGH-DENSITY RESIDENTIAL DESIGNATION AND REMOVE THE SAME FROM THE COMMERCIAL DESIGNATION FOR THE HEREINAFTER DESCRIBED PROPERTY. (1801 JEFFERSON COURT AND 2681 JEFFERSON DRIVE)
31. ITEM: ORDINANCE NO. O-1011-41: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 460 OF CHAPTER 22 OF THE CODE OF THE CITY OF NORMAN SO AS TO PLACE LOTS 1-10, BLOCK 3; LOTS 1-9, BLOCK 4; LOTS 1-10, BLOCK 5; AND LOT 1, BLOCK 6, PRESIDENTIAL NO. 4 ADDITION, AND ALL OF LOTS 1-13, BLOCK 1, AND LOTS 1-6, BLOCK 2, PRESIDENTIAL NO. 3 ADDITION, TO NORMAN, CLEVELAND COUNTY, OKLAHOMA, IN THE RM-6, MEDIUM DENSITY APARTMENT DISTRICT, AND REMOVE THE SAME FROM THE C-2, GENERAL COMMERCIAL DISTRICT, OF SAID CITY; AND PROVIDING FOR THE SEVERABILITY THEREOF. (1801 JEFFERSON COURT AND 2681 JEFFERSON DRIVE)

*Sean Paul Rieger*  
Attorney ▪ Architect ▪ Broker



REAL ESTATE LAW ▪ CONSTRUCTION LAW ▪ BUSINESS LAW

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Item 29, continued:

and the question being upon approving the City Attorney's recommendation and upon the subsequent 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 City Attorney's recommendation approved; compliance with the Workers' Compensation Court Order was authorized and payment of claims in the amount of \$52,173.26 which will constitute judgment against the City of Norman was directed.

\* \* \* \* \*

Item 30, being:

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

Councilmember Kovach having moved on March 22, 2011, that Resolution No. R-1011-82, Land Use Plan Amendment No. LUP-1011-5, be postponed until April 12, 2011, which motion having been duly seconded by Councilmember Ezzell, Councilmember Kovach moved that Resolution No. R-1011-82, Land Use Plan Amendment No. LUP-1011-5, be postponed until May 24, 2011, which motion was duly seconded by Councilmember Dillingham;

Items submitted for the record

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

and the question being upon postponing Resolution No. R-1011-82, Land Use Plan Amendment No. LUP-1011-5, until May 24, 2011, a vote was taken with the following result:

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

NAYES: None

The Mayor declared the motion carried and Resolution No. R-1011-82, Land Use Plan Amendment No. LUP-1011-5, was postponed until May 24, 2011.

\* \* \* \* \*



**CITY COUNCIL AGENDA  
MAY 24, 2011**

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

**Item No. 30**

**File Number: O-1011-41**

**Introduced:** 1/11/2011 by Doug Koscinski, Current Planning Manager

**Current Status:** Non-Consent Items

**Version:** 2

**Matter Type:** Zoning Ordinance

Title

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

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

**ACTION TAKEN:** \_\_\_\_\_

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

**ACTION TAKEN:** \_\_\_\_\_

Body

**BACKGROUND:** A resolution amending the 2025 Plan amendment designating this property for High Density Residential use was submitted with this rezoning item in City Council's meeting of March 22, 2011. City Council postponed the item until April 12, 2011, at the request of the applicant and then again until May 24, 2011. Because apartments are not an allowed use under the current commercial zoning, the applicant has submitted a request to rezone the property to RM-6, Medium Density Apartment District, which is the minimum necessary for the conversion of the existing buildings.

**DISCUSSION:** The development pattern in this area is a mixture of higher density apartment buildings, offices, and commercial uses, with the hotel site the largest non-residential use in the area. The zoning which has been granted to all of the nearby apartment complexes is identical to the zoning requested by this applicant, and would be compatible with the apartments that have been developed in this area.

**STAFF RECOMMENDATION:** Because the units were initially constructed with a residential appearance, the conversion from “commercial” to “residential” will not be visually apparent. Staff is able to support this request to rezone the property to RM-6, Medium Density Apartment District. By a vote of 7-0, the Planning Commission endorsed this rezoning request. No protests were filed. This ordinance along with the Land Use Plan Amendment is submitted for Council’s consideration.

O-1011-41

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

- § 1. WHEREAS, 2681 Jefferson Street Holdings, L.L.C., the owner of the hereinafter described property, has made application to have the same placed in the RM-6, Medium Density Apartment District, and to have the same removed from the C-2, General Commercial District; and
- § 2. WHEREAS, said application has been referred to the Planning Commission of said City and said body has, after conducting a public hearing as required by law, considered the same and recommended that the same should be granted and an ordinance adopted to effect and accomplish such rezoning; and
- § 3. WHEREAS, the City Council of the City of Norman, Oklahoma, has thereafter considered said application and has determined that said application should be granted and an ordinance adopted to effect and accomplish such rezoning.

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

- § 4. That Section 460 of Chapter 22 of the Code of the City of Norman, Oklahoma, is hereby amended so as to place the following described property in the RM-6, Medium Density Apartment District, and to remove the same from the C-2, General Commercial District, to wit:

Lots 1-10, Block 3; Lots 1-9, Block 4; Lots 1-10, Block 5; and Lot 1, Block 6, PRESIDENTIAL NO. 4 ADDITION and all of Lots 1-13, Block 1, and Lots 1-6, Block 2, PRESIDENTIAL NO. 3 ADDITION, to Norman, Cleveland County, Oklahoma. This tract containing 4.88 acres, more or less (1801 Jefferson Court and 2681 Jefferson Street)

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

ADOPTED this \_\_\_\_\_ day of  
\_\_\_\_\_, 2011.

NOT ADOPTED this \_\_\_\_\_ day of  
\_\_\_\_\_, 2011.

\_\_\_\_\_  
(Mayor)

\_\_\_\_\_  
(Mayor)

ATTEST:

\_\_\_\_\_  
(City Clerk)



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ORDINANCE NO. O-1011-41

ITEM NO. 5b

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**STAFF REPORT**

**GENERAL INFORMATION**

APPLICANT	2681 Jefferson Street Holdings, L.L.C.
REQUESTED ACTION	Rezoning to RM-6, Medium Density Apartment District
EXISTING ZONING	C-2, General Commercial District
SURROUNDING ZONING	North: R-1 East: RM-6 and C-2 South: A-2 West: R-1 and A-2
LOCATION	Southeast Corner of I-35 and State Highway 9
SIZE	4.88 acres more or less
PURPOSE	Conversion to Apartments
EXISTING LAND USE	Marriott Residence Inn
SURROUNDING LAND USE	North: Highway 9 East: Norman Water Company South: Apartments West: Interstate 35

**SYNOPSIS:** This hotel was originally constructed in 1983 as an extended stay hotel, with multiple bedrooms, living rooms, and small kitchens. The Marriott Corporation is interested in selling the property, and the new owner would like to convert the property to residential use. That change requires rezoning to a multi-family designation. The agent for the new owner has requested that the parcel be rezoned to RM-6, Medium Density Apartment District.

**ANALYSIS:** The units can be readily converted to typical residential use with minimal updating. Other apartments are nearby, and no off-site impacts are expected that would be significant.

**OTHER AGENCY COMMENTS:**

- **PUBLIC WORKS** The property is already platted, and no additional public improvements are needed to facilitate this change.
- **PARK BOARD** The Park Board is scheduled to meet on February 3, and is expected to make a decision to require "fee in lieu of" land dedication, as the property is fully developed.
- **GREENBELT COMMISSION** Because the site is fully developed, the Greenbelt Commission acknowledged few opportunities for new trails.

**STAFF RECOMMENDATION:** The property could obviously continue in its present configuration as a hotel, but can readily be converted to residential use due to surrounding land uses. Staff is able to support this rezoning request.

Item No. 5, being:

**CONSIDERATION OF A REQUEST SUBMITTED BY 2681 JEFFERSON STREET HOLDINGS, L.L.C., FOR PROPERTY LOCATED AT 1801 JEFFERSON COURT AND 2681 JEFFERSON (CURRENTLY MARRIOTT RESIDENCE INN).**

**5a. RESOLUTION NO. R-1011-82**

**2681 JEFFERSON STREET HOLDINGS, L.L.C., REQUESTS AMENDMENT OF THE NORMAN 2025 LAND USE AND TRANSPORTATION PLAN (LUP-1011-5) FROM COMMERCIAL DESIGNATION TO HIGH-DENSITY RESIDENTIAL DESIGNATION FOR PROPERTY LOCATED AT 1801 JEFFERSON COURT AND 2681 JEFFERSON (CURRENTLY MARRIOTT RESIDENCE INN).**

**ITEMS SUBMITTED FOR THE RECORD:**

1. Location Map
2. Staff Report
3. Pre-Development Summary
4. Greenbelt Commission Comments
5. Greenbelt Enhancement Statement

**5b. ORDINANCE NO. O-1011-41**

**2681 JEFFERSON STREET HOLDINGS, L.L.C., REQUESTS REZONING FROM C-2, GENERAL COMMERCIAL DISTRICT, TO RM-6, MEDIUM DENSITY APARTMENT DISTRICT, FOR PROPERTY LOCATED AT 1801 JEFFERSON COURT AND 2681 JEFFERSON (CURRENTLY MARRIOTT RESIDENCE INN).**

**ITEMS SUBMITTED FOR THE RECORD:**

1. Location Map
2. Staff Report

**PRESENTATION BY STAFF:**

1. Mr. Koscinski reported that this project includes a Land Use Plan amendment, because they are changing the designation from commercial to high-density residential, and rezoning from C-2 to RM-6. The property is already developed and platted, so no platting is involved with this request. The entire tract will be designated for high-density residential use. Part of the property is still zoned multi-family from many years ago. The property was originally developed as an extended-stay hotel. It was subsequently purchased by Marriott, who has operated it that way. They are now interested in selling the property and the proposed owner would like to operate it as apartments, which would not be allowed under the existing commercial zoning. The property abuts Highway 9 and I-35. Further east are other commercial uses. To the south, immediately across the street, is multi-family zoning. There were no filed protests on this request. The buildings are existing and will not change, other than how they function.

**PRESENTATION BY THE APPLICANT:**

1. Sean Rieger, 136 Thompson Drive, representing the applicant – He was available to answer any questions. There are no planned improvements to this project. It is simply a change of use to accommodate a buyer.

**DISCUSSION AND ACTION BY THE PLANNING COMMISSION:**

*Zev Trachtenberg moved to recommend adoption of Resolution No. R-1011-82 and Ordinance No. O-1011-41, the Site Development Plan and accompanying documentation, to the City Council. Andy Sherrer seconded the motion.*

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

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

Recording Secretary Roné Tromble announced that the motion, to recommend adoption of Resolution NO. R-1011-82 and Ordinance No. O-1011-41, the Site Development Plan and accompanying documentation, to the City Council, passed by a vote of 7-0.

\*\*\*

**Brenda Hall**

---

**From:** Sean Rieger [sp@riegerllc.com]  
**Sent:** Friday, March 11, 2011 3:09 PM  
**To:** Susan Connors; Doug Koscinski; Brenda Hall; Cindy Rosenthal; Steve Lewis; Tom Kovach; hezzell@coxinet.net; Ellen Usry  
**Subject:** Jefferson Street rezoning - Marriott Residence Inn

I represent the applicant in this rezoning for the Marriott Residence Inn in south Norman. This is going to be on the agenda for final second reading at next Council meeting, March 22. I have been advised by the applicant client that due to a delay in their property sale closing that is the impetus for this rezoning, they respectfully request that the rezoning hearing be postponed until the next following City Council meeting on April 12. Please let me know if you need any further notice from me in order to accommodate this postponement and thank you for your assistance. Respectfully and best wishes, Sean.

*Sean Paul Rieger*

*Attorney ▪ Architect ▪ Broker*



**REAL ESTATE LAW ▪ CONSTRUCTION LAW ▪ BUSINESS LAW**

136 Thompson Drive  
Norman, OK 73069-5245  
405.329.6070 phone  
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Item 43, being:

and the question being upon postponing Resolution No. R-1011-82, Land Use Plan Amendment No. LUP-1011-5, until April 12, 2011, a vote was taken with the following result:

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

NAYES:	None
--------	------

The Mayor declared the motion carried and Resolution No. R-1011-83, Land Use Plan Amendment No. LUP-1011-5, was postponed until April 12, 2011.

\*\*\*\*\*

Item 44, being:

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

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

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

and the question being upon postponing Ordinance No. O-1011-41 until April 12, 2011, a vote was taken with the following result:

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

NAYES:	None
--------	------

The Mayor declared the motion carried and Ordinance No. O-1011-41 was postponed until April 12, 2011.

\*\*\*\*\*

**From:** [Sean Rieger](#)  
**To:** [Tom Kovach](#); [hezzell@coxinet.net](mailto:hezzell@coxinet.net); [Dan Quinn](#); [Carol Dillingham](#); [Ward 1 Council Member](#); [Rachel Butler](#); [Cindy Rosenthal](#); [Doug Cubberley](#); [Steve Lewis](#); [Brenda Hall](#); [Ellen Ustry](#); [Susan Connors](#)  
**Subject:** Please postpone to May 24 Council meeting.  
**Date:** Monday, April 11, 2011 6:17:28 PM  
**Importance:** High

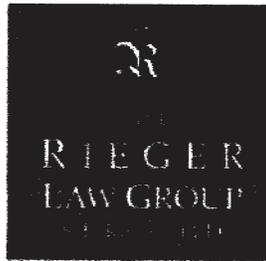
---

Dear Councilmembers,

Per the request of the applicant, please postpone the below Agenda Items 30 and 31 on tomorrow night's Council agenda to the Council meeting on May 24. These agenda items relate to the downzoning of the Marriott Residence Inn extended stay hotel from C-2 General Commercial Zoning to RM-6. This zoning change is being brought pursuant to a change in ownership and the seller and buyer are working to close on the property as simultaneous with the zoning change as possible, thus the postponement request as they work through the sale transaction. We greatly appreciate your assistance with our trying to coordinate of the zoning change with the closing date. There has been no protest throughout on this item, nobody has appeared at any hearing on it, and Staff supports. Please let me know if you have any questions. Thank you very much, best wishes, Sean.

30. ITEM: RESOLUTION NO. R-1011-82: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING THE NORMAN 2025 LAND USE AND TRANSPORTATION PLAN, **LAND USE PLAN AMENDMENT NO. LUP-1011-5**, SO AS TO PLACE LOTS 1-10, BLOCK 3; LOTS 1-9, BLOCK 4; LOTS 1-10, BLOCK 5; AND LOT 1, BLOCK 6, PRESIDENTIAL NO. 4 ADDITION AND ALL OF LOTS 1-13, BLOCK 1, AND LOTS 1-6, BLOCK 2, PRESIDENTIAL NO. 3 ADDITION TO THE CITY OF NORMAN, CLEVELAND COUNTY, OKLAHOMA, IN THE HIGH-DENSITY RESIDENTIAL DESIGNATION AND REMOVE THE SAME FROM THE COMMERCIAL DESIGNATION FOR THE HEREINAFTER DESCRIBED PROPERTY. (1801 JEFFERSON COURT AND 2681 JEFFERSON DRIVE)
31. ITEM: ORDINANCE NO. O-1011-41: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 460 OF CHAPTER 22 OF THE CODE OF THE CITY OF NORMAN SO AS TO PLACE LOTS 1-10, BLOCK 3; LOTS 1-9, BLOCK 4; LOTS 1-10, BLOCK 5; AND LOT 1, BLOCK 6, PRESIDENTIAL NO. 4 ADDITION, AND ALL OF LOTS 1-13, BLOCK 1, AND LOTS 1-6, BLOCK 2, PRESIDENTIAL NO. 3 ADDITION, TO NORMAN, CLEVELAND COUNTY, OKLAHOMA, IN THE RM-6, MEDIUM DENSITY APARTMENT DISTRICT, AND REMOVE THE SAME FROM THE C-2, GENERAL COMMERCIAL DISTRICT, OF SAID CITY; AND PROVIDING FOR THE SEVERABILITY THEREOF. (1801 JEFFERSON COURT AND 2681 JEFFERSON DRIVE)

Sean Paul Rieger  
Attorney ▪ Architect ▪ Broker



**REAL ESTATE LAW ▪ CONSTRUCTION LAW ▪ BUSINESS LAW**

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Item 31, being:

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

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

Items submitted for the record

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

and the question being upon postponing Ordinance No. O-1011-41 until May 24, 2011, a vote was taken with the following result:

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

NAYES: None

The Mayor declared the motion carried and Ordinance No. O-1011-41 was postponed until May 24, 2011.

\* \* \* \* \*

Item 32, being:

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

Ordinance No. O-1011-18 having been Introduced and adopted upon First Reading by title in City Council's meeting of March 22, 2011, Councilmember Atkins moved that Ordinance No. O-1011-18 be adopted upon Second Reading section by section, which motion was duly seconded by Councilmember Kovach;



**CITY COUNCIL AGENDA  
MAY 24, 2011**

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

**Item No. 31**

**Text File Number: O-1011-07**

**Introduced:** 4/18/2011 by Leah Messner, Assistant City Attorney

**Current Status:** Non-Consent Items

**Version:** 1

**Matter Type:** Ordinance

Title

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

**ACTION NEEDED:** Motion to adopt or reject Ordinance No. O-1011-07 upon Second Reading section by section.

**ACTION TAKEN:** \_\_\_\_\_

**ACTION NEEDED:** Motion to adopt or reject Ordinance No. O-1011-07 upon Final Reading as a whole.

**ACTION TAKEN:** \_\_\_\_\_

Body

**BACKGROUND:** In 2010, the Norman City Council was approached by a homeowner requesting that City Council consider a potential ordinance amendment to regulate the placement of dumpsters adjacent to single-family homes. The homeowner had concerns with the odor of a neighboring dumpster as it was located very near to the rear windows of her home. City Council then asked staff to review ordinances from other cities and to draft a proposed amendment for review by the Oversight Committee.

The Oversight Committee met to discuss this topic in September and October 2010 and January and April 2011. At the 2010 Oversight Committee meetings, the Committee reviewed ordinances from Ardmore, Broken Arrow, Lawton, Midwest City, Oklahoma City, and Stillwater. Other cities reviewed, Moore and Tulsa, did not have ordinances dealing with dumpster placement. At the January 5, 2011 meeting, the Oversight Committee requested that City staff draft amendments to the proposed Ordinance that would include a retroactivity clause to bring all dumpsters placed adjacent to single family zones or uses into compliance with a twenty-foot setback proposed by the Ordinance amendment. The Oversight Committee, at their April 2011 meeting, reviewed a final draft of the proposed changes and requested that draft be forwarded for consideration by the full City Council.

**DISCUSSION:** The proposed Ordinance Amendment requires any dumpster and/or compactor to be set back twenty feet from the property line where property that is zoned Industrial, Commercial, Office or Multi-Family abuts a single-family residential zone. The

proposed amendment applies to all new construction. Existing businesses must also come into compliance with the terms of this ordinance within six months after the ordinance is adopted. However, the Director of Utilities, or his designee, shall have the authority to waive or modify this requirement as potential site limitations may dictate.

Retroactivity provisions in statutes have often been looked at critically by the courts system. In order to ensure a proper retroactivity clause, courts review whether there is evidence of a legislative intent to apply the statute retroactively. 16A C.J.S. Constitutional Law § 559. Subsequent to this review, a court must then determine if the retroactivity clause contravenes any constitutional right or prohibition. *Id.* There are four primary instances where retroactivity clauses have been forbidden as they contravene constitutional rights: the Ex Post Facto Clause prohibits retroactive application of penal legislation; Article I of the United States Constitution prohibits States from passing laws impairing contracts; the Fifth Amendment's Takings Clause prevents the Legislature (and other government actors) from depriving private persons of vested property rights except for a "public use" and upon payment of just compensation; and Article I of the United States Constitution prohibits legislatures from singling out disfavored persons and meting out summary punishment for past conduct. *Landgraf v. USI Film Products*, 511 U.S. 244, 266 (1994). The retroactivity clause in the proposed Ordinance would not contravene any of these listed rights as it does not criminalize behavior, impair contracts, deprive persons of property rights, nor does it single out disfavored persons. For that reason, a Court might find the proposed retroactive clause "simply to give comprehensive effect to a new law Congress considers salutary." *Id.* at 267-68.

Another requirement of retroactivity clauses is notice of the new regulation and time to come into compliance because "elementary considerations of fairness dictate that individuals should have an opportunity to know what the law is and to conform their conduct accordingly." *Id.* at 265. For this reason, the proposed Ordinance draft submitted for your consideration includes a six-month window for compliance to be achieved after adoption of new setback requirements. In addition, the language of the proposed Ordinance allows the Director of Utilities to waive or modify the setback requirements where site limitations dictate.

The proposed amendment also contains language that, if a developer chooses to locate dumpsters and the required enclosures within a platted utility easement, the developer assumes all responsibility for any damage to the enclosure if utility work needs to be completed in the easement. This protects the City of Norman from damage claims if an enclosure is damaged while the City of Norman, or other utility companies, performs work in a utility easement.

The proposed Ordinance will be enforced prior to placement of dumpsters at a newly constructed location. In regards to existing dumpsters, City staff, upon receipt of a complaint from a neighboring residence and after the six month window for compliance, will either contact the business owner and request relocation or relocate the dumpster into a compliant location.

**RECOMMENDATION:** Based upon the above and foregoing discussion, it is the staff recommendation that Ordinance O-1011-7 be adopted.

AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA AMENDING ARTICLE III, SECTION 19-303 OF CHAPTER 19 OF THE CODE OF THE CITY OF NORMAN BY ADDING A PROVISION REGARDING THE PLACEMENT OF A DUMPSTER AND/OR COMPACTOR ON PROPERTY ZONED INDUSTRIAL, COMMERCIAL, OFFICE, OR MULTI-FAMILY; AND PROVIDING FOR THE SEVERABILITY THEREOF.

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

§ 1. That, Article III, Section 19-303 of Chapter 19 of the Code of the City of Norman, Oklahoma shall be amended to read as follows:

**Section 21-303. Preliminary plat: Contents**

The preliminary plat shall be drawn at a scale of not more than one hundred (100) feet to the inch, except where impractical and shall show:

\* \* \*

P. In the instance where property that is zoned Industrial, Commercial, Office, or Multi-Family abuts a single-family residential zone, the dumpster and/or compactor must be set back 20 feet from the property line that abuts the single-family zone or single-family use.

1. This standard shall apply for all new construction. Existing businesses must also come into compliance with the terms of this ordinance within six (6) months after the ordinance is adopted. However, the Director of Utilities, or his designee, shall have the authority to waive or modify this requirement as potential site limitations may dictate.
2. If a developer chooses to locate dumpsters and the required enclosures within a platted utility easement, the developer assumes all responsibility for any damage to the enclosure if utility work needs to be completed in the easement.

\* \* \*

§ 2. Severability. If any section, sentence, clause or phrase of this ordinance or any part thereof is for any reason found to be invalid by a court of competent jurisdiction, such decisions shall not affect the validity of the remainder of this ordinance or any part thereof.

ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2011.

NOT ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
Cindy Rosenthal, Mayor

\_\_\_\_\_  
Cindy Rosenthal, Mayor

ATTEST:

\_\_\_\_\_  
Brenda Hall, City Clerk

AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA AMENDING ARTICLE III, SECTION 19-303 OF CHAPTER 19 OF THE CODE OF THE CITY OF NORMAN BY ADDING A PROVISION REGARDING THE PLACEMENT OF A DUMPSTER AND/OR COMPACTOR ON PROPERTY ZONED INDUSTRIAL, COMMERCIAL, OFFICE, OR MULTI-FAMILY; AND PROVIDING FOR THE SEVERABILITY THEREOF.

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1. This standard shall apply for all new construction. Existing businesses must also come into compliance with the terms of this ordinance within six (6) months after the ordinance is adopted. However, the Director of Utilities, or his designee, shall have the authority to waive or modify this requirement as potential site limitations may dictate.

2. If a developer chooses to locate dumpsters and the required enclosures within a platted utility easement, the developer assumes all responsibility for any damage to the enclosure if utility work needs to be completed in the easement.

\* \* \*

§ 2. Severability. If any section, sentence, clause or phrase of this ordinance or any part thereof is for any reason found to be invalid by a court of competent jurisdiction, such decisions shall not affect the validity of the remainder of this ordinance or any part thereof.

ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2011.

NOT ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
Cindy Rosenthal, Mayor

\_\_\_\_\_  
Cindy Rosenthal, Mayor

ATTEST:

\_\_\_\_\_  
Brenda Hall, City Clerk

## CITY COUNCIL OVERSIGHT COMMITTEE MINUTES

September 1, 2010

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

PRESENT: Councilmembers Adkins, Griffith, Kovach, and Chairman Dillingham

ABSENT: None

OTHERS PRESENT: Mr. Jeff Bryant, City Attorney  
Ms. Susan Connors, Director of Planning and Community Development  
Ms. Dee Crockett, Enforcement Authority Member  
Ms. Nina Flannery, Enforcement Authority Member  
Ms. Mary Francis, Enforcement Authority Chair  
Ms. Brenda Hall, City Clerk  
Dr. Richard Hilbert, Enforcement Authority Member  
Mr. Ken Komiske, Director of Utilities  
Mr. Steve Lewis, City Manager  
Ms. Leah Messner, Assistant City Attorney  
Mr. Shawn O'Leary, Director of Public Works  
Mr. Scottie Williams, Utilities Superintendent  
Ms. Syndi Runyon, Administrative Assistant IV

### DISCUSSION REGARDING PROPOSED ORDINANCE REGULATING DUMPSTER PLACEMENT.

Mr. Ken Komiske, Director of Utilities, said, currently, there is no ordinance addressing dumpster placement and while it is difficult to address past issues, it does provide an opportunity to correct future problems. He said Ms. Leah Messner, Assistant City Attorney, drafted an ordinance that includes diagrams that need to be a part of the engineering standards. He said, currently, developers are required to have dumpster locations on any site plan, but there are no requirements stating how far the dumpster must be from a residential neighborhood. Chairman Dillingham said Ms. Carol Cole-Frowe brought forward a complaint to Council regarding an apartment dumpster just a few feet from her home, which is offensive not only in aesthetics but odor as well, and asked how the City could deal with this problem. Mr. Komiske said the problem may resolve itself as the apartments have a new owner and Staff will contact the new owners to work out another location for the dumpster. Chairman Dillingham said she approves of the new ordinance, but is disappointed that the ordinance would not help with Ms. Cole-Frowe's problem. Ms. Messner said Chapter 10 of the ordinance defines a public nuisance, but it does not allow for requiring a property owner to move a dumpster; however, it could be amended to include noxious odors or health issues such as insects and/or rodents.

Mr. Jeff Bryant, City Attorney, said a citizen can pursue their own private nuisance action and the new owners may be more likely to work with the citizen to alleviate the problem. He said to be considered a public nuisance, the problem would have to impact several persons. Councilmember Atkins said it could be considered a public nuisance since there are several tenants in an apartment complex, but Chairman Dillingham said the dumpster is not set near their windows and does not affect them as much as Ms. Cole-Frowe.

Chairman Dillingham felt the ordinance would work for future problems and suggested going forward to Council, but asked Staff to work with the new apartment owners to reach an agreement to move the dumpster away from Ms. Cole-Frowe's residence.

Councilmember Griffith said the ordinance requires dumpsters to have a set back of 20 feet from the property line that abuts the single family zone and asked why Staff chose 20 feet instead of 50 feet like the City of Ardmore. Mr. Komiske said commercial sites do not have a lot of room for placement and Staff did not want to create problems for those businesses. Councilmember Griffith said he thought it would be harder to retrofit due to space limitations. Ms. Connors said retro fits will be harder because this ordinance is geared for new developments and set backs for houses in older neighborhoods are five feet. She said Staff should look at those issues before bring the ordinance forward and Chairman Dillingham agreed, but felt there will be more problems in the core area with more than 20 feet.

Chairman Dillingham suggested Staff review Chapter 10 – Public Nuisance to include problems with odors, insects, and rodents for dumpsters. She asked Staff to bring it back to the Committee on October 13, 2010.

The Committee also discussed problems with vehicles blocking polycarts and suggested placing notices on the vehicles cautioning them to not block polycarts. Mr. Scottie Williams, Utilities Superintendent, said, currently, drivers get out of their trucks to move the polycart so it can be emptied and place a correction notice on the polycart. He said if it happens again, the driver's are instructed not to empty the polycart. He said the citizen will contact sanitation when the polycart is not emptied and sanitation will work with the citizen to resolve future issues, but it is a problem. Mr. Steve Lewis, City Manager, said Staff can do more research, but at this time there is no ordinance for blocking polycarts. Councilmember Kovach suggested creating an education piece on why you should not park in front of polycarts as well as placing a courteous notice on the vehicles to raise awareness.

Items submitted for the record

1. Memorandum dated August 24, 2010, from Susan Connors, Director of Planning and Community Development, and Ken Komiske, Director of Utilities, to City Council Oversight Committee, Councilmember Atkins, Councilmember Dillingham, Councilmember Griffith, Councilmember Kovach
2. Memorandum dated September 1, 2010, from Linda Price, Revitalization Manager, to City Council Oversight Committee
3. Draft ordinance

DISCUSSION REGARDING ENFORCEMENT AUTHORITY RECOMMENDATIONS FOR PROPOSED CHANGES TO CHAPTER 7.5 – ELECTIONS.

Ms. Mary Francis, Enforcement Authority Chair, said, during the past year's election season, the Enforcement Authority was overwhelmed with non-compliant committees that did not report voluntarily, but were "discovered" by Staff or Authority members. She said this took an inordinate amount of City Staff time and there was no ordinance to remediate or deter the non-compliant committees. She said the State has a mechanism to deter non-compliance with a fine for those turning in late reports. The Authority is recommending an ordinance amendment that would add an additional duty for the Enforcement Authority to make an effort to inform the public about the importance of reporting all contributions and expenditures by candidates for local offices as well as the political action committees involved in any given campaign.

Ms. Francis said the Authority is also recommending the number of days in which the final City report can be submitted from 30 days to 40 days, which would match the final State report deadline.

Chairman Dillingham said she is really interested in the idea of the Authority driving some of the public education and felt they would be more effective than Staff. She asked how they envisioned this working and Ms. Francis said it would depend on the media and the City or Authority could be more conscious of alerting the editors or reporters concerning the past problems. Councilmember Kovach suggested the

## CITY COUNCIL OVERSIGHT COMMITTEE MINUTES

October 13, 2010

The City Council Oversight Committee of the City of Norman, Cleveland County, State of Oklahoma, met at 5:35 p.m. in the City Council Conference Room on the 13th day of October, 2010, and notice and agenda of the meeting were posted in the Municipal Building at 201 West Gray 48 hours prior to the beginning of the meeting.

PRESENT:	Councilmembers Atkins, Griffith, Kovach, and Chairman Dillingham
ABSENT:	None
OTHERS PRESENT:	Ms. Brenda Hall, City Clerk Mr. Ken Komiske, Director of Utilities Mr. Doug Koscinski, Current Planning Manager Ms. Leah Messner, Assistant City Attorney Mr. Scottie Williams, Utilities Superintendent Ms. Syndi Runyon, Administrative Assistant IV

### CONTINUED REVIEW OF PROPOSED ORDINANCE REGULATING DUMPSTER PLACEMENT.

In the September 4, 2010, meeting, Mr. Ken Komiske, Director of Utilities, said there is currently no ordinance addressing dumpster placement and while it is difficult to address past issues, it does provide an opportunity to correct future problems. Ms. Leah Messner, Assistant City Attorney, drafted an ordinance that included diagrams that need to be a part of the engineering standards. He said, currently, developers are required to have dumpster locations on a site plan, but there are no requirements stating how far the dumpster must be from a residential neighborhood. Ms. Carol Cole-Frowe previously brought forward a complaint to Council regarding an apartment dumpster just a few feet from her home, which is offensive not only in aesthetics but odor as well, and asked if the City could help with this problem.

Mr. Ken Komiske, Director of Utilities, said the commercial dumpster near Ms. Carol Cole-Frowe's home was moved two weeks ago and, so far, there have been no complaints from the new apartment complex property owners. Mr. Scottie Williams, Utilities Superintendent, said he has talked with Ms. Cole-Frowe and she is happy with the new placement.

Ms. Leah Messner, Assistant City Attorney, said language has been added to the draft ordinance giving the Director of Utilities, or his designee, the authority to waive or modify the set back requirements as potential site limitations may dictate.

Ms. Cole-Frowe asked if the ordinance only applied to preliminary plats and Ms. Messner said it would apply to new construction, which requires location of the dumpster on the plat when adjacent to single family residential property. She said the dumpster would have to be 20 feet away from the property line and it would also apply to a change in zoning or reoccupation of the property if vacant two years or more. Ms. Cole-Frowe asked if it applied to her situation and Ms. Messner said it does not.

Ms. Cole-Frowe said she has always been proud of Norman for sticking up for individual citizens and she cannot believe the City will allow a company to place a dumpster seven feet from someone's house. She said the apartment complex could move the dumpster back near her house anytime they want and there is no law to prevent this.

Ms. Cole-Frowe said she is only asking that the apartment complex be required to place the dumpster 20 feet from residential property and to install an eight foot minimum fence when they replace their current fence. Chairman Dillingham asked Ms. Messner to recap the legal issues from the last meeting and Ms. Messner said there is always difficulty in requiring a retrofit because at the time the properties were built everything was legal and to tell property owners they have to change because it is no longer legal is not something cities are usually able to do. Councilmember Kovach asked if there had been an instance where the City could impose new regulations when there is a change of ownership and Ms. Messner said yes, but it is difficult to track ownership because when property sells, the City is usually not notified. Councilmember Atkins suggested tracking new commercial owners through utility changes.

Ms. Cole-Frowe said the City passed a law that if a business replaced their sign, they had to conform to the current sign ordinance. She said she does not understand why there cannot be some provision for a minimum setback on dumpsters. Ms. Messner said the Committee could do something similar to the commercial lighting ordinance where businesses have to conform to new regulations by a certain timeframe such as five years. Councilmember Kovach asked if it could be a shorter period such as two years and Ms. Cole-Frowe asked why someone would have to live with a dumpster seven feet from their house for two years.

Chairman Dillingham felt the City had to find the most reasonable, fair way to retrofit. She asked Staff to review past retrofit requirements to see what would be a reasonable timeframe. She asked if Staff knew how many non-compliant dumpsters there might be. Ms. Cole-Frowe felt there were just a fraction of commercial dumpsters that are non-compliant and Councilmember Kovach said the Committee only needed to know the dumpsters that abutted residential property. He said if the City forced compliance on current properties, those properties that physically cannot meet the requirement, then the City would need an alternative for them such as fencing. Ms. Messner said the newer properties have masonry walls around their dumpsters, so moving those would create a greater cost, but Chairman Dillingham felt that there would not be anything built recently that would be non-compliant.

Chairman Dillingham asked Staff to gather information on how many commercial dumpsters abut residential property, how many of those are non-compliant, and how many of those could not be brought into compliance. She said the Committee will review that information at its December meeting; however, if the apartment owners asked for the dumpster to be placed back in its original spot near Ms. Cole-Frowe's house before that time, the Committee may need to review the data in its November meeting.

Chairman Dillingham moved the discussion to dumpsters/polycarts being blocked by vehicles and Mr. Komiske said the City is looking at moving the placement of polycarts out of alleyways and onto the front of the streets and each alleyway is being reviewed on an individual basis due to the number of vehicles parked along the street. Mr. Williams said he has driven each alley taking notes that he will compile into data for the Committee's review. Councilmember Atkins asked if there were a lot of alleys, where polycarts cannot be relocated, with obstacles for sanitation trucks such as low hanging utility wires or tree limbs and Mr. Komiske said Code Compliance Inspectors work with property owners to keep trees trimmed; however, it is a summer long process.

Items submitted for the record

1. Memorandum dated October 4, 2010, from Ken Komiske, Director of Utilities, and Susan Connors, Director of Planning and Community Development to City Council Oversight Committee, Councilmember Atkins, Councilmember Dillingham, Councilmember Griffith, Councilmember Kovach
2. Draft ordinance
3. Memorandum dated September 1, 2010, from Linda Price, Revitalization Manager, to City Council Oversight Committee

## CITY COUNCIL OVERSIGHT COMMITTEE MINUTES

April 6, 2011

The City Council Oversight Committee of the City of Norman, Cleveland County, State of Oklahoma, met at 5:35 p.m. in the City Council Conference Room on the 6th day of April, 2011, and notice and agenda of the meeting were posted in the Municipal Building at 201 West Gray 48 hours prior to the beginning of the meeting.

PRESENT: Councilmembers Atkins, Griffith, Kovach, and Chairman Dillingham

ABSENT: None

OTHERS PRESENT: Mr. Roger Gallagher, Councilmember-Elect Ward 1  
Mr. Ken Komiske, Director of Utilities  
Mr. Doug Koscinski, Current Planning Manager  
Mr. Steve Lewis, City Manager  
Ms. Leah Messner, Assistant City Attorney  
Ms. Debra Smith, Environmental Services Coordinator  
Mr. Dave Spaulding, Councilmember-Elect Ward 5  
Ms. Kathryn Walker, Assistant City Attorney  
Mr. Scottie Williams, Utilities Superintendent  
Ms. Syndi Runyon, Administrative Assistant IV

### DISCUSSION REGARDING FOLLOW-UP ON THE PROPOSED ORDINANCE REGULATING THE PLACEMENT OF DUMPSTERS ON PROPERTY ZONED INDUSTRIAL, COMMERCIAL, OFFICE, OR MULTI-FAMILY.

Chairman Dillingham said Staff has done a great job in preparing an ordinance for the placement of commercial dumpsters near residential areas.

Ms. Leah Messner, Assistant City Attorney, said the Oversight Committee met in September and October of 2010, and January 2011, regarding an ordinance to regulate dumpster placement on non-residential properties. At the January meeting, the Committee directed Staff to draft amendments to the proposed ordinance that would include a retroactivity clause to bring all dumpsters placed adjacent to single family zones into compliance with the twenty-foot setback proposed in the ordinance. She said retroactivity provisions in statutes have often been looked at critically by the courts. She said there are four primary instances where retroactivity clauses have been forbidden as they contravene constitutional rights: the Ex Post Facto Clause prohibits retroactive application of penal legislation; Article I of the United States Constitution prohibits States from passing laws impairing contracts; the Fifth Amendment's Takings Clause prevents the Legislature (and other government actors) from depriving private persons of vested property rights except for a "public use" and upon payment of just compensation; and Article I of the United States Constitution prohibit legislatures from singling out disfavored persons and meting out summary punishment for past conduct. She said the retroactivity clause in the proposed ordinance would not contravene any of these listed rights as it does not criminalize behavior, impair contracts, deprive persons of property rights, nor does it single out disfavored persons. Chairman Dillingham asked if property should be inspected after six months or on a complaint driven basis? Councilmember Kovach said he preferred a complaint driven basis and the Committee agreed. Chairman Dillingham instructed Staff to bring the ordinance forward to Council for review.

Councilmember Griffith said if someone complains three months after the ordinance is adopted, does that mean they have a three month window to comply and Ms. Messner said they would have six months to comply.

## CITY COUNCIL OVERSIGHT COMMITTEE MINUTES

January 5, 2011

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

PRESENT:	Councilmembers Atkins, Griffith, Kovach, and Chairman Dillingham
ABSENT:	None
OTHERS PRESENT:	Ms. Susan Connors, Director of Planning and Community Development Mr. Mark Daniels, Utility Engineer Ms. Brenda Hall, City Clerk Mr. Ken Komiske, Director of Utilities Mr. Doug Koscinski, Current Planning Manager Ms. Leah Messner, Assistant City Attorney Mr. Scottie Williams, Utilities Superintendent Ms. Syndi Runyon, Administrative Assistant IV

### FOLLOW-UP DISCUSSION REGARDING THE PROPOSED ORDINANCE REGULATING DUMPSTER PLACEMENT.

Mr. Ken Komiske, Director of Utilities, said the proposed ordinance states, "in the instance where the property that is zoned Industrial, Commercial, Office, or Multi-Family abuts a single-family residential zone, the dumpster and/or compactor must be set back 20 feet form the property line that abuts the single family zone." He said the ordinance will apply to all new construction, changes in zoning or use, or if the property has been vacant for more than two years. He said there are 2,400 commercial customers and approximately 150 of those are in areas that abut residential areas, but cannot meet the 20 foot set back. Chairman Dillingham asked if the requirements should be tied to zoning or use and thought use would give Staff more latitude for enforcement. Councilmember Kovach said most of the existing dumpsters that would be in violation were not within 20 feet of a home so he did not believe they would be a problem to anyone. Mr. Doug Koscinski, Current Planning Manager, said the awkward piece of the ordinance would be instances where businesses are mandated to place dumpsters in the alley and that would violate the proposed ordinance. He said it could be mandated that dumpsters be placed away from the residential side of the alley and Chairman Dillingham agreed and language could read "whenever possible, dumpsters be placed on the non-residential side of the alley." Mr. Komiske asked if the ordinance should be complaint driven and Chairman Dillingham said yes.

Ms. Leah Messner, Assistant City Attorney, asked if Councilmembers wanted the ordinance to be retroactive when there is a complaint and Councilmember Kovach said yes, but only enforced upon a complaint. Chairman Dillingham said in order to make retroactivity work without having to move 150 dumpsters the Committee needs to narrow the focus to the real problem, which seems to be areas where dumpsters are located very close to a single family residence or in an area not primarily commercial and someone has complained.

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

Items submitted for the record

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

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

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

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



**CITY COUNCIL AGENDA  
MAY 24, 2011**

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

**Item No. 32**

**Text File Number: O-1011-53**

**Introduced:** 3/28/2011 by Kathryn Walker, Assistant City Attorney

**Current Status:** Non-Consent Items

**Version:** 1

**Matter Type:** Zoning Ordinance

Title

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

**ACTION NEEDED:** Motion to adopt or reject Ordinance No. O-1011-53 upon Second Reading section by section.

**ACTION TAKEN:** \_\_\_\_\_

**ACTION NEEDED:** Motion to adopt or reject Ordinance No. O-1011-53 upon Final Reading as a whole.

**ACTION TAKEN:** \_\_\_\_\_

Body

**BACKGROUND:** The Storm Water Master Plan (SWMP) contained several recommendations aimed at improving water quality. The recommendation that led to the ordinances before Council was set forth in the SWMP as follows:

- Dedicate Stream Planning Corridors (SPC's) and/or the 100-year full buildout floodplains to the City of Norman by easement or title for streams located in the Lake Thunderbird watershed that have a drainage area greater than 40 acres.
- Prohibit development or significant land disturbance in the SPC's and/or the 100-year full buildout floodplain. Exemptions should include items such as, but not limited to, maintenance activities, greenway trails, road crossings, utilities, and stream stabilization measures.
- Require additional stream-side buffers of 15 ft to each side of streams with drainage areas greater than 40 acres that are located in the Lake Thunderbird watershed and also in Suburban Residential and Country Residential areas as defined in the Norman 2025 Plan including subsequent updates to the comprehensive plan as adopted by City Council.

Storm Water Master Plan, Section 9.9.

Following the acceptance of the SWMP and adoption of the SWMP Action Plan in November 2009, Staff began working towards the development of a draft ordinance that would address this recommendation from the SWMP. A variety of approaches utilized in other cities in our region were presented during a Public Forum on January 27, 2010, with maps being provided that demonstrated how each approach would compare to the proposed SPC's. Feedback from the development community indicated that several things would be important to achieving consensus - allowing variances for unique developments and new technology, providing for density compensation, and not requiring dedication of the SPC for public access or public trails.

Using this feedback, Staff began drafting an ordinance that encompassed desirable characteristics seen in many of the regional approaches and also seen in a Model Ordinance for Stream Buffers from the Environmental Protection Agency (EPA). After developing a pair of draft ordinances, Staff met several times with the City Council sub-committee for the SWMP before presenting the ordinances to the SWMP Task Force (the "Task Force"), a group made up of developers, engineers, scientists, and other local citizens.

Staff met with the SWMP Task Force on the following dates:

- February 11, 2011
- February 21, 2011
- March 7, 2011
- March 21, 2011
- April 29, 2011

In addition to the meetings with the Task Force, Staff met with key developer representatives on February 15, 2011, Chamber representatives on February 24, 2011 and again with key developer representatives as well as the City Council sub-committee for the SWMP on March 31, 2011. The changes made to the ordinances in an effort to achieve consensus can be seen in Exhibit A, Timeline of WQPZ Ordinances.

The Norman Planning Commission was briefed on these ordinances during a Study Session on April 7, 2011. During its meeting on April 14, 2011, the Planning Commission voted 4-4 on a motion to recommend Council adoption of the attached ordinances.

One of the key recommendations from the SWMP, as quoted above, dealt with the benefits of riparian buffers. Riparian buffers, or areas of undeveloped land adjacent to streams, provide a number of benefits related to water quality, including reduction of erosion and the stabilization of stream banks, infiltration of storm water runoff, control of sedimentation, and restoration and maintenance of the chemical, physical, and biological integrity of water resources. Riparian buffers also provide significant benefits for the prevention of property damage due to flooding.

**DISCUSSION:**

Ordinances. The ordinances before City Council would require applications for preliminary plats or Norman Rural Certificates of Survey to identify the streams on the subject property and denote a buffer on either side of the stream. The ordinance calls for the buffer to be the greater of the FEMA floodplain, the Full Build-Out Floodplain, or 100 feet from the top of the bank on either side of the stream.

The FEMA floodplain encompasses the areas along both sides of streams or drainage corridors that have a drainage area greater than 640 acres and would be inundated by a 100-year rain event in any given year assuming only current development conditions. The Full Build-Out Floodplain encompasses the areas along both sides of streams or drainage corridors in the Lake Thunderbird Watershed that have a drainage area greater than 40 acres and would be inundated by a 100-year rain event in any given year assuming full build-out watershed conditions.

The designated buffer area would be called the Water Quality Protection Zone (WQPZ). The buffer is divided into three zones - streamside, middle, and outer zone with uses being more restricted the closer you are to the stream. The buffer width may be increased if the stream is a 3rd order or higher stream (these are typically the larger streams); if certain slope conditions exist in the buffer, and to encompass wetland areas.

Since riparian buffers are essentially areas of undeveloped land, it is important that buffer ordinances are flexible to accommodate development conditions. In the WQPZ ordinances before City Council, several things have been incorporated to ensure flexibility. First, the buffer width discussed above can be reduced for first-order streams to 50 feet (but not less than the Full Build-Out Floodplain) with a showing that an engineered solution will provide a particular level of phosphorus and nitrogen removal (*O-1011-52, Section 19-411D*). Second, the buffer width can be reduced in all streams if the Applicant seeks a variation in accordance with Section 19-601(B), also in O-1011-52.

The ordinance also explicitly allows for specifications and requirements in the Engineering Design Criteria to be modified to accommodate low impact development strategies (*O-1011-52, Section 19-411H*). The ordinance allows for the buffer to be modified to recover a lost lot as long as the average width of the buffer meets the requirements in 19-411(B). (*O-1011-52, Section 19-601B.2.*) Finally, the additions to the Zoning Ordinance allow for reduction in minimum lot size and transfers in development density to allow developers to recover lots lost because of the WQPZ.

Adoption of the SWMP. When the SWMP was presented to City Council in November 2009, Council's decision to accept certain aspects of SWMP rather than adopt the plan was largely due to significant trepidation in the community about the SPC recommendations contained in the plan. This trepidation is the reason why development of these ordinances was one of the first items for Staff to develop in the Action Plan adopted by Council. The next major action item for Staff to begin working on is approval of a storm water utility rate

structure by the voters in Norman. One of the major accomplishments of the SWMP was to identify the capital projects and applicable scope necessary to achieving the City's goals. Adoption of the SWMP as a policy document will enable Staff to move forward with the capital projects portion of the Plan. Resolution No. R-1011-120 formally adopts the Storm Water Master Plan.

**CONCLUSION AND RECOMMENDATION:** Staff has worked diligently with the Storm Water Task Force, the Council Sub-Committee, as well as developer representatives to develop ordinances that will both protect and enhance water quality and prevent property damage due to flooding, while also striking the appropriate balance with development rights and goals. Staff feels it is the appropriate time to adopt the SWMP as the guidance it provides for the capital projects and Storm Water Utility will be key as Staff moves forward.

Staff recommends Council approval of Ordinances No. O-1011-52 and O-1011-53 and Resolution No. R-1011-120.

AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA AMENDING CHAPTER 22 (ZONING ORDINANCE) OF THE CODE OF THE CITY OF NORMAN TO ADD A SECTION 429.7 CREATING A ZONING OVERLAY DISTRICT FOR THE WATER QUALITY PROTECTION ZONE AND AMENDING SECTION 441(11) PROVIDING FOR SUBMITTALS FOR A VARIANCE FROM THE REQUIREMENTS OF THE WATER QUALITY PROTECTION ZONING OVERLAY DISTRICT; AND PROVIDING FOR THE SEVERABILITY THEREOF.

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

- § 1. That Section 429.7 of Chapter 22 of the Code of the City of Norman, Oklahoma, shall be and is hereby adopted to read as follows:

**SEC. 429.7 WQPZOD, WATER QUALITY PROTECTION ZONING OVERLAY DISTRICT.**

1. Purpose. The City of Norman adopts a goal of non-degradation which maintains or improves the quality of water entering the various waterways, while preventing property damage due to flooding in Norman. Pollution will be diminished by requiring best management practices and development criteria for point and non-point sources, including an emphasis on passive measures, supplemented by the use of structural controls, where appropriate. Land uses which could adversely affect the water supply are generally prohibited, unless acceptable alternate methods are used that can be shown to substantially reduce or eliminate its affect on the water supply, thereby preventing the risk of contaminants entering the water reservoir, and posing a risk to the public health.
2. Identification and Establishment of District. The Water Quality Protection Zoning District (“WQPZOD”) is hereby created within the City of Norman as depicted on the Water Quality Protection Zone Map attached hereto as Exhibit A and includes any subsequent updates.
3. Applicability: The Standards of this Section shall be evaluated for applicability to all new construction and/or new development in the Water Quality Protection Zone defined herein. This section shall not apply to approved preliminary plats, final plats, filed Norman Rural Certificates of Survey, or lots of record or development already completed as of the effective date of this ordinance.
4. Definitions:
  - a. *Best Management Practices (BMP)*: An effective integration of storm water management systems, with appropriate combinations of non-structural controls and structural controls which provide an optimum way to convey, store and release runoff, so as to reduce peak discharge, reduce pollutants,

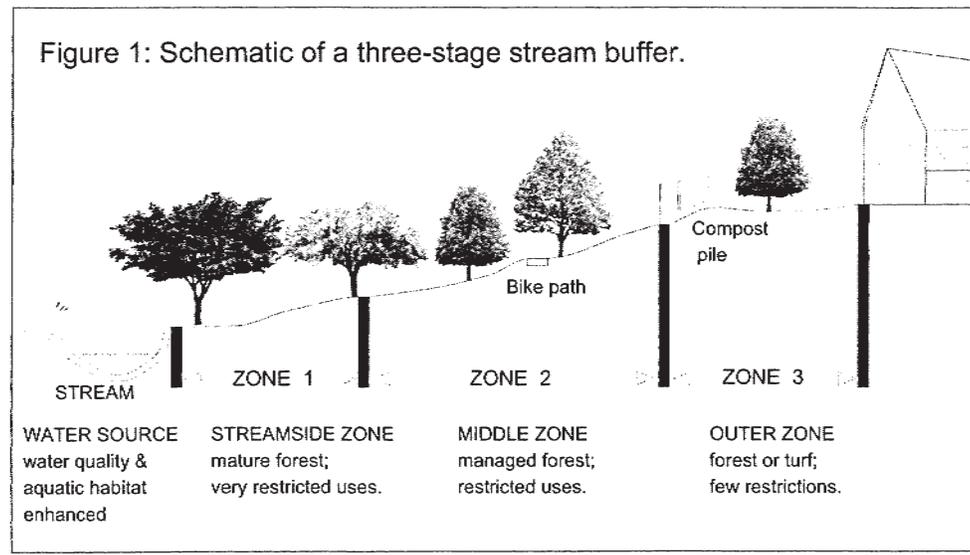
enhance water quality, assist in stream and/or stream bank stabilization, prevent property damage due to flooding, and assist in sediment reduction. BMP's include, but are not limited to, the following:

- i. Structural controls such as:
    - a. Sediment forebay;
    - b. Grassed swale;
    - c. Enhanced bio-swale;
    - d. Voluntary urban nutrient management;
    - e. Statutory urban nutrient management;
    - f. Wetlands;
    - g. Extended detention-enhanced;
    - h. Retention basins;
    - i. Bioretention, surface sand, organic, and similar filters;
    - j. Soaking trench;
    - k. Infiltration trench;
    - l. Storm water pond;
    - m. Dry extended detention pond; and
    - n. In-channel detention.
  - ii. Non-structural controls such as:
    - a. Landscape conservation;
    - b. Reduction in impervious cover;
    - c. Schedule of maintenance activities;
    - d. Prohibition of practices;
    - e. Maintenance procedures.
    - f. Street sweeping;
    - g. Fertilizer restrictions.
- b. *Buffer*: A vegetated area, including trees, shrubs, and herbaceous vegetation that exists or is established to protect a stream system, lake or reservoir, reduce pollutants, enhance water quality, assist in stream and/or stream bank stabilization, and assist in sediment reduction.
- c. *Building Envelope*: an area of land within a buildable parcel or lot within which all site structures, buildings, other hardscape elements, and on-site waste disposal systems shall be contained, except driveways. The building envelope also includes any building overhangs, eaves, protruding architectural features (e.g. chimneys), and similar elements.
- d. *Degradation*: any condition caused by the activities of humans which result in the prolonged impairment of any constituent of the aquatic environment.

- e. *Full Build-Out Floodplain (FBF)*: the area of land along both sides of a stream or natural drainage corridor that encompasses the area projected to be inundated by the one-percent (1%) chance flood event (i.e. the 100-year floodplain) in any given year assuming full build-out watershed conditions (based upon the Norman 2025 Plan and subsequent updates) in those areas with 40 or more acres of drainage area in the Lake Thunderbird watershed.
- f. *Impervious Cover*: Roads, parking areas, buildings, pools, patios, sheds, driveways, private sidewalks, and other impermeable construction covering the natural land surface. This shall include, but not be limited to, all streets and pavement within a subdivision. Vegetated water quality basins, vegetated swales, other vegetated conveyances for overland drainage, areas with gravel placed over pervious surfaces that are used only for landscaping or by pedestrians, and public sidewalks shall not be calculated as impervious cover.
- g. *Non-degradation*: The proper use of BMP's and pollution prevention criteria in activity so as to prevent property damage due to flooding and degradation as defined herein.
- h. *Pollution*: the contamination or other alteration of the physical, chemical or biological properties of any stream or other water source, or such discharge of any liquid, gaseous or solid substance into any stream or other water source as will or is likely to create a nuisance or render such waters harmful or detrimental or injurious to public health, safety or welfare, or to domestic, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses, or to livestock, wild animals, birds, fish or other aquatic life.
- i. *Streams*: Watercourses that are either identified through site inspection and/or notification by the United States Army Corp of Engineers or by the United States Geological Survey (USGS) 7.5 minute series (topographic) maps drawn at a scale of 1:24,000 or 1 inch = 2000 feet. Perennial streams are those which are depicted on a USGS map with a solid blue line. Intermittent streams are those which are depicted on a USGS map with a dotted blue line.
- j. *Structural controls*: engineered solutions designed to reduce pollution in surface water runoff primarily through five basic mechanisms: infiltration, amelioration, treatment, filtration and detention. In effect, these systems attempt to counteract the opposite tendencies of decreased infiltration, filtration and detention which urbanization imposes upon the land.
- k. *Top of bank*: The point along a stream bank where abrupt change in slope is evident, and where the stream is generally able to overflow the banks and enter the adjacent floodplain. The top of bank may be identified from topography maps but must be verified through field inspection. Where no top

of bank is discernable by the City's Storm Water Engineer or his designee, measurements should be taken from the center line of the stream.

- l. *Uplands Zone*: all land and waters outside of the Water Quality Protection Zone.
  - m. *Water Quality Protection Zone (WQPZ)*: A vegetated strip of land that lies along a stream, river or lake and its adjacent wetlands, floodplains or slopes that is comprised of the stream bed, the floodplain (FEMA or Full Build-Out, whichever is greater) and additional buffer as may be required by this Chapter.
5. Three Buffer Zone System: The WQPZ shall be composed of three distinct zones on each side of the stream, with each zone having its own set of allowable uses and vegetative targets as specified herein. (See Figure 1 below)
- a. Zone 1, Streamside Zone: The area beginning at the top of the bank of the active channel and extending horizontally the number of feet equal to 25%, but no less than 25 feet, of the overall distance of the designated WQPZ on that particular side of the stream.
  - b. Zone 2, Middle Zone: The area beginning at the outer edge of Streamside Zone and extending horizontally the number of feet equal to 67% of the remainder of the distance of the designated WQPZ on that particular side of the stream.
  - c. Zone 3, Outer Zone: The area beginning at the outer edge of the Middle Zone and extending horizontally the number of feet equal to 100% of the remainder of the distance of the designated WQPZ on that particular side of the stream.



## 6. Buffer Zone Uses.

### a. Zone 1, Streamside Zone

#### i. Uses Permitted.

- a. Flood control structures
- b. In channel detention ponds not located in the FEMA floodplain
- c. Utility rights of way and/or easements
- d. Agricultural operations or structures existing at the time this ordinance is adopted.

#### ii. Uses and Practices Prohibited (unless otherwise approved).

- a. All uses not listed in (i) above are prohibited.

#### iii. Special Use: the following uses may be permitted, after review, in accordance with Section 434.1:

- a. Road and bridges provided that:
  - a. No economically feasible alternative is available;
  - b. The right-of-way is the minimum width needed to allow for maintenance access and installation; and
  - c. Only the minimum number of road crossings are being utilized (where applicable)

### b. Zone 2, Middle Zone

#### i. Uses Permitted.

- a. All uses permitted in Zone 1 above.
- b. Foot and bike paths, trails, and access ramps or entries.

- c. Recreational playing fields as approved by City Council.
- ii. Uses and Practices Prohibited.
    - a. All uses prohibited in Zone 3 below.
    - b. Clearing of existing vegetation except that limited tree clearing may be allowed with approval by the Director of Public Works.
    - c. Soil disturbance by grading, stripping or other practices
    - d. Filling or dumping
    - e. Use or storage of pesticides.
    - f. Storage or operation of motorized vehicles, except for maintenance and emergency use
    - g. Buildings and accessory structures
  - iii. Special Use: the following uses may be permitted, after review, in accordance with Section 434.1:
    - a. Road and bridges provided that:
      - a. No economically feasible alternative is available;
      - b. The right-of-way is the minimum width needed to allow for maintenance access and installation; and
      - c. Only the minimum number of road crossings are being utilized (where applicable)
- c. Zone 3, Outer Zone
- i. Uses Permitted.
    - a. All uses permitted in Zones 1 and 2 above.
    - b. All uses permitted by the underlying zoning district designation except those uses prohibited below.
    - c. Septic system spray irrigation heads may spray chlorinated effluent onto the property in Zone 3, provided the sprinkler head is located outside of the WQPZ.
  - ii. Uses Prohibited.
    - a. Septic systems
    - b. Permanent structures
    - c. Impervious cover, with the exception of paths
    - d. Animal feedlot operations.
  - iii. Special Use: the following uses may be permitted, after review, in accordance with Section 434.1:
    - a. Road and bridges provided that:
      - a. No economically feasible alternative is available;
      - b. The right-of-way is the minimum width needed to allow for maintenance access and installation; and

- c. Only the minimum number of road crossings are being utilized (where applicable)
- 7. Transfer of Permitted Development Density.
  - a. **Parcels and Lots Located Within the WQPZ:** Any development resulting in the construction of buildings or other structures on a parcel partially located in the WQPZ shall be located wholly in the upland zone of the parcel outside of the WQPZ. This shall not result in a change of density permitted in an underlying zoning district.
  - b. **Reduction in Minimum Lot Size:** To accommodate transfers of permissible residential density as provided above, the minimum lot size in land zone A-2, Rural Agricultural District, may be reduced from ten (10) acres to a minimum of two (2) acres. The process to be followed to effect this transfer is through a Norman Rural Certificate of Survey to ensure proper restrictions are put in place at the time of development.
  - c. **Lot Configuration and Building Envelopes –** To the maximum extent feasible, lots shall be configured so that they lie entirely out of the WQPZ with any remainder parcel being preserved. As an alternative, lots may be configured so that portions are located within the WQPZ. However, building envelopes of such lots shall be delineated to lie to the maximum extent feasible outside the WQPZ. If no other option for access is practicable, driveways may be located within the WQPZ.
- 8. Variances and appeals. Variances to the requirements of this section may be granted where a literal enforcement of the provisions of this ordinance result in an unnecessary hardship, when sufficient data is produced that shows an error in the applicable WQPZOD designation, or when sufficient hydrological analysis demonstrates that an alternate engineered solution for storm water can be implemented that will substantially reduce or eliminate the effect the development has on flooding and water quality. Variances or appeals from any Administrative Official decision pursuant to this section shall be to the Board of Adjustment in accordance with Sec. 441.
- § 2. That Section 441(11) of Chapter 22 of the Code of the City of Norman, Oklahoma, shall be and is hereby adopted to read as follows:
  - 11. Procedure for Application for Variances. The Board of Adjustment shall have the power to authorize, upon appeal in specific cases, such variances from the terms of this ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions would result in an unnecessary hardship. A variance from the terms of this ordinance shall not be granted by the Board of Adjustment unless and until:

(a) An applicant shall submit to the Board of Adjustment a written application indicating:

- (1) That special conditions and circumstances exist that are peculiar to the land, structure, or building involved and are not applicable to other lands, structures, or buildings in the same district;
- (2) That the literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance;
- (3) That the special conditions and circumstances do not result from the actions of the applicant;
- (4) That granting the variances requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structure, or buildings in the same district;
- (5) In the WQPZOD, that granting the variance requested will not substantially or permanently injure the appropriate use of adjacent land or upstream or downstream parts of the Full Build-out Floodplain, that the variance will not substantially weaken the general purposes of WQPZOD, that the variance will not cause unreasonable disruption to the natural terrain, and that the variance is limited in scope of relief to only that which is necessary to relieve the hardship condition.

\* \* \* \* \*

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

ADOPTED this \_\_\_\_\_ day

NOT ADOPTED this \_\_\_\_\_ day

of \_\_\_\_\_, 2011.

of \_\_\_\_\_, 2011.

\_\_\_\_\_  
Cindy Rosenthal, Mayor

\_\_\_\_\_  
Cindy Rosenthal, Mayor

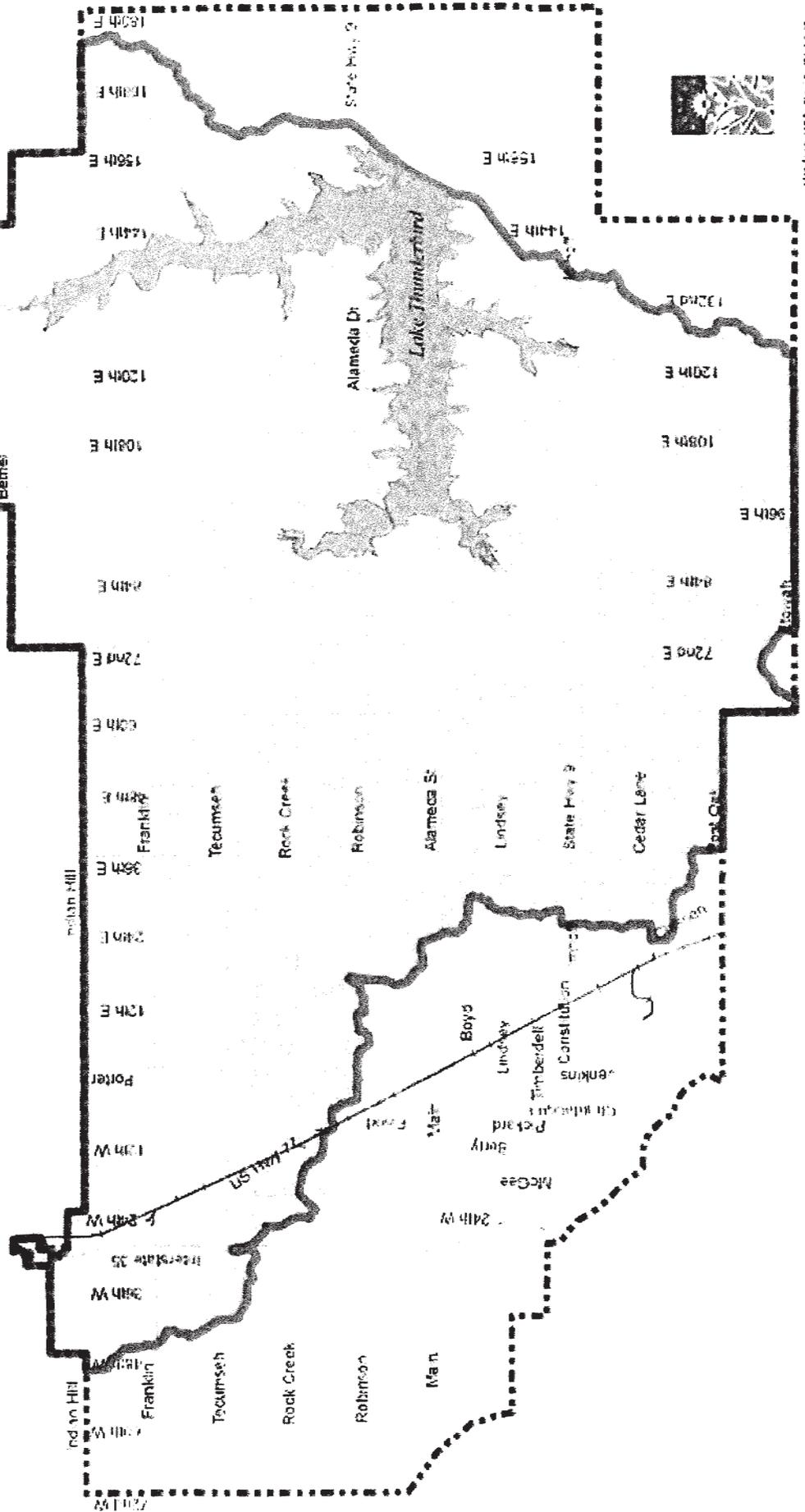
ATTEST:

\_\_\_\_\_  
Brenda Hall, City Clerk

# Exhibit A

## Water Quality Protection Zone Map

### Lake Thunderbird Watershed



Map prepared by the City of Lincoln  
 City of Lincoln  
 Planning Department  
 1000 N. 10th Street, Suite 100  
 Lincoln, NE 68502

February 9, 2011

AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA AMENDING CHAPTER 22 (ZONING ORDINANCE) OF THE CODE OF THE CITY OF NORMAN TO ADD A SECTION 429.7 CREATING A ZONING OVERLAY DISTRICT FOR THE WATER QUALITY PROTECTION ZONE AND AMENDING SECTION 441(11) PROVIDING FOR SUBMITTALS FOR A VARIANCE FROM THE REQUIREMENTS OF THE WATER QUALITY PROTECTION ZONING OVERLAY DISTRICT; AND PROVIDING FOR THE SEVERABILITY THEREOF.

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

§ 1. That Section 429.7 of Chapter 22 of the Code of the City of Norman, Oklahoma, shall be and is hereby adopted to read as follows:

**SEC. 429.7 WQPZOD, WATER QUALITY PROTECTION ZONING OVERLAY DISTRICT.**

1. Purpose. The City of Norman adopts a goal of non-degradation which maintains or improves the quality of water entering the various waterways, while preventing property damage due to flooding in Norman. Pollution will be diminished by requiring best management practices and development criteria for point and non-point sources, including an emphasis on passive measures, supplemented by the use of structural controls, where appropriate. Land uses which could adversely affect the water supply are generally prohibited, unless acceptable alternate methods are used that can be shown to substantially reduce or eliminate its affect on the water supply, thereby preventing the risk of contaminants entering the water reservoir, and posing a risk to the public health.
2. Identification and Establishment of District. The Water Quality Protection Zoning District (“WQPZOD”) is hereby created within the City of Norman as depicted on the Water Quality Protection Zone Map attached hereto as Exhibit A and includes any subsequent updates.
3. Applicability: The Standards of this Section shall be evaluated for applicability to all new construction and/or new development in the Water Quality Protection Zone defined herein. This section shall not apply to approved preliminary plats, final plats, filed Norman Rural Certificates of Survey, or lots of record or development already completed as of the effective date of this ordinance.
4. Definitions:
  - a. Best Management Practices (BMP): An effective integration of storm water management systems, with appropriate combinations of non-structural controls and structural controls which provide an optimum way to convey, store and release runoff, so as to reduce peak discharge, reduce pollutants,

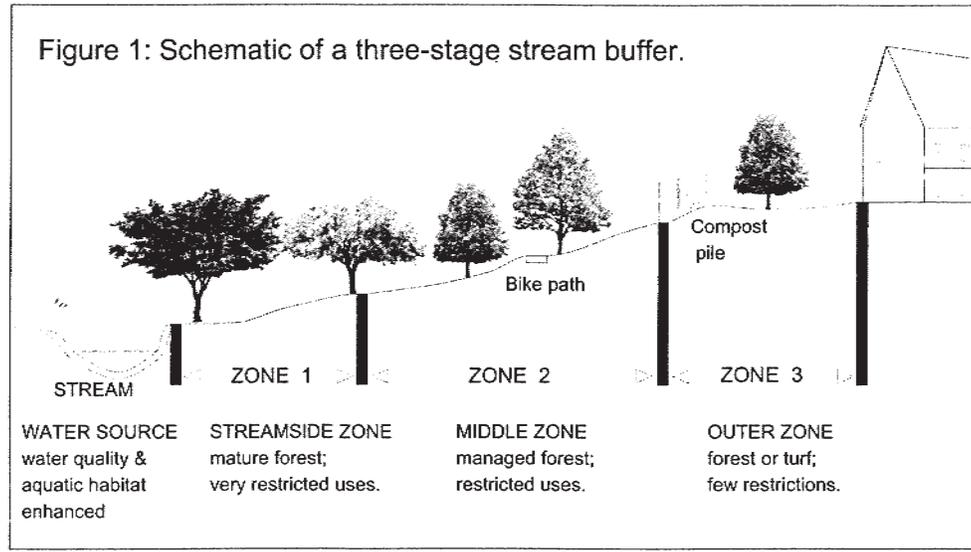
enhance water quality, assist in stream and/or stream bank stabilization, prevent property damage due to flooding, and assist in sediment reduction. BMP's include, but are not limited to, the following:

- i. Structural controls such as:
    - a. Sediment forebay;
    - b. Grassed swale;
    - c. Enhanced bio-swale;
    - d. Voluntary urban nutrient management;
    - e. Statutory urban nutrient management;
    - f. Wetlands;
    - g. Extended detention-enhanced;
    - h. Retention basins;
    - i. Bioretention, surface sand, organic, and similar filters;
    - j. Soaking trench;
    - k. Infiltration trench;
    - l. Storm water pond;
    - m. Dry extended detention pond; and
    - n. In-channel detention.
  - ii. Non-structural controls such as:
    - a. Landscape conservation;
    - b. Reduction in impervious cover;
    - c. Schedule of maintenance activities;
    - d. Prohibition of practices;
    - e. Maintenance procedures.
    - f. Street sweeping;
    - g. Fertilizer restrictions.
- b. Buffer: A vegetated area, including trees, shrubs, and herbaceous vegetation that exists or is established to protect a stream system, lake or reservoir, reduce pollutants, enhance water quality, assist in stream and/or stream bank stabilization, and assist in sediment reduction.
  - c. Building Envelope: an area of land within a buildable parcel or lot within which all site structures, buildings, other hardscape elements, and on-site waste disposal systems shall be contained, except driveways. The building envelope also includes any building overhangs, eaves, protruding architectural features (e.g. chimneys), and similar elements.
  - d. Degradation: any condition caused by the activities of humans which result in the prolonged impairment of any constituent of the aquatic environment.

- e. Full Build-Out Floodplain (FBF): the area of land along both sides of a stream or natural drainage corridor that encompasses the area projected to be inundated by the one-percent (1%) chance flood event (i.e. the 100-year floodplain) in any given year assuming full build-out watershed conditions (based upon the Norman 2025 Plan and subsequent updates) in those areas with 40 or more acres of drainage area in the Lake Thunderbird watershed.
- f. Impervious Cover: Roads, parking areas, buildings, pools, patios, sheds, driveways, private sidewalks, and other impermeable construction covering the natural land surface. This shall include, but not be limited to, all streets and pavement within a subdivision. Vegetated water quality basins, vegetated swales, other vegetated conveyances for overland drainage, areas with gravel placed over pervious surfaces that are used only for landscaping or by pedestrians, and public sidewalks shall not be calculated as impervious cover.
- g. Non-degradation: The proper use of BMP's and pollution prevention criteria in activity so as to prevent property damage due to flooding and degradation as defined herein.
- h. Pollution: the contamination or other alteration of the physical, chemical or biological properties of any stream or other water source, or such discharge of any liquid, gaseous or solid substance into any stream or other water source as will or is likely to create a nuisance or render such waters harmful or detrimental or injurious to public health, safety or welfare, or to domestic, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses, or to livestock, wild animals, birds, fish or other aquatic life.
- i. Streams: Watercourses that are either identified through site inspection and/or notification by the United States Army Corp of Engineers or by the United States Geological Survey (USGS) 7.5 minute series (topographic) maps drawn at a scale of 1:24,000 or 1 inch = 2000 feet. Perennial streams are those which are depicted on a USGS map with a solid blue line. Intermittent streams are those which are depicted on a USGS map with a dotted blue line.
- j. Structural controls: engineered solutions designed to reduce pollution in surface water runoff primarily through five basic mechanisms: infiltration, amelioration, treatment, filtration and detention. In effect, these systems attempt to counteract the opposite tendencies of decreased infiltration, filtration and detention which urbanization imposes upon the land.
- k. Top of bank: The point along a stream bank where abrupt change in slope is evident, and where the stream is generally able to overflow the banks and enter the adjacent floodplain. The top of bank may be identified from topography maps but must be verified through field inspection. Where no top

of bank is discernable by the City's Storm Water Engineer or his designee, measurements should be taken from the center line of the stream.

1. *Uplands Zone*: all land and waters outside of the Water Quality Protection Zone.
  - m. *Water Quality Protection Zone (WQPZ)*: A vegetated strip of land that lies along a stream, river or lake and its adjacent wetlands, floodplains or slopes that is comprised of the stream bed, the floodplain (FEMA or Full Build-Out, whichever is greater) and additional buffer as may be required by this Chapter.
5. Three Buffer Zone System: The WQPZ shall be composed of three distinct zones on each side of the stream, with each zone having its own set of allowable uses and vegetative targets as specified herein. (See Figure 1 below)
- a. *Zone 1, Streamside Zone*: The area beginning at the top of the bank of the active channel and extending horizontally the number of feet equal to 25%, but no less than 25 feet, of the overall distance of the designated WQPZ on that particular side of the stream.
  - b. *Zone 2, Middle Zone*: The area beginning at the outer edge of Streamside Zone and extending horizontally the number of feet equal to 67% of the remainder of the distance of the designated WQPZ on that particular side of the stream.
  - c. *Zone 3, Outer Zone*: The area beginning at the outer edge of the Middle Zone and extending horizontally the number of feet equal to 100% of the remainder of the distance of the designated WQPZ on that particular side of the stream.



6. Buffer Zone Uses.

a. Zone 1, Streamside Zone

i. Uses Permitted.

- a. Flood control structures
- b. In channel detention ponds not located in the FEMA floodplain
- c. Utility rights of way and/or easements
- d. Agricultural operations or structures existing at the time this ordinance is adopted.

ii. Uses and Practices Prohibited (unless otherwise approved).

- a. All uses not listed in (i) above are prohibited.

iii. Special Use: the following uses may be permitted, after review, in accordance with Section 434.1:

- a. Road and bridges provided that:
  - a. No economically feasible alternative is available;
  - b. The right-of-way is the minimum width needed to allow for maintenance access and installation; and
  - c. Only the minimum number of road crossings are being utilized (where applicable)

b. Zone 2, Middle Zone

i. Uses Permitted.

- a. All uses permitted in Zone 1 above.
- b. Foot and bike paths, trails, and access ramps or entries.

- c. Recreational playing fields as approved by City Council.
- ii. Uses and Practices Prohibited.
  - a. All uses prohibited in Zone 3 below.
  - b. Clearing of existing vegetation except that limited tree clearing may be allowed with approval by the Director of Public Works.
  - c. Soil disturbance by grading, stripping or other practices
  - d. Filling or dumping
  - e. Use or storage of pesticides.
  - f. Storage or operation of motorized vehicles, except for maintenance and emergency use
  - g. Buildings and accessory structures
- iii. Special Use: the following uses may be permitted, after review, in accordance with Section 434.1:
  - a. Road and bridges provided that:
    - a. No economically feasible alternative is available;
    - b. The right-of-way is the minimum width needed to allow for maintenance access and installation; and
    - c. Only the minimum number of road crossings are being utilized (where applicable)
- c. Zone 3, Outer Zone
  - i. Uses Permitted.
    - a. All uses permitted in Zones 1 and 2 above.
    - b. All uses permitted by the underlying zoning district designation except those uses prohibited below.
    - c. Septic system spray irrigation heads may spray chlorinated effluent onto the property in Zone 3, provided the sprinkler head is located outside of the WQPZ.
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    - a. Septic systems
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    - a. Road and bridges provided that:
      - a. No economically feasible alternative is available;
      - b. The right-of-way is the minimum width needed to allow for maintenance access and installation; and

- c. Only the minimum number of road crossings are being utilized (where applicable)

7. Transfer of Permitted Development Density.

- a. Parcels and Lots Located Within the WQPZ: Any development resulting in the construction of buildings or other structures on a parcel partially located in the WQPZ shall be located wholly in the upland zone of the parcel outside of the WQPZ. This shall not result in a change of density permitted in an underlying zoning district.
- b. Reduction in Minimum Lot Size: To accommodate transfers of permissible residential density as provided above, the minimum lot size in land zone A-2, Rural Agricultural District, may be reduced from ten (10) acres to a minimum of two (2) acres. The process to be followed to effect this transfer is through a Norman Rural Certificate of Survey to ensure proper restrictions are put in place at the time of development.
- c. Lot Configuration and Building Envelopes – To the maximum extent feasible, lots shall be configured so that they lie entirely out of the WQPZ with any remainder parcel being preserved. As an alternative, lots may be configured so that portions are located within the WQPZ. However, building envelopes of such lots shall be delineated to lie to the maximum extent feasible outside the WQPZ. If no other option for access is practicable, driveways may be located within the WQPZ.

8. Variances and appeals. Variances to the requirements of this section may be granted where a literal enforcement of the provisions of this ordinance result in an unnecessary hardship, when sufficient data is produced that shows an error in the applicable WQPZOD designation, or when sufficient hydrological analysis demonstrates that an alternate engineered solution for storm water can be implemented that will substantially reduce or eliminate the effect the development has on flooding and water quality. Variances or appeals from any Administrative Official decision pursuant to this section shall be to the Board of Adjustment in accordance with Sec. 441.

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- (2) That the literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance;
- (3) That the special conditions and circumstances do not result from the actions of the applicant;
- (4) That granting the variances requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structure, or buildings in the same district;
- (5) In the WQPZOD, that granting the variance requested will not substantially or permanently injure the appropriate use of adjacent land or upstream or downstream parts of the Full Build-out Floodplain, that the variance will not substantially weaken the general purposes of WQPZOD, that the variance will not cause unreasonable disruption to the natural terrain, and that the variance is limited in scope of relief to only that which is necessary to relieve the hardship condition.

\* \* \* \* \*

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

ADOPTED this \_\_\_\_\_ day  
of \_\_\_\_\_, 2011.

\_\_\_\_\_  
Cindy Rosenthal, Mayor

NOT ADOPTED this \_\_\_\_\_ day  
of \_\_\_\_\_, 2011.

\_\_\_\_\_  
Cindy Rosenthal, Mayor

ATTEST:

\_\_\_\_\_  
Brenda Hall, City Clerk



**TIMELINE OF WQPZ ORDINANCES (updated 4-22-11)**

	<b>Key Components</b>	<b>Developer Concerns</b>
<p>SWMP Recommendations – Final Plan Accepted by Council, Nov. 10, 2009</p>	<ul style="list-style-type: none"> <li>• Dedication of Stream Planning Corridors (Full Build-Out Floodplain), building restricted</li> <li>• Additional 15ft buffer for possible trails and additional filtering in Suburban Residential and Country Residential areas</li> <li>• Justifiable variances that would allow alternative approaches that could be shown to achieve similar water quality, flood control, and recreational opportunity</li> <li>• For developments that do not dedicate the SPC because of being granted a variance, the runoff capture and treatment volume requirement should be increased to 0.7 inch of runoff</li> </ul>	<ul style="list-style-type: none"> <li>• Mandatory dedication of full-build out floodplain</li> <li>• Mandatory dedication of 15 foot buffer, particularly if for a trail</li> <li>• Must have a variance process for engineered alternatives</li> <li>• Maintenance of SPC/buffer – POA’s shouldn’t be required to maintain detention ponds</li> </ul>
<p>Draft Ordinances presented to Task Force – Feb. 11, 2011</p>	<ul style="list-style-type: none"> <li>• Drainage easement or dedicated ROW of Water Quality Protection Zone (WQPZ)</li> <li>• WQPZ – choice (by developer) of either FEMA FP plus 100 feet OR 100 feet of any USGS blue line stream OR Full Build Out Floodplain with increases for certain slopes</li> <li>• Variation Process (Ch. 19) to WQPZ requirements                             <ul style="list-style-type: none"> <li>○ Buffer averaging allowed to recover lost lots</li> <li>○ Alternate engineered solution with same effect</li> <li>○ Error in applicable WQPZ designation (for ex. FBF)</li> </ul> </li> <li>• Variance process (Ch. 22) to use restrictions                             <ul style="list-style-type: none"> <li>○ Reduction in lot size</li> <li>○ Transfer of development density</li> </ul> </li> <li>• POA would maintain only non-structural controls i.e. non-engineered aspects of buffer</li> <li>• Explicit language that dedication of WQPZ does not grant public access to the area i.e. no mandatory trails or trail access</li> <li>• Affidavit from POA required to ensure maintenance of non-structural controls</li> <li>• Applicable to all new construction and development</li> </ul>	<ul style="list-style-type: none"> <li>• Should only be applicable to preliminary plats, not new building permits</li> <li>• Need to be allowed to challenge FBF designation in SWMP maps</li> <li>• WQPZ definition – don’t like “preferably undisturbed and natural”</li> <li>• Don’t like new variation process in Ch. 19</li> </ul>

<p>Draft Ordinances presented to Task Force – February 21, 2011</p>	<ul style="list-style-type: none"> <li>• Base width of WQPZ – greater of either x feet in length or FBF</li> <li>• Language added to clarify the ordinances are only intended to affect new developments, not previously approved plats</li> </ul>	<ul style="list-style-type: none"> <li>• Concerned about prohibiting all septic systems and all parts of septic systems</li> <li>• Don't like the requirement of affidavits</li> <li>• Would prefer a line drawn for POA responsibility at beautification; City maintain everything else</li> <li>• Some publications recommend on-site inspection for 1<sup>st</sup> and 2<sup>nd</sup> order streams especially – the ordinance relies only on topographic maps</li> <li>• Should address fertilizer use</li> <li>• Don't like variations process or applicable factors in Ch. 19</li> <li>• Storm water detention not allowed in WQPZ</li> </ul>
<p>Draft Ordinances presented to Task Force – March 7, 2011</p>	<ul style="list-style-type: none"> <li>• Top of Bank definition changed to include verification through site inspection</li> <li>• Variation process in Ch. 19 changed to more closely align with existing considerations; removed language about process, burden and term of variation</li> </ul>	<ul style="list-style-type: none"> <li>• Need to allow for in-channel detention</li> <li>• Shouldn't have to go through variation process when engineered solutions are adequate</li> <li>• Concerned about removal of FEMA floodplain plus 100 feet option for WQPZ because very little area of FP in 1<sup>st</sup> and 2<sup>nd</sup> order streams</li> </ul>
<p>Draft Ordinances presented to Task Force – March 21, 2011</p>	<ul style="list-style-type: none"> <li>• WQPZ base width determined by greater of x feet from top of bank, FBF, or FEMA floodplain</li> <li>• Increase in width due to slope simplified, less onerous</li> <li>• Automatic reduction in base width of WQPZ to no less than 50 feet in urban areas upon showing engineered solution will achieve 75% reduction in nitrogen and 58% reduction in phosphorus</li> <li>• Variation still required for reduction in width in non-urban areas or for reduction to less than 50 feet</li> <li>• In channel detention ponds allowed in WQPZ</li> <li>• Storm water detention no longer prohibited in WQPZ</li> </ul>	<ul style="list-style-type: none"> <li>• Would like aerobic septic systems (sprinklers) to hit zone 3 of WQPZ</li> <li>• Don't like 100 foot buffer approach</li> <li>• Pollutant removal goal may not be applicable in urban areas</li> <li>• Buffer definition does not say how to maintain</li> </ul> <p>** Heiple Ordinance Presented to Task Force</p> <ul style="list-style-type: none"> <li>• Enhanced BMP definition</li> <li>• Applicable only in Little River Watershed</li> <li>• Mandatory Buffer – 10 feet either side of intermittent stream; 20 feet either side of perennial streams</li> <li>• No full build consideration</li> <li>• Allowance for relaxing City standards for subdivision to allow for LID strategies</li> <li>• Pollutant Removal Efficiencies table from EPA</li> <li>• Based on assumption that 85% of pollutants are found in the first flush</li> </ul>

<p>Draft Ordinances Dated March 31, 2011</p>	<ul style="list-style-type: none"> <li>• WQPZ base width determined by greater of 100 feet from top of bank, FBF or FEMA floodplain</li> <li>• Automatic reduction for first-order streams to no less than 50 ft (never less than FBF) if other method achieves 75% reduction in nitrogen and 58% reduction in phosphorus</li> <li>• Removed affidavit requirement</li> <li>• Incorporated Heiple "buffer" definition</li> <li>• Incorporated Heiple language for relaxing City standards to allow for LID strategies</li> <li>• Added reference to Pollutant Removal Efficiencies from SWMP (EPA table tailored to Norman)</li> <li>• Septic system spray heads may spray into Zone 3 of WQPZ</li> <li>• Added language to provide clarity that engineered solutions may suffice for buffer</li> <li>• Language added to provide maintenance goals for buffer depending on zone</li> <li>• Reference to LID manual</li> </ul>	<ul style="list-style-type: none"> <li>• Willing to agree to 25 foot buffer from top of bank</li> <li>• Perceived as a back door to trails/greenbelt</li> <li>• Don't like the variations process in 19-601(B) being decided by Public Works director</li> <li>• Don't want pollutant removal success measured by looking at how bad upstream properties are</li> <li>• 19-601(B)(1)(e) – would not allow stream restoration projects</li> <li>• Ordinance should encourage low impact development</li> <li>• Want language that deals with those preliminary plats that expire and large amounts of money/infrastructure have already been constructed – not fair to apply new regulations</li> <li>• Don't like reference to Pollutant Removal Efficiencies from SWMP in 19-411(D)</li> </ul>
<p>Draft Ordinances Dated April 4, 2011 (PC Study Session)</p>	<ul style="list-style-type: none"> <li>• Added more explicit language to 19-514(B) to make it clear that this ordinance should not be interpreted as a mandate for a public trail system</li> <li>• Variation process in 19-601(B) modified to allow appeal from Public Works Director to City Council</li> <li>• Changed language in 19-601(B)(1)(e) to allow variations that result in disruption to natural terrain for stream restoration purposes</li> <li>• Added statement to 19-411(H) that explicitly encourages utilization of low impact development strategies</li> </ul>	<ul style="list-style-type: none"> <li>• Buffers are not effective in the traditional curb and gutter development</li> <li>• Ordinance will not improve drainage control coming off of houses</li> <li>• Fire risk</li> </ul>
<p>Draft Ordinances Dated April 12, 2011 (PC Meeting)</p>	<ul style="list-style-type: none"> <li>• Changed reference in 19-411(D) from SWMP Pollutant Removal Efficiencies to ISWM Pollutant Removal Efficiencies (more current)</li> </ul>	<ul style="list-style-type: none"> <li>• Buffers are not effective in the traditional curb and gutter development</li> <li>• Ordinance will not improve drainage control coming off of houses</li> <li>• Fire risk</li> </ul>

<p>Draft Ordinances Dated April 22, 2011</p>	<ul style="list-style-type: none"> <li>• Modified language for reduction of fire risk to key it combustible structures</li> <li>• Added definition of combustible structures</li> <li>• Added language in variation process to allow for a variation from the requirements for expired preliminary plats where infrastructure was constructed in last 5 years under a previously approved plat.</li> </ul>	<ul style="list-style-type: none"> <li>• Best Management Practice definition felt by some task force members to be too specific; Heiple desires specificity</li> <li>• 19-514(B) – the language should be more direct</li> <li>• Need definition of Low Impact Development</li> <li>• Concerned about setback of 500 feet for raised septic system – uncertainty as to what a raised septic system is, setback too far for a typical septic system</li> <li>• Would like it to be a right, not a variation, that an expired preliminary plat for which any infrastructure was put in, would not have to comply with ordinances</li> <li>• Variation process needs to be clarified re: applicability of the minimum pollutant removal percentages</li> </ul>
<p>Ordinances for Council Agenda</p>	<ul style="list-style-type: none"> <li>• Changed Best Management Practices definition to include specifics related to both non-structural controls and structural controls</li> <li>• Changed 19-514(B) to be directly say that dedication of WQPZ to City does not convey a right of public access and is not a public trail unless stated explicitly in the granting document</li> <li>• Added definition of low impact development (combined portions of EPA and Low Impact Development Center definitions)</li> <li>• Added definitions for “raised septic system” and “raised mound septic system” to ensure 500 foot setback would not be incorrectly applied to a typical system but instead would apply to a alternative system (DEQ term).</li> <li>• Clarified language in 19-601(B) to ensure same standard of pollutant removal is applied</li> </ul>	



# office memorandum

**DATE:** April 7, 2011  
**TO:** Chairman and Members,  
Norman Planning Commission  
**FROM:** Bob Hanger, P.E., Storm Water Engineer  
**SUBJECT:** Water Quality Protection Zones –  
Ordinance Nos. O-1011-52 and O-1011-53

**Background** The Storm Water Master Plan (SWMP) contained several recommendations aimed at improving water quality. The recommendation that led to the ordinances being discussed by Planning Commission on April 7, 2011 is as follows:

- Dedicate Stream Planning Corridors (SPC's) and/or the 100-year full buildout floodplains to the City of Norman by easement or title for streams located in the Lake Thunderbird watershed that have a drainage area greater than 40 acres.
  - Prohibit development or significant land disturbance in the SPCs and/or the 100-year full buildout floodplain. Exemptions should include items such as, but not limited to, maintenance activities, greenway trails, road crossings, utilities, and stream stabilization measures.
  - Require additional stream-side buffers of 15 ft to each side of streams with drainage areas greater than 40 acres that are located in the Lake Thunderbird watershed and also in Suburban Residential and Country Residential areas as defined in the Norman 2025 Plan including subsequent updates to the comprehensive plan as adopted by City Council.

*Storm Water Master Plan, Section 9.9.*

Following the acceptance of the SWMP and adoption of the SWMP Action Plan in November 2009, Staff began working towards the development of a draft ordinance that would address this recommendation from the SWMP. After developing a draft ordinance, Staff met several times with the City Council sub-committee for the SWMP as well as the SWMP Task Force, a group made up of developers, engineers, scientists, and other local citizens. The Norman Planning Commission was briefed on these ordinances during a Study Session on April 7, 2011.

One of the key recommendations from the SWMP, as quoted above, dealt with the benefits of riparian buffers. Riparian buffers, or areas of undeveloped land adjacent to streams, provide a number of benefits related to water quality, including

reduction of erosion and the stabilization of stream banks, infiltration of storm water runoff, control of sedimentation, and restoration and maintenance of the chemical, physical and biological integrity of water resources.<sup>1</sup>

**Discussion** The ordinances before Planning Commission would require applications for preliminary plats or Norman Rural Certificates of Survey to identify the streams on the subject property and denote a buffer on either side of the stream. The ordinance calls for the buffer to be the greater of the FEMA floodplain, the Full Build-Out Floodplain, or 100 feet.

The FEMA floodplain encompasses the areas along both sides of streams or drainage corridors that have a drainage area greater than 640 acres and would be inundated by a 100 year rain event in any given year assuming only current development conditions. The Full Build-Out Floodplain encompasses the areas along both sides of streams or drainage corridors in the Lake Thunderbird Watershed that have a drainage area greater than 40 acres and would be inundated by a 100-year rain event in any given year assuming full build-out watershed conditions.

The designated buffer area would be called the Water Quality Protection Zone (WQPZ). The buffer is divided into three zones – streamside, middle and outer zone with uses being more restricted the closer you are to the stream. The buffer width may be increased if the stream is a 3<sup>rd</sup> order or higher stream (these are typically the larger streams), if certain slope conditions exist in the buffer, and to encompass wetland areas.

Since riparian buffers are essentially areas of undeveloped land, it is important that buffer ordinances are flexible to accommodate development conditions.<sup>2</sup> In the WQPZ ordinances before Planning Commission, several things have been incorporated to insure flexibility. First, the buffer width discussed above can be reduced for first-order streams to 50 feet or the Full Build-Out Floodplain with a showing that an engineered solution will provide a particular level of phosphorus and nitrogen removal (*O-1011-52, Section 19-411D*). Second, the buffer width can be reduced in all streams with no minimum width required if the Applicant seeks a variation in accordance with Section 19-601(B), also in O-1011-52.

The ordinance also explicitly allows for specifications and requirements in the Engineering Design Criteria to be modified to accommodate low impact development strategies (*O-1011-52, Section 19-411H*). The ordinance allows for the buffer to be modified to recover a lost lot as long as the average width of the buffer meets the requirements in 19-411(B). (*O-1011-52, Section 19-601B.2.*) Finally, the additions to the Zoning Ordinance allow for reduction in minimum lot size and transfers in development density to allow developers to recover lots lost because of the WQPZ.

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<sup>1</sup> Thomas R. Schueler, The Architecture of Urban Stream Buffers, Watershed Protection Techniques, Volume 1, No. 4, Summer 1995, pg. 155-163.

<sup>2</sup> Office of Ocean and Coastal Resource Management, Vegetated Riparian Buffers and Buffer Ordinances.

Planning Commission  
WQPZ ordinances  
April 7, 2011  
Page 3

**Conclusion and Recommendation** Staff has worked diligently with the Storm Water Task Force, the Council Sub-Committee, as well as developer representatives to develop ordinances that will both protect and enhance water quality, while also striking the appropriate balance with development rights and goals. Staff recommends the Commission recommend approval of Ordinances No. O-1011-52 and O-1011-53.

Reviewed by: Steve Lewis, City Manager  
Shawn O'Leary, Director of Public Works  
Susan Connors, Director of Planning and Community Development  
Kathryn L. Walker, Assistant City Attorney

Item No. 9, being:

**CONSIDERATION OF PROPOSED ORDINANCES**

**9a. ORDINANCE NO. O-1011-52**

**AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING CHAPTER 19 OF THE CODE OF THE CITY OF NORMAN TO PROVIDE FOR STANDARDS AND REQUIREMENTS FOR A DESIGNATED WATER QUALITY PROTECTION ZONE INCLUSIVE OF THE LAKE THUNDERBIRD WATERSHED; AND PROVIDING FOR THE SEVERABILITY THEREOF.**

**9b. ORDINANCE NO. O-1011-53**

**AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING CHAPTER 22 (ZONING ORDINANCE) OF THE CODE OF THE CITY OF NORMAN TO ADD A SECTION 429.7 CREATING A ZONING OVERLAY DISTRICT FOR THE WATER QUALITY PROTECTION ZONE AND AMENDING SECTION 441(11) PROVIDING FOR SUBMITTALS FOR A VARIANCE FROM THE REQUIREMENTS OF THE WATER QUALITY PROTECTION ZONING OVERLAY DISTRICT; AND PROVIDING FOR THE SEVERABILITY THEREOF.**

**ITEMS SUBMITTED FOR THE RECORD:**

1. Staff Report
2. Ordinance No. O-1011-52
3. Ordinance No. O-1011-53

**PRESENTATION BY STAFF:**

1. Mr. O'Leary went through a presentation on the process and science leading to the development of the ordinances under consideration, the areas regulated, and the provisions of the ordinances.

Mr. Sherrer arrived after the close of the presentation.

2. Mr. McCarty asked what the buffer zones have to do with low impact development. Mr. O'Leary responded that one of the things they find in all of the low impact development manuals (from Texas, South Carolina, Georgia, and Portland, Oregon) is that all have buffers in them. Buffers, whether they're called water quality protection zones or just buffers, are a way to let the stream and channel do what Mother Nature wants it to do – leaves it alone, does not constrict it, does not affect it. By doing that, you effectively have a lower impact from the development. I suspect it is also a water quality issue, as it is for us, as well as just a nuisance issue. The film that we didn't show has one of our property owners along Imhoff Creek, and the gentleman talks about the 30 years that he has lived in that home, and over the course of 30 years he has lost 20 or 30 feet of his lot to erosion. I think that would be an example that wouldn't have happened had the buffers been on Imhoff Creek. Mr. McCarty commented that when he reads the Planning Magazine, it talks about low impact development quite often. Most often it is talking about gardening or areas in the curb and gutter that will filter the water. It doesn't talk about buffer zones along creeks. It talks more about how to clean the water and have areas that do that before it goes into channels and lakes. Mr. Hanger added that the ordinance from the North Central Texas Council of Governments lists about 29 methods of keeping the development as natural as possible. Buffers are one of those 29 methods, which also include rain gardens, biofilters, etc.

3. Mr. McCarty asked about the impact changes to the North Central Texas document would have on our ordinance. Mr. O'Leary said he is never a fan of adopting someone else's standard. It does require a license agreement to adopt the North Central Texas manual. It was developed by the Council of Governments in Dallas/Fort Worth for 65 cities, of which about 24 have adopted it. It looks really close to the South Carolina manual. The manual in North Texas is not anything that would be very different from what we would do if we were doing it on our own. We are currently researching what would happen if they change their manual; we don't want them to be able to dictate anything to us. Ms. Walker added that the City adopts manuals like this quite frequently, with the Building Code and things like that. If there is a portion that we're not happy about bringing into our code, we would take that out. What we are attempting to do with the licensing is to get control of the document so we can modify it as times goes on to meet our needs. We're not looking to be governed by another agency. The way the manual is referenced in Section 19-411(D) it says that the manual may be utilized to determine pollutant removal for a particular structural control. It saves developers from having to calculate it on their own. We have that in the Storm Water Master Plan, but that was criticized because it was data from 2003, and this is more recent.

4. Mr. Lewis said one of the things that concerns him, as a director of a POA, is the responsibility for maintaining the buffer zones. Slide 38 shows the example of Summit Valley. Section 19-514(E) talks about the height of vegetation in the buffer zones. He was concerned about the potential for fires. If the POA is mandated with maintaining the buffers, they are probably liable for any fire damage to surrounding properties. Mr. O'Leary indicated this section is a compromise between what exists naturally in some of the streams, and something that is a little more reasonable but not quite to the degree of a groomed soccer field or golf course. Ms. Walker explained that this issue was not really addressed by other communities, but as time went on and we got drier in Norman, it became more in the forefront of our minds. She met with our Fire Marshall and the Fire Chief to discuss the issue. We want to get the water quality cleansing benefits, but not create a fire hazard. They provided documents about how they look at three zones around a house in terms of fire risk. This is an attempt to marry those two things. It is a work in progress and may be modified before it goes to City Council. It started with a minimum height of vegetation, and it will probably have minimum and maximum heights.

5. Mr. Lewis asked about impacts on affordable housing in Norman due to the amount of land that is lost to these buffer zones. He has been made aware that there is a development coming forward that, without WQPZs, there would have been about 400 lots in the development, and after WQPZs came into place about 104 of those lots were lost. Mr. O'Leary responded that he is not familiar with that particular case or those numbers, and he doesn't know whether they considered all of the elements of the ordinance, e.g., clustering and averaging. He referred to Slide 23. One way to look at the cost issue would be the cost of the land that would be dedicated. We are talking about 325 acres out of 10,500 acres of developable property in the current and future urban service area. Those are the most likely places that conventional subdivisions are going to occur. We don't think it will be much of a stretch to get the buffers on the country residential and suburban residential; they're ten-acre and two-acre lots. I suppose you could apply a number per acre cost to the 325 acres, and that

would be one simple answer to your question. I would say, too, in our discussions with the Task Force this has been a subject of great discussion and debate. There are those who would say, and have said, that this will increase the value of those subdivisions because now we have buffers and open space and natural stream and channel corridors which are much more favorable to home owners, particularly young home owners, than the concrete-lined channels 15 feet wide. I think another way to look at that is to take a look at Imhoff Creek and the gentleman that was on the video who said over the course of 30-35 years living in his home, he has lost 20 to 30 feet of his lot. So there's a loss to that owner that he never anticipated when he bought that home 30 years ago. Again, there's so many ways to look at this and I appreciate your question. Another thing to consider is the cost of maintenance. As a POA president you can really appreciate that. As we've looked at the current proposal, we really think that, done properly, the maintenance should decrease, not increase; there should be less to do. The example of Summit Valley is a good example, where they're not doing much there as you can see, and I don't think they probably ever will, unless we made them do that. That's probably okay, because we want it to be natural; we want it to be in that condition. It's a tough question and I don't know that anyone has a really great answer.

6. Mr. Lewis noted that we keep referencing back to the 2025 Plan. The 2025 Plan was adopted by Norman City Council effective December 16, 2004. For some reason, in the back of my mind, I'm thinking this type of land use plans are to be updated every five years. So if we add five years to 2004, we're still about a year and a half behind, but we're modeling an ordinance going forward that's going to affect numerous land owners and the future of the City off of an outdated land use plan. Ms. Connors responded that the 2025 Plan was adopted and it is indicated that we should update that plan every five years. Last year City Council chose to wait until the census came out this year, so that we would have new census numbers, because it doesn't make sense to try and look at land uses on old census numbers. Now they have chosen that we're going to look at trying to do a transportation plan first, because we do not have a complete transportation plan for the City. They have budgeted the beginning of that process. We don't have the funds to do both at the same time right now. As long as this is the adopted plan with no update, this is the official plan, as amended. We are still working with this and it is not out of compliance. Mr. Lewis commented that he wouldn't characterize it as out of compliance, but outdated. When you look at the 2020 plan versus the 2025 plan, we had significant land changes. We're trying to overlay something onto a plan that who knows what the change will be for the 2030 plan or the 2035 plan, and I think it would be prudent of us to slow down a little bit. That's the one thing that has somewhat concerned me about this flying through – I received a copy of the ordinance a week ago at 6:30 and we went into a study session. So really to have ample time to get my hands around this, even though I was listed as one of the people on the original storm water master plan then moved over to the Reapportionment Commission, it still was a volume of information to get a grasp on. As I shared with some in City government, I am just now getting to a point where I feel like I'm on somewhat of a solid footing and understanding what's going on, but yet I'm being asked to make a recommendation to City Council for approval or disapproval based on a very quick piece of information. And that's concerning to me, because I have a responsibility to the City of Norman, which ultimately is the citizens of the City of Norman. Ms. Walker pointed out that the 2025 map that he has is not actually the most

updated map. As amendments come through the Planning Commission and City Council we have the updated map on our GIS system, so it is constantly being updated. We were careful, in the ordinance, because where the Land Use Plan really has the most effect is with what determines the full build-out floodplain. The way full build-out floodplain is defined in the ordinance actually references the 2025 Plan and any updates to that plan. That would encompass the 2030 plan or, if you had a land use plan amendment go through tonight, that would encompass that update as well. Mr. O'Leary added that the other thing that's in our plan is the engineered solution variance, and this is one of the reasons why you have to have that. Let's say the Land Use Plan did change, as it always will change, and that engineer felt as a result of those changes our full build-out floodplain as shown was too large and should be reduced. They can study that in detail and submit that as a variance to this ordinance, and they do that today. That's built into the plan for that option to address any changes to the land use and the impervious area.

7. Mr. McCarty asked how many miles of creeks and streams this is talking about. Mr. O'Leary indicated it is 330 miles. Mr. McCarty asked how many structural controls are in those areas. Mr. O'Leary said very few. Most of these 330 miles of streams and channels are in the undeveloped areas. Mr. McCarty asked who in the City will be doing the inspections and how those will be done and how they will be funded. Mr. O'Leary explained that the Public Works Department will be responsible. It will be inspected by their staff members; there is a Storm Water Division that is made up of about 32 people today. The financing to do more and hire more people, provide more resources for them, would probably be through the storm water utility fee structure, which is item 2 on the work plan.

8. Mr. McCarty said Mr. O'Leary made a comment that he will have to disagree with. You said that these buffer areas, the way that they're maintained currently, that this ordinance would cost less maintenance to the POAs. If what I'm hearing from Kathryn is potentially that the Fire Department may want these cut to 8 or 10 inches, the majority of these areas are never mowed or cut down at all through a summer, as you can see in that picture. You're talking about weed eaters and something to get them to those requirements if we're really looking at that, and that's rather expensive to send a crew down through a creek in a POA to do. I'm not sure that I can agree that it would be less expensive. Mr. O'Leary responded that those are some of the unknowns. The general thinking behind that comment is that there would be very little time that you would have to do that. It would depend, of course, on the grasses and trees. I think Summit Valley is sort of a typical scenario; there wasn't much of that really to mow. Mr. McCarty pointed out that the picture we saw showed 3-4 foot high brush along the bottom of the trees that potentially would need to be cut down, and that can't be done with a brush hog in those area typically. Mr. O'Leary commented that is a work in progress; we're trying to get our arms around the range of heights and maintenance standards. We had very little help in that area. There was very little definition. In fact, Bob Hanger has referenced several times Portland, Oregon or Seattle where he was researching a case where this had been done in a subdivision, and the problem they were having was the residents were coming in and mowing it down to an inch and using it as soccer fields, which really defeated the whole purpose behind their water quality protection zones. So they were having to re-educate their residents to not do more, but to do less. It's really from that that we derived that

thought it would be less expensive. Mr. McCarty commented that brings up an interesting point. Most of these areas that are flood zones around the country are used for soccer fields, baseball fields, low detention areas, etc. What I have found quite often through some of the research I've done – I was actually on the Task Force and so I've been looking at this – is that the majority of buffer zones that I see throughout the country are used for quality of life issues, like you just mentioned, and not for riparian or filtering areas. That's a concern of mine. These are no-touch no-build kind of zones, and it can't even really be a quality of life zone. Mr. O'Leary said he was in a meeting earlier in the day with some folks from the City of Tulsa, and we were talking about how Tulsa, for almost 20 years, has had full build-out floodplains and 40-acre floodplain maps. They're a model in the country. They did that because they were flooding and people were dying. It was a very serious situation in Tulsa many years ago. They did that for flood control purposes; they did not do it for water quality control. We didn't really talk in terms of water quality 20 years ago. But the inquiry the gentleman had – he's the stormwater manager for the city – he said we're really trying to redefine that because we want to do more water quality, but we really defined it as floodplain management. He also indicated what you just said, is that those areas have been very favorable, but they have been used for recreational purposes and they're trying to strike that balance in Tulsa, Oklahoma as we speak, just as you're describing.

9. Ms. Gordon asked if the outer zone (Zone 3) would be the part that mainly would be maintained by POAs, so we're not talking about them going down and mowing the streambed or brush hogging that area in Zone 2 or Zone 1. Mr. O'Leary indicated that is exactly right. It is our hope that these would be left in a very natural state, just as the picture in Summit Valley Addition indicated. Parts of Zone 2 might be maintained; each condition is going to be different. Closer to the homes is the area that would be maintained.

10. Ms. Pailles commented that she attended, off and on, the public meetings for this, but missed the information about the phosphorous and nitrogen removal. If your starting point is water quality at Lake Thunderbird, and you think of the problems it has, one of which is algal blooms, and think of the solution to that – reduce phosphorous and nitrogen – that seems like an admirable, straight forward solution. I didn't think to look up other cities' regulations, but I looked for stream management guides for other states and 100 feet seems to be consistently recommended. It might not be optimum, but it's what one can hope for and it doesn't remove 90% but it seems a relatively rational solution. Does this apply to only residential, or would it apply to things like golf courses, which are big offenders in the phosphorous/nitrogen area? Mr. O'Leary indicated it would be all private property. It would depend on whether a golf course was required to be platted. The thing we didn't talk about here that's really the discussion of a lot of the concerns at Lake Thunderbird is the content of chlorophyll A, which is the basic ingredient to algae. As an expert with ODEQ said, algae is good – we want algae in lakes. Too much algae is bad, and we have too much algae in Lake Thunderbird now and it's rapidly increasing. To put that in terms of numbers, the State standard for chlorophyll-A is 10 micrograms per liter. When Dr. Vieux did his study in 2007, the amount of chlorophyll-A in Lake Thunderbird was 30 micrograms per liter, so three times the allowable amount. Recent tests in the lake have indicated 60 and 70 micrograms per liter, and he projected closer to 40 and 50. So, if anything, we think as

great as Dr. Vieux's report was, he might have under-estimated the impact of these issues.

11. Mr. Trachtenberg asked the burden on staff of this, as well as the burden on applicants to show a lot more on their plats. A lot of the mapping is done by our GIS staff. What is the status of that information? Does that belong to the public? Is that available to applicants who want to work things out? How is that information made available? Mr. O'Leary responded that the development of the full build-out floodplain, or what was called then stream planning corridors, made up about 25-30% of our Stormwater Master Plan; we paid the consultant about \$300,000 to develop that set of maps. So we have quite an investment in this, and it was the baseline for this discussion. Once we knew what they were and what they looked like and how big they were, we would know if we wanted to regulate them or not. It is a product of the public, just like our GIS system is today. One of the theories in developing that was that was something we wanted to give to the development community. If they didn't want to develop their own, just like they don't want to develop FEMA maps – that's a product of the public, as well – we hand it to them. The beauty of that is today we have all that in digital format – in electronic format – so we can actually give them electronic GIS-based data – very, very accurate data – that they can just insert into their development plans. It is a product that, if adopted, would be offered to every developer or any homeowner that walks in the door.

12. Ms. Hartley asked about the amount of water contributed to the watershed by Oklahoma City and by Moore, and whether they are looking at any kind of an ordinance. Mr. O'Leary said he doesn't know that they are specifically looking at buffer ordinances. They are regulated by the State of Oklahoma, as we are. We are what they call a Phase 2 city, which was a city less than 100,000 population when the program was adopted. Moore is a Phase 2 city. Oklahoma City is a Phase 1 city, so their stormwater regulation started in 1990 and they are regulated by the State much more stringently than we are. Right now this watershed plan that is being developed by ODEQ, and we hope will be out soon but probably is a year away, will be the baseline for additional regulations. We think our buffer ordinance is a great first step in getting ahead of that and it's a good thing to do now, but we think that regulation when it's released will require Oklahoma City and Moore to do much more than they're doing today. That could be buffers. That could be a number of other methods. We think buffers will be one of their choices because it is by far the cheapest of all the alternatives that are out there. But I don't think they're doing it today. I will also say one of our items – the 30 work items – is to coordinate with the cities of Moore and Oklahoma City, ODEQ, OCC and develop methods and procedures to address the pollution of Lake Thunderbird. Much of the discussion I've heard from the Council and the subcommittee and the Task Force is Norman wants to lead the way on this, and this buffer ordinance is one of the ways we're going to lead the way. This is the words of our leadership. Ms. Hartley asked if there is a role that the Central Oklahoma Water Conservancy District plays in this. Mr. O'Leary responded very much so. In fact, the City of Oklahoma City and ODOT were sued in 2007 because they felt that their Phase 1 permit was not adequate to address pollution. In settlement of that suit, ODEQ and OCC agreed to develop this watershed plan and, when developed, Oklahoma City agreed to comply with it. The only thing keeping us from getting to that is the completion of that report.

13. Mr. Lewis asked if the amount of pollutants (nitrogen, phosphorous, etc.) that Norman contributes has been measured, versus what Oklahoma City and other areas contribute. Mr. O'Leary responded that we are just beginning to measure; that is not part of our requirement. Oklahoma City is required to measure some of their discharges; Moore is not. Mr. Hanger added that he doesn't have the numbers memorized, but we have taken samples in Little River right at the city limits with Moore. We also have samples from Hog Creek, coming from Oklahoma City. Lake Thunderbird has been declared by the State of Oklahoma an impaired body of water based on chlorophyll-A and turbidity and dissolved oxygen. Usually when you have high algae content, it lessens the dissolved oxygen. Mr. Lewis said his question was more whether we have specific data about whether Norman is contributing more or less contaminants into Lake Thunderbird than the other areas. Mr. Hanger indicated that we have the data and he can provide that. Mr. O'Leary suggested that Dr. Vieux might be willing to speak to that; it was in his report.

14. Baxter Vieux commented that they did a modeling study, and it's about 50/50 in terms of the watershed area and also in terms of the loading. There are hot spots here and there that are more or less, but we don't have specific measurements per se. As a part of the watershed plan that's being developed, they did take samples on the major tributaries in the Little River and in Hog Creek. When that becomes known from ODEQ, then we'll have some hard numbers for that. But it's roughly about 50/50 and it's tied mainly to how much area is draining from Norman versus the other communities.

15. Mr. McCarty commented that he was a member of the Task Force and was there for all of the meetings except the first one. He doesn't recall any vote that the Task Force ever took or any type of consensus on anything. He is surprised the Planning Commission is discussing it, because he felt like the Task Force never finished. He feels like it is a work in progress and there are a lot of unknowns. Mr. O'Leary indicated what he intended to say was they had met with the Task Force numerous times with a set of draft ordinances, and with each meeting they challenged it and suggested changes and asked for more research. What the Commission is seeing is the culmination of those series of meetings. It has never gone to a vote of the Task Force. The last meeting was a bit tense. I think we had reached maybe a point of frustration on both sides of the issue. There were some folks who wanted zero dimension and others who wanted 350. I think the Mayor, who chairs that group, concluded that it was time to move on and bring it to the Planning Commission because we probably weren't going to find a full consensus there.

16. Mr. Trachtenberg commented that recently the Planning Commission was charged by the City Council to develop an ordinance on commercial lighting. What was the official mandate for the development of the language in this ordinance? Mr. O'Leary responded that the Master Plan had clear guidance that we wanted a stream planning corridor ordinance and water quality controls in Lake Thunderbird. Literally within a week of the acceptance by Council on November 10, 2009, the staff was charged with developing that ordinance. That was the first thing we wanted and at that time the Council subcommittee, made up of Mayor Rosenthal, Councilmembers Quinn, Butler, and Dillingham, wanted to bring that back quickly. The direction from the Council subcommittee was to bring that back, re-engage the citizen Task Force,

and develop an ordinance, which now has become two ordinances, and then take it through the appropriate approval process. It went from Council, to staff, back to the Council subcommittee and the Task Force. We have met off and on for about a year and a half and the Council subcommittee met after the last Task Force meeting and said we've gone far enough, go forward to the Planning Commission because it takes Planning Commission action to adopt any changes to the Zoning Ordinance.

17. Mr. McCarty asked, if we implement the buffer zones today, how much of an improvement we will see to the lake. Mr. O'Leary responded that we believe that of all the best management practices that are out there, that buffers are by far the most effective of all of them – detention basins, bio-engineered channels, etc. We have said consistently throughout our discussions that these buffers will not address the full pollution control that we need. In fact, one of the tougher things to do is going to be to go back and address the runoff from Oklahoma City and Moore and other developed areas. I believe that the buffers, having studied all of this for many months and years, will be the most effective of all the methods that we use. To give you an example, Dr. Vieux's report talks about fertilizer controls. When you talk about nitrogen and phosphorous you think let's just stop fertilizing; let's get all our homeowners to stop making their lawns green. That's difficult to do. I think Dr. Vieux's report said if you did that, and did that really really well, you might get about 10% reduction in nitrogen and phosphorous. I think buffers, if done properly, could be much more effective than fertilizer controls and other methods. I believe his reference was more to developed area, and mine was as well.

18. Ms. Pailles commented that the missing piece is the South Canadian watershed. Imhoff, Brookhaven, and Bishop Creeks were addressed in the study sessions and hearings, but they're not addressed in this ordinance. Mr. O'Leary responded that there is a whole section of the Master Plan that addresses the Canadian River. We're not ignoring it. We have a very aggressive plan for storm water Phase 2 regulations. In fact, the water quality protection zones were proposed originally for the Canadian basin as well. As the Task Force went forward, they concluded that they should not do that in the Canadian basin, but to focus on Lake Thunderbird because of the water quality and the use of the domestic water. At the same time, they recommended a great deal of storm water improvements in the Canadian reservoir. And I would tell you the majority of the dollars spent, if we go forward and implement all of that, will be spent in the Canadian reservoir, not in Lake Thunderbird.

RECESS – 8:24 to 8:33 p.m.

**PARTICIPATION BY THE AUDIENCE:**

1. Richard McKown, Green Earth Land Design, 4409 Cannon Drive – Normally I wouldn't want to go first. I think you're in for a long evening. There are a lot of issues here and there are a tremendous amount of concerns by my fellow colleagues in the professional land use industry, otherwise known as the development industry. But I have to go first because I need to get to dance practice for the parent dance at Sooner Theatre and I'm waiting for a text saying hurry and get down there. So I'll try and be brief.

We all want the exact same thing. We want clean, safe storm water now and in the future for our children. That is absolutely paramount to everyone in our industry,

and it starts right in the communities we develop – whether it's an office park or neighborhood. The algae starts growing; it's growing in my back yard. I have a crazy neighbor that feels like his yard should be deep dark green all year long, and he fertilizes the sidewalk. I'm really struggling finding a way to talk to him about it, because he doesn't like my yard that's allowed to be quite natural. This is a complicated set of issues.

Since we've been here, I received an email from Dr. Kaufman from the University of Oklahoma. We've been doing research together in storm water cleansing techniques for the past nearly five years, and he sent me this great email that says we're receiving a research award at the Regional Landscape Architecture Conference May 5 in Des Moines, Iowa, and he wanted to see if I would go up there with him to get it on behalf of Terra Verde and Carrington Place community.

I think it is a huge issue and is incredibly complex. I've been studying it intensely for the past ten years. I moved down here in 2001 with the specific goal to make our land development company as green as the home building company that Ideal Homes is. Ideal Homes is remarkable in terms of what it does in energy efficiency. And at the time I moved down here, the reputation was for just bulldozing all the trees down, straightening the stream, putting in a concrete-lined ditch, and we've in great degree quit doing that. But we've discovered many things along the way. I hate to just take complete issue with the comments that have been made about the buffers being the most effective way to clean storm water. But in the condition where we're going to urbanize a situation – an example that's been used many times tonight has been Summit Valley. Go out and visit Summit Valley. Go for a walk up that buffer zone. The storm water comes off the roof tops, across the yards, washes the excess fertilizer down into the curbs and gutters, goes into drop inlets, and then is piped to the flowline of the channel. That's our current drainage ordinance. Look at this slide that's up right now (Slide 27) – 85% of the time the rain falls the water stays inside that little U-shaped stream channel. It's being piped underneath this riparian zone. That's our drainage ordinance. That's how it works. You've got to get up early in the morning and you've got to hang out with guys like Reid Kaufman, and work at this all day, and you've got to go stand in the rain when it's raining and look at what's happening to come up with systems where you actually can get the water into a situation where it is being filtered. We're being put in a situation where we have to come and say we're being put in a hardship, which is very hard to define in any municipality, and we have to seek a variance. That's not ideal for urbanizing and filtering and cleaning storm water, and actually improving the water quality at Lake Thunderbird. We need to put together the mechanics of a treatment train. We're deeply invested in this. We've spent a fortune. We've done things, they've blown apart, we've gone back in and rebuilt them and it's amazing what we've learned. It's why we're winning a research grant, because this type of thing has been going on in the coastal areas of the country where it rains a little bit every week, but they don't get flash floods and they also don't have our tight clay soils. So they have soil conditions that allow infiltration. We've had to invent all new technology to do filtration with our exploded clay media, various different recipes. We're still up in the air about whether we have fly ash; it does bind up nitrogen. It's also potentially causing some other problems, so we're not doing it that way at the moment. But the research is very much in its infancy here in the entire Great Plains area. Central Texas – I'm excited they're working on things, because they have similar rainfall patterns and they have similar soil conditions, but truly these things don't easily

always translate. But the important point I'd like to make is we want to solve the problem with the lake.

When I was a little kid – I was born in this town – it was called Lake Dirty Bird. It was red. Anything you had on that was white would be pink. As a little boy, you're not crazy about having pink clothes. Your T-shirts would always turn pink. It's not that way anymore, in large part due to improvements in controlling silt and runoff. When I was a kid – my family has been here 42 years in the construction industry – we didn't have any erosion control; we didn't have any silt fences. We didn't have anything way back when the lake was red. We can solve this. We can solve it with good common sense measures that actually filter the water at the top of the stream – the water that actually fills up that little stream channel at the most common rain occurrences – 85% of the time. And we can do an amazing job at it. We've got a development community here in this town that's willing to do those things – willing to adopt new measures that allow us to have not just low-impact techniques, but treatment train systems. But this ordinance puts us over in the position of having to make that extraordinary – or a variance requirement.

You approved last year the J&J property. It has very few stream channels on it, but the stream channels that are on it are under the control of the Army Corps of Engineers. I screwed part of it up. I wanted to move a stream channel. The guys came down from Tulsa and they said you have a wetland condition here. You've got the soil, you've got the plant species – I wanted to move the pond over to the edge of the road because it would look a lot nicer and you could see it and more of the public could walk up and down it. It wasn't a big deal. It's only about five foot of difference, and basically there's this big wide swale and he said I don't want you working in here. I want you to go back and redesign things and stay out of this zone. So we are already under the regulation of the Army Corps of Engineers through their 404 permitting process to stay out of the very sensitive areas along our streams. The J&J property also had a huge swath of land that, because it's so flat, fell into this storm water quality protection zone. And there was no way to get the water into that. It would be like dumping water on this table – just spread out. It was one foot of fall for every 150 feet of land – unbelievably flat – less than ½% of grade. We went through and put together a system of a treatment train where you go from wet detention structures to riparian zones that we're actually constructing over into some of the 404 stream channels and then back out into some other detention areas where they made sense. And we pulled together some of the best and brightest minds in the region on the subject. We have developed some incredible knowledge here in our community. I want us to get there together. I am so tired of fighting about this.

I didn't know we were done as a Task Force. I've been working on this and never missed a meeting of the Task Force. I'm one of the original members. Every community we develop, all throughout central Oklahoma, we employ all these techniques. One of our most recent designs will be featured in Oklahoma City's mayor's development roundtable next month, and it's about all of these things that we constantly have developed and experimented with and figured out for our local soil and weather conditions and for our environment, and they're working. And they're working very well and we're making progress. We need to put the changes to our subdivision regs together with this so we can actually draw through the implications of this to make sure it's a total system that works and we can get there. We can't get there – it's not a panacea to just say buffers, they do a great job. That's just not true. They do a great job in specific situations and in some of our neighborhoods we've

gone back, cut out huge amounts of land that have been disconnected from the stream, and reconnected them with the stream so you have a floodplain that actually functions 85% of the time when it rains, and all of a sudden we have a buffer that does what it's meant to do in an urban condition. But it took a lot of doing and a lot of dirt had to be moved to restore a stream channel to its original condition. Anyway, that said, thank you for all your hard work on this. And best of luck.

2. Harold Heipie, 218 East Eufaula, representing the Norman Developers Council and I'm also on the Stakeholders Committee – I brought with me tonight a map of the Lake Thunderbird watershed. We used to have a camera up there that could get down fairly low and let you see – I don't know if it can do that. The reason I brought this side is because it shows the FEMA floodplain and it shows all of the SPCs – the stream planning corridors – that were developed by the consultant and came out in his report in 2009, and in addition some red lines that Mr. Hanger drew on there where streams may continue beyond the end of the SPCs, or full build-out floodplain, as they've been referred to.

By way of history, in 2009 when the consultant's report was released, it featured SPCs – these stream planning corridors – and they are outside the FEMA 100-year floodplain. The consultant said that the SPCs should be given or dedicated to the City without any compensation and also that they should be areas of no-build. Now this was from the very outset in their report. Well, the minute that position was voiced, the entire development community – the property owners – all said no deal. It's been no secret – we've been adamantly opposed to SPCs since the inception and there are instances showing that these things are not necessarily accurate because of the way they were put together. The scale on here is 1 inch is 4,000 feet. Try to figure a metes and bounds legal description off something that is down at that scale. And even if our GPS system can say we can bring it down to a foot, you know – garbage in, garbage out. So we're not at all prepared – then or now – to have anything to do with SPCs or, as they have now been relabeled – full build-out floodplains.

The two ordinances that are before you tonight incorporate these SPCs under the name of full build-out floodplains. Here is what these ordinances will do. They will take valuable and developable acres away from an owner without compensation and they will prevent any houses or other buildings from being built anywhere in those areas. And remember we're talking about full build-out plus 100 feet on either side. Now if you're a no builder or a no growther, that's delightful. If you've got investments in land that you've made in good faith in an urbanized area, that's disastrous. Here's what these ordinances will not do, and I think you've got to realize this, because nobody said this really up til now. These ordinances will not reduce pollution that's currently going into Lake Thunderbird from the houses and the buildings and the streets which currently exist in Norman, Oklahoma. The lake is impaired and will continue to be impaired. This administration, in the last four years, has done nothing to address any of those problems. These ordinances will not – and this is critical – reduce the pollution of the storm water that's coming off the houses that the owner is allowed to build, for that very example that Richard just cited. You say the SPC is an area of no build, so the owner says fine, I won't touch it. I'll just build on everything that's outside it. And he builds on everything that's outside it and he follows the current ordinances and he puts it in a pipe and sends it underground and it never goes through this buffer. It ends up down there in that little valley in the stream. So all of the new houses are polluting that stream just like the existing houses are polluting the streams and, yet, these big buffers

that have been taken without compensation and not allowed to develop, they're not doing any good. The ordinances will not provide any increase in drainage control of the storm water that's coming off the houses that the owner is allowed to build. So for all of the talk about the wonders of these buffers, these won't get you there. We want to get there.

I had proposed a substitute ordinance to the Stakeholders Committee. I'm going to provide you a substitute ordinance that will reduce pollution. Now my ordinance has not been fully vetted by any group, and it certainly should be. I've asked for equal time to present my ordinance whenever the City staff is presenting their two ordinances to various groups, and the Mayor has not seen fit to allow us equal time to present our side and our position and the ordinances that we say will solve the problem that is supposedly the goal behind all these. The Mayor is intent on getting these two land-grab ordinances on the books by May 24<sup>th</sup>. That's the rush. That's why, as finally was revealed tonight publicly, that the four members of the City Council who constitute this committee just wired right around the Stakeholders Committee and said get it on the road – take it to the Planning Commission. If they've got a problem with it, they still can bring it back and they've got time before our May 24<sup>th</sup> meeting, in the hopes that they can get five votes out of the Planning Commission to kind of stamp it. And what you have to know is that their failure to engage in meaningful dialogue is why your approval is not appropriate tonight. Because you need to schedule a debate or a study session, or whatever format you want to, that will give you the details that will let you make an informed decision about what this ordinance or any ordinance will or will not truly do. Because you've only been hearing one side of it from the staff.

What I'm about to say is something that I didn't have in any prepared remarks, but what you did tonight certainly was right on point. Item 8 that you just approved earlier tonight has a stream planning corridor in it – fairly large one. Now, the proponents of these two ordinances insist that a buffer is absolutely essential – that it's the backbone of any pollution control system. As Richard said, it's not necessary. And Item 8's design tonight, which was recommended by staff, approved without question, and approved unanimously by you people has reduced pollution for the entire tract that was contained within the plat without any buffer whatsoever – without any. So don't tell me that buffers are really the best way to protect an urbanized area, because that ain't going to hold up, friends. And what we are trying to do desperately is to get an acceptable ordinance that makes sense and that everybody can get behind and support and not have this end up in litigation. Because, as night follows day, if you're going to take 100 lots away on a 400-lot subdivision without compensation, somebody can't afford to do that. And they don't want to go to litigation. And Richard McKown and Trey Bates and Sean Rieger and I have been working very hard to get an acceptable ordinance. All we want is reasonable constructive dialogue by all the players and we haven't been given that. So all we can do is make a matter of public record to you tonight that the two ordinances that you have before you do not do what they are purported to do. And I hope you will take some time to look over the substitutes, schedule whatever is appropriate for your own edification, and let's all arrive in a reasonable time – whether we get this on the books by May 24<sup>th</sup> or not – it may be good for somebody that's going off the Council, but from the standpoint of the benefit of the community, whether it's May or June or July – it doesn't make any difference, as long as what we get on the books is for the good of the community. And that's what we're trying to come up with.

3. John Woods, President and CEO of the Norman Chamber of Commerce, 115 East Gray Street – It's a pleasure to be with citizens giving their time to figure out very difficult decisions. I appreciate your time and efforts volunteering to wade through difficult issues that are in front of you. I want to let you know for the record I am not a developer. And, for the record, I am not a business owner. I am a dad of a 7-year old daughter who frequently drinks out of the tap and the water that she drinks comes from Lake Thunderbird. And so the actions of our city, the actions of this particular Commission concern me as a father. And the future of our city, when it relates to our water quality. I am a homeowner that is concerned about the price of a home when I purchase it. I am someone that is concerned about the environment that I surround my home with – what it looks like aesthetically. I am someone that is concerned about the price of goods and services in my community, and I can say after hearing, over the course of not as much time as our staff has put into this – not as much time as you, as a Planning Commission, may have put into this, or those of you who have served on the working group – as someone that is new to the process, but I have spent several hours trying to catch up to speed and become familiar with this issue.

I can tell you that as I read more of this work product, I come up with more questions than I have answers. So my request to you may not be the same request that you would have from some others that come and speak before you today. I can truly and honestly say from my perspective I do not have the opportunity to tell you unequivocally that there is a situation in which you should absolutely not recommend some type of water quality protection zones. I personally cannot do that. There may become a point in time where the Norman Chamber of Commerce has an official position -- and we will be meeting and we have met unofficially to look through this information. I certainly doubt there will be a situation in which we will recommend as it is currently constituted because I think there are serious concerns with the ordinance that is in front of you today. But what I can ask you to do, unequivocally, is to ask the City to take a deep breath and slow down – to take an opportunity to let a working group and committee continue their work and try to reach consensus. I do not believe that's an unreasonable request from the business community of this city to ask upon volunteers and City staff to spend more time looking through these problems. It is a fact that the way we currently develop property by an urban code standards is absolutely the opposite of the way that you would flow water in a method to treat it through a buffer zone. It's undisputed. Water flows to detention facilities from your urbanized settings and flows through pipe systems into a stream bed. It does not flow through any kind of a buffer system. In fact, if one of your major concerns is storm and flood issues, then you would not want a situation in which water, in an uncontrolled format, was flowing through a buffer zone into a stream bed. The very way that we design through a detention pond type facility is to slow the water down. So if we were to redesign – if you admit, or if you can believe, or you can come up with the scientific evidence that a buffer zone is the best way to have a water quality control, then by that very same logic you're admitting that water needs to flow through this buffer zone and not through a slow drain process, thereby creating a higher propensity for flooding in these very areas. So they are in many ways mutually exclusive issues that this particular ordinance causes you to create a serious problem. So, from my position, and from I think the Chamber's position as a whole, we're simply asking you to slow this train down. And it really has been a train over the past month. I have taken a look at the documents. I've taken a look at the very slow and methodical time that staff, that

volunteers, that planning groups have taken to study this issue, and then suddenly in a very short period of time we've sped it up rapidly through the process. I can't really explain why and I don't understand why. But I do know that these citizens sitting on this dias tonight have the opportunity to ask the City let's just take a time out and slow this down a little bit. And let's take a look and see if what those that are speaking tonight are saying are true – that this is not the best method – that this is not the best way to treat your water quality based upon current design standards and how we view detention pond facilities and other mechanisms surrounding our development. Let's take the opportunity to allow the business community to take a look at the true costs of this, because I can tell you right now, as the Chamber President, and as for someone that's interested in the business community, we look at our sales tax revenue dollars. People will spend sales tax dollars within typically a 15-minute drive of where they live. We need citizens, we need individuals living in Norman. You don't need them living in Moore. You don't need them living in south Oklahoma City. If you want to drive sales tax dollars to Norman, you need more residents in this community. You can talk about shifting residences and compacting residences and that may be all legitimate and fine but the end of the day there will be fewer opportunities for housing units in this community which at the end of the day means fewer residents long-term and will mean fewer individuals spending their dollars in this community and that's plain and simple fact. It is plain and simple fact that if you do this – and you may say that the cost versus the quality is worth it. Maybe it is. I don't believe that that would be shown to be the case, but maybe it is. But you need to realize if you do that, you will be increasing the housing costs in the City of Norman, making housing developments outside of this city much more economically feasible for someone to choose to call their home. Plain and simple. No question. Cannot be disputed. And I can tell you one other thing, as someone that has been a former housing association president. There is absolutely no doubt in my mind if you have this type of zone with this kind of growth you will create a potential for fire. I've seen it firsthand and how we experience what a housing association has to do in relation to maintenance of that property. And, second of all, you are going to create a more expensive per house fee in relation to those housing developments. We charged, for example, where I lived at the time \$100 and we had very small areas that we had to maintain. You start to talk about this type of area and you relate that per residence and you could see easily, I think, double or triple the housing maintenance fees annually to those consumers – again giving someone one less reason to want to call Norman home. That, to me, just doesn't make sense. At the end of the day, perhaps the study group will find that this is the way to go. I tend to think not. But all I can ask you to do is wait and weigh these considerations of cost versus the benefits that I don't think have really been undertaken in this process today. So that's what I would ask you to do, is to ask this staff, ask this City, ask that working group to spend more time really digging into these numbers, this data, this distance for its true necessity. Other ways we can compromise and find a way to have water quality be important, but to make sure that we're maintaining cost competitiveness with our neighbors and neighboring communities. And I thank you so much for your time and for your efforts on this commission.

4. Sean Rieger, 136 Thompson Drive, representing the Builders Association of Southcentral Oklahoma – Gosh, we were just here not long ago with another ordinance, weren't we? I think back to that experience where we went through that for over a year. That lighting ordinance was probably less cumbersome in some ways

than this will be on the future of Norman. And now this is being thrust through in a very fast-paced process. We were all stunned tonight, literally, with the revelation that we had never heard that the Task Force was finished. That was news tonight. We had no idea that was the case. I'm not on that Task Force, but several of the people in this room are and that was news to them, I understand. It was nothing we were aware of. There was still very intense discussion in that Task Force right up to last week, and I guess suddenly the plug has been pulled on them. I'm not sure why that was the case. But we have significant concerns about this proposal. I want to talk through just about seven points in general.

First of all, you heard Mr. O'Leary tell you that cities like Norman, Moore, and Oklahoma City are governed by the State of Oklahoma Department of Environmental Quality in their storm water permit process – Phase 2 cities – Phase 1 cities. And what you've heard is the same thing that we've heard for the last two months from Mr. O'Leary is that there is a permit forthcoming from the State that, as he told you tonight, will tell Moore, Oklahoma City, and Norman what to do. That permit, as he told you, is months or maybe about a year away. We've heard July. We've heard this fall. We've heard December. But it is forthcoming and it's soon to be here. It will tell us what to do from the State's perspective. As importantly, it will tell Moore and Oklahoma City what to do. Then we can go forward with those recommendations, and if we want to be higher than that level, certainly we can do that. But it seems imprudent to adopt standards that maybe are not even what the State is recommending we do and maybe are not what the State recommends our neighbors to do, putting us at a different plane. We should wait for the storm water permit to come out from the State to tell us all what we should be doing, and then we should tailor our ordinances to be as such. If we want to be a leader at that point, we still have the opportunity.

I think the next really important point here is how do we build this. You've heard a lot about that tonight, and Harold brought up a development – Richard talked about J&J. I'm going to show them to you on the screen, because it just so happens they were in front of you tonight, and there they are. How do we build this? We're thoroughly perplexed as to how we do this. You've heard it a lot tonight. The concept here is very simple. What you're being told is these buffer zones are going to be put into place so that all the storm water can be taken through these zones and cleansed before it gets into the creeks. Well, look at these subdivisions right here. Take a look at that screen. There is J&J right there. You see these detention ponds right there. That is the treatment train that Richard was telling you about. That's how they do it. They take the water down into these detention ponds, they treat it, release it to the next pond, and there it goes. It works. It's been successful. But if you're going to take this ordinance and apply it to that, then I want you to look at that very closely. You're going to take an extra 100 feet on each side of those ponds. Those lots are 100 and some feet. Let's just say, on average, you're going to take an entire lot on all sides of every one of those ponds. That's a lot of lots. That's a lot of revenue and income stream to that developer. How does he do that? How does he do that and keep the same pricing that you were told earlier it's not going to have an affect on? I don't know how you do that. I have no idea how you do that. Let's look at the one you just approved earlier. Here's the one, and Harold brought this one up. You see right there are the detention ponds – again, the treatment train. Well, if we're going to take an extra 100 feet on each side, those lots right there are 130 feet. You've wiped out huge numbers of lots in that development. For what purpose? Because now look at this again and think about this. You've been told that all the water is going to go through

the buffer zones, but that's not how we develop. That's not how our subdivision regulations require us to develop. Look at this area over here. How are you going to get the storm water in that part of the subdivision to go through buffer zones to these ponds? I guess you could take it through somebody else's lots – through their property and their side yards and back yards. I don't know how you do that. The water goes into the street and goes into pipes and then the pipe takes it subgrade into the pond. It never goes through a buffer – ever. And I don't know how you're going to make it go through a buffer, because to do that you're going to have to take it through lots – through people's back yards. You're going to have to sheet flow it across a wide expanse. Now, if you could do that, maybe you could cleanse the water. But just think common sense wise – just look at that drawing. How do you physically do that? And the answer you heard tonight is the staff doesn't know, either. We're basically going to go with the guidance of the North Texas subdivision regulation that nobody even heard about until about a week ago. We don't know. We don't know how we're going to build this. So there's significant questions left to figure out before we go forward.

There's an engineered option. What they've told us in response to that discussion is don't worry about it, we'll let you do the engineered option and so you don't have to do the buffer zones. The problem with the engineered option is it's through a variance process. And you saw tonight you have to show error. You have to prove that. Somehow they made an error. You have to show that there's no unreasonable disruption to the natural terrain. Well, if we build treatment train ponds, we're going to disrupt the terrain. You have to dig it up and build it. You're going to have to show that you didn't interfere with the full build-out floodplain. In essence, you still have to have the full build-out floodplain. So the variance process is so severe that it will never happen. I don't know how you'll ever get that approved, basically. And how would you get that approved on every development that you would have to do, since you can't really use the buffers?

A homeowners association point is important. I don't think they have a clue right now – the existing homeowners – of what this is saying. We've heard for the past year, since the storm water came out, homeowners associations have begged the City to bring forth some sort of a funding mechanism to help them maintain the common areas. We've heard that repeatedly. This answers what's going to happen in the future on that. This says they will actually maintain those areas very clearly. We've asked for clarity. Well, does that mean the City is going to do the dredging of these ponds when they get over-sedimented? We don't know. Does that mean the homeowners association is going to do it? We know they have large areas that they're going to have to maintain. We know this ordinance actually mentions things about water monitoring and remediation required by the homeowners association. We know this says the developer has to prepare a report for best management practices. Well, every time a developer puts forth a report of what's going to happen on that subdivision in terms of long-term maintenance that means the HOA is going to do that. It's not the developers that are going to do that. So all of this is adding tremendous cost to the HOAs and I think it answers their question as to ever will they see any funding from the City to do these things for them – probably not. Because I don't think the City is going to treat future HOAs differently than they would the existing.

No funding in place. Very important. We just heard Mr. O'Leary tell you that the City will have a very large responsibility in this. They have to go out at least once a year and after every storm to inspect these drainage areas. Another thing that we've learned in this process is that almost all of these other ordinances that you've been told

about in other cities that have anything like this – and there's not much of anything like this – but they have funding mechanisms in place to help pay for the cities' responsibilities in these efforts. We don't have that in place yet. That needs to come in place with this if we're going to mandate the City to have a function as far as maintenance.

Dramatically increases costs. We talked about that. You're going to lose huge numbers of lots. That increases cost. No question about it.

And I think the last point that I want to leave with you is the Moore and Oklahoma City angle. I think that's been brushed over. We are in a competitive market. The developers have to compete in Moore, Oklahoma City, Edmond. They don't compete in Austin. They don't compete in Scottsdale, Arizona. They don't compete in South Carolina or San Antonio. They compete in central Oklahoma. We can be proud to be the leader if you want. I understand that and I believe that concept is genuine, too. But if you're proud to be the leader and you do something that nobody else in your area is doing and you added in tremendous cost in doing so, ahead of before the State has told the other cities to do it through storm water 2, then you've put your community at a severe disadvantage economically. Why would you do that? If the State comes forward and says Moore and Oklahoma City, you will do this and Norman you will do this – no problem. We're on an even playing field. We know we all have to do it. We go forward. But if Norman says we're going to do this, and the State comes out in a year and doesn't make anybody else do it, oh, my gosh. We've just put ourselves in a sling. We can't do that. We can't do that any more in Norman, Oklahoma. We can't do that when Moore is giving \$2 million for Imax theaters and Oklahoma City is going out with its corporate representatives and getting Whole Foods and anything else it wants. We can't do that anymore. We have to watch where we're at in the competitive market.

I urge you to let the Task Force continue its work. I urge you to wait until the State makes it an even playing field and tells us what we should be doing. I urge you to caution this forward with restraint. Thank you very much for your time. I appreciate it very much.

5. Trey Bates, 3720 Timberridge Drive – I'd like to start by kind of setting a stage here that I think sometimes gets turned around a little bit and I'm real sensitive to it and that's this perception I think sometimes that there are these two sides warring against each other. Mr. O'Leary, in his discussion at one point, talked about the last meeting we had as a stakeholders meeting and how contentious it was. And I'll agree that it was somewhat contentious, but it wasn't contentious over one thing and that was the central thing for which we were all there, in that we recognize that we have a problem with Lake Thunderbird and that we need to come up with the solution for Lake Thunderbird. The only area where contention arose was the interpretation and the understanding of the facts as they were being presented to us and the best way to go about resolving the problem that we all recognize that we have with our drinking water. You know, another thing that's really interesting is you look around the table and there's all these people, and at any point in time they could get a job somewhere else and, while they might have fond memories of Norman, Oklahoma, they're going to go on to their other job and they're going to maybe check the newspaper every once in a while or have relationships with some past friends or family that are still here, but they're gone. The people in my industry are married to this town. We can't pack our stuff up and leave. We have to make sure that in order to be successful we have a

great community to live in, that the quality of life goals are achieved, one of which, of course, is that we have great and ample supplies of drinking water, because otherwise who would want to move here? The background that I want to try to lay down here is that in that meeting, while there was a lot of tension, there was no tension – there was no separation in the direction that we all wanted to go with regard to protecting our drinking water.

Now let me tell you a couple of things that were stated that we learned in that group that you haven't been told about. First of all, you saw a slide that showed – and I don't want to quote Mr. O'Leary exactly, but I think he said something like all these other communities are already doing this or are doing it. My first thought is, well, they have all these water quality things in place. Right? They're dealing with water quality. Well, I spent a lot of time looking at it and I can tell you that there isn't a single city in Oklahoma that is doing anything close to this in terms of trying to protect water quality by identifying zones that are 40-acre drainage basins, putting in buffer strips, and calling that a water quality program. Not one. Tahlequah is the closest. They have a 50 foot strip that they've outlawed fertilizer on on their scenic tributaries where water is running all the time. Tulsa – it's all about flooding. And, strangely enough, in Broken Arrow they have a voluntary program where they have worked with the development community to try to develop low impact standards and give them bonuses from their standard if they add these buffer strips. So it's not a mandatory – it's a purely voluntary program that they put in place. My point is, there is not another community that has done anything close to what is being proposed here.

Secondly, what every other community has done, we aren't proposing. Every other community has a funded storm water program. You know, there are costs associated with this. I was part of the original group. Actually, Commissioner Trachtenberg and I were on the first Greenbelt Commission and we worked through that and I was there when we voted to bring on the greenbelt master plan study and include that as part of the storm water plan. I was there through that whole process. And my point is there was never a point where we got off on something so drastically focused on one group of people that wasn't funded. A big part of that was always coming up with a funding mechanism to make sure that we had a complete storm water plan, and that's been lost in this.

Another thing that wasn't told to you today that was brought up and proven in our group was that the graph that showed that 100 foot or whatever it was – 23 meters – the graph that showed the effectiveness of these buffer zones. It was asked and it was proven or stated on the part of staff that these did not apply to urban areas. In fact, I'll give credit to Mr. Hanger. He actually went through various subdivisions in Norman and tried to come up with a calculation of the effectiveness of buffer zones in urbanized areas, and he showed where there was maybe a 20-30% effectiveness in terms of the overall amount of water in a development that would go into a buffer zone. So, in other words, 70-80% of the water in a typical development in Norman, Oklahoma would never reach one of these buffer zones. And I'm kind of doing a little back of the envelope math, and I'm thinking, okay, if 80% of the water never gets to the buffer zones, and the buffer zones are 50-70% effective, then you've got 20% times 70% effectiveness – in other words, a relatively small amount of nitrates and phosphates are removed from buffer zones in urbanized areas, compared, quite honestly, to a great education program on better use of fertilizers. I mean, the point is that we learned in that meeting that the graph was not applicable in urbanized settings.

Another thing we learned – there is no EPA guidance for 100 foot buffer zones. There is an EPA model ordinance, and in the instructions of the EPA model ordinance it says where there's this little water drop you should look at your own community. And, in fact, it's kind of interesting – that's titled forested areas. And if you get in a little bit deeper, they start talking about these real heavily forested areas on the East Coast and they've got these big trees and these canopies hang out over the creeks. And if you get closer than 100 feet, you start disturbing the root structures. And when you start disturbing the roots of the trees, then you compromise the entire channel. And that's where 100 feet makes sense. If you read the EPA model ordinance, it says when you're talking about areas that are grassy or unforested look at the Napa, California ordinance. The Napa, California ordinance is 50 feet. So even if you want to follow the EPA model, it's not 100 feet as a recommendation and, in fact, if you read the instructions it says look at your own community for what makes sense. They weren't specifically recommending 100 feet.

The culmination of all of these meetings is another representation that I take a little bit of issue with. You know, if you're ever asked to serve on a jury and you got two days through the jury deliberations, and they said, okay, you're done – you never reached a culmination. You may not have a unanimous vote, but the culmination occurs where everybody has finally said we've debated all we can debate, we've worked together all we can work together, and now it's time to see where we stand. And I am testifying before you today that event never happened. So there has been no culmination of the Task Force. There is a lot of information that you guys honestly, in my opinion, haven't seen, and I would hope that you would take that into account and help our community move forward with a storm water quality program that makes sense. Thank you.

6. Dan Butler, 4000 Hammer Drive – I've heard a couple of things I just wanted to disagree with a little bit, but then I'll get on to what I want to say. One thing, there are a couple big cities in Oklahoma that are using buffer zones. They're using the buffer zones around their water supply – watersheds – not in their towns. Oklahoma City gets their water from the North Canadian River flowing into Lake Hefner and Lake Overholser and currently buffer zones are being put along the North Canadian River and its tributaries between El Reno and Canton Lake. They're using 300 foot buffer zones. They're also doing a lot of other things, such as getting farmers to go to no-till farming and changing animal practices and things like that.

The second city is Tulsa. They get their water from Lake Oologah and Lake Eucha. Lake Eucha has had terrible algal problems and they're putting buffer zones in the streams that flow into Lake Eucha. The State of Arkansas is doing that also under threat of a lawsuit from the City of Tulsa, but they're doing it. So we have two cities that are putting in buffer zones in areas where it affects their drinking water lakes. Two big cities.

Second point I want to disagree with is these detention basins in subdivisions – they don't do a very good job of taking nutrients out of the water. They do a very poor job, much as farm ponds do a very poor job of taking nutrients out of the water where cattle stand upstream of them. They get loaded up with nutrients in the first couple of years and after that they put out as much as they're taking in. That's well-established research.

Finally, having worked with buffer zones and water quality for the past – well, I retired two years ago, but I worked in that area 28 years and have something to say

about it. I haven't worked in development and the people that have development issues have good points. I take their word for that. But I do have expertise with buffer zones and other practices. I can tell you that the idea that buffer zones are going to solve the problem in Lake Thunderbird is wrong. Much as the low impact development along the houses and in the neighborhoods aren't going to solve the problem in Lake Thunderbird. It takes all of that put together, and even then you don't solve it – you reduce the algae in Lake Thunderbird when all of that is put together. But it takes all those pieces. You can't pull out a piece and expect the rest of it to work. So we need the buffer zones, but we also need the things going on in the homes and the lots in the developments, and you just can't take out one of those pieces and expect success. So people are talking about buffer zones tonight as if they're going to do it, and, no, they're not, but they're needed. They're needed as part of the whole.

Secondly, to use an analogy that might make more sense to everybody, we'll talk about sewage treatment plants. When the first sewage treatment plants came online about the turn of the century, they were very simple. People weren't waiting until it was perfected to put them in. They knew they had to do something and they went ahead and acted with what they knew how to do at that time. Science and engineering has come up over the years with more and better ways to do it, and as those more and better ways are discovered and introduced, sewage treatment plants have changed in their designs so that a sewage treatment plant of the 21<sup>st</sup> century would not even be recognizable to a man that worked in a sewage plant of the early 20<sup>th</sup> century. But you still have to start. You don't say I'm going to wait for the next 100 years or the next 10 years or the next 5 years to see if new science comes along. You make your start and as new science comes along you adjust to it, much as we do with homebuilding or anything else. We're not building homes and conserving energy right now like we did 50 years ago, either. You adapt to the new science that comes along. That's it. Thank you.

There being no further public comment, Chairman Gasaway closed the public hearing and turned discussion over to the Planning Commission.

**DISCUSSION AND ACTION BY THE PLANNING COMMISSION:**

1. Mr. Sherrer said he feels like he's drinking from a fire hose. There are a lot of different opinions being presented. It is a struggle to get a full grasp on all these things within a week. Mr. Butler mentioned that Oklahoma City and Tulsa have done buffer zones at the river or lake level. He asked if that was ever considered as an option. It sounds like we're looking at this as an individual development plan, rather than as a more comprehensive look at going closer to Lake Thunderbird and looking at a way of filtering. Mr. Butler explained that Tulsa and Oklahoma City are doing it at the river and the stream level; they're not doing anything around the lakes. They are going out to individual farm fields, in most cases less than 40 acres, and doing it at that level, all the way up to the first order streams where you don't even have a defined channel. So they're putting in buffers on all these things, not just the streams that have water in them. They are doing a number of other things, too, as they recognize it takes a complete program.

2. Mr. Sherrer is also struggling with what Mr. Rieger mentioned, that the State has some plans to do something in the near future. It seems a little bit odd why we feel that need to do something before then, especially with some of the facts he heard from

members of the Task Force. I don't understand the urgency quite as much, given the comments from the Task Force. I do think there are some things that put you in a competitive disadvantage potentially, and we have to at least consider those things. It seems like there's a lot to digest here.

3. Ms. Pailles commented that Norman is the only city in Oklahoma that has the "most livable" category; we're doing things that no other city in Oklahoma has done. I don't find it a persuasive argument to say that it hasn't been done in Oklahoma before. The example Mr. Rieger gave is true; the property he was talking about has been farmed for many years and it's plowed flat, there is no native vegetation, and whatever the original drainage was it is not clear. In the Lake Thunderbird drainage area most of the streams are channelized and surrounded by natural forest. In that area the buffers make perfect sense. The comment that it probably would make land more expensive is probably accurate; certainly some homes would have greater expense in response to this, but that wouldn't prevent developers from providing lower cost housing in other areas. The main thing is we have a problem with four qualities of Lake Thunderbird and the buffers would address three of them. It seems like a good solution based on science. If you want to provide another solution, you have to provide equal information on a scientific basis. One of the people that has been here forever that's been to all of the meetings was commenting that, basically, the people who came into the room seven years ago kind of opposed to it are still opposed, and the people who came into the room seven years ago more or less in favor of dealing with water problems through environmental best practices are still pro. That's kind of discouraging; basically, nobody has changed anybody's minds. Ms. Connors clarified that the Glenridge Addition is in the Lake Thunderbird watershed.

4. Mr. McCarty said he was on the storm water master plan as well as the recent Task Force that started several years ago. Everybody agrees that we want to improve our water quality; the disagreement is how we do it, because there's more than one way to address this issue, like Mr. Butler said. It is not any one item that can fix this problem and we're not sure what the best way is to fix the problem. It has been quite a learning experience and has been a great process. The process has been going very quickly, there has been a lot of pertinent information that has been provided, there has been a lot of studying done, there have been disputes about how some of the data was provided. I have spent quite a bit of time learning about phosphorous and nitrogen – it's very complex. The work I have read is that primarily buffers work best in areas that are not urbanized – in other words, vacant farm fields that we have that are flat land and mostly in east Norman that feed into these areas. What this ordinance doesn't do today as we build and as we live in Norman is change one thing about the water going into the lake. It's going to put buffers in areas primarily that are going to be vacant land for a long time. One house per ten acres – everything east of 48<sup>th</sup> Avenue is what our current 2025 plan is and where there's current urban utilities. There's no water or sewer beyond those points. I'm having a hard time with this ordinance and why we're in such a hurry to try and write an ordinance that affects a lot of people in a lot of different ways and why we're not concerned about the Canadian River. So this is only addressing water that goes into our drinking water and not to anybody else's rivers downstream, and that kind of concerns me as well. We've asked those questions; why aren't we doing something to talk about how you can fertilize your yards? That would be an immediate impact. We know that ODEQ has

been doing a study that has been pushed back, I'm sure because of budgeting purposes or what have you, that I think is going to probably help us in this ordinance or a future ordinance. I think that it's something that we need to at least have a grasp around the direction that they're going before we start writing an ordinance that we may have to change or adapt in the next year and be back talking about this. The buffers I see more as a quality of life issue to the city than it is nutrient and phosphorous. We already have the backbone, which is the creeks, and we have the FEMA floodplain which is the area outside of the creeks. So in a 1% rain event, water gets to those areas. That's your buffers. What is this land beyond that ever going to do? I'm really struggling. Tonight we heard from Mr. Butler. I wish we had known about what Oklahoma City and I looked at Lake Oologah – I looked at what they're doing. I think the buffers are just around the immediate lake; I don't think it gets into tributaries or creeks from what I could find – I could be wrong. I wish we would have had the information to see what Oklahoma City was doing before tonight to know exactly how they're addressing this, because that's the first I've heard of it. I think that the Task Force could reach a consensus, and I wish that we had more time to work on that to try and do that, just because how big of an ordinance this is and how it's going to affect everything that we do into the Little River and into Lake Thunderbird. There was even a statement made, and I know it's been challenged, at our last public meeting that was here there was a lady that stood up and she said she was with the Thunderbird Water Conservation District and made a comment that the water quality in Thunderbird in the last two years has improved. So some of the things that the developers are doing – it's working, from what we can tell, if that statement is true. Now, I don't know where her data is coming from, but there's other people out there telling us different things than what we're being told. And I have no doubt that we have a potential water problem. It's just how we're approaching it and what the ordinance is before us to fix it. I'm a green certified builder and a LEED certified builder, so I understand the green aspects of what we do and how it affects what we do and our future and our kids and their future and grandkids, and I could go on. I just don't see how this ordinance, the way it is drafted currently, helps us.

5. Chairman Gasaway commented that he was a member of the Storm Water Master Plan committee. Like many issues, and the lighting ordinance is a good example, you can talk things to death. We spent well over a year on the lighting ordinance and I'm not sure that we had any better product after a year than we did after two or three months. We talked a lot about it. We took some things off, put some on, but essentially after a couple of months we were in the same direction as we ended up at the end. I think this issue, as far as the committee itself, has probably reached that point. There's not much more we can learn. There're not many more facts that we can have. I think we've reached a point where it comes down to some people disagree, some people agree. I don't know what else we can present. I missed a meeting or two, unfortunately. I did miss the last meeting. But the meetings that I attended we discussed essentially the same topics at least at two of the meetings. Whether we resolved anything or not, I don't know. But I think we have studied everything that there is to study and I think it's time to decide whether we like the product or we don't like the product. But saying let's study it for another six months – I don't know what else we could study honestly. I think, to that extent, it's detrimental, and I think you can see in the committee that they're starting to feel that, too.

Another comment that was made was let's wait for the State. I've never heard of when the State or the federal government comes in and you sit around and wait for something that you get anything that you want. Usually you get told something that doesn't benefit – it's not tailor made for our area. It's made for the entire state. Some of it we might benefit from; some of it will be drastically different than anything that will benefit Norman. Norman is different. We're not talking about our storm water that runs into the river. We should, at some point, absolutely, and we've bounced around that a little bit tonight. We're talking about our drinking water. We have to do something about our drinking water and that's what makes Norman different. We're not drinking out of the river. We're drinking out of Lake Thunderbird and it's time to do something about it. We should have done this thirty years ago; we're late. We can't repair the damage that's been done. We can't repair the development in areas that should have not been put there thirty years ago. But we can start now and make a difference. We hope Moore and Oklahoma City will participate to some extent, but we can't fix them. We can fix Norman, Oklahoma to the best extent that we know how.

6. Mr. Sherrer felt it would be helpful to have some sort of recommendation from the Task Force, even if it were not a unanimous decision.

7. Mr. McCarty stated that he completely agrees with Mr. Gasaway in some aspects. I'm on several other technical committees throughout the State, and we take a completely different approach to how we want to write an ordinance. We get the people involved that it's going to affect and we all work together as a team to come up with some type of recommendation to fix a problem. If you would get other stakeholders involved in these from the very beginning, I can promise you we would be sitting here tonight with an ordinance that we all could approve and be happy with. I see it done in other states, other cities throughout Oklahoma, and it works. But when you just take an ordinance and you throw it out there and there's a lot of moving parts and a lot of really deep detail and study that goes into it, you end up in the battles in those task force meetings and there is disagreement because of everybody's opinion. But if we started from scratch from the very beginning and we had other engineers and we had Dr. Vieux in there and he helped us with the information he's got, and Harold Heiple and other people that are stakeholders, it works. And that's where I have a real problem with the way that we are doing things – like the lighting ordinance. I truly believe that if we would take a proactive approach in our city to identify the problems, the people that are involved in it, the stakeholders, that we would be here discussing something completely different right now.

8. Mr. Trachtenberg said we've been talking about this issue for seven years. Mr. Heiple said in his presentation that the idea of buffers was a no-go for the point of view that he represents from the very beginning. To be perfectly honest, I was jealous of people like Trey who got picked for that great and deeply important committee – I wanted to be on that group, because I think this is the most fundamentally important thing for this town. It seems to me that the City has been exploring this question with tremendous energy, with tremendous vigor, and with tremendous intellectual capacities represented by people like Dr. Vieux for a long, long time. What I'm a little puzzled by is that the process produced a master plan, that master plan essentially had this concept in it, it was contentious, it was opposed, but it was passed – it was

accepted, I guess, technically, by the City. And what we're doing – and forgive me, Harold, if I use a term that you often invoke here – it seems to me that we're being asked to be kind of ministerial here, which is that there's a policy, it was approved by the legitimate authority in our community – the City Council. The City Council has a process for developing ordinances – or it has a variety of processes for developing ordinances. In this particular case it did not ask a task force to develop an ordinance; it asked the staff to develop an ordinance and to touch base with people who had been stakeholders in this. It did not set up a jury situation. And now that entirely legitimate process has come forward. We've been given a decision to make. Let's make it. There may be very good reasons to disapprove of this ordinance. I support it, but I can totally respect people who don't and think that this ought to go down in flames. Fine. Let's vote on that.

Now, let me just close with one thing, and I'm going to refer to Baxter. I want to say this. Many, many times, in my capacity as a Planning Commissioner, I've been asked to deal with things that I had no clue about. And the lighting ordinance, frankly, was one of those. I happen to know about water, in large part because of Baxter. I've been studying water for seventeen years – pretty much since I got to OU. And I can tell you one thing, that in all the reading, all the study that I've done, I have gone to – I've presented at meetings of the American Water Resources Association – and there is one constant when people talk about water quality and flood control, and as a bonus – as the icing on a cake – recreational opportunities and quality of life issues. Those are the icing on the cake. The one thing that's a constant in all of those discussions is buffers – whether it's 50 feet, 100 feet. I don't know. That's a technical issue. But the one thing that I can just assure everybody in this room that is the constant in discussions of water management, water quality, and flood control is buffers. That's what it is. We've known this as a society for as long as people have studied it, and that's not going to change. It's not going to change in a month; it's not going to change in a year; it's not going to change in 20 years. That's the truth. So I'm behind this. I support this. I've given you my reasons. But we're all very intelligent, thoughtful people here. We've got to bring our values to bear on the facts, and that combination might lead you to think this is a bad idea. Then vote against it.

*Zev Trachtenberg moved to recommend adoption of Ordinance No. O-1011-52 and Ordinance No. O-1011-53 to the City Council. Roberta Pailles seconded the motion.*

9. Mr. Lewis said he intends to make a motion to postpone this item, because he appreciates the time that Commissioners and staff have invested in this, and appreciates the comments by Mr. Vieux, Mr. McKown, Mr. Wood, Mr. Heiple, Mr. Bates, Mr. Rieger, and Mr. Butler. I think it brings a wealth of knowledge to the table. What I'm concerned about, and I will echo exactly what Andy said – if you've ever been sitting at a railroad crossing watching a train go by, you have train cars going past and you can't even see what's on them, they're going so fast. When I look up the track and down the track, I can read what's on the car because it slows down and I can see that. When something comes to my desk a week ago, and a few hours – something I've never seen before that's as comprehensive as this ordinance is and affects as many people as this ordinance does, I have to question in my mind why this ordinance is moving so fast through the Planning Commission. After hearing comments tonight that the Task Force never actually came to a decision, that they didn't even know they were completed, and again for this ordinance to be on the table in front of the

Planning Commission is very shocking to me. I have been going at 100 miles an hour trying to get my hands around this ordinance, knowing that I have to make a decision of either approving or disapproving to send on to City Council. I have to know that, as Mr. Wood said, the decision I make will affect many generations to come within this city, because it's a recommendation to City Council as to what they do. Do they take our recommendation as a Planning Commission or do they do something else? So, respectfully to my colleague Mr. Trachtenberg, I think the only thing that really this Commission can do is table this ordinance – give it back to the Task Force until they come up with a decision or a recommendation and then let it come through the Planning Commission at a very prudent pace, where the Commissioners will have time to evaluate it, to thoroughly understand it. And I don't make my comments lightly. Resolution by the Planning Commission 9899-1, which was adopted May 13, 1999, and amended June 13, 2002, clearly says when something can be tabled or postponed, and it says "It further is resolved by the Planning Commission agenda items for a public hearing maybe be tabled in the event of the following circumstances: when a request has been amended" and I think we definitely heard from Ms. Walker that there is going to be amendments coming forward. There's going to be minimum and maximum amendments on the height of the vegetation in the buffer zones coming forward. Unquestionable. It also says "when the Planning Commission determines that circumstances warrant further study." I've been waiting all night for somebody to tell me that, indeed, buffer zones work. I haven't quite got that yet. I've been waiting all night for someone to say I understand this ordinance backward and forward that sits on this Planning Commission, and I get the sense – and certainly I don't want to speak for every Commissioner; I can only speak for myself – but I get the sense that many of this Commission are as blind-sided by the technicality and the depth of this ordinance as I am. Some may not be, and I respect them greatly for having a grasp and a depth of knowledge about something that will be moving forward. But I would recommend and potentially make the motion that we table this item, give it back to the Task Force, let them make a recommendation, and let it come through at a prudent pace. That is the responsible thing to do, not only tonight, but for the entire future of Norman going forward.

*Chris Lewis moved to postpone Ordinance No. O-1011-52 and Ordinance No. O-1011-53 indefinitely. Curtis McCarty seconded the motion.*

Ms. Walker cited Robert's Rules of Order and indicated that a motion to postpone indefinitely does not take precedence over a motion on the floor.

10. Ms. Gordon stated that she didn't feel blind-sided and did understand most of the ordinance. She didn't find it particularly heavy. She agrees with most of the comments in favor of the ordinances. While it's not perfect, sometimes you have to go ahead because it's not always possible to reach consensus.

*Curtis McCarty moved to postpone Ordinance No. O-1011-52 and Ordinance No. O-1011-53 until June, or until the Task Force can reach a consensus and bring something forward. Chris Lewis seconded the motion.*

Ms. Walker explained that a motion to postpone to a certain time takes precedence over a motion to postpone indefinitely, to amend, and to commit. Ms. Connors noted

that the motion was either/or. Ms. Walker indicated that it would need to include a specific date.

*Curtis McCarty moved to postpone Ordinance No. O-1011-52 and Ordinance No. O-1011-53 until June 9. Chris Lewis seconded the motion.*

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

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

Recording Secretary Roné Tromble announced that the motion to postpone Ordinance No. O-1011-52 and Ordinance No. O-1011-53 until June 9 failed by a vote of 4-4.

There being no further discussion, a vote on the motion to recommend adoption of the two ordinances was taken with the following result:

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

Recording Secretary Roné Tromble announced that the motion to recommend adoption of Ordinance No. O-1011-52 and Ordinance No. O-1011-53 to the City Council failed by a vote of 4-4.

Chairman Gasaway asked for clarification of the result of these votes. Ms. Walker explained that the ordinances will go forward to City Council without an affirmative recommendation, and we will send detailed minutes forward.

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CITY COUNCIL  
PLANNING AND COMMUNITY DEVELOPMENT  
COMMITTEE MINUTES  
April 8, 2011

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

PRESENT: Councilmembers Atkins, Cubberley, and Chairman Butler

ABSENT: Councilmember Griffith

OTHERS PRESENT: Mayor Cindy Rosenthal  
Councilmember Carol Dillingham  
Councilmember-Elect Roger Gallagher  
Ms. Susan Connors, Planning and Community Development Director  
Mr. Ken Danner, Development Manager  
Mr. Bob Hanger, Storm Water Engineer  
Mr. Doug Koscinski, Current Planning Manager  
Mr. Steve Lewis, City Manager  
Mr. Shawn O'Leary, Director of Public Works  
Ms. Kathryn Walker, Assistant City Attorney  
Mr. Tom Knotts, Planning Commission Liaison  
Mr. Geoff Canty, Storm Water Task Force  
Mr. Russ Dutnell, Storm Water Task Force  
Mr. Harold Heiple, Attorney for Norman Developers Council  
Ms. Karla Chapman, Administrative Technician

UPDATE ON THE WATER QUALITY PROTECTION ZONE (WQPZ) ORDINANCES.

Ms. Susan Connors, Planning and Community Development Director, provided an update from the Planning Commission (PC) meeting held April 7, 2011, and said all but three Planning Commissioners were present and no other citizens were in attendance. She said Staff provided a presentation on the Storm Water Master Plan Draft Water Quality Protection Zone Ordinances and gave background information on the Storm Water Master Plan (SWMP). Ms. Connors said Staff addressed questions from the PC Commissioners and felt the discussion regarding the proposed ordinances was excellent and very helpful. She felt there was no total dissent from any of the PC Commissioners on the entire proposed WQPZ ordinances but there were a few concerns.

Mr. Shawn O'Leary, Director of Public Works, agreed the PC meeting was very beneficial and contained valuable and engaging discussion. He felt the PC Commissioners understood the key issues and requirements of the proposed ordinances, including the three options developers can choose from when creating a development, which are: 100 feet in width, measured from the top of the bank, on either side of the stream; designated Full Build-Out Floodplain (FBF); or the Federal Emergency Management Association (FEMA) Floodplain. Mr. O'Leary said Staff provided examples and illustrations for the three options.

Mr. Tom Knotts, Planning Commission Liaison, agreed the PC meeting was very constructive but concerns of whether the City or a Homeowners Association (HOA) would provide maintenance for a WQPZ buffer and fire prospects did surface.

Mayor Rosenthal asked Staff to provide the key changes to the proposed ordinances since the Committee last discussed this issue at the February 11, 2011, PCDC meeting and Ms. Kathryn Walker, Assistant City Attorney,

said most changes occurred in the Subdivision Regulations, Section 19-411, of the Code of the City of Norman. She said the following language has been added to the proposed ordinance:

**Sec 19-411(B)(2):** “An alternative width determined by an engineered process and approved pursuant to Section 19-601(B)”, making it more clear that variations are allowed for the required width for all the WQPZ’s.

**Sec 19-411(D):** “The base width of the WQPZ outlined in (B) above may be reduced for first order streams to no less than fifty (50) feet but never less than the FBF...”, which streamlined reduction on first order streams as long as the applicant(s) show other methods used to reduce nitrogen of at least 75% and phosphorus of at least 58%. Ms. Walker said this would typically be the more urban areas where streams are a little harder to identify and it would make good sense to have this option.

**Section 19-411(H):** “For all developments, particularly those containing some portion of the WQPZ, utilization of low impact development strategies are encouraged...” Ms. Walker said the City does not currently have a low impact development manual but when plats or Norman Rural Certificates of Survey (COS) include portions of the WQPZ, the current Engineering Design Criteria may be modified when low impact development strategies are utilized in accordance with the North Central Texas Council of Governments (NCTCOG) Integrated Storm Water Management Manual found at <http://iswm.nctcog.org/> and also on file in the Public Works Department. Staff’s hopes are the NCTCOG Integrated Storm Water Manual will be well received, particularly by the development community, since it is from the same region. Ms. Walker said the Citizen’s Storm Water Task Force has pointed out that Norman’s typical “curb and gutter” subdivision will not achieve the best benefit out of the WQPZ buffer and other options, such as the NCTCOG Integrated Storm Water Manual, are needed to accommodate and make the WQPZ buffers work well.

Mr. Shawn O’Leary, Public Works Director, said the NCTCOG took over three (3) years to develop the manual and it would be an excellent tool for Norman to use in the interim. He asked Mr. Bob Hanger, Storm Water Engineer, to highlight some of the examples of the NCTCOG Integrated Storm Water Manual and how it can be used relevant to the proposed WQPZ ordinance(s). Mr. Hanger said the main focus of the Integrated Storm Water Manual is water quality, stream bank protection, and flood mitigation and conveyance. He provided excerpts and examples featuring design practices to preserve riparian buffers, reduce roadway lengths and width, reduce building footprints, using vegetated swales instead of curb and gutter, and drain runoff to pervious areas.

Councilmember Butler said questions have been asked whether language should be added to the draft WQPZ ordinance(s) referencing the Corps of Engineers (Corps) 404 Floodplain Permit process, blue-line streams, etc., and Mayor Rosenthal said the development community has raised concerns that the City’s requirements should not conflict with the Corps 404 Floodplain Permit requirements, thus creating a no-win situation when trying to comply with both. Mr. O’Leary said Corps’ intentions on the 404 regulations (on blue-lines) are to stay away from the stream(s), and they even feel the untouched stream(s) should not be cleaned up. He said the City’s issue has more to do with getting the stream(s) so that they can actually function to receive the storm water run-off when located near or adjacent to a development. He said the feedback he has received is that the Corps likes Norman’s proposed WQPZ “buffer” ordinance very much and the proposed requirements are exactly what the Corps would like to see Norman, as well as other cities, achieve.

Councilmember Dillingham said her understanding of the 404 Floodplain Permit process is the concept of “no net loss of stream” and since the 404 Floodplain Permit is an on-going and changing federal program, she wondered if Norman was creating any issues in reference to the blue-line versus going from the edge of the bank. Mr. Geoff Canty, Storm Water Task Force (SWTF) Member, gave his perspective and felt the “edge of the bank” is a relevant area where change in elevation would probably be well outside of the Corps’ jurisdiction. Mr. O’Leary agreed stating the Corps is mainly concerned with bank to bank, inside the stream more so than bank to bank, outside of the stream. Councilmember Dillingham felt the City will always be outside the blue-line when dealing with the “no net loss of stream” concept and therefore the 404 Floodplain Permit regulations should not conflict with the proposed ordinance(s). Mr. Canty said just because a stream shows up as a blue-line on a United States Geological Survey (USGS) map does not mean it is a 100% guarantee that the stream is a jurisdictional body of water the Corps has control over. He said a process is available to remove a jurisdictional body of water, i.e., first order streams, that is no longer functioning as an intermittent stream. The Corps also allows for a self permitting process (General Permits), to remove certain lengths of streams, where permits would not be required but adhering strictly

to Corps's language would be a requirement, i.e., Storm Water General Permit, Linear Transportation General Permit, etc. Mr. Canty said the Corps only regulates fill and redistribution fill of a stream therefore if a bridge or box (under a certain size) needed to be built, a permit independent of the City can be applied for and obtained. Mr. Canty said up to 300 linear feet of a stream can be affected, i.e., install a concrete pipe, etc., therefore making it a contradiction of the proposed WQPZ ordinance. He said the 404 Floodplain Permits change every five (5) years and depending on the intentions and directives in Washington, D.C., the 404 Floodplain Permits can become more or less stringent. He said there is also a possibility that the individual Corps General Permits, enabling an entity to perform work within the Corps' purview, may not ultimately be the City's desire and Mr. O'Leary stated the Corps is the federally regulatory body and the City of Norman is secondary to the Corps.

Councilmember Dillingham said, based on Mr. Canty's remarks, she wondered how difficult it will be if and when a stream is declared non-jurisdictional, specifically how it will dovetail with first order stream(s). She felt that this issue will be the most conflicting and suggested Staff make certain the City's variance procedure(s) does not interfere with the non-jurisdictional process and vice versa. Mayor Rosenthal said the local developers have raised the issue of the blue-line stream and asked Mr. Harold Heiple, Attorney for Norman Developers Council, if he had any follow-up questions or remarks. Mr. Heiple thanked Mayor Rosenthal but said he was not familiar enough with Corps's regulations to comment.

Mr. Russ Dutnell, SWTF Member, said the Corps has three basic priorities: avoidance, minimization, and mitigation. He said the individual General Permit will suggest first to avoid the stream completely, the next step would be to minimize damage to the stream, and thirdly to mitigate or restore any damage to the stream. Mr. Canty said when looking at the removal of jurisdictional determination, the Environmental Protection Agency (EPA) simply has to concur with the decision. Mayor Rosenthal felt tying the City's proposed WQPZ ordinance to the blue-line(s) might be problematic since the 404 Floodplain Permit/blue-line(s) change every five (5) years, making procedures more and/or less stringent. Mr. Canty said the blue-line(s) on the USGS map are purely for reference and the maps can be accessed and verified by the public. He said the Corps will state the blue-line(s) are their first screening step and not what they base their final decision on, however when a stream is located on a blue-line map, more than likely the Corps will determine they have jurisdiction. Mr. Canty felt simply because a blue-line is tied to a stream on a USGS map does not necessarily make it an unfavorable standard for the City.

Mr. O'Leary said discussions on the proposed WQPZ ordinances always involve the issue of maintenance, specifically whether the HOA's or the City should maintain the WQPZ buffers and are the WQPZ buffers creating a fire hazard. He felt a lot of excellent debate was accomplished at the April 7, 2001, PC meeting which quickly evolved into the larger discussion of the Storm Water Master Plan (SWMP), the proposed utility fee, and the City performing enhanced maintenance services, etc. Mr. O'Leary said the proposed WQPZ ordinances addresses maintenance issues and assumes that most of the maintenance will be done by the adjacent property owners as well as the maintenance remains fairly natural, making the maintenance less instead of more to maintain.

Staff said a recent change in the draft ordinance was Section. 19-514(D) and (E) addressing the minimum grass height standards for Zone 1, Streamline Zone; Zone 2, Middle Zone; and Zone 3, any portion within 30 feet of a primary structure. Councilmember Atkins said if WQPZ buffers are to be exempt in accordance with Section 10-209, they could possibly have six foot high weeds/grass growing in or near them. He said he was very concerned about the minimum grass height standards versus maximum ordinance standards for Zones 1 and 2, because of the recent fires in Ward 1, specifically on Beaumont Street near the Campus Lodge Apartments. Ms. Walker said she may need to tweak this section a little and said she has discussed this issue with the City Fire Marshall. She said the Fire Marshall explained their direct authority is the National Fire Protection Association (NFPA) which recommends three zones around a house, i.e., closest to the home is turf and the further away from the home can have higher grass/vegetation because it is less risk to the home. She said the NFPA Zone 1, closest to a home, is similar to what the WQPZ Zone 3, Outer Zone could be in subdivisions. Basically, Zone 3 would allow for shorter grass or similar vegetation within 30 feet of a primary structure(s) to be maintained in accordance to Section 10-209, because it would be less fuel for a fire. 32-56

was to occur. Zone 2 would allow grass or vegetation to be mowed and/or maintained to a height below six (6) inches and Zone 1 would allow any grass or similar vegetation to be mowed and/or maintained to a height below eight (8) inches.

Councilmember Dillingham said in reference to City maintenance of WQPZ, she suggested Staff keep in mind that the Zone(s) are merely one piece of a lot of ordinances and discussions will be needed to determine an appropriate application/entry if the proposed WQPZ is adopted. She said Staff will need to discuss how long a development may take to come forward that would be regulated by the proposed WQPZ ordinance and make certain the City will be ready to undergo the extra effort it will take in order to maintain a WQPZ buffer. Mr. O'Leary agreed and said this is exactly the direction the discussions have been going, i.e., should the WQPZ issue be ahead (or behind) the WQPZ maintenance issue. He said in many ways the example of the Summit Valley Addition, which is near a second and third order stream, has been a great tool and Staff is researching in order to locate examples of an existing Norman subdivision that are near a first order streams.

Mr. O'Leary said Staff will provide a full presentation on the proposed WQPZ ordinance(s) at the PC Public hearing scheduled for April, 14, 2011, and will include the calculation tables for the areas consumed around a FBF for the current urban as well as the country suburban. Councilmember Butler requested Staff forward the latest proposed draft WQPZ ordinance(s) and calculation tables to the SWTF and Mr. O'Leary answered in the affirmative.

Councilmember Dillingham asked Staff if a policy goal was included in the proposed WQPZ ordinance encouraging low impact development and Ms. Walker said Section 19-411(H) states...."For all developments, particularly those containing some portion of the WQPZ, utilization of low impact development strategies are encouraged...".

#### DISCUSSION REGARDING LOW IMPACT DEVELOPMENT STRATEGIES FROM THE NORTH CENTRAL TEXAS COUNCIL OF GOVERNMENTS INTEGRATED STORM WATER MANAGEMENT MANUAL FOR WHICH ENGINEERING DESIGN CRITERIA COULD BE MODIFIED UNDER THE WQPZ ORDINANCE.

Ms. Kathryn Walker, Assistant City Attorney, said the NCTCOG Integrated Storm Water Manual consists of a lot of cities in the Texas metroplex area, including Dallas and Fort Worth, and incorporates specifications for low impact developments. Councilmember Atkins felt the City should obtain a license agreement from NCTCOG, rather than linking Norman's regulation to a North Texas Storm Water Management Plan. He said if NCTCOG amends the Integrated Storm Water Manual then Norman would have to abide to the changes as well. Mayor Rosenthal felt Norman would merely be referencing the NCTCOG in order to provide design criteria that Norman, or any other city in Oklahoma, currently does not have and she felt a major concern of the development community was to know some of the low impact alternatives. She said Staff looked at many alternatives that Norman can use and take advantage of the work that already has been completed, adopt the alternatives, and modify as needed to meet Norman's desires. The Committee agreed and Ms. Walker said she has contacted NCTCOG and it is possible for Norman to get a license. She said NCTCOG has created a process for cities to obtain a license to the Integrated Storm Water Manual and cities can then modify and/or adopt as needed. She felt the City should acquire a license and once attained, the Integrated Storm Water Manual would be received in a word format so that it can be modified to fit Norman's needs and become Norman's regulations.

#### MISCELLANEOUS DISCUSSION.

Councilmember Atkins said Staff provided information to Council stating an additional 5300 units will be built in the near future, adding to the City's water demand. He asked if Norman has a Strategic Water Plan (SWP) and Staff answered in the affirmative. Councilmember Atkins felt a review of the SWP was needed and Mr. Steve Lewis, City Manager, said the Chromium Six Committee discussions have included updating the SWP, which was approved in 2003. Mr. Lewis said the proposed FY2012 Budget includes a \$300,000 update to the SWP. Mayor Rosenthal said the Oklahoma Municipal League (OML) has placed an initial/interim report for the State Water Plan on line which includes significant municipal water ir

Mr. Lewis said the Weekly Report to Council will provide a link to obtain this information including information on 13 forums that will be taking place around the state over the next couple of months.

Items submitted for record

1. Memorandum dated April 4, 2011, from Ms. Susan Connors, Director of Planning and Community Development, to Chairman and Members, Norman Planning Commission.
2. Draft Ordinance O-1011-52, to Provide for Standards and Requirements for a Designated Water Quality Protection Zone Inclusive of the Lake Thunderbird Watershed, Chapter 19, of the Code of the City of Norman
3. Draft Ordinance O-1011-53, for Water Quality Protection Zoning Overlay District, Section 429.7, of Chapter 22, of the Code of the City of Norman
4. ISWM Technical Manual – Planning, integrated Site Design Practice #2: Preserve Riparian Buffers, submitted by Mr. Bob Hanger, Storm Water Engineer.

The meeting adjourned at 8:51 a.m.

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City Clerk

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Mayor

## COUNCIL CONFERENCE MINUTES

March 8, 2011

The City Council of the City of Norman, Cleveland County, State of Oklahoma, met in a conference at 5:30 p.m. in the Municipal Building Conference Room on the 8th day of March, 2011, and notice and agenda of the meeting were posted at the Municipal Building at 201 West Gray, and the Norman Public Library at 225 North Webster 48 hours prior to the beginning of the meeting.

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

ABSENT: Councilmembers Ezzell and Quinn

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Items submitted for the record

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

The meeting adjourned at 6:27 p.m.

ATTEST:

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City Clerk

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Mayor

CITY COUNCIL  
PLANNING AND COMMUNITY DEVELOPMENT  
COMMITTEE MINUTES  
February 11, 2011

The City Council Planning and Community Development Committee of the City of Norman, Cleveland County, State of Oklahoma, met at 8:02 a.m. in the Conference Room on the 11th day of February, 2011, and notice and agenda of the meeting were posted in the Municipal Building at 201 West Gray and the Norman Public Library at 225 North Webster 48 hours prior to the beginning of the meeting.

PRESENT: Councilmembers Atkins, Cubberley, Griffith, and  
Chairman Butler

ABSENT: None

OTHERS PRESENT: Mayor Cindy Rosenthal  
Councilmember Carol Dillingham  
Councilmember Dan Quinn  
Mr. Jeff Bryant, City Attorney  
Ms. Susan Connors, Planning and Community  
Development Director  
Mr. Ken Danner, Development Manager  
Mr. Bob Hanger, Storm Water Engineer  
Mr. Doug Koscinski, Current Planning Manager  
Mr. Steve Lewis, City Manager  
Mr. Shawn O’Leary, Director of Public Works  
Ms. Kathryn Walker, Assistant City Attorney  
Mr. Tom Knotts, Planning Commission Liaison  
Ms. Robin Allen, Chamber of Commerce Interim Director  
Mr. Harold Heiple, Attorney for Norman Developers Council  
Mr. Sean Rieger, Attorney for Builders Association of South  
Central Oklahoma  
Mr. Tom Sherman, Chamber of Commerce Officer  
Ms. Karla Chapman, Administrative Technician

STATUS UPDATE ON THE STORM WATER MASTER PLAN IMPLEMENTATION PLAN.

Mr. Shawn O’Leary, Director of Public Works, said a great deal of work has been accomplished since Council adopted the Storm Water Master Plan (SWMP) Action Plan on November 10, 2009. He said Staff developed a 20 year implementation plan with the 30 “key” recommendations dealing with storm water improvements to storm water quality. He said Staff then took each recommendation and set out milestones, gave a description and category, responsible party and/or Staff leader, and status for each.

Mr. O’Leary said the SWMP Task Force consists of 12 citizens representing all aspects of the community and storm water interest groups, as well as Planning and Park Board Commissioners, City Developers, and Oklahoma University (OU) representatives. He said Staff and the SWMP Task Force knew one of the more controversial and challenging issues of the SWMP was the concept of stream planning corridors and the Water Quality Protection Zone (WQPZ) has been the main focus.

Mr. O’Leary said Staff researched other cities in Oklahoma and across the country, as well as the model Environmental Protection Agency (EPA) ordinances in order to develop an ordinance to “fit” Norman. He said Staff prepared two ordinances, the first draft WQPZ Overlay District (WQPZOD) would be an amendment to the Zoning Ordinance Regulations and create an overlay district having boundaries that would *only* apply to the Lake Thunderbird Water Shed. The SWMP Task Force felt the City’s primary goal should be to protect Lake Thunderbird – Norman’s drinking water supply. He said the City must also comply with storm water quality

requirements to include the Municipal Separate Storm Sewer System (MS4) Program, Canadian River and Bishop Creek Bacteria Total Maximum Daily Load (TMDL), and the future Oklahoma Department of Environmental Quality (ODEQ) Lake Thunderbird Watershed Plan. Mr. O'Leary said the WQPZOD would not include Brookhaven Creek, Imhoff Creek, Ten Mile Creek, or Bishop Creek and would not be retro-active for existing developments. The second draft WQPZ ordinance would be an amendment to the Subdivision Regulations and the flooding and drainage goals include providing public safety, protect public and private property, and integrate recreational opportunities.

The SWMP Task Force is scheduled to meet later today to review the SWMP Action Plan and draft WQPZ ordinances. Mr. O'Leary highlighted the proposed process and schedule for final approval of the WQPZ ordinance(s) is as follows:

- ❖ March 8, 2011 – City Council Study Session
- ❖ March 14, 2011 – Public Forum
- ❖ March 15, 2011 – SWMP Sub-Committee
- ❖ March 25, 2011 – SWMP Task Force
- ❖ April 14, 2011 – Planning Commission
- ❖ May 10, 2011 – City Council

A key point of the SWMP is the concept of stream planning corridors, or Full-Build Out Floodplain (FBF). Post, Buckley, Schuh, and Jernigan, Inc., (PBS&J) developed a set of *local* floodplain maps that surpass the Federal Emergency Management Agency (FEMA) floodplain maps. Mr. O'Leary said the City's current floodplain maps were developed and adopted in 1970 and the FEMA floodplain maps are based on existing conditions. The *local* floodplain maps are based on future FBF conditions. FBF, or stream planning corridor, was the basis of the maps developed in the SWMP.

Mr. O'Leary said the Water Quality Protection Zone (WQPZ) is the FBF with a buffer and the concept of WQPZ is promoted in all of the researched model ordinances around the country. He said the Summit Valley Addition, located on Highway 9 East in Norman and developed by Don Cies, is a fascinating example of a WQPZ. He said Staff compared the FEMA Floodplain maps, the FBF maps, and the floodplain maps developed by Clour Engineering for Summit Valley Addition. Mr. O'Leary said it was very interesting to see how close all the floodplain maps harmonized with one another and stated Staff did not even know the WQPZ terminology eight – ten years ago when Summit Valley Addition was developed, yet it is a wonderful example of a WQPZ the ordinance is proposing.

In order to provide flexibility, Mr. O'Leary said developers will have three (3) options to choose from as they decide to map the WQPZ in their proposed developments. 1) Use the FEMA floodplain map, if available/exists for the proposed area, plus 100 feet; 2) Use the United States Geological Survey (USGS) "Blue Line" map, plus 100 feet *either* side of the "Blue Line"; or 3) Use the City's developed FBF maps. Staff currently requires U.S. Army Corps of Engineers 404 Permits on all developments that touch the "Blue Line" streams as shown on the USGS Quadrangle maps and currently requires development to provide erosion protection per the ODEQ Phase II Permit. Mr. O'Leary said Staff is very comfortable with the developed FBF maps, but should a developer(s) feel the FBF maps are not accurate, they can choose to use the FEMA or USGS maps instead. He said the 100 feet dimensions may get tweaked as the process moves forward and variances/variations have been included in the proposed WQPZ ordinances. He said variances can be requested in the Zoning Ordinance and would go before the Board of Adjustment.

Mr. O'Leary said some interesting variations have been developed for the subdivision regulations. Staff will introduce the concept of buffer averaging, allowing developers to take a larger buffer in one area and use a smaller buffer in another area, i.e., downstream, upstream, etc., as long as the total buffer is the same. He said developers will be asked to meet the "spirit of the ordinance" but there are opportunities for variations and developers can use different design mechanisms in order to accomplish the WQPZ goal.

Mayor Rosenthal asked Staff to speak about the density shifting provision and Ms. Kathryn Walker, Assistant City Attorney, said the proposed WQPZOD ordinance includes a provision allowing for transfer of permitted development density, i.e., if a parcel/lot is totally located in a WQPZ, the City will allow some transfer of density to permit the developer to make up for the lost parcel/lot. Mr. O'Leary said the term "clustering" is already utilized in

the current zoning ordinance and is used to cluster developments, leaving other open areas within the development. He said there are many other elements to the proposed WQPZ ordinances, but today's update only references the highpoints. Mr. O'Leary felt the proposed ordinances may need modification but they are very unique to Norman and were developed with the help of many people, i.e., Staff, interest groups, SWMP Sub-Committee and Task Force, etc. Mayor Rosenthal asked if the proposed ordinances required trails and Staff replied in the negative.

Councilmember Butler asked how the Floodplain Ordinance adopted several years ago (O-0607-39) would correspond with the proposed WQPZ ordinances and Mr. O'Leary said the Floodplain Ordinance coincides with the FEMA Floodplain maps and will continue to be used in the same fashion. He said the Floodplain Ordinance and the proposed WQPZ ordinances are similar in many respects as both deal with flood control and reduce flooding, but the proposed WQPZ ordinances are much more focused on the water quality aspect.

Mr. O'Leary said to date the majority of work done in SWMP Action Plan has been developing the WQPZ ordinances but Staff continues to do good work on other action items. He said in the spring, Norman will meet with the Cities of Moore and Oklahoma City to compare storm water regulations, establish Minimum Control Measures (MCM) for EPA compliance, and develop Memorandums of Understanding (MOU). He said a large part of the Lake Thunderbird Water Shed is located in Moore, Oklahoma City, and Cleveland County and even with Norman's best effort, the ultimate goal of the Lake Thunderbird water quality will not be met unless Moore and Oklahoma City agree to the same water quality conditions. Staff will also meet with Oklahoma Department of Environmental Quality, Oklahoma Water Resources Board, and Central Oklahoma Master Conservancy District, in the Spring 2011, to discuss the extent of pollution for Bishop Creek, and continue dialog as for continuing efforts in being consistent with the water quality regulations and interest in the region.

Mayor Rosenthal asked for a status update on ODEQ's TMDL study for Lake Thunderbird Water Shed. Mr. O'Leary felt ODEQ is a little behind schedule because they have not issued Norman a Phase II Storm Water Permit (Phase II Permit) – which is a requirement and/or regulation a city must follow for five year period. He said Norman's initial Storm Water Permit (SWP) expired December 2010, and the projected issue date for the Phase II Permit is May or June 2011. He said ODEQ has been assessing the initial SWP information and he felt one issue holding up the issuance of the Phase II permit is ODEQ is still processing TMDL data. ODEQ has evaluated Norman as doing very well in comparison to other cities in the state, but the theory is the Phase II Permit will probably have a "new" set of regulations and be more stringent than the first SWP. Councilmember Butler asked how specific ODEQ will be with the new regulations and Mr. O'Leary said the regulations are based on best management practices but the goal is to have as specific standards as possible for each city's water shed. Therefore, the Phase II Permit for Norman may look very different than the Phase II Permit for the City of Lawton, City of Oklahoma City, etc.

Councilmember Cubberley asked Staff if ODEQ will begin concentrating on the water quality of the Canadian River in the future and Mr. O'Leary said ODEQ is already regulating storm water/water quality for the Canadian River through the Norman Utilities Department. He said the Phase II Permit will be for all Norman water sheds, not just Lake Thunderbird, and requires Norman to use best management practices throughout the city which ultimately assists with the water quality for the Canadian River. He said Staff is aware of pollution issues in Bishop Creek which discharges to the Canadian River and felt interest would focus more on the Canadian River in the future, but will probably not be addressed a great deal in the Phase II Permit. Just as Lake Thunderbird is Norman's domestic water supply, the Canadian River is a domestic water supply for many other cities and/or towns.

Mr. O'Leary said the Finance Department met with Staff on September 13, 2010, to determine current status of a strategic work plan for Storm Water Utility, i.e., administration and billing process, and Mr. Anthony Francisco, Finance Director, felt this would be very easy to accomplish. A Storm Water Utility (SWU) fee election is expected to occur in late 2011 or early 2012, and, if and when, the SWU fee election passes, Staff will establish a master account file, determine key billing logistics, and provide web-based account information. Some issues to be resolved include deciding whether a renter or the owner pays the storm water utility fee, how disputes will be handled, and Council discussion for a tier system billing.

The next step would be a strategic work plan for a General Obligation (GO) Bond and pending Council direction, Staff would begin working on a GO Bond, i.e., establish bond issue language, determine the amount (\$30 million, \$38.5 million, or \$40 million), and forecast debt service. The City's Geographic Information System (GIS) has already incorporated digital/reference data for the SWMP into the City's GIS, i.e., geo references field photo locations and developed a GIS Map Overlay System.

Mr. O'Leary said the Street Division is inspecting and monitoring stream erosion and is approximately 75% complete. A detention/retention inspection form has been developed and stream photos will be updated in Spring 2011. A public outreach campaign will be accomplished immediately before the SWU fee election to include forming a Citizen Committee and public education. Mr. O'Leary said Staff continues to develop a Staff Team from multiple City departments and hired Mr. Bob Hanger for the Storm Water Engineer position. He said an inventory and inspection of City-owned dams has been performed.

Mayor Rosenthal said it would be helpful to have all the Storm Water related expenses identified in the budget and Mr. Steve Lewis, City Manager, said Staff will do so for the proposed 2012 budget. Mr. O'Leary said last year's budget reflected the Street Division and Storm Water Division as separate line items and future budgets will be more detailed to show the Storm Water related expenses.

Ms. Susan Connors, Planning and Community Development Director, provided a brief update on the 2009 Greenway Master Plan (GMP) Action Plan, which is Item 31 of the SWMP Action Plan and said the Greenbelt Commission (GC) has put together a sub-committee to continue working on the GMP. She said the sub-committee met in January 2011, and discussed having an appendix detailing the different stream corridors. She said the GMP will have the principles of the plan and ideas how to achieve a greenbelt system and an appendix will include the specifics of how each stream corridor can be achieved individually. Council could adopt the GMP as an overall principle document while the appendix could be a separate implementation technique to the GMP and could be amended as needed. She felt this would move the process forward in a more methodic manner instead of worrying about issues with the various Norman creeks/stream corridors. Ms. Connors said the sub-committee is scheduled to meet February 15, 2011, and the GC will meet February 21, 2011, to discuss and finalize the proposed GMP Action Plan and appendix before bringing back to Council.

The GC officially began using the GB Enhancement Statement review in December 2010 and Staff prepared reports to focus and understand all the information.

Items submitted for record

1. Storm Water Master Plan (SWMP) Task Force Meeting Agenda, dated Friday, February 11, 2011
2. Draft Ordinance to Provide for Standards and Requirements for a Designated Water Quality Protection Zone Inclusive of the Lake Thunderbird Watershed, Section 19, of the Code of the City of Norman
3. Draft Ordinance for Water Quality Protection Zoning Overlay District, Section 429.7, of Chapter 22, of the Code of the City of Norman
4. February 11, 2011, Status Report/SWMP Action Plan (by milestone)
5. City of Norman, Storm Water Master Plan Recommendations and Implementation Plan submitted by Post, Buckley, Schuh, and Jernigan, Inc.

The meeting adjourned at 8:56 a.m.

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City Clerk

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Mayor



**CITY COUNCIL AGENDA  
MAY 24, 2011**

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

**Item No. 33**

**File Number: O-1011-52**

**Introduced:** 3/28/2011 by Kathryn Walker, Assistant City Attorney

**Current Status:** Non-Consent Items

**Version:** 1

**Matter Type:** Ordinance

Title

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

**ACTION NEEDED:** Motion to adopt or reject Ordinance No. O-1011-52 upon Second Reading section by section.

**ACTION TAKEN:** \_\_\_\_\_

**ACTION NEEDED:** Motion to adopt or reject Ordinance No. O-1011-52 upon Final Reading as a whole.

**ACTION TAKEN:** \_\_\_\_\_

Body

**BACKGROUND:** The Storm Water Master Plan (SWMP) contained several recommendations aimed at improving water quality. The recommendation that led to the ordinances before Council was set forth in the SWMP as follows:

- Dedicate Stream Planning Corridors (SPC's) and/or the 100-year full buildout floodplains to the City of Norman by easement or title for streams located in the Lake Thunderbird watershed that have a drainage area greater than 40 acres.
- Prohibit development or significant land disturbance in the SPCs and/or the 100-year full buildout floodplain. Exemptions should include items such as, but not limited to, maintenance activities, greenway trails, road crossings, utilities, and stream stabilization measures.
- Require additional stream-side buffers of 15 ft to each side of streams with drainage areas greater than 40 acres that are located in the Lake Thunderbird watershed and also in Suburban Residential and Country Residential areas as defined in the Norman 2025 Plan including subsequent updates to the comprehensive plan as adopted by City Council.

Storm Water Master Plan, Section 9.9.

Following the acceptance of the SWMP and adoption of the SWMP Action Plan in November 2009, Staff began working towards the development of a draft ordinance that would address this recommendation from the SWMP. A variety of approaches utilized in other cities in our region were presented during a Public Forum on January 27, 2010, with maps being provided that demonstrated how each approach would compare to the proposed SPC's. Feedback from the development community indicated that several things would be important to achieving consensus - allowing variances for unique developments and new technology, providing for density compensation, and not requiring dedication of the SPC for public access or public trails.

Using this feedback, Staff began drafting an ordinance that encompassed desirable characteristics seen in many of the regional approaches and also seen in a Model Ordinance for Stream Buffers from the Environmental Protection Agency (EPA). After developing a pair of draft ordinances, Staff met several times with the City Council sub-committee for the SWMP before presenting the ordinances to the SWMP Task Force (the "Task Force"), a group made up of developers, engineers, scientists, and other local citizens.

Staff met with the SWMP Task Force on the following dates:

- February 11, 2011
- February 21, 2011
- March 7, 2011
- March 21, 2011
- April 29, 2011

In addition to the meetings with the Task Force, Staff met with key developer representatives on February 15, 2011, Chamber representatives on February 24, 2011 and again with key developer representatives as well as the City Council sub-committee for the SWMP on March 31, 2011. The changes made to the ordinances in an effort to achieve consensus can be seen in Exhibit A, Timeline of WQPZ Ordinances.

The Norman Planning Commission was briefed on these ordinances during a Study Session on April 7, 2011. During its meeting on April 14, 2011, the Planning Commission voted 4-4 on a motion to recommend Council adoption of the attached ordinances.

One of the key recommendations from the SWMP, as quoted above, dealt with the benefits of riparian buffers. Riparian buffers, or areas of undeveloped land adjacent to streams, provide a number of benefits related to water quality, including reduction of erosion and the stabilization of stream banks, infiltration of storm water runoff, control of sedimentation, and restoration and maintenance of the chemical, physical, and biological integrity of water resources. Riparian buffers also provide significant benefits for the prevention of property damage due to flooding.

**DISCUSSION:**

Ordinances. The ordinances before City Council would require applications for preliminary plats or Norman Rural Certificates of Survey to identify the streams on the subject property and denote a buffer on either side of the stream. The ordinance calls for the buffer to be the greater of the FEMA floodplain, the Full Build-Out Floodplain, or 100 feet from the top of the bank on either side of the stream.

The FEMA floodplain encompasses the areas along both sides of streams or drainage corridors that have a drainage area greater than 640 acres and would be inundated by a 100-year rain event in any given year assuming only current development conditions. The Full Build-Out Floodplain encompasses the areas along both sides of streams or drainage corridors in the Lake Thunderbird Watershed that have a drainage area greater than 40 acres and would be inundated by a 100-year rain event in any given year assuming full build-out watershed conditions.

The designated buffer area would be called the Water Quality Protection Zone (WQPZ). The buffer is divided into three zones - streamside, middle, and outer zone with uses being more restricted the closer you are to the stream. The buffer width may be increased if the stream is a 3rd order or higher stream (these are typically the larger streams); if certain slope conditions exist in the buffer, and to encompass wetland areas.

Since riparian buffers are essentially areas of undeveloped land, it is important that buffer ordinances are flexible to accommodate development conditions. In the WQPZ ordinances before City Council, several things have been incorporated to ensure flexibility. First, the buffer width discussed above can be reduced for first-order streams to 50 feet (but not less than the Full Build-Out Floodplain) with a showing that an engineered solution will provide a particular level of phosphorus and nitrogen removal (*O-1011-52, Section 19-411D*). Second, the buffer width can be reduced in all streams if the Applicant seeks a variation in accordance with Section 19-601(B), also in O-1011-52.

The ordinance also explicitly allows for specifications and requirements in the Engineering Design Criteria to be modified to accommodate low impact development strategies (*O-1011-52, Section 19-411H*). The ordinance allows for the buffer to be modified to recover a lost lot as long as the average width of the buffer meets the requirements in 19-411(B). (*O-1011-52, Section 19-601B.2.*) Finally, the additions to the Zoning Ordinance allow for reduction in minimum lot size and transfers in development density to allow developers to recover lots lost because of the WQPZ.

Adoption of the SWMP. When the SMWP was presented to City Council in November 2009, Council's decision to accept certain aspects of SWMP rather than adopt the plan was largely due to significant trepidation in the community about the SPC recommendations contained in the plan. This trepidation is the reason why development of these ordinances was one of the first items for Staff to develop in the Action Plan adopted by Council. The next major action item for Staff to begin working on is approval of a storm water utility rate

structure by the voters in Norman. One of the major accomplishments of the SWMP was to identify the capital projects and applicable scope necessary to achieving the City's goals. Adoption of the SWMP as a policy document will enable Staff to move forward with the capital projects portion of the Plan. Resolution No. R-1011-120 formally adopts the Storm Water Master Plan.

**CONCLUSION AND RECOMMENDATION:** Staff has worked diligently with the Storm Water Task Force, the Council Sub-Committee, as well as developer representatives to develop ordinances that will both protect and enhance water quality and prevent property damage due to flooding, while also striking the appropriate balance with development rights and goals. Staff feels it is the appropriate time to adopt the SWMP as the guidance it provides for the capital projects and Storm Water Utility will be key as Staff moves forward.

Staff recommends Council approval of Ordinances No. O-1011-52 and O-1011-53 and Resolution No. R-1011-120.

AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA AMENDING CHAPTER 19 OF THE CODE OF THE CITY OF NORMAN TO PROVIDE FOR STANDARDS AND REQUIREMENTS FOR A DESIGNATED WATER QUALITY PROTECTION ZONE INCLUSIVE OF THE LAKE THUNDERBIRD WATERSHED; AND PROVIDING FOR THE SEVERABILITY THEREOF.

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

§ 1. That Section 19-210 of Chapter 19 of the Code of the City of Norman shall be amended to read as follows:

**Sec. 19-210. Definitions.**

The following words and phrases when used in this chapter, shall for the purposes of this chapter, have the meanings respectively ascribed to them in this article, except where the context otherwise requires:

- A. *Alley*: A minor right-of-way dedicated to public use, which gives a secondary means of vehicular access to the back or side of properties otherwise abutting a street, and which may be used for public utility purposes.
  
- B. *Best Management Practices (BMP)*: An effective integration of storm water management systems, with appropriate combinations of non-structural controls and structural controls which provide an optimum way to convey, store and release runoff, so as to reduce peak discharge, reduce pollutants, enhance water quality, assist in stream and/or stream bank stabilization, prevent property damage due to flooding, and assist in sediment reduction. BMP's include, but are not limited to, the following:
  - 1. Structural controls such as:
    - a. Sediment forebay;
    - b. Grassed swale;
    - c. Enhanced bio-swale;
    - d. Voluntary urban nutrient management;
    - e. Statutory urban nutrient management;
    - f. Wetlands;
    - g. Extended detention-enhanced;
    - h. Retention basins;

- i. Bioretention, surface sand, organic, and similar filters;
    - j. Soaking trench;
    - k. Infiltration trench;
    - l. Storm water pond;
    - m. Dry extended detention pond; and
    - n. In-channel detention.
  - 2. Non-structural controls such as:
    - a. Landscape conservation;
    - b. Reduction in impervious cover;
    - c. Schedule of maintenance activities;
    - d. Prohibition of practices;
    - e. Maintenance procedures.
    - f. Street sweeping;
    - g. Fertilizer restrictions.
- C. *Bicycle lane*: That portion of a roadway set aside and appropriately designated for the use of bicycles.
- D. *Bicycle path*: A paved facility physically separating the bicycle from motor vehicle traffic.
- E. *Block*: A parcel of land, intended to be used for urban purposes, which is entirely surrounded by public streets, highways, railroad rights-of-way, public walks, parks or greenstrips, rural land or drainage channels or a combination thereof.
- F. *Buffer*: A vegetated area, including trees, shrubs, and herbaceous vegetation that exists or is established to protect a stream system, lake or reservoir, reduce pollutants, enhance water quality, assist in stream and/or stream bank stabilization, and assist in sediment reduction.
- G. *Building line*: A line parallel to the lot or property line beyond which a structure or building cannot extend, except as specifically provided under the zoning ordinance. It is equivalent to the setback or yard line.
- H. *Cluster development*: cluster development is a method of subdividing land which allows the maximum density available within the zoning district while allowing smaller lots than those specified, provided that the land saved is reserved for permanent agricultural use or open space, ideally in common ownership for community use.

- I. *Combustible structure*: That which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner and consisting of any material that, in the form in which it is used and under the conditions anticipated, will ignite and burn or will add appreciable heat to an ambient fire.
- J. *Degradation*: any condition caused by the activities of humans which result in the prolonged impairment of any constituent of the aquatic environment.
- K. *Development*: The erection, construction, or change of use of buildings; or the erection or construction of any additions to existing buildings where outer walls are added or altered as to location, but not including alterations or remodeling of buildings where said outer walls are not added or altered as to location. As it relates to water quality protection, any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation, drilling, or storage of equipment or materials.
- L. *Development committee*: The City of Norman Development Committee shall be comprised of the following staff members: The Director of Public Works (who shall be the chairman), the Director of Planning and Community Development, the Director of Utilities, the City Engineer, the Development Coordinator, and the Manager of Current Planning, or their designees.
- M. *Director of Public Works*: The Director of Public Works of the City of Norman, including his or her designee.
- N. *Easement*: A grant by the property owner to the public, a corporation, or persons, of the use of an area of land for specific purposes.
- O. *Full Build-Out Floodplain (FBF)*: the area of land along both sides of a stream or natural drainage corridor that encompasses the area projected to be inundated by the one-percent (1%) chance flood event (i.e. the 100-year floodplain) in any given year assuming full build-out watershed conditions (based upon the Norman 2025 Plan and subsequent updates) in those areas with 40 or more acres of drainage area in the Lake Thunderbird watershed.
- P. *Impervious Cover*: Roads, parking areas, buildings, pools, patios, sheds, driveways, private sidewalks, and other impermeable

construction covering the natural land surface. This shall include, but not be limited to, all streets and pavement within a subdivision. Vegetated water quality basins, vegetated swales, other vegetated conveyances for overland drainage, areas with gravel placed over pervious surfaces that are used only for landscaping or by pedestrians, and public sidewalks shall not be calculated as impervious cover.

- Q. *Lot*: A subdivision of a block or other parcel intended as a unit for the transfer of ownership or for development.
- R. *Lot, corner*: A lot which abuts two (2) intersecting streets. The front of a lot is defined by the filed plat of the subdivision, and is addressed accordingly. Although the front door of the house should face the front yard, a house may be oriented towards the side street if the plat was designed to provide two (2) front and rear yards or if there is sufficient room to provide both a new front and rear setback.
- S. *Lot, depth*: The average distance from the front property line of the lot adjacent to the street to its rear property line, measured in the general direction of side lines of the lot.
- T. *Lot, double frontage*: A lot which runs through a block from street to street and which has frontage on two (2) or more streets, but not including a corner lot.
- U. *Lot, reverse frontage*: A corner lot of such size and shape that a building erected on it might logically be designed to face on either adjoining street, thus causing the building to rear on the side line of any abutting lot.
- V. *Lot, townhouse*: A lot shown on a townhouse plat and intended as the site of a single attached dwelling unit.
- W. *Lot line adjustment*: A relocation of the lot lines of two (2) or more lots included in a plat which is filed of record, for the purpose of making necessary adjustments to building sites.
- X. *Low Impact Development (LID)*: a comprehensive land planning and engineering design approach to development that can be used to replicate or restore natural watershed functions and/or address targeted watershed goals and objectives.

- Y. *Non-degradation*: The proper use of BMP's and pollution prevention criteria in activity so as to prevent property damage due to flooding and degradation as defined herein.
- Z. *Non-structural controls*: Pollution prevention measures that focus on the management of pollutants by practices and procedures which minimize exposure to runoff, as well as preserve open space and natural systems. Non-structural controls may include riparian buffers, modified development practices, and regulations on pesticide, herbicide, and fertilizer use.
- AA. *Norman 2025 Plan*: The comprehensive development plan for the City of Norman which has been officially adopted to provide long-range development policies for the City in the foreseeable future and which includes, among other things, the plan for land use, land subdivision, traffic circulation and community facilities, utilities, and drainage facilities.
- BB. *Person*: Any natural person, corporation, partnership, joint venture, association (including homeowners or neighborhood associations), trust, or any other entity recognized by law.
- CC. *Planning Commission*: The City Planning Commission of the City of Norman.
- DD. *Plat, final*: A map of a land subdivision giving, in form suitable for filing in the office of the County Clerk, necessary affidavits, dedications, and acceptances, and delineating the layout of such subdivision as required herein.
- EE. *Plat, preliminary*: A map of a proposed subdivision showing the character and proposed layout of the tract in sufficient detail to indicate the relationship of the proposed development to topography, existing streets, drainage facilities and utilities, existing easements of record, the Norman 2025 Plan, existing urban development and zoning, and to indicate the nature of the land planning design.
- FF. *Pollution*: the contamination or other alteration of the physical, chemical or biological properties of any stream or other water source, or such discharge of any liquid, gaseous or solid substance into any stream or other water source as will or is likely to create a nuisance or render such waters harmful or detrimental or injurious to public health, safety or welfare, or to domestic, commercial, industrial, agricultural,

recreational, or other legitimate beneficial uses, or to livestock, wild animals, birds, fish or other aquatic life.

GG. *Public improvements*: Any utility, structure, or modification of topography which is, or will be, located within, under, or over a right-of-way or easement of record and which is, or will be, owned and/or maintained by other than the individual owner(s) of developed real estate.

HH. *Raised mound septic system*: a soil absorption system that is elevated above the natural soil surface in a suitable fill material. It is a variation of the raised bed utilizing sandy fill material but not requiring a stabilization period prior to the construction of the absorption area.

II. *Raised septic system*: a wastewater absorption trench system which has been constructed in soil fill material which has been placed on top of the natural soil on a building lot.

JJ. *Reserve strip*: A strip of land located adjacent to a public easement or right-of-way which has the effect of denying access to adjacent property owners to said public easement or right-of-way.

KK. *Right-of-way*: Any street, avenue, parkway, highway, boulevard, road, alley, bicycle path or pedestrian walkway reserved and/or dedicated for public or private use chiefly by vehicular or pedestrian traffic. Its width shall be established as the shortest horizontal distance measured between lines delineating the right-of-way.

LL. *Rural and suburban area*: All that part of the incorporated area of the City of Norman which is not classified on the Norman 2025 Plan for urbanization.

MM. *Setback line*: See building line or yard line.

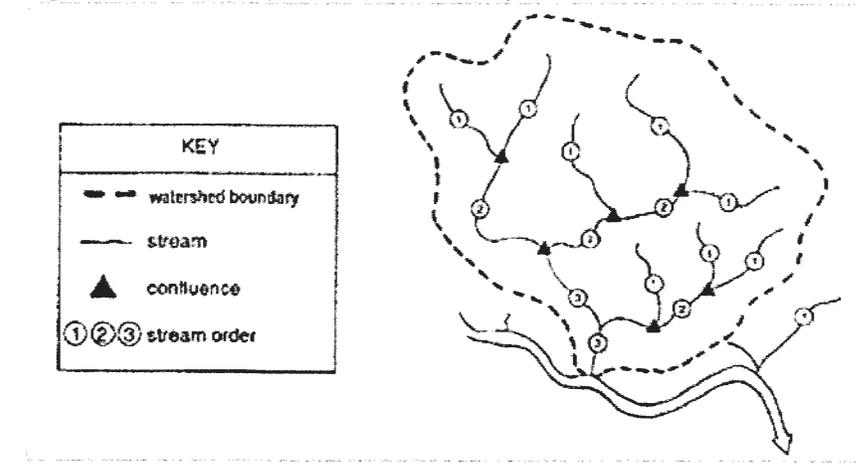
NN. *Site development plan*: A plan drawn at a scale of not less than fifty (50) feet equal one (1) inch which shows the topographic characteristics of the site not more than a one (1) foot contour interval in the urban areas and not more than two (2) feet contour intervals in the rural areas; the location and dimensions of buildings, yards, courts, landscape, pedestrian and vehicular circulation and parking, fences and screening; service areas and service courts, and other features; the use of each building and area; the height of buildings; adjacent street,

alleys, utility, drainage and other easements; and the relationship of the development to adjacent areas which it may affect.

OO. *Streams*: Watercourses that are either identified through site inspection and/or notification by the United States Army Corp of Engineers or by the United States Geological Survey (USGS) 7.5 minute series (topographic) maps drawn at a scale of 1:24,000 or 1 inch = 2000 feet. Perennial streams are those which are depicted on a USGS map with a solid blue line. Intermittent streams are those which are depicted on a USGS map with a dotted blue line.

PP. *Stream Order*: A method of numbering streams as part of a drainage basin network. Tributaries which have no branches are designated as of the first order, streams which receive two first-order tributaries are of the second order, larger branches which receive two second-order tributaries are designated third order, and so on, the main stream being always of the highest order. Designation of stream order shall be determined utilizing a USGS 7.5 minute series (topographic) map drawn at a scale of 1:24,000 or 1 inch = 2000 feet. See Figure 1 below.

Figure 1: Stream Order (Source: Schueler, 1995)



QQ. *Street*: Any public or private right-of-way which affords the primary means of access to abutting property.

RR. *Street, collector*: A minor street collecting traffic from other minor streets and serving as the most direct route to a major street or community facility.

SS. *Street, cul-de-sac*: A local street having one (1) closed end terminated by a turn-around.

- TT. *Street, estate type*: A local street in a Residential Estate (R-E) or Agricultural (A-1, A-2) zone or district.
- UU. *Street, frontage or service*: A minor street located adjacent and parallel to a major street for land service to abutting properties and access to adjacent areas and for allowing control of access to the major street.
- VV. *Street, local*: A minor street which collects and distributes traffic between parcels of land and collector or arterial streets, with the principal purpose to provide access to abutting property.
- WW. *Street, major*: A freeway, principal arterial, or minor arterial designated on the adopted Transportation Plan of the City of Norman.
- XX. *Street, minor*: Any street other than one (1) designated as a freeway, principal arterial, or minor arterial on the adopted Transportation Plan of the City of Norman, but not including alleys.
- YY. *Street, public*: Any pre-existing county road heretofore annexed by the City of Norman and which forms a part of said City by reason of such annexation, or any street or road granted or dedicated to and accepted by the City of Norman.
- ZZ. *Structural controls*: engineered solutions designed to reduce pollution in surface water runoff primarily through five basic mechanisms: infiltration, amelioration, treatment, filtration and detention. In effect, these systems attempt to counteract the opposite tendencies of decreased infiltration, filtration and detention which urbanization imposes upon the land.
- AAA. *Subdivider (developer)*: Any person, firm, partnership, corporation, or other entity acting as a unit, subdividing or proposing to subdivide or develop land as herein defined.
- BBB. *Subdivision*: The division, re-division, or delineation of land by lots, tracts, sites or parcels for the purpose of transfer of ownership, or for urban development, or for the dedication or vacation of a public or private right-of-way or easement.
- CCC. *Swale*: A natural depression or wide shallow ditch used to temporarily store, route, or filter runoff and encourage infiltration.

- DDD. *Top of bank*: The point along a stream bank where abrupt change in slope is evident, and where the stream is generally able to overflow the banks and enter the adjacent floodplain. The top of bank may be identified from topography maps but must be verified through field inspection. Where no top of bank is discernable by the City Storm Water Engineer or his designee, measurements should be taken from the center line of the stream.
- EEE. *Transportation Plan*: The arrangement, character, extent, and width of major streets within the City of Norman as designated on the most currently adopted Land Use and Transportation Plan document.
- FFF. *Townhouse*: One (1) of a series of two (2) or more attached dwelling units, separated from one (1) another by continuous, vertical party walls without openings from basement floor to the roof deck and tight against same or through the roof and which are intended to have ownership transferred in conjunction with a platted lot.
- GGG. *Urban area*: All that part of the incorporated area of the City of Norman which is designated on the Norman 2025 Plan for urbanization.
- HHH. *Water Quality Protection Zone (WQPZ)*: A vegetated strip of land that lies along a stream, river or lake and its adjacent wetlands, floodplains or slopes that is comprised of the stream bed, the floodplain (FEMA or Full Build-Out Floodplain, whichever is greater) and additional buffer as may be required by this Chapter.
- III. *Way*: Any street, avenue, parkway, highway, boulevard, road, alley, bicycle path or pedestrian walkway reserved and/or dedicated for public or private use chiefly by vehicular or pedestrian traffic. Its width shall be established as the shortest horizontal distance measured between lines delineating the right-of-way.
- JJJ. *Wetland*: the term, as used herein, shall have the same meaning as set forth in 40 C.F.R. §230.3.
- KKK. *Yard line*: An open space at grade between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward except as specifically provided in Chapters 18 or 22. In measuring a yard for the purpose of determining the width of the side yard, the depth of a front yard, or the depth of a

rear yard, the least horizontal distance between the lot line and the main building shall be used.

LLL. *Yard line, front.* A yard extending the full width of a lot between the side property lines and being the minimum horizontal distance between the street side property line and the main building or any projection thereof.

MMM. *Yard line, rear:* A yard extending across the rear of a lot measured between side yard lines and being the minimum horizontal distance between the rear lot line and the rear of the main building or any projections other than steps, unenclosed balconies or unenclosed porches. On corner lots the rear yard shall be considered as parallel to the street upon which the lot has its least dimension. On both corner lots and interior lots the rear yard shall in all cases be at the opposite end of the lot from the front yard.

NNN. *Yard line, side:* A yard between the building and the side line of the lot and extending from the front yard line to the rear lot line and being the minimum horizontal distance between a side lot line and the side of the main building or any projections other than steps.

§ 2. That Section 19-303 of Chapter 19 of the Code of the City of Norman shall be amended to read as follows:

**Sec. 19-303. Preliminary Plat: Contents.**

The preliminary plat shall be drawn at a scale of not more than one hundred (100) feet to the inch, except where impractical and shall show:

- A. The scale, north arrow, date and legend;
- B. The proposed name of the subdivision;
- C. The name and address of the owner of record, the subdivider, the owner's engineer, and the registered land surveyor preparing the plat;
- D. Legal description of the proposed subdivision, including the acreage and the number of lots proposed in the subdivision, by type;
- E. A key map showing the location of the proposed subdivision referenced to existing or proposed arterial streets or highways and to government section lines, and including the boundaries and number of acres of the drainage area of which the proposed subdivision is a part;

- F. The names, with locations of intersecting boundary lines, of adjoining subdivisions, and the location of the Norman City limits if falling within or immediately adjoining the tract;
- G. The land contours with vertical intervals of one foot in the urban areas and two (2) feet in the rural areas referenced to a United States Geological Survey datum (1988) or Coast and Geodetic Survey bench mark or monument;
- H. The location of dedicated streets at the point where they adjoin and/or are immediately adjacent; but actual measured distances shall not be required;
- I. Important features such as existing permanent buildings; large trees (a minimum eight (8) inch caliber); streams; railway lines; oil and gas line or wells as shown on the records of the Oklahoma Corporation Commission (including abandoned gas or oil wells and dry holes which remain unplugged);
- J. The location of all existing easements of record, sanitary and storm sewers, water mains, streets, culverts, power lines, and other surface or subsurface structures within the tract or immediately adjacent thereto, and the proposed location, layout, type, and size of the following structures and utilities:
  - 1. Water mains;
  - 2. Sanitary sewer mains, sub-mains and laterals;
  - 3. Storm sewers; and,
  - 4. Street improvements.
- K. The location of all drainage channels and subsurface drainage structures, and the proposed method of disposing of all run-off from the proposed subdivision, and the location and size of all drainage easements relating thereto, whether they be located within or outside of the proposed plat;
- L. The length of the boundaries of the tract, measured to the nearest foot, and the proposed location and width of streets, alleys, easements, and setback lines, and the approximate lot dimensions;

- M. The existing zoning and proposed changes of zoning in the tract and of the property immediately adjacent thereto;
- N. One hundred (100) year flood boundaries;
- O. Water Quality Protection Zone boundaries;
- P. Preliminary drawings showing compliance with the applicable requirements of this Chapter for structural controls on development;
- Q. A topographic map, drawn to a scale of one hundred (100) feet to one inch, or in an appropriate scale. The map should display, according to the best information available, topographic information and features (including, but not limited to, faults and fractures along waterways, wetlands, and sinkholes), and the WQPZ. Current limits of the FEMA floodplain and the FBF shall be displayed;
- R. Location of all temporary and permanent runoff detention basins, constructed and altered waterways and other physical facilities to be installed to comply with the terms of this ordinance;
- S. Location of all existing monitoring stations, sample points or other significant devices used in measuring or assuring water quality;
- T. Any technical surveys or studies necessary to support a request for modification of WQPZ boundaries affecting the subject parcel;
- U. In the instance where there is one (1) or more active oil and/or gas well(s), lease road(s), tank batteries, flow lines, gas sales lines, dead man anchors or any other related equipment, located within a proposed preliminary plat, any and all such items shall be shown on the submitted preliminary plat. Both existing conditions and any proposed changes to the existing conditions must be indicated on the preliminary plat. The information shall include, but not be limited to well access, size of the well location, including appurtenant equipment, any change in lay out or operations of the well site such as relocation of the lease road or moving of the tank batteries and flow lines, fencing, easements for flow lines, gas sales line, communication cables, and electric power lines. The information must also stipulate the parties responsible for constructing any lease road and approach and fencing. Easements necessary to provide for flow lines, gas sales lines, power supply lines and communication cables must be designated in writing. All information required must be shown on a site plan that has been reviewed and approved for compliance with oil and gas ordinances. A

copy of the site plan shall be provided to the oil and gas inspector to become part of the well records until such time of the plugging and restoration of well location(s) has been completed. Oil well operators shall be notified by the oil and gas inspector of any predevelopment informational meeting(s) as an interested part where a preliminary plat contains a well(s), lease road, tank battery, flow line, gas sales line, dead man anchors, or any other related equipment that they operate. Notice shall be given in the same format as property owners within the required notice area.

§ 3. That Section 19-308(E) of Chapter 19 of the Code of the City of Norman shall be amended to read as follows:

E. In the case of a plat proposing the reserving or dedicating of land or amenities to be used in common by owners of lots in a single-family residential subdivision, or in the case of a plat or Norman Rural Certificate of Survey that contains any portion of the WQPZ, the applicant shall submit evidence acceptable to the City Attorney that all necessary steps have been taken for:

1. The establishment of a mandatory Property Owner's Association ("POA") or establishment of another acceptable arrangement for adequate maintenance of the common elements and any non-structural controls for storm water management. All mandatory POAs shall submit a Declaration of Covenants, Conditions and Restrictions (the "Declaration") which establishes a minimum framework that provides for the fair and effective administration of the POA and thereby assures the greater likelihood that the interests of the City and its citizens are secure and which include the following provisions:

- a. A list of all common property in the plat, by legal description. A specific description of all of the common elements within the subdivision including any abutting arterial roadways, the uses allowed for each common element and a description of the person responsible for initially constructing or installing each common element and the responsibility for maintaining the common element after initial installation;
- b. In those plats containing any portion of the WQPZ, a list of any non-structural controls located on the property and a list of allowable and prohibited activities within the designated zones (Zone 1, 2 and 3) of the WQPZ.

\* \* \* \* \*

- § 4. That Section 19-411 of Chapter 19 of the Code of the City of Norman shall be added to read as follows:

**Sec. 19-411. Water Quality Protection Zone Design Standards.**

- A. The Water Quality Protection Zone (WQPZ) for a stream system shall consist of a vegetated strip of land, preferably undisturbed and natural, extending along both sides of a stream and its adjacent wetlands, floodplains, or slopes. The width shall be adjusted to include contiguous sensitive areas, such as steep slopes, where development or disturbance may adversely affect water quality, streams, wetlands, or other water bodies.
- B. The required base width for all WQPZ's shall be equal to:
1. The greater of the following:
    - a. 100 feet in width, measured from the top of the bank, on either side of the stream; OR
    - b. The designated Full Build-Out Floodplain as delineated on Exhibit 4-4 to the Storm Water Master Plan, dated October 2009 and accepted by City Council on November 10, 2009 and as available on the appropriate scale through the Public Works Department, or as indicated by the Applicant's independent engineering analysis ; OR
    - c. The FEMA Floodplain; OR
  2. An alternative width determined by an engineered process and approved pursuant to Section 19-601(B).
- C. For each portion of any 25 foot segment of the buffer, as set forth in Section 19-411(B), that has a slope over 20%, 25 feet shall be added to the width of the WQPZ. To determine the extent of steep slopes, a cross section of the topography every 100 feet shall be prepared and utilized by the Applicant.
- D. The base width of the WQPZ outlined in (B) above will be reduced for first order streams to no less than fifty (50) feet but never less than the FBF upon a showing by the Applicant that the BMP's utilized in the development will achieve the following goals:
1. A reduction in nitrogen of at least 75% and a reduction in phosphorus of at least 58%. For the purpose of determining the

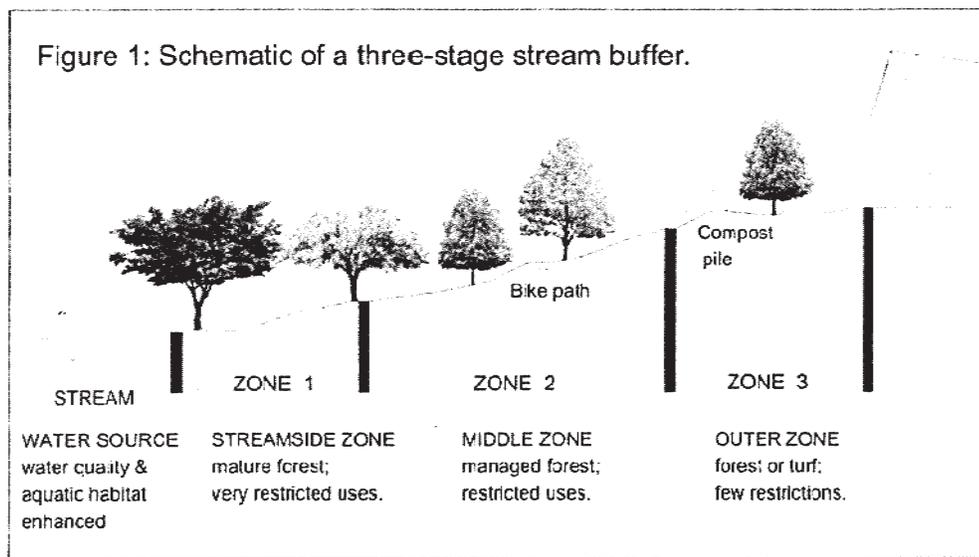
applicable reduction in the base width of the buffer, the North Central Texas Council of Governments *integrated* Storm Water Management (“iSWM”) Manual, found at <http://iswm.nctcog.org/>, may be utilized to determine pollutant removal for a particular structural control.

2. As stated in iSWM, volume reduction, concentration and total load are important considerations in determining the appropriate and most effective BMP to use.
- E. In third-order and higher streams, 25 feet shall be added to the base width outlined in Section 19-411 (B) above.
  - F. When wetland areas extend beyond the edge of the required WQPZ width, the WQPZ shall be adjusted to include the extent of the wetland plus an additional 25 foot zone extending beyond the wetland edge.
  - G. A drainage easement or dedicated right of way shall be granted to the City of Norman for the entire width and length of the WQPZ on subject land unless otherwise provided herein.
  - H. For all developments, particularly those containing some portion of the WQPZ, utilization of low impact development strategies are encouraged. For plats or Norman Rural Certificates of Survey that include portions of the WQPZ, the current Engineering Design Criteria may be modified when Low Impact Development strategies are utilized in accordance with the iSWM reference in Section 19-411(D) above.
  - I. Water Pollution Hazards. The following land uses and/or activities are designated as potential water pollution hazards and must be set back from the top of the bank of any stream or waterbody by the distance indicated below:
    1. Storage of hazardous substances—(300 feet)
    2. Aboveground or underground petroleum storage facilities—(300 feet)
    3. Drainfields from onsite sewage disposal and treatment systems (i.e., septic systems)—(200 feet)
    4. Raised septic systems and raised mound septic systems—(500 feet)
    5. Solid waste landfills or junkyards—(600 feet)

6. Subsurface discharges from a wastewater treatment plant—(200 feet)

7. Land application of biosolids—(200 feet)

J. Three Zone Buffer System. The WQPZ shall be composed of three distinct zones, with each zone having its own set of allowable uses and vegetative targets as specified in Section 429.7 of the Zoning Ordinance. Each zone shall be designated on the preliminary plat and Norman Rural Certificates of Survey. (See Figure 1 below.)



1. Zone 1, Streamside Zone: The area beginning at the top of the bank of the active channel and extending horizontally the number of feet equal to 25%, but no less than 25 feet, of the overall distance of the designated WQPZ on that particular side of the stream.
2. Zone 2, Middle Zone: The area beginning at the outer edge of Streamside Zone and extending horizontally the number of feet equal to 67% of the remainder of the distance of the designated WQPZ on that particular side of the stream.
3. Zone 3, Outer Zone: The area beginning at the outer edge of the Middle Zone and extending horizontally the number of feet equal to 100% of the remainder of the distance of the designated WQPZ on that particular side of the stream.

K. All applications for preliminary plats and Norman Rural Certificates of Survey that contain any portion of property within the WQPZ shall

also submit a report outlining the Best Management Practices to be employed.

- § 5. That Section 19-514 of Chapter 19 of the Code of the City of Norman shall be added to read as follows:

**Sec. 19-514. Water Quality Protection Zone Management and Maintenance.**

- A. All preliminary plats, final plats, and Norman Rural Certificates of Survey shall clearly:
1. Show the extent of any WQPZ on the subject property.
  2. Label the WQPZ.
  3. Provide a note to reference any WQPZ stating: “There shall be no clearing, grading, construction or disturbance of vegetation except as permitted by the Director of Public Works unless such disturbance is done in accordance with 19-514(E) of the Norman City Code.
  4. Provide a note to reference any protective covenants governing all WQPZ areas stating: “Any WQPZ shown hereon is subject to protective covenants that may be found in the land records and that restrict disturbance and use of these areas.”
  5. All subdivisions containing a WQPZ area shall ensure maintenance of the non-structural controls/aspects in the WQPZ area by its Property Owners' Association through the filing of a protective covenant, which is required to be submitted to the City Attorney's office for approval. The covenant shall be recorded in the land records and shall run with the land and continue in perpetuity. Any changes to the covenants and restrictions shall be consistent with the provisions herein.
- B. An offer of dedication of a WQPZ to the City of Norman does not convey to the general public the right of access to this area unless such a right is explicitly set forth in said dedication. Further, an offer of dedication of a WQPZ is not a mandate for a public trail system or any portion thereof.
- C. The Public Works Department shall inspect the buffer annually and following severe storms for evidence of sediment deposition, erosion, or concentrated flow channels and corrective actions taken to ensure the integrity and functions of the WQPZ.

- D. Any portion of the WQPZ that is within thirty (30) feet of a combustible structure shall be maintained (regardless of the underlying zoning designation) as provided in Section 10-209.
- E. Portions of the WQPZ that are not within thirty (30) feet of a combustible structure may be left undisturbed and natural, and in no event, shall grassy vegetation in this area be mowed or otherwise cut down to less than six (6) inches tall.

§ 6. That Section 19-601 of Chapter 19 of the Code of the City of Norman shall be amended to read as follows:

**Sec. 19-601. Variations.**

- A. Occasionally the tract to be subdivided is of such unusual size or shape or is surrounded by such development or unusual conditions that the strict application of the requirements contained in this chapter would result in substantial hardship or inequity. The City Council may vary or modify, except as otherwise indicated, such requirements of design, but not of procedure or public improvements, so that the subdivider may develop the subject property in a reasonable manner. At the same time, the public welfare and interests of the City must be protected and the general intent and spirit of this chapter are preserved by granting such variance. Such modification may be granted upon written request of the subdivider or the subdivider's engineer, stating the reason for each modification, and may be approved by vote of the regular membership of the City Council, with the recommendation of the Planning Commission, subject to the acceptance of the plat and the dedications thereon by the City Council; provided, however, that a variation based on unique condition(s) shall not be granted when the unique condition(s) was created or contributed to by the subdivider.
- B. Alternatives to the Water Quality Protection Zone requirements.
  - 1. Generally. Alternatives to the Water Quality Protection Zone requirements other than those provided for in Section 19-411 (D) may be granted by the Public Works Director or his or her designee when sufficient data is produced that shows an error in the applicable WQPZ designation, or when sufficient hydrological analysis demonstrates that an alternate engineered solution for storm water can be implemented that will substantially reduce or eliminate the effect the development has on flooding and water quality. Such alternatives should achieve the following water quality goals:

- a) A reduction in nitrogen of at least 75% and a reduction in phosphorus of at least 58%. For the purpose of determining the applicable reduction in the base width of the buffer, the North Central Texas Council of Governments *integrated* Storm Water Management (“iSWM”) Manual, found at <http://iswm.nctcog.org/> may be utilized to determine pollutant removal for a particular structural control.
  - b) As stated in iSWM, volume reduction, concentration and total load are important considerations in determining the appropriate and most effective BMP to use.
  - c) Notwithstanding any other provision, an engineered solution shall only be allowed if the streamside zone (Zone 1) is preserved undisturbed and no structures are allowed in the middle zone (Zone 2).
2. An alternative from the strict application of the WQPZ requirements herein may be granted when strict application would result in substantial hardship or inequity and when the tract to be subdivided:
- a) Is of an unusual size or shape, or
  - b) Has existing storm water infrastructure that was installed in the previous five (5) years subject to a previously approved preliminary plat, or
  - c) Is surrounded by development or unusual conditions not created by the subdivider.
3. In the granting of an alternative, the Public Works Director shall consider whether:
- a) The public welfare and interests of the City are protected; and
  - b) The general intent and spirit of this chapter are preserved by granting such variation; and
  - c) Such variation will not substantially or permanently injure the appropriate use of adjacent land, or upstream or downstream parts of the FBF; and

- d) The variation will not cause unreasonable disruption to the natural terrain unless the purpose of such disruption is to restore the normal functioning of the stream.

#### 4. WQPZ Averaging.

- a) The width of the WQPZ may be reduced in some circumstances to accommodate unusual or historical development patterns, shallow lots, stream crossings, or storm water ponds. Averaging of the WQPZ width shall be allowed as long as the streamside zone (Zone 1) is preserved undisturbed and no structures are allowed in the middle zone (Zone 2). Any averaging of the WQPZ must be done in accordance with the following:
  - 1. An overall average WQPZ width of at least 100 feet must be achieved within the boundaries of the property to be developed. The WQPZ on adjoining properties cannot be included with buffer averaging on a separate property, even if owned by the same property owner.
  - 2. The average width must be calculated based upon the entire length of stream bank that is located within the boundaries of the property to be developed. When calculating the WQPZ length, the natural stream channel should be followed.
  - 3. WQPZ averaging shall be applied to each side of a stream independently. If the property being developed encompasses both sides of a stream, WQPZ averaging can be applied to both sides of the stream, but must be applied to both sides of the stream independently.
  - 4. The total width of the WQPZ shall not be less than 75 feet at any location, except at approved stream crossings. Those areas of the WQPZ having a minimum width of 75 feet (or less at approved stream crossings) can comprise no more than fifty (50) percent of the length of the WQPZ. The 75 feet shall allow for Zone 1 to have a minimum width of twenty-five (25) feet, and Zone 2 to have a minimum average width of at least fifty (50) feet.

- b) WQPZ averaging is prohibited in developments that have, or will have after development areas that have slopes greater than 15% that are located within fifty feet of the stream to be buffered.

5. Appeal from Decision of Public Works Director. If the applicant desires to appeal from the decision of the Public Works Director or his or her designee made in accordance with this subsection, the applicant may file such request, and any documentation supporting said appeal, with the City Clerk. The City Clerk will place the appeal on the agenda of the next available regular City Council meeting. The decision of the Public Works Director, or his or her designee, may be upheld or overturned by vote of the regular membership of the City Council.

§ 7. That Section 19-606 of Chapter 19 of the Code of the City of Norman shall be amended to read as follows:

**Sec. 19-606 Exception to allow Norman Rural Certificates of Survey as plats in A-1 and A-2 Zoning Districts.**

A. It is the purpose of this exception to allow lots of ten (10) acres or more to be developed and sold adjacent to public or private roadways in the A-1 and A-2 Agricultural Districts; however, private roadways should be constructed and maintained in such a manner that said roadways may be traversed and used by police, fire and other official vehicles of all municipal, county, state and federal agencies. Lots created under this process shall be designated as "Norman Rural Certificate of Survey Subdivisions" and may be permitted under the following procedures (Ord. No. O-0203-34):

\* \* \* \* \*

2. An accurate survey of the lot, prepared by a land surveyor registered in the State of Oklahoma, and the proposed subdivision thereof shall be submitted to the Public Works Department and shall show the same information required for a preliminary plat as referenced in Section 19-303 of this Code, except the ground contours may be drawn at five-foot intervals in such cases where the average ground slope is three (3) percent or greater.

\* \* \* \* \*

§ 8. 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

NOT ADOPTED this \_\_\_\_\_ day

of \_\_\_\_\_, 2011.

of \_\_\_\_\_, 2011.

\_\_\_\_\_  
Cindy Rosenthal, Mayor

\_\_\_\_\_  
Cindy Rosenthal, Mayor

ATTEST:

\_\_\_\_\_  
Brenda Hall, City Clerk

AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA AMENDING CHAPTER 19 OF THE CODE OF THE CITY OF NORMAN TO PROVIDE FOR STANDARDS AND REQUIREMENTS FOR A DESIGNATED WATER QUALITY PROTECTION ZONE INCLUSIVE OF THE LAKE THUNDERBIRD WATERSHED; AND PROVIDING FOR THE SEVERABILITY THEREOF.

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

- § 1. That Section 19-210 of Chapter 19 of the Code of the City of Norman shall be amended to read as follows:

**Sec. 19-210. Definitions.**

The following words and phrases when used in this chapter, shall for the purposes of this chapter, have the meanings respectively ascribed to them in this article, except where the context otherwise requires:

- A. *Alley*: A minor right-of-way dedicated to public use, which gives a secondary means of vehicular access to the back or side of properties otherwise abutting a street, and which may be used for public utility purposes.
- B. *Best Management Practices (BMP)*: An effective integration of storm water management systems, with appropriate combinations of non-structural controls and structural controls which provide an optimum way to convey, store and release runoff, so as to reduce peak discharge, reduce pollutants, enhance water quality, assist in stream and/or stream bank stabilization, prevent property damage due to flooding, and assist in sediment reduction. BMP's include, but are not limited to, the following:
1. Structural controls such as:
    - a. Sediment forebay;
    - b. Grassed swale;
    - c. Enhanced bio-swale;
    - d. Voluntary urban nutrient management;
    - e. Statutory urban nutrient management;
    - f. Wetlands;
    - g. Extended detention-enhanced;
    - h. Retention basins;

- i. Bioretention, surface sand, organic, and similar filters;
  - j. Soaking trench;
  - k. Infiltration trench;
  - l. Storm water pond;
  - m. Dry extended detention pond; and
  - n. In-channel detention.
2. Non-structural controls such as:
- a. Landscape conservation;
  - b. Reduction in impervious cover;
  - c. Schedule of maintenance activities;
  - d. Prohibition of practices;
  - e. Maintenance procedures.
  - f. Street sweeping;
  - g. Fertilizer restrictions.
- C. *Bicycle lane:* That portion of a roadway set aside and appropriately designated for the use of bicycles.
- D. *Bicycle path:* A paved facility physically separating the bicycle from motor vehicle traffic.
- E. *Block:* A parcel of land, intended to be used for urban purposes, which is entirely surrounded by public streets, highways, railroad rights-of-way, public walks, parks or greenstrips, rural land or drainage channels or a combination thereof.
- F. *Buffer:* A vegetated area, including trees, shrubs, and herbaceous vegetation that exists or is established to protect a stream system, lake or reservoir, reduce pollutants, enhance water quality, assist in stream and/or stream bank stabilization, and assist in sediment reduction.
- G. *Building line:* A line parallel to the lot or property line beyond which a structure or building cannot extend, except as specifically provided under the zoning ordinance. It is equivalent to the setback or yard line.
- H. *Cluster development:* cluster development is a method of subdividing land which allows the maximum density available within the zoning district while allowing smaller lots than those specified, provided that the land saved is reserved for permanent agricultural use or open space, ideally in common ownership for community use.

- I. Combustible structure: That which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner and consisting of any material that, in the form in which it is used and under the conditions anticipated, will ignite and burn or will add appreciable heat to an ambient fire.
- J. Degradation: any condition caused by the activities of humans which result in the prolonged impairment of any constituent of the aquatic environment.
- K. *Development:* The erection, construction, or change of use of buildings; or the erection or construction of any additions to existing buildings where outer walls are added or altered as to location, but not including alterations or remodeling of buildings where said outer walls are not added or altered as to location. As it relates to water quality protection, any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation, drilling, or storage of equipment or materials.
- L. *Development committee:* The City of Norman Development Committee shall be comprised of the following staff members: The Director of Public Works (who shall be the chairman), the Director of Planning and Community Development, the Director of Utilities, the City Engineer, the Development Coordinator, and the Manager of Current Planning, or their designees.
- M. Director of Public Works: The Director of Public Works of the City of Norman, including his or her designee.
- N. *Easement:* A grant by the property owner to the public, a corporation, or persons, of the use of an area of land for specific purposes.
- O. Full Build-Out Floodplain (FBF): the area of land along both sides of a stream or natural drainage corridor that encompasses the area projected to be inundated by the one-percent (1%) chance flood event (i.e. the 100-year floodplain) in any given year assuming full build-out watershed conditions (based upon the Norman 2025 Plan and subsequent updates) in those areas with 40 or more acres of drainage area in the Lake Thunderbird watershed.
- P. Impervious Cover: Roads, parking areas, buildings, pools, patios, sheds, driveways, private sidewalks, and other impermeable

construction covering the natural land surface. This shall include, but not be limited to, all streets and pavement within a subdivision. Vegetated water quality basins, vegetated swales, other vegetated conveyances for overland drainage, areas with gravel placed over pervious surfaces that are used only for landscaping or by pedestrians, and public sidewalks shall not be calculated as impervious cover.

- Q. *Lot*: A subdivision of a block or other parcel intended as a unit for the transfer of ownership or for development.
- R. *Lot, corner*: A lot which abuts two (2) intersecting streets. The front of a lot is defined by the filed plat of the subdivision, and is addressed accordingly. Although the front door of the house should face the front yard, a house may be oriented towards the side street if the plat was designed to provide two (2) front and rear yards or if there is sufficient room to provide both a new front and rear setback.
- S. *Lot, depth*: The average distance from the front property line of the lot adjacent to the street to its rear property line, measured in the general direction of side lines of the lot.
- T. *Lot, double frontage*: A lot which runs through a block from street to street and which has frontage on two (2) or more streets, but not including a corner lot.
- U. *Lot, reverse frontage*: A corner lot of such size and shape that a building erected on it might logically be designed to face on either adjoining street, thus causing the building to rear on the side line of any abutting lot.
- V. *Lot, townhouse*: A lot shown on a townhouse plat and intended as the site of a single attached dwelling unit.
- W. *Lot line adjustment*: A relocation of the lot lines of two (2) or more lots included in a plat which is filed of record, for the purpose of making necessary adjustments to building sites.
- X. *Low Impact Development (LID)*: a comprehensive land planning and engineering design approach to development that can be used to replicate or restore natural watershed functions and/or address targeted watershed goals and objectives.

- Y. Non-degradation: The proper use of BMP's and pollution prevention criteria in activity so as to prevent property damage due to flooding and degradation as defined herein.
- Z. Non-structural controls: Pollution prevention measures that focus on the management of pollutants by practices and procedures which minimize exposure to runoff, as well as preserve open space and natural systems. Non-structural controls may include riparian buffers, modified development practices, and regulations on pesticide, herbicide, and fertilizer use.
- AA. *Norman 2025 Plan:* The comprehensive development plan for the City of Norman which has been officially adopted to provide long-range development policies for the City in the foreseeable future and which includes, among other things, the plan for land use, land subdivision, traffic circulation and community facilities, utilities, and drainage facilities.
- BB. Person: Any natural person, corporation, partnership, joint venture, association (including homeowners or neighborhood associations), trust, or any other entity recognized by law.
- CC. *Planning Commission:* The City Planning Commission of the City of Norman.
- DD. *Plat, final:* A map of a land subdivision giving, in form suitable for filing in the office of the County Clerk, necessary affidavits, dedications, and acceptances, and delineating the layout of such subdivision as required herein.
- EE. *Plat, preliminary:* A map of a proposed subdivision showing the character and proposed layout of the tract in sufficient detail to indicate the relationship of the proposed development to topography, existing streets, drainage facilities and utilities, existing easements of record, the Norman 2025 Plan, existing urban development and zoning, and to indicate the nature of the land planning design.
- FF. Pollution: the contamination or other alteration of the physical, chemical or biological properties of any stream or other water source, or such discharge of any liquid, gaseous or solid substance into any stream or other water source as will or is likely to create a nuisance or render such waters harmful or detrimental or injurious to public health, safety or welfare, or to domestic, commercial, industrial, agricultural,

recreational, or other legitimate beneficial uses, or to livestock, wild animals, birds, fish or other aquatic life.

GG. *Public improvements:* Any utility, structure, or modification of topography which is, or will be, located within, under, or over a right-of-way or easement of record and which is, or will be, owned and/or maintained by other than the individual owner(s) of developed real estate.

HH. *Raised mound septic system:* a soil absorption system that is elevated above the natural soil surface in a suitable fill material. It is a variation of the raised bed utilizing sandy fill material but not requiring a stabilization period prior to the construction of the absorption area.

II. *Raised septic system:* a wastewater absorption trench system which has been constructed in soil fill material which has been placed on top of the natural soil on a building lot.

JJ. *Reserve strip:* A strip of land located adjacent to a public easement or right-of-way which has the effect of denying access to adjacent property owners to said public easement or right-of-way.

KK. *Right-of-way:* Any street, avenue, parkway, highway, boulevard, road, alley, bicycle path or pedestrian walkway reserved and/or dedicated for public or private use chiefly by vehicular or pedestrian traffic. Its width shall be established as the shortest horizontal distance measured between lines delineating the right-of-way.

LL. *Rural and suburban area:* All that part of the incorporated area of the City of Norman which is not classified on the Norman 2025 Plan for urbanization.

MM. *Setback line:* See building line or yard line.

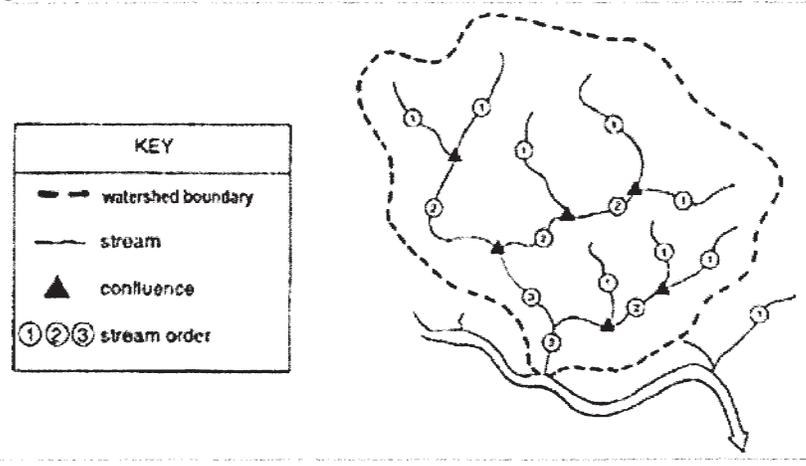
NN. *Site development plan:* A plan drawn at a scale of not less than fifty (50) feet equal one (1) inch which shows the topographic characteristics of the site not more than a one (1) foot contour interval in the urban areas and not more than two (2) feet contour intervals in the rural areas~~at a contour interval of not less than one (1) foot;~~ the location and dimensions of buildings, yards, courts, landscape, pedestrian and vehicular circulation and parking, fences and screening; service areas and service courts, and other features; the use of each building and area; the height of buildings; adjacent street, alleys,

utility, drainage and other easements; and the relationship of the development to adjacent areas which it may affect.

OO. Streams: Watercourses that are either identified through site inspection and/or notification by the United States Army Corp of Engineers or by the United States Geological Survey (USGS) 7.5 minute series (topographic) maps drawn at a scale of 1:24,000 or 1 inch = 2000 feet. Perennial streams are those which are depicted on a USGS map with a solid blue line. Intermittent streams are those which are depicted on a USGS map with a dotted blue line.

PP. Stream Order: A method of numbering streams as part of a drainage basin network. Tributaries which have no branches are designated as of the first order, streams which receive two first-order tributaries are of the second order, larger branches which receive two second-order tributaries are designated third order, and so on, the main stream being always of the highest order. Designation of stream order shall be determined utilizing a USGS 7.5 minute series (topographic) map drawn at a scale of 1:24,000 or 1 inch = 2000 feet. See Figure 1 below.

Figure 1: Stream Order (Source: Schueler, 1995)



QQ. Street: Any public or private right-of-way which affords the primary means of access to abutting property.

RR. Street, collector: A minor street collecting traffic from other minor streets and serving as the most direct route to a major street or community facility.

SS. Street, cul-de-sac: A local street having one (1) closed end terminated by a turn-around.

- TT. *Street, estate type*: A local street in a Residential Estate (R-E) or Agricultural (A-1, A-2) zone or district.
- UU. *Street, frontage or service*: A minor street located adjacent and parallel to a major street for land service to abutting properties and access to adjacent areas and for allowing control of access to the major street.
- VV. *Street, local*: A minor street which collects and distributes traffic between parcels of land and collector or arterial streets, with the principal purpose to provide access to abutting property.
- WW. *Street, major*: A freeway, principal arterial, or minor arterial designated on the adopted Transportation Plan of the City of Norman.
- XX. *Street, minor*: Any street other than one (1) designated as a freeway, principal arterial, or minor arterial on the adopted Transportation Plan of the City of Norman, but not including alleys.
- YY. *Street, public*: Any pre-existing county road heretofore annexed by the City of Norman and which forms a part of said City by reason of such annexation, or any street or road granted or dedicated to and accepted by the City of Norman.
- ZZ. *Structural controls*: engineered solutions designed to reduce pollution in surface water runoff primarily through five basic mechanisms: infiltration, amelioration, treatment, filtration and detention. In effect, these systems attempt to counteract the opposite tendencies of decreased infiltration, filtration and detention which urbanization imposes upon the land.
- AAA. *Subdivider (developer)*: Any person, firm, partnership, corporation, or other entity acting as a unit, subdividing or proposing to subdivide or develop land as herein defined.
- BBB. *Subdivision*: The division, re-division, or delineation of land by lots, tracts, sites or parcels for the purpose of transfer of ownership, or for urban development, or for the dedication or vacation of a public or private right-of-way or easement.
- CCC. *Swale*: A natural depression or wide shallow ditch used to temporarily store, route, or filter runoff and encourage infiltration.

DDD. Top of bank: The point along a stream bank where abrupt change in slope is evident, and where the stream is generally able to overflow the banks and enter the adjacent floodplain. The top of bank may be identified from topography maps but must be verified through field inspection. Where no top of bank is discernable by the City Storm Water Engineer or his designee, measurements should be taken from the center line of the stream.

EEE. *Transportation Plan:* The arrangement, character, extent, and width of major streets within the City of Norman as designated on the most currently adopted Land Use and Transportation Plan document.

FFF. *Townhouse:* One (1) of a series of two (2) or more attached dwelling units, separated from one (1) another by continuous, vertical party walls without openings from basement floor to the roof deck and tight against same or through the roof and which are intended to have ownership transferred in conjunction with a platted lot.

GGG. *Urban area:* All that part of the incorporated area of the City of Norman which is designated on the Norman 2025 Plan for urbanization.

HHH. Water Quality Protection Zone (WQPZ): A vegetated strip of land that lies along a stream, river or lake and its adjacent wetlands, floodplains or slopes that is comprised of the stream bed, the floodplain (FEMA or Full Build-Out Floodplain, whichever is greater) and additional buffer as may be required by this Chapter.

III. *Way:* Any street, avenue, parkway, highway, boulevard, road, alley, bicycle path or pedestrian walkway reserved and/or dedicated for public or private use chiefly by vehicular or pedestrian traffic. Its width shall be established as the shortest horizontal distance measured between lines delineating the right-of-way.

JJJ. Wetland: the term, as used herein, shall have the same meaning as set forth in 40 C.F.R. §230.3.

KKK. *Yard line:* An open space at grade between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward except as specifically provided in Chapters 18 or 22. In measuring a yard for the purpose of determining the width of the side yard, the depth of a front yard, or the depth of a

rear yard, the least horizontal distance between the lot line and the main building shall be used.

LLL. *Yard line, front.* A yard extending the full width of a lot between the side property lines and being the minimum horizontal distance between the street side property line and the main building or any projection thereof.

MMM. *Yard line, rear:* A yard extending across the rear of a lot measured between side yard lines and being the minimum horizontal distance between the rear lot line and the rear of the main building or any projections other than steps, unenclosed balconies or unenclosed porches. On corner lots the rear yard shall be considered as parallel to the street upon which the lot has its least dimension. On both corner lots and interior lots the rear yard shall in all cases be at the opposite end of the lot from the front yard.

NNN. *Yard line, side:* A yard between the building and the side line of the lot and extending from the front yard line to the rear lot line and being the minimum horizontal distance between a side lot line and the side of the main building or any projections other than steps.

§ 2. That Section 19-303 of Chapter 19 of the Code of the City of Norman shall be amended to read as follows:

**Sec. 19-303. Preliminary Plat: Contents.**

The preliminary plat shall be drawn at a scale of not more than one hundred (100) feet to the inch, except where impractical and shall show:

- A. The scale, north arrow, date and legend;
- B. The proposed name of the subdivision;
- C. The name and address of the owner of record, the subdivider, the owner's engineer, and the registered land surveyor preparing the plat;
- D. Legal description of the proposed subdivision, including the acreage and the number of lots proposed in the subdivision, by type;
- E. A key map showing the location of the proposed subdivision referenced to existing or proposed arterial streets or highways and to government section lines, and including the boundaries and number of acres of the drainage area of which the proposed subdivision is a part;

- F. The names, with locations of intersecting boundary lines, of adjoining subdivisions, and the location of the Norman City limits if falling within or immediately adjoining the tract;
- G. The land contours with vertical intervals of one foot in the urban areas and two (2) feet in the rural areas referenced to a United States Geological Survey datum (1988) or Coast and Geodetic Survey bench mark or monument;
- H. The location of dedicated streets at the point where they adjoin and/or are immediately adjacent; but actual measured distances shall not be required;
- I. Important features such as existing permanent buildings; large trees (a minimum eight (8) inch caliber); streams; railway lines; oil and gas line or wells as shown on the records of the Oklahoma Corporation Commission (including abandoned gas or oil wells and dry holes which remain unplugged);
- J. The location of all existing easements of record, sanitary and storm sewers, water mains, streets, culverts, power lines, and other surface or subsurface structures within the tract or immediately adjacent thereto, and the proposed location, layout, type, and size of the following structures and utilities:
  - 1. Water mains;
  - 2. Sanitary sewer mains, sub-mains and laterals;
  - 3. Storm sewers; and,
  - 4. Street improvements.
- K. The location of all drainage channels and subsurface drainage structures, and the proposed method of disposing of all run-off from the proposed subdivision, and the location and size of all drainage easements relating thereto, whether they be located within or outside of the proposed plat;
- L. The length of the boundaries of the tract, measured to the nearest foot, and the proposed location and width of streets, alleys, easements, and setback lines, and the approximate lot dimensions;

- M. The existing zoning and proposed changes of zoning in the tract and of the property immediately adjacent thereto;
- N. One hundred (100) year flood boundaries;
- O. Water Quality Protection Zone boundaries;
- P. Preliminary drawings showing compliance with the applicable requirements of this Chapter for structural controls on development;
- Q. A topographic map, drawn to a scale of one hundred (100) feet to one inch, or in an appropriate scale. The map should display, according to the best information available, topographic information and features (including, but not limited to, faults and fractures along waterways, wetlands, and sinkholes), and the WQPZ. Current limits of the FEMA floodplain and the FBF shall be displayed;
- R. Location of all temporary and permanent runoff detention basins, constructed and altered waterways and other physical facilities to be installed to comply with the terms of this ordinance;
- S. Location of all existing monitoring stations, sample points or other significant devices used in measuring or assuring water quality;
- T. Any technical surveys or studies necessary to support a request for modification of WQPZ boundaries affecting the subject parcel;
- U. In the instance where there is one (1) or more active oil and/or gas well(s), lease road(s), tank batteries, flow lines, gas sales lines, dead man anchors or any other related equipment, located within a proposed preliminary plat, any and all such items shall be shown on the submitted preliminary plat. Both existing conditions and any proposed changes to the existing conditions must be indicated on the preliminary plat. The information shall include, but not be limited to well access, size of the well location, including appurtenant equipment, any change in lay out or operations of the well site such as relocation of the lease road or moving of the tank batteries and flow lines, fencing, easements for flow lines, gas sales line, communication cables, and electric power lines. The information must also stipulate the parties responsible for constructing any lease road and approach and fencing. Easements necessary to provide for flow lines, gas sales lines, power supply lines and communication cables must be designated in writing. All information required must be shown on a site plan that has been reviewed and approved for compliance with oil and gas ordinances. A

copy of the site plan shall be provided to the oil and gas inspector to become part of the well records until such time of the plugging and restoration of well location(s) has been completed. Oil well operators shall be notified by the oil and gas inspector of any predevelopment informational meeting(s) as an interested part where a preliminary plat contains a well(s), lease road, tank battery, flow line, gas sales line, dead man anchors, or any other related equipment that they operate. Notice shall be given in the same format as property owners within the required notice area.

§ 3. That Section 19-308(E) of Chapter 19 of the Code of the City of Norman shall be amended to read as follows:

E. In the case of a plat proposing the reserving or dedicating of land or amenities to be used in common by owners of lots in a single-family residential subdivision, or in the case of a plat or Norman Rural Certificate of Survey that contains any portion of the WQPZ, the applicant shall submit evidence acceptable to the City Attorney that all necessary steps have been taken for:

1. The establishment of a mandatory Property Owner's Association ("POA") or establishment of another acceptable arrangement for adequate maintenance of the common elements and any non-structural controls for storm water management. All mandatory ~~single family residential~~ POAs shall submit a Declaration of Covenants, Conditions and Restrictions (the "Declaration") which establishes a minimum framework that provides for the fair and effective administration of the POA and thereby assures the greater likelihood that the interests of the City and its citizens are secure and which include the following provisions:

a. A list of all common property in the plat, by legal description. A specific description of all of the common elements within the subdivision including any abutting arterial roadways, the uses allowed for each common element and a description of the person responsible for initially constructing or installing each common element and the responsibility for maintaining the common element after initial installation;

b. In those plats containing any portion of the WQPZ, a list of any non-structural controls located on the property and a list of allowable and prohibited activities within the designated zones (Zone 1, 2 and 3) of the WQPZ.

\* \* \* \* \*

- § 4. That Section 19-411 of Chapter 19 of the Code of the City of Norman shall be added to read as follows:

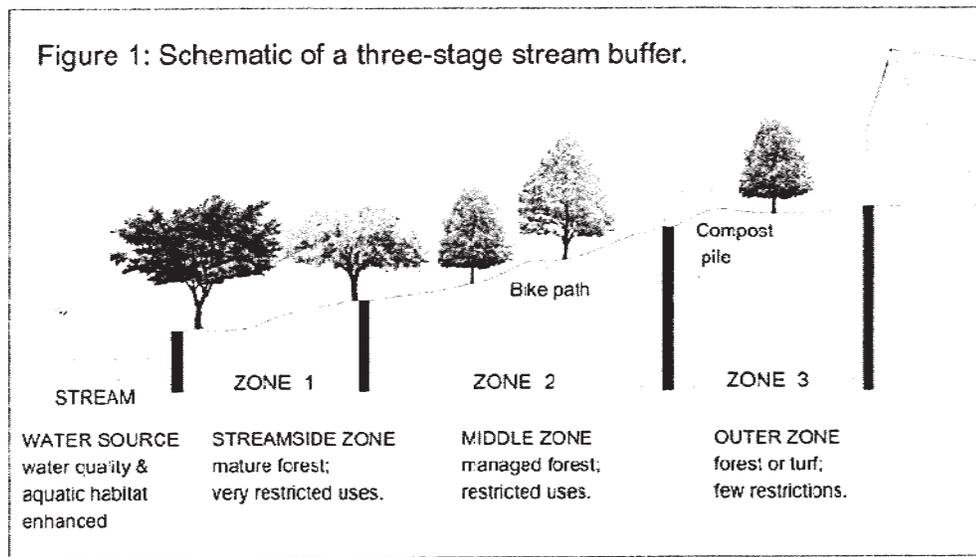
**Sec. 19-411. Water Quality Protection Zone Design Standards.**

- A. The Water Quality Protection Zone (WQPZ) for a stream system shall consist of a vegetated strip of land, preferably undisturbed and natural, extending along both sides of a stream and its adjacent wetlands, floodplains, or slopes. The width shall be adjusted to include contiguous sensitive areas, such as steep slopes, where development or disturbance may adversely affect water quality, streams, wetlands, or other water bodies.
- B. The required base width for all WQPZ's shall be equal to:
1. The greater of the following:
    - a. 100 feet in width, measured from the top of the bank, on either side of the stream; OR
    - b. The designated Full Build-Out Floodplain as delineated on Exhibit 4-4 to the Storm Water Master Plan, dated October 2009 and accepted by City Council on November 10, 2009 and as available on the appropriate scale through the Public Works Department, or as indicated by the Applicant's independent engineering analysis ; OR
    - c. The FEMA Floodplain; OR
  2. An alternative width determined by an engineered process and approved pursuant to Section 19-601(B).
- C. For each portion of any 25 foot segment of the buffer, as set forth in Section 19-411(B), that has a slope over 20%, 25 feet shall be added to the width of the WQPZ. To determine the extent of steep slopes, a cross section of the topography every 100 feet shall be prepared and utilized by the Applicant.
- D. The base width of the WQPZ outlined in (B) above will be reduced for first order streams to no less than fifty (50) feet but never less than the FBF upon a showing by the Applicant that the BMP's utilized in the development will achieve the following goals:
1. A reduction in nitrogen of at least 75% and a reduction in phosphorus of at least 58%. For the purpose of determining the

applicable reduction in the base width of the buffer, the North Central Texas Council of Governments *integrated* Storm Water Management (“iSWM”) Manual, found at <http://iswm.nctcog.org/>, may be utilized to determine pollutant removal for a particular structural control.

2. As stated in iSWM, volume reduction, concentration and total load are important considerations in determining the appropriate and most effective BMP to use.
- E. In third-order and higher streams, 25 feet shall be added to the base width outlined in Section 19-411 (B) above.
  - F. When wetland areas extend beyond the edge of the required WQPZ width, the WQPZ shall be adjusted to include the extent of the wetland plus an additional 25 foot zone extending beyond the wetland edge.
  - G. A drainage easement or dedicated right of way shall be granted to the City of Norman for the entire width and length of the WQPZ on subject land unless otherwise provided herein.
  - H. For all developments, particularly those containing some portion of the WQPZ, utilization of low impact development strategies are encouraged. For plats or Norman Rural Certificates of Survey that include portions of the WQPZ, the current Engineering Design Criteria may be modified when Low Impact Development strategies are utilized in accordance with the iSWM reference in Section 19-411(D) above.
  - I. Water Pollution Hazards. The following land uses and/or activities are designated as potential water pollution hazards and must be set back from the top of the bank of any stream or waterbody by the distance indicated below:
    1. Storage of hazardous substances—(300 feet)
    2. Aboveground or underground petroleum storage facilities—(300 feet)
    3. Drainfields from onsite sewage disposal and treatment systems (i.e., septic systems)—(200 feet)
    4. Raised septic systems and raised mound septic systems—(500 feet)
    5. Solid waste landfills or junkyards—(600 feet)

6. Subsurface discharges from a wastewater treatment plant—(200 feet)
  7. Land application of biosolids—(200 feet)
- J. Three Zone Buffer System. The WQPZ shall be composed of three distinct zones, with each zone having its own set of allowable uses and vegetative targets as specified in Section 429.7 of the Zoning Ordinance. Each zone shall be designated on the preliminary plat and Norman Rural Certificates of Survey. (See Figure 1 below.)



1. Zone 1, Streamside Zone: The area beginning at the top of the bank of the active channel and extending horizontally the number of feet equal to 25%, but no less than 25 feet, of the overall distance of the designated WQPZ on that particular side of the stream.
  2. Zone 2, Middle Zone: The area beginning at the outer edge of Streamside Zone and extending horizontally the number of feet equal to 67% of the remainder of the distance of the designated WQPZ on that particular side of the stream.
  3. Zone 3, Outer Zone: The area beginning at the outer edge of the Middle Zone and extending horizontally the number of feet equal to 100% of the remainder of the distance of the designated WQPZ on that particular side of the stream.
- K. All applications for preliminary plats and Norman Rural Certificates of Survey that contain any portion of property within the WQPZ shall

also submit a report outlining the Best Management Practices to be employed.

- § 5. That Section 19-514 of Chapter 19 of the Code of the City of Norman shall be added to read as follows:

**Sec. 19-514. Water Quality Protection Zone Management and Maintenance.**

- A. All preliminary plats, final plats, and Norman Rural Certificates of Survey shall clearly:
1. Show the extent of any WQPZ on the subject property.
  2. Label the WQPZ.
  3. Provide a note to reference any WQPZ stating: "There shall be no clearing, grading, construction or disturbance of vegetation except as permitted by the Director of Public Works unless such disturbance is done in accordance with 19-514(E) of the Norman City Code.
  4. Provide a note to reference any protective covenants governing all WQPZ areas stating: "Any WQPZ shown hereon is subject to protective covenants that may be found in the land records and that restrict disturbance and use of these areas."
  5. All subdivisions containing a WQPZ area shall ensure maintenance of the non-structural controls/aspects in the WQPZ area by its Property Owners' Association through the filing of a protective covenant, which is required to be submitted to the City Attorney's office for approval. The covenant shall be recorded in the land records and shall run with the land and continue in perpetuity. Any changes to the covenants and restrictions shall be consistent with the provisions herein.
- B. An offer of dedication of a WQPZ to the City of Norman does not convey to the general public the right of access to this area unless such a right is explicitly set forth in said dedication. Further, an offer of dedication of a WQPZ is not a mandate for a public trail system or any portion thereof.
- C. The Public Works Department shall inspect the buffer annually and following severe storms for evidence of sediment deposition, erosion, or concentrated flow channels and corrective actions taken to ensure the integrity and functions of the WQPZ.

- D. Any portion of the WQPZ that is within thirty (30) feet of a combustible structure shall be maintained (regardless of the underlying zoning designation) as provided in Section 10-209.
- E. Portions of the WQPZ that are not within thirty (30) feet of a combustible structure may be left undisturbed and natural, and in no event, shall grassy vegetation in this area be mowed or otherwise cut down to less than six (6) inches tall.

§ 6. That Section 19-601 of Chapter 19 of the Code of the City of Norman shall be amended to read as follows:

**Sec. 19-601. Variations.**

- A. Occasionally the tract to be subdivided is of such unusual size or shape or is surrounded by such development or unusual conditions that the strict application of the requirements contained in this chapter would result in substantial hardship or inequity. The City Council may vary or modify, except as otherwise indicated, such requirements of design, but not of procedure or public improvements, so that the subdivider may develop the subject property in a reasonable manner. At the same time, the public welfare and interests of the City must be protected and the general intent and spirit of this chapter are preserved by granting such variance. Such modification may be granted upon written request of the subdivider or the subdivider's engineer, stating the reason for each modification, and may be approved by vote of the regular membership of the City Council, with the recommendation of the Planning Commission, subject to the acceptance of the plat and the dedications thereon by the City Council; provided, however, that a variation based on unique condition(s) shall not be granted when the unique condition(s) was created or contributed to by the subdivider.
- B. Alternatives to the Water Quality Protection Zone requirements.
  - 1. Generally. Alternatives to the Water Quality Protection Zone requirements other than those provided for in Section 19-411 (D) may be granted by the Public Works Director or his or her designee when sufficient data is produced that shows an error in the applicable WQPZ designation, or when sufficient hydrological analysis demonstrates that an alternate engineered solution for storm water can be implemented that will substantially reduce or eliminate the effect the development has on flooding and water quality. Such alternatives should achieve the following water quality goals:

- a) A reduction in nitrogen of at least 75% and a reduction in phosphorus of at least 58%. For the purpose of determining the applicable reduction in the base width of the buffer, the North Central Texas Council of Governments *integrated* Storm Water Management (“iSWM”) Manual, found at <http://iswm.nctcog.org/> may be utilized to determine pollutant removal for a particular structural control.
  - b) As stated in iSWM, volume reduction, concentration and total load are important considerations in determining the appropriate and most effective BMP to use.
  - c) Notwithstanding any other provision, an engineered solution shall only be allowed if the streamside zone (Zone 1) is preserved undisturbed and no structures are allowed in the middle zone (Zone 2).
2. An alternative from the strict application of the WQPZ requirements herein may be granted when strict application would result in substantial hardship or inequity and when the tract to be subdivided:
- a) Is of an unusual size or shape, or
  - b) Has existing storm water infrastructure that was installed in the previous five (5) years subject to a previously approved preliminary plat, or
  - c) Is surrounded by development or unusual conditions not created by the subdivider.
3. In the granting of an alternative, the Public Works Director shall consider whether:
- a) The public welfare and interests of the City are protected; and
  - b) The general intent and spirit of this chapter are preserved by granting such variation; and
  - c) Such variation will not substantially or permanently injure the appropriate use of adjacent land, or upstream or downstream parts of the FBF; and

- d) The variation will not cause unreasonable disruption to the natural terrain unless the purpose of such disruption is to restore the normal functioning of the stream.

4. WQPZ Averaging.

- a) The width of the WQPZ may be reduced in some circumstances to accommodate unusual or historical development patterns, shallow lots, stream crossings, or storm water ponds. Averaging of the WQPZ width shall be allowed as long as the streamside zone (Zone 1) is preserved undisturbed and no structures are allowed in the middle zone (Zone 2). Any averaging of the WQPZ must be done in accordance with the following:
1. An overall average WQPZ width of at least 100 feet must be achieved within the boundaries of the property to be developed. The WQPZ on adjoining properties cannot be included with buffer averaging on a separate property, even if owned by the same property owner.
  2. The average width must be calculated based upon the entire length of stream bank that is located within the boundaries of the property to be developed. When calculating the WQPZ length, the natural stream channel should be followed.
  3. WQPZ averaging shall be applied to each side of a stream independently. If the property being developed encompasses both sides of a stream, WQPZ averaging can be applied to both sides of the stream, but must be applied to both sides of the stream independently.
  4. The total width of the WQPZ shall not be less than 75 feet at any location, except at approved stream crossings. Those areas of the WQPZ having a minimum width of 75 feet (or less at approved stream crossings) can comprise no more than fifty (50) percent of the length of the WQPZ. The 75 feet shall allow for Zone 1 to have a minimum width of twenty-five (25) feet, and Zone 2 to have a minimum average width of at least fifty (50) feet.

b) WQPZ averaging is prohibited in developments that have, or will have after development areas that have slopes greater than 15% that are located within fifty feet of the stream to be buffered.

5. Appeal from Decision of Public Works Director. If the applicant desires to appeal from the decision of the Public Works Director or his or her designee made in accordance with this subsection, the applicant may file such request, and any documentation supporting said appeal, with the City Clerk. The City Clerk will place the appeal on the agenda of the next available regular City Council meeting. The decision of the Public Works Director, or his or her designee, may be upheld or overturned by vote of the regular membership of the City Council.

§ 7. That Section 19-606 of Chapter 19 of the Code of the City of Norman shall be amended to read as follows:

**Sec. 19-606 Exception to allow Norman Rural Certificates of Survey as plats in A-1 and A-2 Zoning Districts.**

A. It is the purpose of this exception to allow lots of ten (10) acres or more to be developed and sold adjacent to public or private roadways in the A-1 and A-2 Agricultural Districts; however, private roadways should be constructed and maintained in such a manner that said roadways may be traversed and used by police, fire and other official vehicles of all municipal, county, state and federal agencies. Lots created under this process shall be designated as "Norman Rural Certificate of Survey Subdivisions" and may be permitted under the following procedures (Ord. No. O-0203-34):

\* \* \* \* \*

2. An accurate survey of the lot, prepared by a land surveyor registered in the State of Oklahoma, and the proposed subdivision thereof shall be submitted to the Public Works Department and shall show the same information required for a preliminary plat as referenced in Section 19-5303, ~~article V, Chapter 19~~ of this Code, except the ground contours may be drawn at five-foot intervals in such cases where the average ground slope is three (3) percent or greater.

\* \* \* \* \*

§ 8. Severability. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and

independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance, except that the effective date provision shall not be severable from the operative provisions of the ordinance.

ADOPTED this \_\_\_\_\_ day  
of \_\_\_\_\_, 2011.

NOT ADOPTED this \_\_\_\_\_ day  
of \_\_\_\_\_, 2011.

\_\_\_\_\_  
Cindy Rosenthal, Mayor

\_\_\_\_\_  
Cindy Rosenthal, Mayor

ATTEST:

\_\_\_\_\_  
Brenda Hall, City Clerk

**TIMELINE OF WQPZ ORDINANCES (updated 4-22-11)**

	<b>Key Components</b>	<b>Developer Concerns</b>
<p>SWMP Recommendations – Final Plan Accepted by Council, Nov. 10, 2009</p>	<ul style="list-style-type: none"> <li>• Dedication of Stream Planning Corridors (Full Build-Out Floodplain), building restricted</li> <li>• Additional 15ft buffer for possible trails and additional filtering in Suburban Residential and Country Residential areas</li> <li>• Justifiable variances that would allow alternative approaches that could be shown to achieve similar water quality, flood control, and recreational opportunity</li> <li>• For developments that do not dedicate the SPC because of being granted a variance, the runoff capture and treatment volume requirement should be increased to 0.7 inch of runoff</li> </ul>	<ul style="list-style-type: none"> <li>• Mandatory dedication of full-build out floodplain</li> <li>• Mandatory dedication of 15 foot buffer, particularly if for a trail</li> <li>• Must have a variance process for engineered alternatives</li> <li>• Maintenance of SPC/buffer – POA’s shouldn’t be required to maintain detention ponds</li> </ul>
<p>Draft Ordinances presented to Task Force – Feb. 11, 2011</p>	<ul style="list-style-type: none"> <li>• Drainage easement or dedicated ROW of Water Quality Protection Zone (WQPZ)</li> <li>• WQPZ – choice (by developer) of either FEMA FP plus 100 feet OR 100 feet of any USGS blue line stream OR Full Build Out Floodplain with increases for certain slopes</li> <li>• Variation Process (Ch. 19) to WQPZ requirements               <ul style="list-style-type: none"> <li>○ Buffer averaging allowed to recover lost lots</li> <li>○ Alternate engineered solution with same effect</li> <li>○ Error in applicable WQPZ designation (for ex. FBF)</li> </ul> </li> <li>• Variance process (Ch. 22) to use restrictions               <ul style="list-style-type: none"> <li>○ Reduction in lot size</li> <li>○ Transfer of development density</li> </ul> </li> <li>• POA would maintain only non-structural controls i.e. non-engineered aspects of buffer</li> <li>• Explicit language that dedication of WQPZ does not grant public access to the area i.e. no mandatory trails or trail access</li> <li>• Affidavit from POA required to ensure maintenance of non-structural controls</li> <li>• Applicable to all new construction and development</li> </ul>	<ul style="list-style-type: none"> <li>• Should only be applicable to preliminary plats, not new building permits</li> <li>• Need to be allowed to challenge FBF designation in SWMP maps</li> <li>• WQPZ definition – don’t like “preferably undisturbed and natural”</li> <li>• Don’t like new variation process in Ch. 19</li> </ul>

<p>Draft Ordinances presented to Task Force – February 21, 2011</p>	<ul style="list-style-type: none"> <li>• Base width of WQPZ – greater of either x feet in length or FBF</li> <li>• Language added to clarify the ordinances are only intended to affect new developments, not previously approved plats</li> </ul>	<ul style="list-style-type: none"> <li>• Concerned about prohibiting all septic systems and all parts of septic systems</li> <li>• Don't like the requirement of affidavits</li> <li>• Would prefer a line drawn for POA responsibility at beautification; City maintain everything else</li> <li>• Some publications recommend on-site inspection for 1<sup>st</sup> and 2<sup>nd</sup> order streams especially – the ordinance relies only on topographic maps</li> <li>• Should address fertilizer use</li> <li>• Don't like variations process or applicable factors in Ch. 19</li> <li>• Storm water detention not allowed in WQPZ</li> </ul>
<p>Draft Ordinances presented to Task Force – March 7, 2011</p>	<ul style="list-style-type: none"> <li>• Top of Bank definition changed to include verification through site inspection</li> <li>• Variation process in Ch. 19 changed to more closely align with existing considerations; removed language about process, burden and term of variation</li> </ul>	<ul style="list-style-type: none"> <li>• Need to allow for in-channel detention</li> <li>• Shouldn't have to go through variation process when engineered solutions are adequate</li> <li>• Concerned about removal of FEMA floodplain plus 100 feet option for WQPZ because very little area of FP in 1<sup>st</sup> and 2<sup>nd</sup> order streams</li> </ul>
<p>Draft Ordinances presented to Task Force – March 21, 2011</p>	<ul style="list-style-type: none"> <li>• WQPZ base width determined by greater of x feet from top of bank, FBF, or FEMA floodplain</li> <li>• Increase in width due to slope simplified, less onerous</li> <li>• Automatic reduction in base width of WQPZ to no less than 50 feet in urban areas upon showing engineered solution will achieve 75% reduction in nitrogen and 58% reduction in phosphorus</li> <li>• Variation still required for reduction in width in non-urban areas or for reduction to less than 50 feet</li> <li>• In channel detention ponds allowed in WQPZ</li> <li>• Storm water detention no longer prohibited in WQPZ</li> </ul>	<ul style="list-style-type: none"> <li>• Would like aerobic septic systems (sprinklers) to hit zone 3 of WQPZ</li> <li>• Don't like 100 foot buffer approach</li> <li>• Pollutant removal goal may not be applicable in urban areas</li> <li>• Buffer definition does not say how to maintain</li> </ul> <p>** Heiple Ordinance Presented to Task Force</p> <ul style="list-style-type: none"> <li>• Enhanced BMP definition</li> <li>• Applicable only in Little River Watershed</li> <li>• Mandatory Buffer – 10 feet either side of intermittent stream; 20 feet either side of perennial streams</li> <li>• No full build consideration</li> <li>• Allowance for relaxing City standards for subdivision to allow for LID strategies</li> <li>• Pollutant Removal Efficiencies table from EPA</li> <li>• Based on assumption that 85% of pollutants are found in the first flush</li> </ul>

<p>Draft Ordinances Dated March 31, 2011</p>	<ul style="list-style-type: none"> <li>• WQPZ base width determined by greater of 100 feet from top of bank, FBF or FEMA floodplain</li> <li>• Automatic reduction for first-order streams to no less than 50 ft (never less than FBF) if other method achieves 75% reduction in nitrogen and 58% reduction in phosphorus</li> <li>• Removed affidavit requirement</li> <li>• Incorporated Heiple "buffer" definition</li> <li>• Incorporated Heiple language for relaxing City standards to allow for LID strategies</li> <li>• Added reference to Pollutant Removal Efficiencies from SWMP (EPA table tailored to Norman)</li> <li>• Septic system spray heads may spray into Zone 3 of WQPZ</li> <li>• Added language to provide clarity that engineered solutions may suffice for buffer</li> <li>• Language added to provide maintenance goals for buffer depending on zone</li> <li>• Reference to LID manual</li> </ul>	<ul style="list-style-type: none"> <li>• Willing to agree to 25 foot buffer from top of bank</li> <li>• Perceived as a back door to trails/greenbelt</li> <li>• Don't like the variations process in 19-601(B) being decided by Public Works director</li> <li>• Don't want pollutant removal success measured by looking at how bad upstream properties are</li> <li>• 19-601(B)(1)(e) – would not allow stream restoration projects</li> <li>• Ordinance should encourage low impact development</li> <li>• Want language that deals with those preliminary plats that expire and large amounts of money/infrastructure have already been constructed – not fair to apply new regulations</li> <li>• Don't like reference to Pollutant Removal Efficiencies from SWMP in 19-411(D)</li> </ul>
<p>Draft Ordinances Dated April 4, 2011 (PC Study Session)</p>	<ul style="list-style-type: none"> <li>• Added more explicit language to 19-514(B) to make it clear that this ordinance should not be interpreted as a mandate for a public trail system</li> <li>• Variation process in 19-601(B) modified to allow appeal from Public Works Director to City Council</li> <li>• Changed language in 19-601(B)(1)(e) to allow variations that result in disruption to natural terrain for stream restoration purposes</li> <li>• Added statement to 19-411(H) that explicitly encourages utilization of low impact development strategies</li> </ul>	
<p>Draft Ordinances Dated April 12, 2011 (PC Meeting)</p>	<ul style="list-style-type: none"> <li>• Changed reference in 19-411(D) from SWMP Pollutant Removal Efficiencies to ISWM Pollutant Removal Efficiencies (more current)</li> </ul>	<ul style="list-style-type: none"> <li>• Buffers are not effective in the traditional curb and gutter development</li> <li>• Ordinance will not improve drainage control coming off of houses</li> <li>• Fire risk</li> </ul>

<p>Draft Ordinances Dated April 22, 2011</p>	<ul style="list-style-type: none"> <li>• Modified language for reduction of fire risk to key it combustible structures</li> <li>• Added definition of combustible structures</li> <li>• Added language in variation process to allow for a variation from the requirements for expired preliminary plats where infrastructure was constructed in last 5 years under a previously approved plat.</li> </ul>	<ul style="list-style-type: none"> <li>• Best Management Practice definition felt by some task force members to be too specific; Heiple desires specificity</li> <li>• 19-514(B) – the language should be more direct</li> <li>• Need definition of Low Impact Development</li> <li>• Concerned about setback of 500 feet for raised septic system – uncertainty as to what a raised septic system is, setback too far for a typical septic system</li> <li>• Would like it to be a right, not a variation, that an expired preliminary plat for which any infrastructure was put in, would not have to comply with ordinances</li> <li>• Variation process needs to be clarified re: applicability of the minimum pollutant removal percentages</li> </ul>
<p>Ordinances for Council Agenda</p>	<ul style="list-style-type: none"> <li>• Changed Best Management Practices definition to include specifics related to both non-structural controls and structural controls</li> <li>• Changed 19-514(B) to be directly say that dedication of WQPZ to City does not convey a right of public access and is not a public trail unless stated explicitly in the granting document</li> <li>• Added definition of low impact development (combined portions of EPA and Low Impact Development Center definitions)</li> <li>• Added definitions for “raised septic system” and “raised mound septic system” to ensure 500 foot setback would not be incorrectly applied to a typical system but instead would apply to a alternative system (DEQ term).</li> <li>• Clarified language in 19-601(B) to ensure same standard of pollutant removal is applied</li> </ul>	



# office memorandum

**DATE:** April 7, 2011  
**TO:** Chairman and Members,  
Norman Planning Commission  
**FROM:** Bob Hanger, P.E., Storm Water Engineer  
**SUBJECT:** Water Quality Protection Zones –  
Ordinance Nos. O-1011-52 and O-1011-53

**Background** The Storm Water Master Plan (SWMP) contained several recommendations aimed at improving water quality. The recommendation that led to the ordinances being discussed by Planning Commission on April 7, 2011 is as follows:

- Dedicate Stream Planning Corridors (SPC's) and/or the 100-year full buildout floodplains to the City of Norman by easement or title for streams located in the Lake Thunderbird watershed that have a drainage area greater than 40 acres.
  - Prohibit development or significant land disturbance in the SPCs and/or the 100-year full buildout floodplain. Exemptions should include items such as, but not limited to, maintenance activities, greenway trails, road crossings, utilities, and stream stabilization measures.
  - Require additional stream-side buffers of 15 ft to each side of streams with drainage areas greater than 40 acres that are located in the Lake Thunderbird watershed and also in Suburban Residential and Country Residential areas as defined in the Norman 2025 Plan including subsequent updates to the comprehensive plan as adopted by City Council.

*Storm Water Master Plan, Section 9.9.*

Following the acceptance of the SWMP and adoption of the SWMP Action Plan in November 2009, Staff began working towards the development of a draft ordinance that would address this recommendation from the SWMP. After developing a draft ordinance, Staff met several times with the City Council sub-committee for the SWMP as well as the SWMP Task Force, a group made up of developers, engineers, scientists, and other local citizens. The Norman Planning Commission was briefed on these ordinances during a Study Session on April 7, 2011.

One of the key recommendations from the SWMP, as quoted above, dealt with the benefits of riparian buffers. Riparian buffers, or areas of undeveloped land adjacent to streams, provide a number of benefits related to water quality, including

reduction of erosion and the stabilization of stream banks, infiltration of storm water runoff, control of sedimentation, and restoration and maintenance of the chemical, physical and biological integrity of water resources.<sup>1</sup>

**Discussion** The ordinances before Planning Commission would require applications for preliminary plats or Norman Rural Certificates of Survey to identify the streams on the subject property and denote a buffer on either side of the stream. The ordinance calls for the buffer to be the greater of the FEMA floodplain, the Full Build-Out Floodplain, or 100 feet.

The FEMA floodplain encompasses the areas along both sides of streams or drainage corridors that have a drainage area greater than 640 acres and would be inundated by a 100 year rain event in any given year assuming only current development conditions. The Full Build-Out Floodplain encompasses the areas along both sides of streams or drainage corridors in the Lake Thunderbird Watershed that have a drainage area greater than 40 acres and would be inundated by a 100-year rain event in any given year assuming full build-out watershed conditions.

The designated buffer area would be called the Water Quality Protection Zone (WQPZ). The buffer is divided into three zones – streamside, middle and outer zone with uses being more restricted the closer you are to the stream. The buffer width may be increased if the stream is a 3<sup>rd</sup> order or higher stream (these are typically the larger streams), if certain slope conditions exist in the buffer, and to encompass wetland areas.

Since riparian buffers are essentially areas of undeveloped land, it is important that buffer ordinances are flexible to accommodate development conditions.<sup>2</sup> In the WQPZ ordinances before Planning Commission, several things have been incorporated to insure flexibility. First, the buffer width discussed above can be reduced for first-order streams to 50 feet or the Full Build-Out Floodplain with a showing that an engineered solution will provide a particular level of phosphorus and nitrogen removal (*O-1011-52, Section 19-411D*). Second, the buffer width can be reduced in all streams with no minimum width required if the Applicant seeks a variation in accordance with Section 19-601(B), also in O-1011-52.

The ordinance also explicitly allows for specifications and requirements in the Engineering Design Criteria to be modified to accommodate low impact development strategies (*O-1011-52, Section 19-411H*). The ordinance allows for the buffer to be modified to recover a lost lot as long as the average width of the buffer meets the requirements in 19-411(B). (*O-1011-52, Section 19-601B.2.*) Finally, the additions to the Zoning Ordinance allow for reduction in minimum lot size and transfers in development density to allow developers to recover lots lost because of the WQPZ.

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<sup>1</sup> Thomas R. Schueler, The Architecture of Urban Stream Buffers, Watershed Protection Techniques, Volume 1, No. 4, Summer 1995, pg. 155-163.

<sup>2</sup> Office of Ocean and Coastal Resource Management, Vegetated Riparian Buffers and Buffer Ordinances.

Planning Commission  
WQPZ ordinances  
April 7, 2011  
Page 3

**Conclusion and Recommendation** Staff has worked diligently with the Storm Water Task Force, the Council Sub-Committee, as well as developer representatives to develop ordinances that will both protect and enhance water quality, while also striking the appropriate balance with development rights and goals. Staff recommends the Commission recommend approval of Ordinances No. O-1011-52 and O-1011-53.

Reviewed by: Steve Lewis, City Manager  
Shawn O’Leary, Director of Public Works  
Susan Connors, Director of Planning and Community Development  
Kathryn L. Walker, Assistant City Attorney

Item No. 9, being:

**CONSIDERATION OF PROPOSED ORDINANCES**

**9a. ORDINANCE NO. O-1011-52**

**AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING CHAPTER 19 OF THE CODE OF THE CITY OF NORMAN TO PROVIDE FOR STANDARDS AND REQUIREMENTS FOR A DESIGNATED WATER QUALITY PROTECTION ZONE INCLUSIVE OF THE LAKE THUNDERBIRD WATERSHED; AND PROVIDING FOR THE SEVERABILITY THEREOF.**

**9b. ORDINANCE NO. O-1011-53**

**AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING CHAPTER 22 (ZONING ORDINANCE) OF THE CODE OF THE CITY OF NORMAN TO ADD A SECTION 429.7 CREATING A ZONING OVERLAY DISTRICT FOR THE WATER QUALITY PROTECTION ZONE AND AMENDING SECTION 441(11) PROVIDING FOR SUBMITTALS FOR A VARIANCE FROM THE REQUIREMENTS OF THE WATER QUALITY PROTECTION ZONING OVERLAY DISTRICT; AND PROVIDING FOR THE SEVERABILITY THEREOF.**

**ITEMS SUBMITTED FOR THE RECORD:**

1. Staff Report
2. Ordinance No. O-1011-52
3. Ordinance No. O-1011-53

**PRESENTATION BY STAFF:**

1. Mr. O'Leary went through a presentation on the process and science leading to the development of the ordinances under consideration, the areas regulated, and the provisions of the ordinances.

Mr. Sherrer arrived after the close of the presentation.

2. Mr. McCarty asked what the buffer zones have to do with low impact development. Mr. O'Leary responded that one of the things they find in all of the low impact development manuals (from Texas, South Carolina, Georgia, and Portland, Oregon) is that all have buffers in them. Buffers, whether they're called water quality protection zones or just buffers, are a way to let the stream and channel do what Mother Nature wants it to do – leaves it alone, does not constrict it, does not affect it. By doing that, you effectively have a lower impact from the development. I suspect it is also a water quality issue, as it is for us, as well as just a nuisance issue. The film that we didn't show has one of our property owners along Imhoff Creek, and the gentleman talks about the 30 years that he has lived in that home, and over the course of 30 years he has lost 20 or 30 feet of his lot to erosion. I think that would be an example that wouldn't have happened had the buffers been on Imhoff Creek. Mr. McCarty commented that when he reads the Planning Magazine, it talks about low impact development quite often. Most often it is talking about gardening or areas in the curb and gutter that will filter the water. It doesn't talk about buffer zones along creeks. It talks more about how to clean the water and have areas that do that before it goes into channels and lakes. Mr. Hanger added that the ordinance from the North Central Texas Council of Governments lists about 29 methods of keeping the development as natural as possible. Buffers are one of those 29 methods, which also include rain gardens, biofilters, etc.

3. Mr. McCarty asked about the impact changes to the North Central Texas document would have on our ordinance. Mr. O'Leary said he is never a fan of adopting someone else's standard. It does require a license agreement to adopt the North Central Texas manual. It was developed by the Council of Governments in Dallas/Fort Worth for 65 cities, of which about 24 have adopted it. It looks really close to the South Carolina manual. The manual in North Texas is not anything that would be very different from what we would do if we were doing it on our own. We are currently researching what would happen if they change their manual; we don't want them to be able to dictate anything to us. Ms. Walker added that the City adopts manuals like this quite frequently, with the Building Code and things like that. If there is a portion that we're not happy about bringing into our code, we would take that out. What we are attempting to do with the licensing is to get control of the document so we can modify it as times goes on to meet our needs. We're not looking to be governed by another agency. The way the manual is referenced in Section 19-411(D) it says that the manual may be utilized to determine pollutant removal for a particular structural control. It saves developers from having to calculate it on their own. We have that in the Storm Water Master Plan, but that was criticized because it was data from 2003, and this is more recent.

4. Mr. Lewis said one of the things that concerns him, as a director of a POA, is the responsibility for maintaining the buffer zones. Slide 38 shows the example of Summit Valley. Section 19-514(E) talks about the height of vegetation in the buffer zones. He was concerned about the potential for fires. If the POA is mandated with maintaining the buffers, they are probably liable for any fire damage to surrounding properties. Mr. O'Leary indicated this section is a compromise between what exists naturally in some of the streams, and something that is a little more reasonable but not quite to the degree of a groomed soccer field or golf course. Ms. Walker explained that this issue was not really addressed by other communities, but as time went on and we got drier in Norman, it became more in the forefront of our minds. She met with our Fire Marshall and the Fire Chief to discuss the issue. We want to get the water quality cleansing benefits, but not create a fire hazard. They provided documents about how they look at three zones around a house in terms of fire risk. This is an attempt to marry those two things. It is a work in progress and may be modified before it goes to City Council. It started with a minimum height of vegetation, and it will probably have minimum and maximum heights.

5. Mr. Lewis asked about impacts on affordable housing in Norman due to the amount of land that is lost to these buffer zones. He has been made aware that there is a development coming forward that, without WQPZs, there would have been about 400 lots in the development, and after WQPZs came into place about 104 of those lots were lost. Mr. O'Leary responded that he is not familiar with that particular case or those numbers, and he doesn't know whether they considered all of the elements of the ordinance, e.g., clustering and averaging. He referred to Slide 23. One way to look at the cost issue would be the cost of the land that would be dedicated. We are talking about 325 acres out of 10,500 acres of developable property in the current and future urban service area. Those are the most likely places that conventional subdivisions are going to occur. We don't think it will be much of a stretch to get the buffers on the country residential and suburban residential; they're ten-acre and two-acre lots. I suppose you could apply a number per acre cost to the 325 acres, and that

would be one simple answer to your question. I would say, too, in our discussions with the Task Force this has been a subject of great discussion and debate. There are those who would say, and have said, that this will increase the value of those subdivisions because now we have buffers and open space and natural stream and channel corridors which are much more favorable to home owners, particularly young home owners, than the concrete-lined channels 15 feet wide. I think another way to look at that is to take a look at Imhoff Creek and the gentleman that was on the video who said over the course of 30-35 years living in his home, he has lost 20 to 30 feet of his lot. So there's a loss to that owner that he never anticipated when he bought that home 30 years ago. Again, there's so many ways to look at this and I appreciate your question. Another thing to consider is the cost of maintenance. As a POA president you can really appreciate that. As we've looked at the current proposal, we really think that, done properly, the maintenance should decrease, not increase; there should be less to do. The example of Summit Valley is a good example, where they're not doing much there as you can see, and I don't think they probably ever will, unless we made them do that. That's probably okay, because we want it to be natural; we want it to be in that condition. It's a tough question and I don't know that anyone has a really great answer.

6. Mr. Lewis noted that we keep referencing back to the 2025 Plan. The 2025 Plan was adopted by Norman City Council effective December 16, 2004. For some reason, in the back of my mind, I'm thinking this type of land use plans are to be updated every five years. So if we add five years to 2004, we're still about a year and a half behind, but we're modeling an ordinance going forward that's going to affect numerous land owners and the future of the City off of an outdated land use plan. Ms. Connors responded that the 2025 Plan was adopted and it is indicated that we should update that plan every five years. Last year City Council chose to wait until the census came out this year, so that we would have new census numbers, because it doesn't make sense to try and look at land uses on old census numbers. Now they have chosen that we're going to look at trying to do a transportation plan first, because we do not have a complete transportation plan for the City. They have budgeted the beginning of that process. We don't have the funds to do both at the same time right now. As long as this is the adopted plan with no update, this is the official plan, as amended. We are still working with this and it is not out of compliance. Mr. Lewis commented that he wouldn't characterize it as out of compliance, but outdated. When you look at the 2020 plan versus the 2025 plan, we had significant land changes. We're trying to overlay something onto a plan that who knows what the change will be for the 2030 plan or the 2035 plan, and I think it would be prudent of us to slow down a little bit. That's the one thing that has somewhat concerned me about this flying through - I received a copy of the ordinance a week ago at 6:30 and we went into a study session. So really to have ample time to get my hands around this, even though I was listed as one of the people on the original storm water master plan then moved over to the Reapportionment Commission, it still was a volume of information to get a grasp on. As I shared with some in City government, I am just now getting to a point where I feel like I'm on somewhat of a solid footing and understanding what's going on, but yet I'm being asked to make a recommendation to City Council for approval or disapproval based on a very quick piece of information. And that's concerning to me, because I have a responsibility to the City of Norman, which ultimately is the citizens of the City of Norman. Ms. Walker pointed out that the 2025 map that he has is not actually the most

updated map. As amendments come through the Planning Commission and City Council we have the updated map on our GIS system, so it is constantly being updated. We were careful, in the ordinance, because where the Land Use Plan really has the most effect is with what determines the full build-out floodplain. The way full build-out floodplain is defined in the ordinance actually references the 2025 Plan and any updates to that plan. That would encompass the 2030 plan or, if you had a land use plan amendment go through tonight, that would encompass that update as well. Mr. O'Leary added that the other thing that's in our plan is the engineered solution variance, and this is one of the reasons why you have to have that. Let's say the Land Use Plan did change, as it always will change, and that engineer felt as a result of those changes our full build-out floodplain as shown was too large and should be reduced. They can study that in detail and submit that as a variance to this ordinance, and they do that today. That's built into the plan for that option to address any changes to the land use and the impervious area.

7. Mr. McCarty asked how many miles of creeks and streams this is talking about. Mr. O'Leary indicated it is 330 miles. Mr. McCarty asked how many structural controls are in those areas. Mr. O'Leary said very few. Most of these 330 miles of streams and channels are in the undeveloped areas. Mr. McCarty asked who in the City will be doing the inspections and how those will be done and how they will be funded. Mr. O'Leary explained that the Public Works Department will be responsible. It will be inspected by their staff members; there is a Storm Water Division that is made up of about 32 people today. The financing to do more and hire more people, provide more resources for them, would probably be through the storm water utility fee structure, which is item 2 on the work plan.

8. Mr. McCarty said Mr. O'Leary made a comment that he will have to disagree with. You said that these buffer areas, the way that they're maintained currently, that this ordinance would cost less maintenance to the POAs. If what I'm hearing from Kathryn is potentially that the Fire Department may want these cut to 8 or 10 inches, the majority of these areas are never mowed or cut down at all through a summer, as you can see in that picture. You're talking about weed eaters and something to get them to those requirements if we're really looking at that, and that's rather expensive to send a crew down through a creek in a POA to do. I'm not sure that I can agree that it would be less expensive. Mr. O'Leary responded that those are some of the unknowns. The general thinking behind that comment is that there would be very little time that you would have to do that. It would depend, of course, on the grasses and trees. I think Summit Valley is sort of a typical scenario; there wasn't much of that really to mow. Mr. McCarty pointed out that the picture we saw showed 3-4 foot high brush along the bottom of the trees that potentially would need to be cut down, and that can't be done with a brush hog in those area typically. Mr. O'Leary commented that is a work in progress; we're trying to get our arms around the range of heights and maintenance standards. We had very little help in that area. There was very little definition. In fact, Bob Hanger has referenced several times Portland, Oregon or Seattle where he was researching a case where this had been done in a subdivision, and the problem they were having was the residents were coming in and mowing it down to an inch and using it as soccer fields, which really defeated the whole purpose behind their water quality protection zones. So they were having to re-educate their residents to not do more, but to do less. It's really from that that we derived that

thought it would be less expensive. Mr. McCarty commented that brings up an interesting point. Most of these areas that are flood zones around the country are used for soccer fields, baseball fields, low detention areas, etc. What I have found quite often through some of the research I've done – I was actually on the Task Force and so I've been looking at this – is that the majority of buffer zones that I see throughout the country are used for quality of life issues, like you just mentioned, and not for riparian or filtering areas. That's a concern of mine. These are no-touch no-build kind of zones, and it can't even really be a quality of life zone. Mr. O'Leary said he was in a meeting earlier in the day with some folks from the City of Tulsa, and we were talking about how Tulsa, for almost 20 years, has had full build-out floodplains and 40-acre floodplain maps. They're a model in the country. They did that because they were flooding and people were dying. It was a very serious situation in Tulsa many years ago. They did that for flood control purposes; they did not do it for water quality control. We didn't really talk in terms of water quality 20 years ago. But the inquiry the gentleman had – he's the stormwater manager for the city – he said we're really trying to redefine that because we want to do more water quality, but we really defined it as floodplain management. He also indicated what you just said, is that those areas have been very favorable, but they have been used for recreational purposes and they're trying to strike that balance in Tulsa, Oklahoma as we speak, just as you're describing.

9. Ms. Gordon asked if the outer zone (Zone 3) would be the part that mainly would be maintained by POAs, so we're not talking about them going down and mowing the streambed or brush hogging that area in Zone 2 or Zone 1. Mr. O'Leary indicated that is exactly right. It is our hope that these would be left in a very natural state, just as the picture in Summit Valley Addition indicated. Parts of Zone 2 might be maintained; each condition is going to be different. Closer to the homes is the area that would be maintained.

10. Ms. Pailles commented that she attended, off and on, the public meetings for this, but missed the information about the phosphorous and nitrogen removal. If your starting point is water quality at Lake Thunderbird, and you think of the problems it has, one of which is algal blooms, and think of the solution to that – reduce phosphorous and nitrogen – that seems like an admirable, straight forward solution. I didn't think to look up other cities' regulations, but I looked for stream management guides for other states and 100 feet seems to be consistently recommended. It might not be optimum, but it's what one can hope for and it doesn't remove 90% but it seems a relatively rational solution. Does this apply to only residential, or would it apply to things like golf courses, which are big offenders in the phosphorous/nitrogen area? Mr. O'Leary indicated it would be all private property. It would depend on whether a golf course was required to be platted. The thing we didn't talk about here that's really the discussion of a lot of the concerns at Lake Thunderbird is the content of chlorophyll A, which is the basic ingredient to algae. As an expert with ODEQ said, algae is good – we want algae in lakes. Too much algae is bad, and we have too much algae in Lake Thunderbird now and it's rapidly increasing. To put that in terms of numbers, the State standard for chlorophyll-A is 10 micrograms per liter. When Dr. Vieux did his study in 2007, the amount of chlorophyll-A in Lake Thunderbird was 30 micrograms per liter, so three times the allowable amount. Recent tests in the lake have indicated 60 and 70 micrograms per liter, and he projected closer to 40 and 50. So, if anything, we think as

great as Dr. Vieux's report was, he might have under-estimated the impact of these issues.

11. Mr. Trachtenberg asked the burden on staff of this, as well as the burden on applicants to show a lot more on their plats. A lot of the mapping is done by our GIS staff. What is the status of that information? Does that belong to the public? Is that available to applicants who want to work things out? How is that information made available? Mr. O'Leary responded that the development of the full build-out floodplain, or what was called then stream planning corridors, made up about 25-30% of our Stormwater Master Plan; we paid the consultant about \$300,000 to develop that set of maps. So we have quite an investment in this, and it was the baseline for this discussion. Once we knew what they were and what they looked like and how big they were, we would know if we wanted to regulate them or not. It is a product of the public, just like our GIS system is today. One of the theories in developing that was that was something we wanted to give to the development community. If they didn't want to develop their own, just like they don't want to develop FEMA maps – that's a product of the public, as well – we hand it to them. The beauty of that is today we have all that in digital format – in electronic format – so we can actually give them electronic GIS-based data – very, very accurate data – that they can just insert into their development plans. It is a product that, if adopted, would be offered to every developer or any homeowner that walks in the door.

12. Ms. Hartley asked about the amount of water contributed to the watershed by Oklahoma City and by Moore, and whether they are looking at any kind of an ordinance. Mr. O'Leary said he doesn't know that they are specifically looking at buffer ordinances. They are regulated by the State of Oklahoma, as we are. We are what they call a Phase 2 city, which was a city less than 100,000 population when the program was adopted. Moore is a Phase 2 city. Oklahoma City is a Phase 1 city, so their stormwater regulation started in 1990 and they are regulated by the State much more stringently than we are. Right now this watershed plan that is being developed by ODEQ, and we hope will be out soon but probably is a year away, will be the baseline for additional regulations. We think our buffer ordinance is a great first step in getting ahead of that and it's a good thing to do now, but we think that regulation when it's released will require Oklahoma City and Moore to do much more than they're doing today. That could be buffers. That could be a number of other methods. We think buffers will be one of their choices because it is by far the cheapest of all the alternatives that are out there. But I don't think they're doing it today. I will also say one of our items – the 30 work items – is to coordinate with the cities of Moore and Oklahoma City, ODEQ, OCC and develop methods and procedures to address the pollution of Lake Thunderbird. Much of the discussion I've heard from the Council and the subcommittee and the Task Force is Norman wants to lead the way on this, and this buffer ordinance is one of the ways we're going to lead the way. This is the words of our leadership. Ms. Hartley asked if there is a role that the Central Oklahoma Water Conservancy District plays in this. Mr. O'Leary responded very much so. In fact, the City of Oklahoma City and ODOT were sued in 2007 because they felt that their Phase 1 permit was not adequate to address pollution. In settlement of that suit, ODEQ and OCC agreed to develop this watershed plan and, when developed, Oklahoma City agreed to comply with it. The only thing keeping us from getting to that is the completion of that report.

13. Mr. Lewis asked if the amount of pollutants (nitrogen, phosphorous, etc.) that Norman contributes has been measured, versus what Oklahoma City and other areas contribute. Mr. O'Leary responded that we are just beginning to measure; that is not part of our requirement. Oklahoma City is required to measure some of their discharges; Moore is not. Mr. Hanger added that he doesn't have the numbers memorized, but we have taken samples in Little River right at the city limits with Moore. We also have samples from Hog Creek, coming from Oklahoma City. Lake Thunderbird has been declared by the State of Oklahoma an impaired body of water based on chlorophyll-A and turbidity and dissolved oxygen. Usually when you have high algae content, it lessens the dissolved oxygen. Mr. Lewis said his question was more whether we have specific data about whether Norman is contributing more or less contaminants into Lake Thunderbird than the other areas. Mr. Hanger indicated that we have the data and he can provide that. Mr. O'Leary suggested that Dr. Vieux might be willing to speak to that; it was in his report.

14. Baxter Vieux commented that they did a modeling study, and it's about 50/50 in terms of the watershed area and also in terms of the loading. There are hot spots here and there that are more or less, but we don't have specific measurements per se. As a part of the watershed plan that's being developed, they did take samples on the major tributaries in the Little River and in Hog Creek. When that becomes known from ODEQ, then we'll have some hard numbers for that. But it's roughly about 50/50 and it's tied mainly to how much area is draining from Norman versus the other communities.

15. Mr. McCarty commented that he was a member of the Task Force and was there for all of the meetings except the first one. He doesn't recall any vote that the Task Force ever took or any type of consensus on anything. He is surprised the Planning Commission is discussing it, because he felt like the Task Force never finished. He feels like it is a work in progress and there are a lot of unknowns. Mr. O'Leary indicated what he intended to say was they had met with the Task Force numerous times with a set of draft ordinances, and with each meeting they challenged it and suggested changes and asked for more research. What the Commission is seeing is the culmination of those series of meetings. It has never gone to a vote of the Task Force. The last meeting was a bit tense. I think we had reached maybe a point of frustration on both sides of the issue. There were some folks who wanted zero dimension and others who wanted 350. I think the Mayor, who chairs that group, concluded that it was time to move on and bring it to the Planning Commission because we probably weren't going to find a full consensus there.

16. Mr. Trachtenberg commented that recently the Planning Commission was charged by the City Council to develop an ordinance on commercial lighting. What was the official mandate for the development of the language in this ordinance? Mr. O'Leary responded that the Master Plan had clear guidance that we wanted a stream planning corridor ordinance and water quality controls in Lake Thunderbird. Literally within a week of the acceptance by Council on November 10, 2009, the staff was charged with developing that ordinance. That was the first thing we wanted and at that time the Council subcommittee, made up of Mayor Rosenthal, Councilmembers Quinn, Butler, and Dillingham, wanted to bring that back quickly. The direction from the Council subcommittee was to bring that back, re-engage the citizen Task Force,

and develop an ordinance, which now has become two ordinances, and then take it through the appropriate approval process. It went from Council, to staff, back to the Council subcommittee and the Task Force. We have met off and on for about a year and a half and the Council subcommittee met after the last Task Force meeting and said we've gone far enough, go forward to the Planning Commission because it takes Planning Commission action to adopt any changes to the Zoning Ordinance.

17. Mr. McCarty asked, if we implement the buffer zones today, how much of an improvement we will see to the lake. Mr. O'Leary responded that we believe that of all the best management practices that are out there, that buffers are by far the most effective of all of them – detention basins, bio-engineered channels, etc. We have said consistently throughout our discussions that these buffers will not address the full pollution control that we need. In fact, one of the tougher things to do is going to be to go back and address the runoff from Oklahoma City and Moore and other developed areas. I believe that the buffers, having studied all of this for many months and years, will be the most effective of all the methods that we use. To give you an example, Dr. Vieux's report talks about fertilizer controls. When you talk about nitrogen and phosphorous you think let's just stop fertilizing; let's get all our homeowners to stop making their lawns green. That's difficult to do. I think Dr. Vieux's report said if you did that, and did that really really well, you might get about 10% reduction in nitrogen and phosphorous. I think buffers, if done properly, could be much more effective than fertilizer controls and other methods. I believe his reference was more to developed area, and mine was as well.

18. Ms. Pailles commented that the missing piece is the South Canadian watershed. Imhoff, Brookhaven, and Bishop Creeks were addressed in the study sessions and hearings, but they're not addressed in this ordinance. Mr. O'Leary responded that there is a whole section of the Master Plan that addresses the Canadian River. We're not ignoring it. We have a very aggressive plan for storm water Phase 2 regulations. In fact, the water quality protection zones were proposed originally for the Canadian basin as well. As the Task Force went forward, they concluded that they should not do that in the Canadian basin, but to focus on Lake Thunderbird because of the water quality and the use of the domestic water. At the same time, they recommended a great deal of storm water improvements in the Canadian reservoir. And I would tell you the majority of the dollars spent, if we go forward and implement all of that, will be spent in the Canadian reservoir, not in Lake Thunderbird.

RECESS – 8:24 to 8:33 p.m.

**PARTICIPATION BY THE AUDIENCE:**

1. Richard McKown, Green Earth Land Design, 4409 Cannon Drive – Normally I wouldn't want to go first. I think you're in for a long evening. There are a lot of issues here and there are a tremendous amount of concerns by my fellow colleagues in the professional land use industry, otherwise known as the development industry. But I have to go first because I need to get to dance practice for the parent dance at Sooner Theatre and I'm waiting for a text saying hurry and get down there. So I'll try and be brief.

We all want the exact same thing. We want clean, safe storm water now and in the future for our children. That is absolutely paramount to everyone in our industry,

and it starts right in the communities we develop – whether it's an office park or neighborhood. The algae starts growing; it's growing in my back yard. I have a crazy neighbor that feels like his yard should be deep dark green all year long, and he fertilizes the sidewalk. I'm really struggling finding a way to talk to him about it, because he doesn't like my yard that's allowed to be quite natural. This is a complicated set of issues.

Since we've been here, I received an email from Dr. Kaufman from the University of Oklahoma. We've been doing research together in storm water cleansing techniques for the past nearly five years, and he sent me this great email that says we're receiving a research award at the Regional Landscape Architecture Conference May 5 in Des Moines, Iowa, and he wanted to see if I would go up there with him to get it on behalf of Terra Verde and Carrington Place community.

I think it is a huge issue and is incredibly complex. I've been studying it intensely for the past ten years. I moved down here in 2001 with the specific goal to make our land development company as green as the home building company that Ideal Homes is. Ideal Homes is remarkable in terms of what it does in energy efficiency. And at the time I moved down here, the reputation was for just bulldozing all the trees down, straightening the stream, putting in a concrete-lined ditch, and we've in great degree quit doing that. But we've discovered many things along the way. I hate to just take complete issue with the comments that have been made about the buffers being the most effective way to clean storm water. But in the condition where we're going to urbanize a situation – an example that's been used many times tonight has been Summit Valley. Go out and visit Summit Valley. Go for a walk up that buffer zone. The storm water comes off the roof tops, across the yards, washes the excess fertilizer down into the curbs and gutters, goes into drop inlets, and then is piped to the flowline of the channel. That's our current drainage ordinance. Look at this slide that's up right now (Slide 27) – 85% of the time the rain falls the water stays inside that little U-shaped stream channel. It's being piped underneath this riparian zone. That's our drainage ordinance. That's how it works. You've got to get up early in the morning and you've got to hang out with guys like Reid Kaufman, and work at this all day, and you've got to go stand in the rain when it's raining and look at what's happening to come up with systems where you actually can get the water into a situation where it is being filtered. We're being put in a situation where we have to come and say we're being put in a hardship, which is very hard to define in any municipality, and we have to seek a variance. That's not ideal for urbanizing and filtering and cleaning storm water, and actually improving the water quality at Lake Thunderbird. We need to put together the mechanics of a treatment train. We're deeply invested in this. We've spent a fortune. We've done things, they've blown apart, we've gone back in and rebuilt them and it's amazing what we've learned. It's why we're winning a research grant, because this type of thing has been going on in the coastal areas of the country where it rains a little bit every week, but they don't get flash floods and they also don't have our tight clay soils. So they have soil conditions that allow infiltration. We've had to invent all new technology to do filtration with our exploded clay media, various different recipes. We're still up in the air about whether we have fly ash; it does bind up nitrogen. It's also potentially causing some other problems, so we're not doing it that way at the moment. But the research is very much in its infancy here in the entire Great Plains area. Central Texas – I'm excited they're working on things, because they have similar rainfall patterns and they have similar soil conditions, but truly these things don't easily

always translate. But the important point I'd like to make is we want to solve the problem with the lake.

When I was a little kid – I was born in this town – it was called Lake Dirty Bird. It was red. Anything you had on that was white would be pink. As a little boy, you're not crazy about having pink clothes. Your T-shirts would always turn pink. It's not that way anymore, in large part due to improvements in controlling silt and runoff. When I was a kid – my family has been here 42 years in the construction industry – we didn't have any erosion control; we didn't have any silt fences. We didn't have anything way back when the lake was red. We can solve this. We can solve it with good common sense measures that actually filter the water at the top of the stream – the water that actually fills up that little stream channel at the most common rain occurrences – 85% of the time. And we can do an amazing job at it. We've got a development community here in this town that's willing to do those things – willing to adopt new measures that allow us to have not just low-impact techniques, but treatment train systems. But this ordinance puts us over in the position of having to make that extraordinary – or a variance requirement.

You approved last year the J&J property. It has very few stream channels on it, but the stream channels that are on it are under the control of the Army Corps of Engineers. I screwed part of it up. I wanted to move a stream channel. The guys came down from Tulsa and they said you have a wetland condition here. You've got the soil, you've got the plant species – I wanted to move the pond over to the edge of the road because it would look a lot nicer and you could see it and more of the public could walk up and down it. It wasn't a big deal. It's only about five foot of difference, and basically there's this big wide swale and he said I don't want you working in here. I want you to go back and redesign things and stay out of this zone. So we are already under the regulation of the Army Corps of Engineers through their 404 permitting process to stay out of the very sensitive areas along our streams. The J&J property also had a huge swath of land that, because it's so flat, fell into this storm water quality protection zone. And there was no way to get the water into that. It would be like dumping water on this table – just spread out. It was one foot of fall for every 150 feet of land – unbelievably flat – less than ½% of grade. We went through and put together a system of a treatment train where you go from wet detention structures to riparian zones that we're actually constructing over into some of the 404 stream channels and then back out into some other detention areas where they made sense. And we pulled together some of the best and brightest minds in the region on the subject. We have developed some incredible knowledge here in our community. I want us to get there together. I am so tired of fighting about this.

I didn't know we were done as a Task Force. I've been working on this and never missed a meeting of the Task Force. I'm one of the original members. Every community we develop, all throughout central Oklahoma, we employ all these techniques. One of our most recent designs will be featured in Oklahoma City's mayor's development roundtable next month, and it's about all of these things that we constantly have developed and experimented with and figured out for our local soil and weather conditions and for our environment, and they're working. And they're working very well and we're making progress. We need to put the changes to our subdivision regs together with this so we can actually draw through the implications of this to make sure it's a total system that works and we can get there. We can't get there – it's not a panacea to just say buffers, they do a great job. That's just not true. They do a great job in specific situations and in some of our neighborhoods we've

gone back, cut out huge amounts of land that have been disconnected from the stream, and reconnected them with the stream so you have a floodplain that actually functions 85% of the time when it rains, and all of a sudden we have a buffer that does what it's meant to do in an urban condition. But it took a lot of doing and a lot of dirt had to be moved to restore a stream channel to its original condition. Anyway, that said, thank you for all your hard work on this. And best of luck.

2. Harold Heipie, 218 East Eufaula, representing the Norman Developers Council and I'm also on the Stakeholders Committee – I brought with me tonight a map of the Lake Thunderbird watershed. We used to have a camera up there that could get down fairly low and let you see – I don't know if it can do that. The reason I brought this side is because it shows the FEMA floodplain and it shows all of the SPCs – the stream planning corridors – that were developed by the consultant and came out in his report in 2009, and in addition some red lines that Mr. Hanger drew on there where streams may continue beyond the end of the SPCs, or full build-out floodplain, as they've been referred to.

By way of history, in 2009 when the consultant's report was released, it featured SPCs – these stream planning corridors – and they are outside the FEMA 100-year floodplain. The consultant said that the SPCs should be given or dedicated to the City without any compensation and also that they should be areas of no-build. Now this was from the very outset in their report. Well, the minute that position was voiced, the entire development community – the property owners – all said no deal. It's been no secret – we've been adamantly opposed to SPCs since the inception and there are instances showing that these things are not necessarily accurate because of the way they were put together. The scale on here is 1 inch is 4,000 feet. Try to figure a metes and bounds legal description off something that is down at that scale. And even if our GPS system can say we can bring it down to a foot, you know – garbage in, garbage out. So we're not at all prepared – then or now – to have anything to do with SPCS or, as they have now been relabeled – full build-out floodplains.

The two ordinances that are before you tonight incorporate these SPCs under the name of full build-out floodplains. Here is what these ordinances will do. They will take valuable and developable acres away from an owner without compensation and they will prevent any houses or other buildings from being built anywhere in those areas. And remember we're talking about full build-out plus 100 feet on either side. Now if you're a no builder or a no growther, that's delightful. If you've got investments in land that you've made in good faith in an urbanized area, that's disastrous. Here's what these ordinances will not do, and I think you've got to realize this, because nobody said this really up til now. These ordinances will not reduce pollution that's currently going into Lake Thunderbird from the houses and the buildings and the streets which currently exist in Norman, Oklahoma. The lake is impaired and will continue to be impaired. This administration, in the last four years, has done nothing to address any of those problems. These ordinances will not – and this is critical – reduce the pollution of the storm water that's coming off the houses that the owner is allowed to build, for that very example that Richard just cited. You say the SPC is an area of no build, so the owner says fine, I won't touch it. I'll just build on everything that's outside it. And he builds on everything that's outside it and he follows the current ordinances and he puts it in a pipe and sends it underground and it never goes through this buffer. It ends up down there in that little valley in the stream. So all of the new houses are polluting that stream just like the existing houses are polluting the streams and, yet, these big buffers

that have been taken without compensation and not allowed to develop, they're not doing any good. The ordinances will not provide any increase in drainage control of the storm water that's coming off the houses that the owner is allowed to build. So for all of the talk about the wonders of these buffers, these won't get you there. We want to get there.

I had proposed a substitute ordinance to the Stakeholders Committee. I'm going to provide you a substitute ordinance that will reduce pollution. Now my ordinance has not been fully vetted by any group, and it certainly should be. I've asked for equal time to present my ordinance whenever the City staff is presenting their two ordinances to various groups, and the Mayor has not seen fit to allow us equal time to present our side and our position and the ordinances that we say will solve the problem that is supposedly the goal behind all these. The Mayor is intent on getting these two land-grab ordinances on the books by May 24<sup>th</sup>. That's the rush. That's why, as finally was revealed tonight publicly, that the four members of the City Council who constitute this committee just wired right around the Stakeholders Committee and said get it on the road – take it to the Planning Commission. If they've got a problem with it, they still can bring it back and they've got time before our May 24<sup>th</sup> meeting, in the hopes that they can get five votes out of the Planning Commission to kind of stamp it. And what you have to know is that their failure to engage in meaningful dialogue is why your approval is not appropriate tonight. Because you need to schedule a debate or a study session, or whatever format you want to, that will give you the details that will let you make an informed decision about what this ordinance or any ordinance will or will not truly do. Because you've only been hearing one side of it from the staff.

What I'm about to say is something that I didn't have in any prepared remarks, but what you did tonight certainly was right on point. Item 8 that you just approved earlier tonight has a stream planning corridor in it – fairly large one. Now, the proponents of these two ordinances insist that a buffer is absolutely essential – that it's the backbone of any pollution control system. As Richard said, it's not necessary. And Item 8's design tonight, which was recommended by staff, approved without question, and approved unanimously by you people has reduced pollution for the entire tract that was contained within the plat without any buffer whatsoever – without any. So don't tell me that buffers are really the best way to protect an urbanized area, because that ain't going to hold up, friends. And what we are trying to do desperately is to get an acceptable ordinance that makes sense and that everybody can get behind and support and not have this end up in litigation. Because, as night follows day, if you're going to take 100 lots away on a 400-lot subdivision without compensation, somebody can't afford to do that. And they don't want to go to litigation. And Richard McKown and Trey Bates and Sean Rieger and I have been working very hard to get an acceptable ordinance. All we want is reasonable constructive dialogue by all the players and we haven't been given that. So all we can do is make a matter of public record to you tonight that the two ordinances that you have before you do not do what they are purported to do. And I hope you will take some time to look over the substitutes, schedule whatever is appropriate for your own edification, and let's all arrive in a reasonable time – whether we get this on the books by May 24<sup>th</sup> or not – it may be good for somebody that's going off the Council, but from the standpoint of the benefit of the community, whether it's May or June or July – it doesn't make any difference, as long as what we get on the books is for the good of the community. And that's what we're trying to come up with.

3. John Woods, President and CEO of the Norman Chamber of Commerce, 115 East Gray Street – It's a pleasure to be with citizens giving their time to figure out very difficult decisions. I appreciate your time and efforts volunteering to wade through difficult issues that are in front of you. I want to let you know for the record I am not a developer. And, for the record, I am not a business owner. I am a dad of a 7-year old daughter who frequently drinks out of the tap and the water that she drinks comes from Lake Thunderbird. And so the actions of our city, the actions of this particular Commission concern me as a father. And the future of our city, when it relates to our water quality. I am a homeowner that is concerned about the price of a home when I purchase it. I am someone that is concerned about the environment that I surround my home with – what it looks like aesthetically. I am someone that is concerned about the price of goods and services in my community, and I can say after hearing, over the course of not as much time as our staff has put into this – not as much time as you, as a Planning Commission, may have put into this, or those of you who have served on the working group – as someone that is new to the process, but I have spent several hours trying to catch up to speed and become familiar with this issue.

I can tell you that as I read more of this work product, I come up with more questions than I have answers. So my request to you may not be the same request that you would have from some others that come and speak before you today. I can truly and honestly say from my perspective I do not have the opportunity to tell you unequivocally that there is a situation in which you should absolutely not recommend some type of water quality protection zones. I personally cannot do that. There may become a point in time where the Norman Chamber of Commerce has an official position – and we will be meeting and we have met unofficially to look through this information. I certainly doubt there will be a situation in which we will recommend as it is currently constituted because I think there are serious concerns with the ordinance that is in front of you today. But what I can ask you to do, unequivocally, is to ask the City to take a deep breath and slow down – to take an opportunity to let a working group and committee continue their work and try to reach consensus. I do not believe that's an unreasonable request from the business community of this city to ask upon volunteers and City staff to spend more time looking through these problems. It is a fact that the way we currently develop property by an urban code standards is absolutely the opposite of the way that you would flow water in a method to treat it through a buffer zone. It's undisputed. Water flows to detention facilities from your urbanized settings and flows through pipe systems into a stream bed. It does not flow through any kind of a buffer system. In fact, if one of your major concerns is storm and flood issues, then you would not want a situation in which water, in an uncontrolled format, was flowing through a buffer zone into a stream bed. The very way that we design through a detention pond type facility is to slow the water down. So if we were to redesign – if you admit, or if you can believe, or you can come up with the scientific evidence that a buffer zone is the best way to have a water quality control, then by that very same logic you're admitting that water needs to flow through this buffer zone and not through a slow drain process, thereby creating a higher propensity for flooding in these very areas. So they are in many ways mutually exclusive issues that this particular ordinance causes you to create a serious problem. So, from my position, and from I think the Chamber's position as a whole, we're simply asking you to slow this train down. And it really has been a train over the past month. I have taken a look at the documents. I've taken a look at the very slow and methodical time that staff, that

volunteers, that planning groups have taken to study this issue, and then suddenly in a very short period of time we've sped it up rapidly through the process. I can't really explain why and I don't understand why. But I do know that these citizens sitting on this dias tonight have the opportunity to ask the City let's just take a time out and slow this down a little bit. And let's take a look and see if what those that are speaking tonight are saying are true – that this is not the best method – that this is not the best way to treat your water quality based upon current design standards and how we view detention pond facilities and other mechanisms surrounding our development. Let's take the opportunity to allow the business community to take a look at the true costs of this, because I can tell you right now, as the Chamber President, and as for someone that's interested in the business community, we look at our sales tax revenue dollars. People will spend sales tax dollars within typically a 15-minute drive of where they live. We need citizens, we need individuals living in Norman. You don't need them living in Moore. You don't need them living in south Oklahoma City. If you want to drive sales tax dollars to Norman, you need more residents in this community. You can talk about shifting residences and compacting residences and that may be all legitimate and fine but the end of the day there will be fewer opportunities for housing units in this community which at the end of the day means fewer residents long-term and will mean fewer individuals spending their dollars in this community and that's plain and simple fact. It is plain and simple fact that if you do this – and you may say that the cost versus the quality is worth it. Maybe it is. I don't believe that that would be shown to be the case, but maybe it is. But you need to realize if you do that, you will be increasing the housing costs in the City of Norman, making housing developments outside of this city much more economically feasible for someone to choose to call their home. Plain and simple. No question. Cannot be disputed. And I can tell you one other thing, as someone that has been a former housing association president. There is absolutely no doubt in my mind if you have this type of zone with this kind of growth you will create a potential for fire. I've seen it firsthand and how we experience what a housing association has to do in relation to maintenance of that property. And, second of all, you are going to create a more expensive per house fee in relation to those housing developments. We charged, for example, where I lived at the time \$100 and we had very small areas that we had to maintain. You start to talk about this type of area and you relate that per residence and you could see easily, I think, double or triple the housing maintenance fees annually to those consumers – again giving someone one less reason to want to call Norman home. That, to me, just doesn't make sense. At the end of the day, perhaps the study group will find that this is the way to go. I tend to think not. But all I can ask you to do is wait and weigh these considerations of cost versus the benefits that I don't think have really been undertaken in this process today. So that's what I would ask you to do, is to ask this staff, ask this City, ask that working group to spend more time really digging into these numbers, this data, this distance for its true necessity. Other ways we can compromise and find a way to have water quality be important, but to make sure that we're maintaining cost competitiveness with our neighbors and neighboring communities. And I thank you so much for your time and for your efforts on this commission.

4. Sean Rieger, 136 Thompson Drive, representing the Builders Association of Southcentral Oklahoma – Gosh, we were just here not long ago with another ordinance, weren't we? I think back to that experience where we went through that for over a year. That lighting ordinance was probably less cumbersome in some ways

than this will be on the future of Norman. And now this is being thrust through in a very fast-paced process. We were all stunned tonight, literally, with the revelation that we had never heard that the Task Force was finished. That was news tonight. We had no idea that was the case. I'm not on that Task Force, but several of the people in this room are and that was news to them, I understand. It was nothing we were aware of. There was still very intense discussion in that Task Force right up to last week, and I guess suddenly the plug has been pulled on them. I'm not sure why that was the case. But we have significant concerns about this proposal. I want to talk through just about seven points in general.

First of all, you heard Mr. O'Leary tell you that cities like Norman, Moore, and Oklahoma City are governed by the State of Oklahoma Department of Environmental Quality in their storm water permit process – Phase 2 cities – Phase 1 cities. And what you've heard is the same thing that we've heard for the last two months from Mr. O'Leary is that there is a permit forthcoming from the State that, as he told you tonight, will tell Moore, Oklahoma City, and Norman what to do. That permit, as he told you, is months or maybe about a year away. We've heard July. We've heard this fall. We've heard December. But it is forthcoming and it's soon to be here. It will tell us what to do from the State's perspective. As importantly, it will tell Moore and Oklahoma City what to do. Then we can go forward with those recommendations, and if we want to be higher than that level, certainly we can do that. But it seems imprudent to adopt standards that maybe are not even what the State is recommending we do and maybe are not what the State recommends our neighbors to do, putting us at a different plane. We should wait for the storm water permit to come out from the State to tell us all what we should be doing, and then we should tailor our ordinances to be as such. If we want to be a leader at that point, we still have the opportunity.

I think the next really important point here is how do we build this. You've heard a lot about that tonight, and Harold brought up a development – Richard talked about J&J. I'm going to show them to you on the screen, because it just so happens they were in front of you tonight, and there they are. How do we build this? We're thoroughly perplexed as to how we do this. You've heard it a lot tonight. The concept here is very simple. What you're being told is these buffer zones are going to be put into place so that all the storm water can be taken through these zones and cleansed before it gets into the creeks. Well, look at these subdivisions right here. Take a look at that screen. There is J&J right there. You see these detention ponds right there. That is the treatment train that Richard was telling you about. That's how they do it. They take the water down into these detention ponds, they treat it, release it to the next pond, and there it goes. It works. It's been successful. But if you're going to take this ordinance and apply it to that, then I want you to look at that very closely. You're going to take an extra 100 feet on each side of those ponds. Those lots are 100 and some feet. Let's just say, on average, you're going to take an entire lot on all sides of every one of those ponds. That's a lot of lots. That's a lot of revenue and income stream to that developer. How does he do that? How does he do that and keep the same pricing that you were told earlier it's not going to have an affect on? I don't know how you do that. I have no idea how you do that. Let's look at the one you just approved earlier. Here's the one, and Harold brought this one up. You see right there are the detention ponds – again, the treatment train. Well, if we're going to take an extra 100 feet on each side, those lots right there are 130 feet. You've wiped out huge numbers of lots in that development. For what purpose? Because now look at this again and think about this. You've been told that all the water is going to go through

the buffer zones, but that's not how we develop. That's not how our subdivision regulations require us to develop. Look at this area over here. How are you going to get the storm water in that part of the subdivision to go through buffer zones to these ponds? I guess you could take it through somebody else's lots – through their property and their side yards and back yards. I don't know how you do that. The water goes into the street and goes into pipes and then the pipe takes it subgrade into the pond. It never goes through a buffer – ever. And I don't know how you're going to make it go through a buffer, because to do that you're going to have to take it through lots – through people's back yards. You're going to have to sheet flow it across a wide expanse. Now, if you could do that, maybe you could cleanse the water. But just think common sense wise – just look at that drawing. How do you physically do that? And the answer you heard tonight is the staff doesn't know, either. We're basically going to go with the guidance of the North Texas subdivision regulation that nobody even heard about until about a week ago. We don't know. We don't know how we're going to build this. So there's significant questions left to figure out before we go forward.

There's an engineered option. What they've told us in response to that discussion is don't worry about it, we'll let you do the engineered option and so you don't have to do the buffer zones. The problem with the engineered option is it's through a variance process. And you saw tonight you have to show error. You have to prove that. Somehow they made an error. You have to show that there's no unreasonable disruption to the natural terrain. Well, if we build treatment train ponds, we're going to disrupt the terrain. You have to dig it up and build it. You're going to have to show that you didn't interfere with the full build-out floodplain. In essence, you still have to have the full build-out floodplain. So the variance process is so severe that it will never happen. I don't know how you'll ever get that approved, basically. And how would you get that approved on every development that you would have to do, since you can't really use the buffers?

A homeowners association point is important. I don't think they have a clue right now – the existing homeowners – of what this is saying. We've heard for the past year, since the storm water came out, homeowners associations have begged the City to bring forth some sort of a funding mechanism to help them maintain the common areas. We've heard that repeatedly. This answers what's going to happen in the future on that. This says they will actually maintain those areas very clearly. We've asked for clarity. Well, does that mean the City is going to do the dredging of these ponds when they get over-sedimented? We don't know. Does that mean the homeowners association is going to do it? We know they have large areas that they're going to have to maintain. We know this ordinance actually mentions things about water monitoring and remediation required by the homeowners association. We know this says the developer has to prepare a report for best management practices. Well, every time a developer puts forth a report of what's going to happen on that subdivision in terms of long-term maintenance that means the HOA is going to do that. It's not the developers that are going to do that. So all of this is adding tremendous cost to the HOAs and I think it answers their question as to ever will they see any funding from the City to do these things for them – probably not. Because I don't think the City is going to treat future HOAs differently than they would the existing.

No funding in place. Very important. We just heard Mr. O'Leary tell you that the City will have a very large responsibility in this. They have to go out at least once a year and after every storm to inspect these drainage areas. Another thing that we've learned in this process is that almost all of these other ordinances that you've been told

about in other cities that have anything like this – and there's not much of anything like this – but they have funding mechanisms in place to help pay for the cities' responsibilities in these efforts. We don't have that in place yet. That needs to come in place with this if we're going to mandate the City to have a function as far as maintenance.

Dramatically increases costs. We talked about that. You're going to lose huge numbers of lots. That increases cost. No question about it.

And I think the last point that I want to leave with you is the Moore and Oklahoma City angle. I think that's been brushed over. We are in a competitive market. The developers have to compete in Moore, Oklahoma City, Edmond. They don't compete in Austin. They don't compete in Scottsdale, Arizona. They don't compete in South Carolina or San Antonio. They compete in central Oklahoma. We can be proud to be the leader if you want. I understand that and I believe that concept is genuine, too. But if you're proud to be the leader and you do something that nobody else in your area is doing and you added in tremendous cost in doing so, ahead of before the State has told the other cities to do it through storm water 2, then you've put your community at a severe disadvantage economically. Why would you do that? If the State comes forward and says Moore and Oklahoma City, you will do this and Norman you will do this – no problem. We're on an even playing field. We know we all have to do it. We go forward. But if Norman says we're going to do this, and the State comes out in a year and doesn't make anybody else do it, oh, my gosh. We've just put ourselves in a sling. We can't do that. We can't do that any more in Norman, Oklahoma. We can't do that when Moore is giving \$2 million for Imax theaters and Oklahoma City is going out with its corporate representatives and getting Whole Foods and anything else it wants. We can't do that anymore. We have to watch where we're at in the competitive market.

I urge you to let the Task Force continue its work. I urge you to wait until the State makes it an even playing field and tells us what we should be doing. I urge you to caution this forward with restraint. Thank you very much for your time. I appreciate it very much.

5. Trey Bates, 3720 Timberridge Drive – I'd like to start by kind of setting a stage here that I think sometimes gets turned around a little bit and I'm real sensitive to it and that's this perception I think sometimes that there are these two sides warring against each other. Mr. O'Leary, in his discussion at one point, talked about the last meeting we had as a stakeholders meeting and how contentious it was. And I'll agree that it was somewhat contentious, but it wasn't contentious over one thing and that was the central thing for which we were all there, in that we recognize that we have a problem with Lake Thunderbird and that we need to come up with the solution for Lake Thunderbird. The only area where contention arose was the interpretation and the understanding of the facts as they were being presented to us and the best way to go about resolving the problem that we all recognize that we have with our drinking water. You know, another thing that's really interesting is you look around the table and there's all these people, and at any point in time they could get a job somewhere else and, while they might have fond memories of Norman, Oklahoma, they're going to go on to their other job and they're going to maybe check the newspaper every once in a while or have relationships with some past friends or family that are still here, but they're gone. The people in my industry are married to this town. We can't pack our stuff up and leave. We have to make sure that in order to be successful we have a

great community to live in, that the quality of life goals are achieved, one of which, of course, is that we have great and ample supplies of drinking water, because otherwise who would want to move here? The background that I want to try to lay down here is that in that meeting, while there was a lot of tension, there was no tension – there was no separation in the direction that we all wanted to go with regard to protecting our drinking water.

Now let me tell you a couple of things that were stated that we learned in that group that you haven't been told about. First of all, you saw a slide that showed – and I don't want to quote Mr. O'Leary exactly, but I think he said something like all these other communities are already doing this or are doing it. My first thought is, well, they have all these water quality things in place. Right? They're dealing with water quality. Well, I spent a lot of time looking at it and I can tell you that there isn't a single city in Oklahoma that is doing anything close to this in terms of trying to protect water quality by identifying zones that are 40-acre drainage basins, putting in buffer strips, and calling that a water quality program. Not one. Tahlequah is the closest. They have a 50 foot strip that they've outlawed fertilizer on on their scenic tributaries where water is running all the time. Tulsa – it's all about flooding. And, strangely enough, in Broken Arrow they have a voluntary program where they have worked with the development community to try to develop low impact standards and give them bonuses from their standard if they add these buffer strips. So it's not a mandatory – it's a purely voluntary program that they put in place. My point is, there is not another community that has done anything close to what is being proposed here.

Secondly, what every other community has done, we aren't proposing. Every other community has a funded storm water program. You know, there are costs associated with this. I was part of the original group. Actually, Commissioner Trachtenberg and I were on the first Greenbelt Commission and we worked through that and I was there when we voted to bring on the greenbelt master plan study and include that as part of the storm water plan. I was there through that whole process. And my point is there was never a point where we got off on something so drastically focused on one group of people that wasn't funded. A big part of that was always coming up with a funding mechanism to make sure that we had a complete storm water plan, and that's been lost in this.

Another thing that wasn't told to you today that was brought up and proven in our group was that the graph that showed that 100 foot or whatever it was – 23 meters – the graph that showed the effectiveness of these buffer zones. It was asked and it was proven or stated on the part of staff that these did not apply to urban areas. In fact, I'll give credit to Mr. Hanger. He actually went through various subdivisions in Norman and tried to come up with a calculation of the effectiveness of buffer zones in urbanized areas, and he showed where there was maybe a 20-30% effectiveness in terms of the overall amount of water in a development that would go into a buffer zone. So, in other words, 70-80% of the water in a typical development in Norman, Oklahoma would never reach one of these buffer zones. And I'm kind of doing a little back of the envelope math, and I'm thinking, okay, if 80% of the water never gets to the buffer zones, and the buffer zones are 50-70% effective, then you've got 20% times 70% effectiveness – in other words, a relatively small amount of nitrates and phosphates are removed from buffer zones in urbanized areas, compared, quite honestly, to a great education program on better use of fertilizers. I mean, the point is that we learned in that meeting that the graph was not applicable in urbanized settings.

Another thing we learned – there is no EPA guidance for 100 foot buffer zones. There is an EPA model ordinance, and in the instructions of the EPA model ordinance it says where there's this little water drop you should look at your own community. And, in fact, it's kind of interesting – that's titled forested areas. And if you get in a little bit deeper, they start talking about these real heavily forested areas on the East Coast and they've got these big trees and these canopies hang out over the creeks. And if you get closer than 100 feet, you start disturbing the root structures. And when you start disturbing the roots of the trees, then you compromise the entire channel. And that's where 100 feet makes sense. If you read the EPA model ordinance, it says when you're talking about areas that are grassy or unforested look at the Napa, California ordinance. The Napa, California ordinance is 50 feet. So even if you want to follow the EPA model, it's not 100 feet as a recommendation and, in fact, if you read the instructions it says look at your own community for what makes sense. They weren't specifically recommending 100 feet.

The culmination of all of these meetings is another representation that I take a little bit of issue with. You know, if you're ever asked to serve on a jury and you got two days through the jury deliberations, and they said, okay, you're done – you never reached a culmination. You may not have a unanimous vote, but the culmination occurs where everybody has finally said we've debated all we can debate, we've worked together all we can work together, and now it's time to see where we stand. And I am testifying before you today that event never happened. So there has been no culmination of the Task Force. There is a lot of information that you guys honestly, in my opinion, haven't seen, and I would hope that you would take that into account and help our community move forward with a storm water quality program that makes sense. Thank you.

6. Dan Butler, 4000 Hammer Drive – I've heard a couple of things I just wanted to disagree with a little bit, but then I'll get on to what I want to say. One thing, there are a couple big cities in Oklahoma that are using buffer zones. They're using the buffer zones around their water supply – watersheds – not in their towns. Oklahoma City gets their water from the North Canadian River flowing into Lake Hefner and Lake Overholser and currently buffer zones are being put along the North Canadian River and its tributaries between El Reno and Canton Lake. They're using 300 foot buffer zones. They're also doing a lot of other things, such as getting farmers to go to no-till farming and changing animal practices and things like that.

The second city is Tulsa. They get their water from Lake Oologah and Lake Eucha. Lake Eucha has had terrible algal problems and they're putting buffer zones in the streams that flow into Lake Eucha. The State of Arkansas is doing that also under threat of a lawsuit from the City of Tulsa, but they're doing it. So we have two cities that are putting in buffer zones in areas where it affects their drinking water lakes. Two big cities.

Second point I want to disagree with is these detention basins in subdivisions – they don't do a very good job of taking nutrients out of the water. They do a very poor job, much as farm ponds do a very poor job of taking nutrients out of the water where cattle stand upstream of them. They get loaded up with nutrients in the first couple of years and after that they put out as much as they're taking in. That's well-established research.

Finally, having worked with buffer zones and water quality for the past – well, I retired two years ago, but I worked in that area 28 years and have something to say

about it. I haven't worked in development and the people that have development issues have good points. I take their word for that. But I do have expertise with buffer zones and other practices. I can tell you that the idea that buffer zones are going to solve the problem in Lake Thunderbird is wrong. Much as the low impact development along the houses and in the neighborhoods aren't going to solve the problem in Lake Thunderbird. It takes all of that put together, and even then you don't solve it – you reduce the algae in Lake Thunderbird when all of that is put together. But it takes all those pieces. You can't pull out a piece and expect the rest of it to work. So we need the buffer zones, but we also need the things going on in the homes and the lots in the developments, and you just can't take out one of those pieces and expect success. So people are talking about buffer zones tonight as if they're going to do it, and, no, they're not, but they're needed. They're needed as part of the whole.

Secondly, to use an analogy that might make more sense to everybody, we'll talk about sewage treatment plants. When the first sewage treatment plants came online about the turn of the century, they were very simple. People weren't waiting until it was perfected to put them in. They knew they had to do something and they went ahead and acted with what they knew how to do at that time. Science and engineering has come up over the years with more and better ways to do it, and as those more and better ways are discovered and introduced, sewage treatment plants have changed in their designs so that a sewage treatment plant of the 21<sup>st</sup> century would not even be recognizable to a man that worked in a sewage plant of the early 20<sup>th</sup> century. But you still have to start. You don't say I'm going to wait for the next 100 years or the next 10 years or the next 5 years to see if new science comes along. You make your start and as new science comes along you adjust to it, much as we do with homebuilding or anything else. We're not building homes and conserving energy right now like we did 50 years ago, either. You adapt to the new science that comes along. That's it. Thank you.

There being no further public comment, Chairman Gasaway closed the public hearing and turned discussion over to the Planning Commission.

**DISCUSSION AND ACTION BY THE PLANNING COMMISSION:**

1. Mr. Sherrer said he feels like he's drinking from a fire hose. There are a lot of different opinions being presented. It is a struggle to get a full grasp on all these things within a week. Mr. Butler mentioned that Oklahoma City and Tulsa have done buffer zones at the river or lake level. He asked if that was ever considered as an option. It sounds like we're looking at this as an individual development plan, rather than as a more comprehensive look at going closer to Lake Thunderbird and looking at a way of filtering. Mr. Butler explained that Tulsa and Oklahoma City are doing it at the river and the stream level; they're not doing anything around the lakes. They are going out to individual farm fields, in most cases less than 40 acres, and doing it at that level, all the way up to the first order streams where you don't even have a defined channel. So they're putting in buffers on all these things, not just the streams that have water in them. They are doing a number of other things, too, as they recognize it takes a complete program.

2. Mr. Sherrer is also struggling with what Mr. Rieger mentioned, that the State has some plans to do something in the near future. It seems a little bit odd why we feel that need to do something before then, especially with some of the facts he heard from

members of the Task Force. I don't understand the urgency quite as much, given the comments from the Task Force. I do think there are some things that put you in a competitive disadvantage potentially, and we have to at least consider those things. It seems like there's a lot to digest here.

3. Ms. Pailles commented that Norman is the only city in Oklahoma that has the "most livable" category; we're doing things that no other city in Oklahoma has done. I don't find it a persuasive argument to say that it hasn't been done in Oklahoma before. The example Mr. Rieger gave is true; the property he was talking about has been farmed for many years and it's plowed flat, there is no native vegetation, and whatever the original drainage was it is not clear. In the Lake Thunderbird drainage area most of the streams are channelized and surrounded by natural forest. In that area the buffers make perfect sense. The comment that it probably would make land more expensive is probably accurate; certainly some homes would have greater expense in response to this, but that wouldn't prevent developers from providing lower cost housing in other areas. The main thing is we have a problem with four qualities of Lake Thunderbird and the buffers would address three of them. It seems like a good solution based on science. If you want to provide another solution, you have to provide equal information on a scientific basis. One of the people that has been here forever that's been to all of the meetings was commenting that, basically, the people who came into the room seven years ago kind of opposed to it are still opposed, and the people who came into the room seven years ago more or less in favor of dealing with water problems through environmental best practices are still pro. That's kind of discouraging; basically, nobody has changed anybody's minds. Ms. Connors clarified that the Glenridge Addition is in the Lake Thunderbird watershed.

4. Mr. McCarty said he was on the storm water master plan as well as the recent Task Force that started several years ago. Everybody agrees that we want to improve our water quality; the disagreement is how we do it, because there's more than one way to address this issue, like Mr. Butler said. It is not any one item that can fix this problem and we're not sure what the best way is to fix the problem. It has been quite a learning experience and has been a great process. The process has been going very quickly, there has been a lot of pertinent information that has been provided, there has been a lot of studying done, there have been disputes about how some of the data was provided. I have spent quite a bit of time learning about phosphorous and nitrogen – it's very complex. The work I have read is that primarily buffers work best in areas that are not urbanized – in other words, vacant farm fields that we have that are flat land and mostly in east Norman that feed into these areas. What this ordinance doesn't do today as we build and as we live in Norman is change one thing about the water going into the lake. It's going to put buffers in areas primarily that are going to be vacant land for a long time. One house per ten acres – everything east of 48<sup>th</sup> Avenue is what our current 2025 plan is and where there's current urban utilities. There's no water or sewer beyond those points. I'm having a hard time with this ordinance and why we're in such a hurry to try and write an ordinance that affects a lot of people in a lot of different ways and why we're not concerned about the Canadian River. So this is only addressing water that goes into our drinking water and not to anybody else's rivers downstream, and that kind of concerns me as well. We've asked those questions; why aren't we doing something to talk about how you can fertilize your yards? That would be an immediate impact. We know that ODEQ has

been doing a study that has been pushed back, I'm sure because of budgeting purposes or what have you, that I think is going to probably help us in this ordinance or a future ordinance. I think that it's something that we need to at least have a grasp around the direction that they're going before we start writing an ordinance that we may have to change or adapt in the next year and be back talking about this. The buffers I see more as a quality of life issue to the city than it is nutrient and phosphorous. We already have the backbone, which is the creeks, and we have the FEMA floodplain which is the area outside of the creeks. So in a 1% rain event, water gets to those areas. That's your buffers. What is this land beyond that ever going to do? I'm really struggling. Tonight we heard from Mr. Butler. I wish we had known about what Oklahoma City and I looked at Lake Oologah – I looked at what they're doing. I think the buffers are just around the immediate lake; I don't think it gets into tributaries or creeks from what I could find – I could be wrong. I wish we would have had the information to see what Oklahoma City was doing before tonight to know exactly how they're addressing this, because that's the first I've heard of it. I think that the Task Force could reach a consensus, and I wish that we had more time to work on that to try and do that, just because how big of an ordinance this is and how it's going to affect everything that we do into the Little River and into Lake Thunderbird. There was even a statement made, and I know it's been challenged, at our last public meeting that was here there was a lady that stood up and she said she was with the Thunderbird Water Conservation District and made a comment that the water quality in Thunderbird in the last two years has improved. So some of the things that the developers are doing – it's working, from what we can tell, if that statement is true. Now, I don't know where her data is coming from, but there's other people out there telling us different things than what we're being told. And I have no doubt that we have a potential water problem. It's just how we're approaching it and what the ordinance is before us to fix it. I'm a green certified builder and a LEED certified builder, so I understand the green aspects of what we do and how it affects what we do and our future and our kids and their future and grandkids, and I could go on. I just don't see how this ordinance, the way it is drafted currently, helps us.

5. Chairman Gasaway commented that he was a member of the Storm Water Master Plan committee. Like many issues, and the lighting ordinance is a good example, you can talk things to death. We spent well over a year on the lighting ordinance and I'm not sure that we had any better product after a year than we did after two or three months. We talked a lot about it. We took some things off, put some on, but essentially after a couple of months we were in the same direction as we ended up at the end. I think this issue, as far as the committee itself, has probably reached that point. There's not much more we can learn. There're not many more facts that we can have. I think we've reached a point where it comes down to some people disagree, some people agree. I don't know what else we can present. I missed a meeting or two, unfortunately. I did miss the last meeting. But the meetings that I attended we discussed essentially the same topics at least at two of the meetings. Whether we resolved anything or not, I don't know. But I think we have studied everything that there is to study and I think it's time to decide whether we like the product or we don't like the product. But saying let's study it for another six months – I don't know what else we could study honestly. I think, to that extent, it's detrimental, and I think you can see in the committee that they're starting to feel that, too.

Another comment that was made was let's wait for the State. I've never heard of when the State or the federal government comes in and you sit around and wait for something that you get anything that you want. Usually you get told something that doesn't benefit – it's not tailor made for our area. It's made for the entire state. Some of it we might benefit from; some of it will be drastically different than anything that will benefit Norman. Norman is different. We're not talking about our storm water that runs into the river. We should, at some point, absolutely, and we've bounced around that a little bit tonight. We're talking about our drinking water. We have to do something about our drinking water and that's what makes Norman different. We're not drinking out of the river. We're drinking out of Lake Thunderbird and it's time to do something about it. We should have done this thirty years ago; we're late. We can't repair the damage that's been done. We can't repair the development in areas that should have not been put there thirty years ago. But we can start now and make a difference. We hope Moore and Oklahoma City will participate to some extent, but we can't fix them. We can fix Norman, Oklahoma to the best extent that we know how.

6. Mr. Sherrer felt it would be helpful to have some sort of recommendation from the Task Force, even if it were not a unanimous decision.

7. Mr. McCarty stated that he completely agrees with Mr. Gasaway in some aspects. I'm on several other technical committees throughout the State, and we take a completely different approach to how we want to write an ordinance. We get the people involved that it's going to affect and we all work together as a team to come up with some type of recommendation to fix a problem. If you would get other stakeholders involved in these from the very beginning, I can promise you we would be sitting here tonight with an ordinance that we all could approve and be happy with. I see it done in other states, other cities throughout Oklahoma, and it works. But when you just take an ordinance and you throw it out there and there's a lot of moving parts and a lot of really deep detail and study that goes into it, you end up in the battles in those task force meetings and there is disagreement because of everybody's opinion. But if we started from scratch from the very beginning and we had other engineers and we had Dr. Vieux in there and he helped us with the information he's got, and Harold Heiple and other people that are stakeholders, it works. And that's where I have a real problem with the way that we are doing things – like the lighting ordinance. I truly believe that if we would take a proactive approach in our city to identify the problems, the people that are involved in it, the stakeholders, that we would be here discussing something completely different right now.

8. Mr. Trachtenberg said we've been talking about this issue for seven years. Mr. Heiple said in his presentation that the idea of buffers was a no-go for the point of view that he represents from the very beginning. To be perfectly honest, I was jealous of people like Trey who got picked for that great and deeply important committee – I wanted to be on that group, because I think this is the most fundamentally important thing for this town. It seems to me that the City has been exploring this question with tremendous energy, with tremendous vigor, and with tremendous intellectual capacities represented by people like Dr. Vieux for a long, long time. What I'm a little puzzled by is that the process produced a master plan, that master plan essentially had this concept in it, it was contentious, it was opposed, but it was passed – it was

accepted, I guess, technically, by the City. And what we're doing – and forgive me, Harold, if I use a term that you often invoke here – it seems to me that we're being asked to be kind of ministerial here, which is that there's a policy, it was approved by the legitimate authority in our community – the City Council. The City Council has a process for developing ordinances – or it has a variety of processes for developing ordinances. In this particular case it did not ask a task force to develop an ordinance; it asked the staff to develop an ordinance and to touch base with people who had been stakeholders in this. It did not set up a jury situation. And now that entirely legitimate process has come forward. We've been given a decision to make. Let's make it. There may be very good reasons to disapprove of this ordinance. I support it, but I can totally respect people who don't and think that this ought to go down in flames. Fine. Let's vote on that.

Now, let me just close with one thing, and I'm going to refer to Baxter. I want to say this. Many, many times, in my capacity as a Planning Commissioner, I've been asked to deal with things that I had no clue about. And the lighting ordinance, frankly, was one of those. I happen to know about water, in large part because of Baxter. I've been studying water for seventeen years – pretty much since I got to OU. And I can tell you one thing, that in all the reading, all the study that I've done, I have gone to – I've presented at meetings of the American Water Resources Association – and there is one constant when people talk about water quality and flood control, and as a bonus – as the icing on a cake – recreational opportunities and quality of life issues. Those are the icing on the cake. The one thing that's a constant in all of those discussions is buffers – whether it's 50 feet, 100 feet. I don't know. That's a technical issue. But the one thing that I can just assure everybody in this room that is the constant in discussions of water management, water quality, and flood control is buffers. That's what it is. We've known this as a society for as long as people have studied it, and that's not going to change. It's not going to change in a month; it's not going to change in a year; it's not going to change in 20 years. That's the truth. So I'm behind this. I support this. I've given you my reasons. But we're all very intelligent, thoughtful people here. We've got to bring our values to bear on the facts, and that combination might lead you to think this is a bad idea. Then vote against it.

*Zev Trachtenberg moved to recommend adoption of Ordinance No. O-1011-52 and Ordinance No. O-1011-53 to the City Council. Roberta Pailes seconded the motion.*

9. Mr. Lewis said he intends to make a motion to postpone this item, because he appreciates the time that Commissioners and staff have invested in this, and appreciates the comments by Mr. Vieux, Mr. McKown, Mr. Wood, Mr. Heiple, Mr. Bates, Mr. Rieger, and Mr. Butler. I think it brings a wealth of knowledge to the table. What I'm concerned about, and I will echo exactly what Andy said – if you've ever been sitting at a railroad crossing watching a train go by, you have train cars going past and you can't even see what's on them, they're going so fast. When I look up the track and down the track, I can read what's on the car because it slows down and I can see that. When something comes to my desk a week ago, and a few hours – something I've never seen before that's as comprehensive as this ordinance is and affects as many people as this ordinance does, I have to question in my mind why this ordinance is moving so fast through the Planning Commission. After hearing comments tonight that the Task Force never actually came to a decision, that they didn't even know they were completed, and again for this ordinance to be on the table in front of the

Planning Commission is very shocking to me. I have been going at 100 miles an hour trying to get my hands around this ordinance, knowing that I have to make a decision of either approving or disapproving to send on to City Council. I have to know that, as Mr. Wood said, the decision I make will affect many generations to come within this city, because it's a recommendation to City Council as to what they do. Do they take our recommendation as a Planning Commission or do they do something else? So, respectfully to my colleague Mr. Trachtenberg, I think the only thing that really this Commission can do is table this ordinance – give it back to the Task Force until they come up with a decision or a recommendation and then let it come through the Planning Commission at a very prudent pace, where the Commissioners will have time to evaluate it, to thoroughly understand it. And I don't make my comments lightly. Resolution by the Planning Commission 9899-1, which was adopted May 13, 1999, and amended June 13, 2002, clearly says when something can be tabled or postponed, and it says "It further is resolved by the Planning Commission agenda items for a public hearing maybe be tabled in the event of the following circumstances: when a request has been amended" and I think we definitely heard from Ms. Walker that there is going to be amendments coming forward. There's going to be minimum and maximum amendments on the height of the vegetation in the buffer zones coming forward. Unquestionable. It also says "when the Planning Commission determines that circumstances warrant further study." I've been waiting all night for somebody to tell me that, indeed, buffer zones work. I haven't quite got that yet. I've been waiting all night for someone to say I understand this ordinance backward and forward that sits on this Planning Commission, and I get the sense – and certainly I don't want to speak for every Commissioner; I can only speak for myself – but I get the sense that many of this Commission are as blind-sided by the technicality and the depth of this ordinance as I am. Some may not be, and I respect them greatly for having a grasp and a depth of knowledge about something that will be moving forward. But I would recommend and potentially make the motion that we table this item, give it back to the Task Force, let them make a recommendation, and let it come through at a prudent pace. That is the responsible thing to do, not only tonight, but for the entire future of Norman going forward.

*Chris Lewis moved to postpone Ordinance No. O-1011-52 and Ordinance No. O-1011-53 indefinitely. Curtis McCarty seconded the motion.*

Ms. Walker cited Robert's Rules of Order and indicated that a motion to postpone indefinitely does not take precedence over a motion on the floor.

10. Ms. Gordon stated that she didn't feel blind-sided and did understand most of the ordinance. She didn't find it particularly heavy. She agrees with most of the comments in favor of the ordinances. While it's not perfect, sometimes you have to go ahead because it's not always possible to reach consensus.

*Curtis McCarty moved to postpone Ordinance No. O-1011-52 and Ordinance No. O-1011-53 until June, or until the Task Force can reach a consensus and bring something forward. Chris Lewis seconded the motion.*

Ms. Walker explained that a motion to postpone to a certain time takes precedence over a motion to postpone indefinitely, to amend, and to commit. Ms. Connors noted

that the motion was either/or. Ms. Walker indicated that it would need to include a specific date.

*Curtis McCarty moved to postpone Ordinance No. O-1011-52 and Ordinance No. O-1011-53 until June 9. Chris Lewis seconded the motion.*

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

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

Recording Secretary Roné Tromble announced that the motion to postpone Ordinance No. O-1011-52 and Ordinance No. O-1011-53 until June 9 failed by a vote of 4-4.

There being no further discussion, a vote on the motion to recommend adoption of the two ordinances was taken with the following result:

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

Recording Secretary Roné Tromble announced that the motion to recommend adoption of Ordinance No. O-1011-52 and Ordinance No. O-1011-53 to the City Council failed by a vote of 4-4.

Chairman Gasaway asked for clarification of the result of these votes. Ms. Walker explained that the ordinances will go forward to City Council without an affirmative recommendation, and we will send detailed minutes forward.

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CITY COUNCIL  
PLANNING AND COMMUNITY DEVELOPMENT  
COMMITTEE MINUTES  
April 8, 2011

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

PRESENT: Councilmembers Atkins, Cubberley, and Chairman Butler

ABSENT: Councilmember Griffith

OTHERS PRESENT: Mayor Cindy Rosenthal  
Councilmember Carol Dillingham  
Councilmember-Elect Roger Gallagher  
Ms. Susan Connors, Planning and Community Development Director  
Mr. Ken Danner, Development Manager  
Mr. Bob Hanger, Storm Water Engineer  
Mr. Doug Koscinski, Current Planning Manager  
Mr. Steve Lewis, City Manager  
Mr. Shawn O'Leary, Director of Public Works  
Ms. Kathryn Walker, Assistant City Attorney  
Mr. Tom Knotts, Planning Commission Liaison  
Mr. Geoff Canty, Storm Water Task Force  
Mr. Russ Dutnell, Storm Water Task Force  
Mr. Harold Heiple, Attorney for Norman Developers Council  
Ms. Karla Chapman, Administrative Technician

UPDATE ON THE WATER QUALITY PROTECTION ZONE (WQPZ) ORDINANCES.

Ms. Susan Connors, Planning and Community Development Director, provided an update from the Planning Commission (PC) meeting held April 7, 2011, and said all but three Planning Commissioners were present and no other citizens were in attendance. She said Staff provided a presentation on the Storm Water Master Plan Draft Water Quality Protection Zone Ordinances and gave background information on the Storm Water Master Plan (SWMP). Ms. Connors said Staff addressed questions from the PC Commissioners and felt the discussion regarding the proposed ordinances was excellent and very helpful. She felt there was no total dissent from any of the PC Commissioners on the entire proposed WQPZ ordinances but there were a few concerns.

Mr. Shawn O'Leary, Director of Public Works, agreed the PC meeting was very beneficial and contained valuable and engaging discussion. He felt the PC Commissioners understood the key issues and requirements of the proposed ordinances, including the three options developers can choose from when creating a development, which are: 100 feet in width, measured from the top of the bank, on either side of the stream; designated Full Build-Out Floodplain (FBF); or the Federal Emergency Management Association (FEMA) Floodplain. Mr. O'Leary said Staff provided examples and illustrations for the three options.

Mr. Tom Knotts, Planning Commission Liaison, agreed the PC meeting was very constructive but concerns of whether the City or a Homeowners Association (HOA) would provide maintenance for a WQPZ buffer and fire prospects did surface.

Mayor Rosenthal asked Staff to provide the key changes to the proposed ordinances since the Committee last discussed this issue at the February 11, 2011, PCDC meeting and Ms. Kathryn Walker, Assistant City Attorney,

said most changes occurred in the Subdivision Regulations, Section 19-411, of the Code of the City of Norman. She said the following language has been added to the proposed ordinance:

**Sec 19-411(B)(2):** “An alternative width determined by an engineered process and approved pursuant to Section 19-601(B)”, making it more clear that variations are allowed for the required width for all the WQPZ’s.

**Sec 19-411(D):** “The base width of the WQPZ outlined in (B) above may be reduced for first order streams to no less than fifty (50) feet but never less than the FBF...”, which streamlined reduction on first order streams as long as the applicant(s) show other methods used to reduce nitrogen of at least 75% and phosphorus of at least 58%. Ms. Walker said this would typically be the more urban areas where streams are a little harder to identify and it would make good sense to have this option.

**Section 19-411(H):** “For all developments, particularly those containing some portion of the WQPZ, utilization of low impact development strategies are encouraged...” Ms. Walker said the City does not currently have a low impact development manual but when plats or Norman Rural Certificates of Survey (COS) include portions of the WQPZ, the current Engineering Design Criteria may be modified when low impact development strategies are utilized in accordance with the North Central Texas Council of Governments (NCTCOG) Integrated Storm Water Management Manual found at <http://iswm.nctcog.org/> and also on file in the Public Works Department. Staff’s hopes are the NCTCOG Integrated Storm Water Manual will be well received, particularly by the development community, since it is from the same region. Ms. Walker said the Citizen’s Storm Water Task Force has pointed out that Norman’s typical “curb and gutter” subdivision will not achieve the best benefit out of the WQPZ buffer and other options, such as the NCTCOG Integrated Storm Water Manual, are needed to accommodate and make the WQPZ buffers work well.

Mr. Shawn O’Leary, Public Works Director, said the NCTCOG took over three (3) years to develop the manual and it would be an excellent tool for Norman to use in the interim. He asked Mr. Bob Hanger, Storm Water Engineer, to highlight some of the examples of the NCTCOG Integrated Storm Water Manual and how it can be used relevant to the proposed WQPZ ordinance(s). Mr. Hanger said the main focus of the Integrated Storm Water Manual is water quality, stream bank protection, and flood mitigation and conveyance. He provided excerpts and examples featuring design practices to preserve riparian buffers, reduce roadway lengths and width, reduce building footprints, using vegetated swales instead of curb and gutter, and drain runoff to pervious areas.

Councilmember Butler said questions have been asked whether language should be added to the draft WQPZ ordinance(s) referencing the Corps of Engineers (Corps) 404 Floodplain Permit process, blue-line streams, etc., and Mayor Rosenthal said the development community has raised concerns that the City’s requirements should not conflict with the Corps 404 Floodplain Permit requirements, thus creating a no-win situation when trying to comply with both. Mr. O’Leary said Corps’ intentions on the 404 regulations (on blue-lines) are to stay away from the stream(s), and they even feel the untouched stream(s) should not be cleaned up. He said the City’s issue has more to do with getting the stream(s) so that they can actually function to receive the storm water run-off when located near or adjacent to a development. He said the feedback he has received is that the Corps likes Norman’s proposed WQPZ “buffer” ordinance very much and the proposed requirements are exactly what the Corps would like to see Norman, as well as other cities, achieve.

Councilmember Dillingham said her understanding of the 404 Floodplain Permit process is the concept of “no net loss of stream” and since the 404 Floodplain Permit is an on-going and changing federal program, she wondered if Norman was creating any issues in reference to the blue-line versus going from the edge of the bank. Mr. Geoff Canty, Storm Water Task Force (SWTF) Member, gave his perspective and felt the “edge of the bank” is a relevant area where change in elevation would probably be well outside of the Corps’ jurisdiction. Mr. O’Leary agreed stating the Corps is mainly concerned with bank to bank, inside the stream more so than bank to bank, outside of the stream. Councilmember Dillingham felt the City will always be outside the blue-line when dealing with the “no net loss of stream” concept and therefore the 404 Floodplain Permit regulations should not conflict with the proposed ordinance(s). Mr. Canty said just because a stream shows up as a blue-line on a United States Geological Survey (USGS) map does not mean it is a 100% guarantee that the stream is a jurisdictional body of water the Corps has control over. He said a process is available to remove a jurisdictional body of water, i.e., first order streams, that is no longer functioning as an intermittent stream. The Corps also allows for a self permitting process (General Permits), to remove certain lengths of streams, where permits would not be required but adhering strictly

to Corps's language would be a requirement, i.e., Storm Water General Permit, Linear Transportation General Permit, etc. Mr. Canty said the Corps only regulates fill and redistribution fill of a stream therefore if a bridge or box (under a certain size) needed to be built, a permit independent of the City can be applied for and obtained. Mr. Canty said up to 300 linear feet of a stream can be affected, i.e., install a concrete pipe, etc., therefore making it a contradiction of the proposed WQPZ ordinance. He said the 404 Floodplain Permits change every five (5) years and depending on the intentions and directives in Washington, D.C., the 404 Floodplain Permits can become more or less stringent. He said there is also a possibility that the individual Corps General Permits, enabling an entity to perform work within the Corps' purview, may not ultimately be the City's desire and Mr. O'Leary stated the Corps is the federally regulatory body and the City of Norman is secondary to the Corps.

Councilmember Dillingham said, based on Mr. Canty's remarks, she wondered how difficult it will be if and when a stream is declared non-jurisdictional, specifically how it will dovetail with first order stream(s). She felt that this issue will be the most conflicting and suggested Staff make certain the City's variance procedure(s) does not interfere with the non-jurisdictional process and vice versa. Mayor Rosenthal said the local developers have raised the issue of the blue-line stream and asked Mr. Harold Heiple, Attorney for Norman Developers Council, if he had any follow-up questions or remarks. Mr. Heiple thanked Mayor Rosenthal but said he was not familiar enough with Corps's regulations to comment.

Mr. Russ Dutnell, SWTF Member, said the Corps has three basic priorities: avoidance, minimization, and mitigation. He said the individual General Permit will suggest first to avoid the stream completely, the next step would be to minimize damage to the stream, and thirdly to mitigate or restore any damage to the stream. Mr. Canty said when looking at the removal of jurisdictional determination, the Environmental Protection Agency (EPA) simply has to concur with the decision. Mayor Rosenthal felt tying the City's proposed WQPZ ordinance to the blue-line(s) might be problematic since the 404 Floodplain Permit/blue-line(s) change every five (5) years, making procedures more and/or less stringent. Mr. Canty said the blue-line(s) on the USGS map are purely for reference and the maps can be accessed and verified by the public. He said the Corps will state the blue-line(s) are their first screening step and not what they base their final decision on, however when a stream is located on a blue-line map, more than likely the Corps will determine they have jurisdiction. Mr. Canty felt simply because a blue-line is tied to a stream on a USGS map does not necessarily make it an unfavorable standard for the City.

Mr. O'Leary said discussions on the proposed WQPZ ordinances always involve the issue of maintenance, specifically whether the HOA's or the City should maintain the WQPZ buffers and are the WQPZ buffers creating a fire hazard. He felt a lot of excellent debate was accomplished at the April 7, 2011, PC meeting which quickly evolved into the larger discussion of the Storm Water Master Plan (SWMP), the proposed utility fee, and the City performing enhanced maintenance services, etc. Mr. O'Leary said the proposed WQPZ ordinances addresses maintenance issues and assumes that most of the maintenance will be done by the adjacent property owners as well as the maintenance remains fairly natural, making the maintenance less instead of more to maintain.

Staff said a recent change in the draft ordinance was Section 19-514(D) and (E) addressing the minimum grass height standards for Zone 1, Streamline Zone; Zone 2, Middle Zone; and Zone 3, any portion within 30 feet of a primary structure. Councilmember Atkins said if WQPZ buffers are to be exempt in accordance with Section 10-209, they could possibly have six foot high weeds/grass growing in or near them. He said he was very concerned about the minimum grass height standards versus maximum ordinance standards for Zones 1 and 2, because of the recent fires in Ward 1, specifically on Beaumont Street near the Campus Lodge Apartments. Ms. Walker said she may need to tweak this section a little and said she has discussed this issue with the City Fire Marshall. She said the Fire Marshall explained their direct authority is the National Fire Protection Association (NFPA) which recommends three zones around a house, i.e., closest to the home is turf and the further away from the home can have higher grass/vegetation because it is less risk to the home. She said the NFPA Zone 1, closest to a home, is similar to what the WQPZ Zone 3, Outer Zone could be in subdivisions. Basically, Zone 3 would allow for shorter grass or similar vegetation within 30 feet of a primary structure(s) to be maintained in accordance to Section 10-209, because it would be less fuel for a fire. if a fire

was to occur. Zone 2 would allow grass or vegetation to be mowed and/or maintained to a height below six (6) inches and Zone 1 would allow any grass or similar vegetation to be mowed and/or maintained to a height below eight (8) inches.

Councilmember Dillingham said in reference to City maintenance of WQPZ, she suggested Staff keep in mind that the Zone(s) are merely one piece of a lot of ordinances and discussions will be needed to determine an appropriate application/entry if the proposed WQPZ is adopted. She said Staff will need to discuss how long a development may take to come forward that would be regulated by the proposed WQPZ ordinance and make certain the City will be ready to undergo the extra effort it will take in order to maintain a WQPZ buffer. Mr. O'Leary agreed and said this is exactly the direction the discussions have been going, i.e., should the WQPZ issue be ahead (or behind) the WQPZ maintenance issue. He said in many ways the example of the Summit Valley Addition, which is near a second and third order stream, has been a great tool and Staff is researching in order to locate examples of an existing Norman subdivision that are near a first order streams.

Mr. O'Leary said Staff will provide a full presentation on the proposed WQPZ ordinance(s) at the PC Public hearing scheduled for April, 14, 2011, and will include the calculation tables for the areas consumed around a FBF for the current urban as well as the country suburban. Councilmember Butler requested Staff forward the latest proposed draft WQPZ ordinance(s) and calculation tables to the SWTF and Mr. O'Leary answered in the affirmative.

Councilmember Dillingham asked Staff if a policy goal was included in the proposed WQPZ ordinance encouraging low impact development and Ms. Walker said Section 19-411(H) states..."For all developments, particularly those containing some portion of the WQPZ, utilization of low impact development strategies are encouraged...".

#### DISCUSSION REGARDING LOW IMPACT DEVELOPMENT STRATEGIES FROM THE NORTH CENTRAL TEXAS COUNCIL OF GOVERNMENTS INTEGRATED STORM WATER MANAGEMENT MANUAL FOR WHICH ENGINEERING DESIGN CRITERIA COULD BE MODIFIED UNDER THE WQPZ ORDINANCE.

Ms. Kathryn Walker, Assistant City Attorney, said the NCTCOG Integrated Storm Water Manual consists of a lot of cities in the Texas metroplex area, including Dallas and Fort Worth, and incorporates specifications for low impact developments. Councilmember Atkins felt the City should obtain a license agreement from NCTCOG, rather than linking Norman's regulation to a North Texas Storm Water Management Plan. He said if NCTCOG amends the Integrated Storm Water Manual then Norman would have to abide to the changes as well. Mayor Rosenthal felt Norman would merely be referencing the NCTCOG in order to provide design criteria that Norman, or any other city in Oklahoma, currently does not have and she felt a major concern of the development community was to know some of the low impact alternatives. She said Staff looked at many alternatives that Norman can use and take advantage of the work that already has been completed, adopt the alternatives, and modify as needed to meet Norman's desires. The Committee agreed and Ms. Walker said she has contacted NCTCOG and it is possible for Norman to get a license. She said NCTCOG has created a process for cities to obtain a license to the Integrated Storm Water Manual and cities can then modify and/or adopt as needed. She felt the City should acquire a license and once attained, the Integrated Storm Water Manual would be received in a word format so that it can be modified to fit Norman's needs and become Norman's regulations.

#### MISCELLANEOUS DISCUSSION.

Councilmember Atkins said Staff provided information to Council stating an additional 5300 units will be built in the near future, adding to the City's water demand. He asked if Norman has a Strategic Water Plan (SWP) and Staff answered in the affirmative. Councilmember Atkins felt a review of the SWP was needed and Mr. Steve Lewis, City Manager, said the Chromium Six Committee discussions have included updating the SWP, which was approved in 2003. Mr. Lewis said the proposed FY2012 Budget includes a \$300,000 update to the SWP. Mayor Rosenthal said the Oklahoma Municipal League (OML) has placed an initial/interim report for the State Water Plan on line which includes significant municipal water implications.

Mr. Lewis said the Weekly Report to Council will provide a link to obtain this information including information on 13 forums that will be taking place around the state over the next couple of months.

Items submitted for record

1. Memorandum dated April 4, 2011, from Ms. Susan Connors, Director of Planning and Community Development, to Chairman and Members, Norman Planning Commission.
2. Draft Ordinance O-1011-52, to Provide for Standards and Requirements for a Designated Water Quality Protection Zone Inclusive of the Lake Thunderbird Watershed, Chapter 19, of the Code of the City of Norman
3. Draft Ordinance O-1011-53, for Water Quality Protection Zoning Overlay District, Section 429.7, of Chapter 22, of the Code of the City of Norman
4. ISWM Technical Manual – Planning, integrated Site Design Practice #2: Preserve Riparian Buffers, submitted by Mr. Bob Hanger, Storm Water Engineer.

The meeting adjourned at 8:51 a.m.

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City Clerk

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Mayor

## COUNCIL CONFERENCE MINUTES

March 8, 2011

The City Council of the City of Norman, Cleveland County, State of Oklahoma, met in a conference at 5:30 p.m. in the Municipal Building Conference Room on the 8th day of March, 2011, and notice and agenda of the meeting were posted at the Municipal Building at 201 West Gray, and the Norman Public Library at 225 North Webster 48 hours prior to the beginning of the meeting.

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

ABSENT: Councilmembers Ezzell and Quinn

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Items submitted for the record

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

The meeting adjourned at 6:27 p.m.

ATTEST:

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City Clerk

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Mayor

CITY COUNCIL  
PLANNING AND COMMUNITY DEVELOPMENT  
COMMITTEE MINUTES  
February 11, 2011

The City Council Planning and Community Development Committee of the City of Norman, Cleveland County, State of Oklahoma, met at 8:02 a.m. in the Conference Room on the 11th day of February, 2011, and notice and agenda of the meeting were posted in the Municipal Building at 201 West Gray and the Norman Public Library at 225 North Webster 48 hours prior to the beginning of the meeting.

PRESENT: Councilmembers Atkins, Cubberley, Griffith, and  
Chairman Butler

ABSENT: None

OTHERS PRESENT: Mayor Cindy Rosenthal  
Councilmember Carol Dillingham  
Councilmember Dan Quinn  
Mr. Jeff Bryant, City Attorney  
Ms. Susan Connors, Planning and Community  
Development Director  
Mr. Ken Danner, Development Manager  
Mr. Bob Hanger, Storm Water Engineer  
Mr. Doug Koscinski, Current Planning Manager  
Mr. Steve Lewis, City Manager  
Mr. Shawn O’Leary, Director of Public Works  
Ms. Kathryn Walker, Assistant City Attorney  
Mr. Tom Knotts, Planning Commission Liaison  
Ms. Robin Allen, Chamber of Commerce Interim Director  
Mr. Harold Heiple, Attorney for Norman Developers Council  
Mr. Sean Rieger, Attorney for Builders Association of South  
Central Oklahoma  
Mr. Tom Sherman, Chamber of Commerce Officer  
Ms. Karla Chapman, Administrative Technician

STATUS UPDATE ON THE STORM WATER MASTER PLAN IMPLEMENTATION PLAN.

Mr. Shawn O’Leary, Director of Public Works, said a great deal of work has been accomplished since Council adopted the Storm Water Master Plan (SWMP) Action Plan on November 10, 2009. He said Staff developed a 20 year implementation plan with the 30 “key” recommendations dealing with storm water improvements to storm water quality. He said Staff then took each recommendation and set out milestones, gave a description and category, responsible party and/or Staff leader, and status for each.

Mr. O’Leary said the SWMP Task Force consists of 12 citizens representing all aspects of the community and storm water interest groups, as well as Planning and Park Board Commissioners, City Developers, and Oklahoma University (OU) representatives. He said Staff and the SWMP Task Force knew one of the more controversial and challenging issues of the SWMP was the concept of stream planning corridors and the Water Quality Protection Zone (WQPZ) has been the main focus.

Mr. O’Leary said Staff researched other cities in Oklahoma and across the country, as well as the model Environmental Protection Agency (EPA) ordinances in order to develop an ordinance to “fit” Norman. He said Staff prepared two ordinances, the first draft WQPZ Overlay District (WQPZOD) would be an amendment to the Zoning Ordinance Regulations and create an overlay district having boundaries that would *only* apply to the Lake Thunderbird Water Shed. The SWMP Task Force felt the City’s primary goal should be to protect Lake Thunderbird – Norman’s drinking water supply. He said the City must also comply with storm water quality

requirements to include the Municipal Separate Storm Sewer System (MS4) Program, Canadian River and Bishop Creek Bacteria Total Maximum Daily Load (TMDL), and the future Oklahoma Department of Environmental Quality (ODEQ) Lake Thunderbird Watershed Plan. Mr. O'Leary said the WQPZOD would not include Brookhaven Creek, Imhoff Creek, Ten Mile Creek, or Bishop Creek and would not be retro-active for existing developments. The second draft WQPZ ordinance would be an amendment to the Subdivision Regulations and the flooding and drainage goals include providing public safety, protect public and private property, and integrate recreational opportunities.

The SWMP Task Force is scheduled to meet later today to review the SWMP Action Plan and draft WQPZ ordinances. Mr. O'Leary highlighted the proposed process and schedule for final approval of the WQPZ ordinance(s) is as follows:

- |  |  |
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| ❖ March 8, 2011 – City Council Study Session | ❖ March 25, 2011 – SWMP Task Force     |
| ❖ March 14, 2011 – Public Forum              | ❖ April 14, 2011 – Planning Commission |
| ❖ March 15, 2011 – SWMP Sub-Committee        | ❖ May 10, 2011 – City Council          |

A key point of the SWMP is the concept of stream planning corridors, or Full-Build Out Floodplain (FBF). Post, Buckley, Schuh, and Jernigan, Inc., (PBS&J) developed a set of *local* floodplain maps that surpass the Federal Emergency Management Agency (FEMA) floodplain maps. Mr. O'Leary said the City's current floodplain maps were developed and adopted in 1970 and the FEMA floodplain maps are based on existing conditions. The *local* floodplain maps are based on future FBF conditions. FBF, or stream planning corridor, was the basis of the maps developed in the SWMP.

Mr. O'Leary said the Water Quality Protection Zone (WQPZ) is the FBF with a buffer and the concept of WQPZ is promoted in all of the researched model ordinances around the country. He said the Summit Valley Addition, located on Highway 9 East in Norman and developed by Don Cies, is a fascinating example of a WQPZ. He said Staff compared the FEMA Floodplain maps, the FBF maps, and the floodplain maps developed by Clour Engineering for Summit Valley Addition. Mr. O'Leary said it was very interesting to see how close all the floodplain maps harmonized with one another and stated Staff did not even know the WQPZ terminology eight – ten years ago when Summit Valley Addition was developed, yet it is a wonderful example of a WQPZ the ordinance is proposing.

In order to provide flexibility, Mr. O'Leary said developers will have three (3) options to choose from as they decide to map the WQPZ in their proposed developments. 1) Use the FEMA floodplain map, if available/exists for the proposed area, plus 100 feet; 2) Use the United States Geological Survey (USGS) "Blue Line" map, plus 100 feet *either* side of the "Blue Line"; or 3) Use the City's developed FBF maps. Staff currently requires U.S. Army Corps of Engineers 404 Permits on all developments that touch the "Blue Line" streams as shown on the USGS Quadrangle maps and currently requires development to provide erosion protection per the ODEQ Phase II Permit. Mr. O'Leary said Staff is very comfortable with the developed FBF maps, but should a developer(s) feel the FBF maps are not accurate, they can choose to use the FEMA or USGS maps instead. He said the 100 foot dimensions may get tweaked as the process moves forward and variances/variations have been included in the proposed WQPZ ordinances. He said variances can be requested in the Zoning Ordinance and would go before the Board of Adjustment.

Mr. O'Leary said some interesting variations have been developed for the subdivision regulations. Staff will introduce the concept of buffer averaging, allowing developers to take a larger buffer in one area and use a smaller buffer in another area, i.e., downstream, upstream, etc., as long as the total buffer is the same. He said developers will be asked to meet the "spirit of the ordinance" but there are opportunities for variations and developers can use different design mechanisms in order to accomplish the WQPZ goal.

Mayor Rosenthal asked Staff to speak about the density shifting provision and Ms. Kathryn Walker, Assistant City Attorney, said the proposed WQPZOD ordinance includes a provision allowing for transfer of permitted development density, i.e., if a parcel/lot is totally located in a WQPZ, the City will allow some transfer of density to permit the developer to make up for the lost parcel/lot. Mr. O'Leary said the term "clustering" is already utilized in

the current zoning ordinance and is used to cluster developments, leaving other open areas within the development. He said there are many other elements to the proposed WQPZ ordinances, but today's update only references the highpoints. Mr. O'Leary felt the proposed ordinances may need modification but they are very unique to Norman and were developed with the help of many people, i.e., Staff, interest groups, SWMP Sub-Committee and Task Force, etc. Mayor Rosenthal asked if the proposed ordinances required trails and Staff replied in the negative.

Councilmember Butler asked how the Floodplain Ordinance adopted several years ago (O-0607-39) would correspond with the proposed WQPZ ordinances and Mr. O'Leary said the Floodplain Ordinance coincides with the FEMA Floodplain maps and will continue to be used in the same fashion. He said the Floodplain Ordinance and the proposed WQPZ ordinances are similar in many respects as both deal with flood control and reduce flooding, but the proposed WQPZ ordinances are much more focused on the water quality aspect.

Mr. O'Leary said to date the majority of work done in SWMP Action Plan has been developing the WQPZ ordinances but Staff continues to do good work on other action items. He said in the spring, Norman will meet with the Cities of Moore and Oklahoma City to compare storm water regulations, establish Minimum Control Measures (MCM) for EPA compliance, and develop Memorandums of Understanding (MOU). He said a large part of the Lake Thunderbird Water Shed is located in Moore, Oklahoma City, and Cleveland County and even with Norman's best effort, the ultimate goal of the Lake Thunderbird water quality will not be met unless Moore and Oklahoma City agree to the same water quality conditions. Staff will also meet with Oklahoma Department of Environmental Quality, Oklahoma Water Resources Board, and Central Oklahoma Master Conservancy District, in the Spring 2011, to discuss the extent of pollution for Bishop Creek, and continue dialog as for continuing efforts in being consistent with the water quality regulations and interest in the region.

Mayor Rosenthal asked for a status update on ODEQ's TMDL study for Lake Thunderbird Water Shed. Mr. O'Leary felt ODEQ is a little behind schedule because they have not issued Norman a Phase II Storm Water Permit (Phase II Permit) – which is a requirement and/or regulation a city must follow for five year period. He said Norman's initial Storm Water Permit (SWP) expired December 2010, and the projected issue date for the Phase II Permit is May or June 2011. He said ODEQ has been assessing the initial SWP information and he felt one issue holding up the issuance of the Phase II permit is ODEQ is still processing TMDL data. ODEQ has evaluated Norman as doing very well in comparison to other cities in the state, but the theory is the Phase II Permit will probably have a "new" set of regulations and be more stringent than the first SWP. Councilmember Butler asked how specific ODEQ will be with the new regulations and Mr. O'Leary said the regulations are based on best management practices but the goal is to have as specific standards as possible for each city's water shed. Therefore, the Phase II Permit for Norman may look very different than the Phase II Permit for the City of Lawton, City of Oklahoma City, etc.

Councilmember Cubberley asked Staff if ODEQ will begin concentrating on the water quality of the Canadian River in the future and Mr. O'Leary said ODEQ is already regulating storm water/water quality for the Canadian River through the Norman Utilities Department. He said the Phase II Permit will be for all Norman water sheds, not just Lake Thunderbird, and requires Norman to use best management practices throughout the city which ultimately assists with the water quality for the Canadian River. He said Staff is aware of pollution issues in Bishop Creek which discharges to the Canadian River and felt interest would focus more on the Canadian River in the future, but will probably not be addressed a great deal in the Phase II Permit. Just as Lake Thunderbird is Norman's domestic water supply, the Canadian River is a domestic water supply for many other cities and/or towns.

Mr. O'Leary said the Finance Department met with Staff on September 13, 2010, to determine current status of a strategic work plan for Storm Water Utility, i.e., administration and billing process, and Mr. Anthony Francisco, Finance Director, felt this would be very easy to accomplish. A Storm Water Utility (SWU) fee election is expected to occur in late 2011 or early 2012, and, if and when, the SWU fee election passes, Staff will establish a master account file, determine key billing logistics, and provide web-based account information. Some issues to be resolved include deciding whether a renter or the owner pays the storm water utility fee, how disputes will be handled, and Council discussion for a tier system billing.

The next step would be a strategic work plan for a General Obligation (GO) Bond and pending Council direction, Staff would begin working on a GO Bond, i.e., establish bond issue language, determine the amount (\$30 million, \$38.5 million, or \$40 million), and forecast debt service. The City's Geographic Information System (GIS) has already incorporated digital/reference data for the SWMP into the City's GIS, i.e., geo references field photo locations and developed a GIS Map Overlay System.

Mr. O'Leary said the Street Division is inspecting and monitoring stream erosion and is approximately 75% complete. A detention/retention inspection form has been developed and stream photos will be updated in Spring 2011. A public outreach campaign will be accomplished immediately before the SWU fee election to include forming a Citizen Committee and public education. Mr. O'Leary said Staff continues to develop a Staff Team from multiple City departments and hired Mr. Bob Hanger for the Storm Water Engineer position. He said an inventory and inspection of City-owned dams has been performed.

Mayor Rosenthal said it would be helpful to have all the Storm Water related expenses identified in the budget and Mr. Steve Lewis, City Manager, said Staff will do so for the proposed 2012 budget. Mr. O'Leary said last year's budget reflected the Street Division and Storm Water Division as separate line items and future budgets will be more detailed to show the Storm Water related expenses.

Ms. Susan Connors, Planning and Community Development Director, provided a brief update on the 2009 Greenway Master Plan (GMP) Action Plan, which is Item 31 of the SWMP Action Plan and said the Greenbelt Commission (GC) has put together a sub-committee to continue working on the GMP. She said the sub-committee met in January 2011, and discussed having an appendix detailing the different stream corridors. She said the GMP will have the principles of the plan and ideas how to achieve a greenbelt system and an appendix will include the specifics of how each stream corridor can be achieved individually. Council could adopt the GMP as an overall principle document while the appendix could be a separate implementation technique to the GMP and could be amended as needed. She felt this would move the process forward in a more methodic manner instead of worrying about issues with the various Norman creeks/stream corridors. Ms. Connors said the sub-committee is scheduled to meet February 15, 2011, and the GC will meet February 21, 2011, to discuss and finalize the proposed GMP Action Plan and appendix before bringing back to Council.

The GC officially began using the GB Enhancement Statement review in December 2010 and Staff prepared reports to focus and understand all the information.

Items submitted for record

1. Storm Water Master Plan (SWMP) Task Force Meeting Agenda, dated Friday, February 11, 2011
2. Draft Ordinance to Provide for Standards and Requirements for a Designated Water Quality Protection Zone Inclusive of the Lake Thunderbird Watershed, Section 19, of the Code of the City of Norman
3. Draft Ordinance for Water Quality Protection Zoning Overlay District, Section 429.7, of Chapter 22, of the Code of the City of Norman
4. February 11, 2011, Status Report/SWMP Action Plan (by milestone)
5. City of Norman, Storm Water Master Plan Recommendations and Implementation Plan submitted by Post, Buckley, Schuh, and Jernigan, Inc.

The meeting adjourned at 8:56 a.m.

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City Clerk

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Mayor



CITY COUNCIL AGENDA  
MAY 24, 2011

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

**Item No. 34**

Text File Number: R-1011-120

**Introduced:** 5/11/2011 by Kathryn Walker, Assistant City Attorney

**Current Status:** Non-Consent Items

**Version:** 1

**Matter Type:** Resolution

Title

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

**ACTION NEEDED:** Motion to adopt or reject Resolution No. R-1011-120.

**ACTION TAKEN:** \_\_\_\_\_

Body

**BACKGROUND:** The Storm Water Master Plan (SWMP) contained several recommendations aimed at improving water quality. The recommendation that led to the ordinances before Council was set forth in the SWMP as follows:

- ◇ Dedicate Stream Planning Corridors (SPC's) and/or the 100-year full buildout floodplains to the City of Norman by easement or title for streams located in the Lake Thunderbird watershed that have a drainage area greater than 40 acres.
- ◇ Prohibit development or significant land disturbance in the SPCs and/or the 100-year full buildout floodplain. Exemptions should include items such as, but not limited to, maintenance activities, greenway trails, road crossings, utilities, and stream stabilization measures.
- ◇ Require additional stream-side buffers of 15 ft to each side of streams with drainage areas greater than 40 acres that are located in the Lake Thunderbird watershed and also in Suburban Residential and Country Residential areas as defined in the Norman 2025 Plan including subsequent updates to the comprehensive plan as adopted by City Council.

*Storm Water Master Plan, Section 9.9.*

Following the acceptance of the SWMP and adoption of the SWMP Action Plan in November 2009, Staff began working towards the development of a draft ordinance that would address this recommendation from the SWMP. A variety of approaches utilized in other cities in our region were presented during a Public Forum on January 27, 2010, with maps being provided that demonstrated how each approach would compare to the proposed SPC's. Feedback from the development community indicated that several things would be important to achieving consensus - allowing variances for unique developments and new technology, providing for density compensation, and not requiring dedication of the SPC for public access or public trails.

Using this feedback, Staff began drafting an ordinance that encompassed desirable characteristics seen in many of the regional approaches and also seen in a Model Ordinance for Stream Buffers from the Environmental Protection Agency (EPA). After developing a pair of draft ordinances, Staff met several times with the City Council sub-committee for the SWMP before presenting the ordinances to the SWMP Task Force (the “Task Force”), a group made up of developers, engineers, scientists, and other local citizens.

Staff met with the SWMP Task Force on the following dates:

- February 11, 2011
- February 21, 2011
- March 7, 2011
- March 21, 2011
- April 29, 2011

In addition to the meetings with the Task Force, Staff met with key developer representatives on February 15, 2011, Chamber representatives on February 24, 2011 and again with key developer representatives as well as the City Council sub-committee for the SWMP on March 31, 2011. The changes made to the ordinances in an effort to achieve consensus can be seen in Exhibit A, Timeline of WQPZ Ordinances.

The Norman Planning Commission was briefed on these ordinances during a Study Session on April 7, 2011. During its meeting on April 14, 2011, the Planning Commission voted 4-4 on a motion to recommend Council adoption of the attached ordinances.

One of the key recommendations from the SWMP, as quoted above, dealt with the benefits of riparian buffers. Riparian buffers, or areas of undeveloped land adjacent to streams, provide a number of benefits related to water quality, including reduction of erosion and the stabilization of stream banks, infiltration of storm water runoff, control of sedimentation, and restoration and maintenance of the chemical, physical and biological integrity of water resources. Riparian buffers also provide significant benefits for the prevention of property damage due to flooding.

#### **DISCUSSION:**

Ordinances. The ordinances before City Council would require applications for preliminary plats or Norman Rural Certificates of Survey to identify the streams on the subject property and denote a buffer on either side of the stream. The ordinance calls for the buffer to be the greater of the FEMA floodplain, the Full Build-Out Floodplain, or 100 feet from the top of the bank on either side of the stream.

The FEMA floodplain encompasses the areas along both sides of streams or drainage corridors that have a drainage area greater than 640 acres and would be inundated by a 100 year rain event in any given year assuming only current development conditions. The Full Build-Out Floodplain encompasses the areas along both sides of streams or drainage corridors in the Lake Thunderbird Watershed that have a drainage area greater than 40 acres and would be inundated by a 100-year rain event in any given year assuming full build-out watershed conditions.

The designated buffer area would be called the Water Quality Protection Zone (WQPZ). The buffer is divided into three zones - streamside, middle and outer zone with uses being more restricted the closer you are to the stream. The buffer width may be increased if the stream is a 3rd order or higher stream (these are typically the larger streams), if certain slope conditions exist in the buffer, and to encompass wetland areas.

Since riparian buffers are essentially areas of undeveloped land, it is important that buffer ordinances are flexible to accommodate development conditions. In the WQPZ ordinances before City Council, several things have been incorporated to ensure flexibility. First, the buffer width discussed above can be reduced for first-order streams to 50 feet (but not less than the Full Build-Out Floodplain) with a showing that an engineered solution will provide a particular level of phosphorus and nitrogen removal (*O-1011-52, Section 19-411D*). Second, the buffer width can be reduced in all streams if the Applicant seeks a variation in accordance with Section 19-601(B), also in O-1011-52.

The ordinance also explicitly allows for specifications and requirements in the Engineering Design Criteria to be modified to accommodate low impact development strategies (*O-1011-52, Section 19-411H*). The ordinance allows for the buffer to be modified to recover a lost lot as long as the average width of the buffer meets the requirements in 19-411(B). (*O-1011-52, Section 19-601B.2.*) Finally, the additions to the Zoning Ordinance allow for reduction in minimum lot size and transfers in development density to allow developers to recover lots lost because of the WQPZ.

Adoption of the SWMP. When the SMWP was presented to City Council in November 2009, Council's decision to accept certain aspects of SWMP rather than adopt the plan was largely due to significant trepidation in the community about the SPC recommendations contained in the plan. This trepidation is the reason why development of these ordinances was one of the first items for Staff to develop in the Action Plan adopted by Council. The next major action item for Staff to begin working on is approval of a storm water utility rate structure by the voters in Norman. One of the major accomplishments of the SWMP was to identify the capital projects and applicable scope necessary to achieving the City's goals. Adoption of the SWMP as a policy document will enable Staff to move forward with the capital projects portion of the Plan. Resolution No. R-1011-120 formally adopts the Storm Water Master Plan.

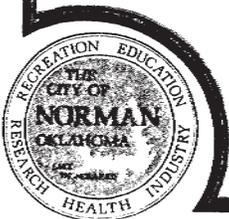
**CONCLUSION AND RECOMMENDATION:** Staff has worked diligently with the Storm Water Task Force, the Council Sub-Committee, as well as developer representatives to develop ordinances that will both protect and enhance water quality and prevent property damage due to flooding, while also striking the appropriate balance with development rights and goals. Staff feels it is the appropriate time to adopt the SWMP as the guidance it provides for the capital projects and Storm Water Utility will be key as Staff moves forward.

Staff recommends Council adopt Resolution No. R-1011-120.

R-1011-120

A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA ADOPTING THE STORM WATER MASTER PLAN FINAL REPORT DATED OCTOBER 2009 AND SETTING THE IMPLEMENTATION OF A STORM WATER UTILITY AS THE NEXT STORM WATER RELATED COUNCIL PRIORITY.

- § 1. WHEREAS, uncontrolled storm water run-off may cause pollution to the drinking water supply and threaten private property with flood damage, erosion, and declining property values; and
- § 2. WHEREAS, the City of Norman is required to meet Phase II Storm Water regulations as promulgated by the Environmental Protection Agency; and
- § 3. WHEREAS, the City of Norman is currently facing the degradation of water in Lake Thunderbird as a result of run-off of nitrogen, phosphates, and sediments which have resulted in a designation of the lake as an “impaired water body”; and
- § 4. WHEREAS, the City of Norman has undertaken a comprehensive review and analysis of flooding, water quality, and erosion over a period of four years aimed at reducing flooding dangers, protecting water quality, enhancing the environment and advancing recreational opportunities; and
- § 5. WHEREAS, the City has received a Storm Water Master Plan with detailed data maps, analysis of hydrologic and hydraulic modeling, flood prone soils, and water quality, all of which are valuable for planning purposes and future policy development; and
- § 6. WHEREAS, the City has sought input from the citizens of Norman by providing opportunity for submission of written comments and for attendance and comment at a series of public meetings; and
- § 7. WHEREAS, a Storm Water Utility, as discussed in the Storm Water Master Plan, will be a key step in providing enhanced maintenance of creeks and existing storm water detention facilities, as well as completing a number of important capital projects that will reduce flooding and erosion throughout the urbanized area of Norman; and
- § 8. WHEREAS, the Storm Water Master Plan contains three rate options to fund the enhanced maintenance of creeks and storm water detention facilities, as well as the recommended capital projects; and



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

- § 9. That the City of Norman hereby adopts the Storm Water Master Plan Final Report, dated October 2009, as the basis for development of future policy and regulations; and
- § 10. That the Council of the City of Norman acknowledges the adoption of the Storm Water Master Plan does not impose at this time any new fees and that all utility rates are by City Charter subject to a vote by Norman residents; and
- § 11. That the Council of the City of Norman establishes that the next priority for City-wide storm water management is to analyze and formulate the most appropriate rate structure for the Storm Water Utility and to pursue approval of said rate structure by the voters of the City of Norman.

PASSED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk