City of Norman, OK

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

Meeting Agenda

Tuesday, August 23, 2011

6:30 PM

Municipal Building Council Chambers

City Council

Mayor Cindy Rosenthal
Council Member Roger Gallagher
Council Member Tom Kovach
Council Member Hal Ezzell
Council Member Carol Dillingham
Council Member Dave Spaulding
Council Member Jim Griffith
Council Member Linda Lockett
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-1112-14**

APPROVAL OF THE MINUTES AS FOLLOWS:
CITY COUNCIL CONFERENCE MINUTES OF JULY 26, 2011
CITY COUNCIL OVERSIGHT COMMITTEE MINUTES OF AUGUST 3, 2011
CITY COUNCIL SPECIAL SESSION MINUTES OF AUGUST 9, 2011
CITY COUNCIL MINUTES OF AUGUST 9, 2011
NORMAN UTILITIES AUTHORITY MINUTES OF AUGUST 9, 2011
NORMAN MUNICIPAL AUTHORITY MINUTES OF AUGUST 9, 2011
NORMAN TAX INCREMENT FINANCE AUTHORITY MINUTES OF AUGUST 9, 2011

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

ACTION TAKEN: _____

Attachments: July 26 Conference Minutes
August 3 Oversight Minutes
August 9 CC Minutes

Awards and Presentations

4 **R-1112-29** RESOLUTION NO. R-1112-29: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, JOINING THE NATIONAL MOMENT OF REMEMBRANCE OF THE 10TH ANNIVERSARY OF SEPTEMBER 11TH.

ACTION NEEDED: Motion to adopt or reject Resolution No. R-1112-29.

ACTION TAKEN: _____

Attachments: R-1112-29 September 11

5 P-1112-3 PROCLAMATION NO. P-1112-3: A PROCLAMATION OF THE MAYOR OF THE CITY OF NORMAN, OKLAHOMA, PROCLAIMING WEDNESDAY, AUGUST 31, 2011, AS NORMAN REGIONAL HOSPITAL AUXILIARY 60TH ANNIVERSARY VOLUNTEER RECOGNITION DAY IN THE CITY OF NORMAN.

ACTION NEEDED: Motion to acknowledge receipt of Proclamation No. P-1112-3 proclaiming Wednesday, August 31, 2011, as Norman Regional Hospital Auxiliary 60th Anniversary Volunteer Recognition Day in the City of Norman.

ACTION TAKEN: _____---

Attachments: NRH Volunteer Recogition

6 Consent Docket

Consent Docket

This item is placed on the agenda so that the City Council, by unanimous consent, can designate those routine agenda items that they wish to be approved or acknowledged by one motion. If any item proposed does not meet with approval of all Councilmembers, that item will be heard in regular order. Staff recommends that Item 7 through Item 51 be placed on the consent docket.

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

ACTION TAKEN:

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

ACTION TAKEN:

7 O-1112-3 CONSIDERATION OF ORDINANCE NO. O-1112-3 UPON FIRST READING BY TITLE: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, CLOSING A UTILITY AND DRAINAGE EASEMENT LOCATED ALONG THE SOUTH BOUNDARY OF LOTS 21, 22, AND 23, AND ALONG THE NORTH BOUNDARY OF LOTS 24, 25, AND 26, LOCATED IN BLOCK 5, NRH MEDICAL PARK WEST ADDITION, SECTION 4, TO THE CITY OF NORMAN, CLEVELAND COUNTY, OKLAHOMA; AND PROVIDING FOR THE SEVERABILITY THEREOF.

ACTION NEEDED: Motion to Introduce and adopt Ordinance No. O-1112-3 upon First Reading by title.

ACTION TAKEN: _____

Attachments: O-1112-3 NRH UE
Location Map - NRH UE
Staff Memo O-1112-3
NRH UE Petition
Abstractor's Certificate and Radius Map
NRH UE Utility Letters
NRH UE Staff Report
7-14-11 PC Minutes - NRH UE

8 O-1112-4 CONSIDERATION OF ORDINANCE NO. O-1112-4 UPON FIRST READING BY TITLE: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, CLOSING A UTILITY EASEMENT ALONG THE REAR PROPERTY LINE OF LOTS 1 THROUGH 20 AND LOTS 25 THROUGH 44, BLOCK 1, HARDIE-RUCKER ADDITION TO THE CITY OF NORMAN, CLEVELAND, OKLAHOMA; AND PROVIDING FOR THE SEVERABILITY THEREOF.

ACTION NEEDED: Motion to Introduce and adopt Ordinance No. O-1112-4 upon First Reading by Title.

ACTION TAKEN: _____

Attachments: O-1112-4 OU UE
Location Map - OU UE
Staff Memo O-1112-4
Request and Petition O-1112-4
OU UE Utility Letters
OU UE Staff Report
OU UE Minutes

9 O-1112-12

CONSIDERATION OF ORDINANCE NO. 0-1112-12 UPON FIRST READING BY TITLE: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AUTHORIZING THE CALLING AND HOLDING OF A SPECIAL ELECTION IN THE CITY OF NORMAN, STATE OF OKLAHOMA (THE "CITY"), ON THE 8TH DAY OF NOVEMBER, 2011, FOR THE PURPOSE OF SUBMITTING TO THE REGISTERED QUALIFIED ELECTORS OF SAID CITY THE QUESTION OF THE ISSUANCE OF THE BONDS OF SAID CITY IN AN AMOUNT NOT TO EXCEED THE SUM OF THREE MILLION, THIRTY-FIVE THOUSAND DOLLARS ($3,035,000) TO BE ISSUED IN SERIES TO PROVIDE FUNDS FOR THE PURPOSE OF REMODELING AND EXPANDING THE CITY'S ANIMAL SHELTER FACILITIES (INCLUDING RELATED DRAINAGE AND PARKING LOT IMPROVEMENTS), ALL TO BE OWNED EXCLUSIVELY BY THE CITY; AND LEVYING AND COLLECTING AN ANNUAL TAX, IN ADDITION TO ALL OTHER TAXES, UPON ALL THE TAXABLE PROPERTY IN SAID CITY FOR THE PAYMENT OF THE INTEREST AND PRINCIPAL ON SAID BONDS.

ACTION NEEDED: Motion to Introduce and adopt Ordinance No. O-1112-12 upon First Reading by Title.

ACTION TAKEN: _____

Attachments: O-1112-12

10 RPT-1112-6 SUBMISSION AND ACKNOWLEDGING RECEIPT OF THE FINANCE DIRECTOR'S INVESTMENT REPORT AS OF JULY 31, 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 July 31 2011

11 RPT-1112-5 SUBMISSION AND ACKNOWLEDGING RECEIPT OF THE MONTHLY DEPARTMENTAL REPORTS FOR THE MONTH OF JULY, 2011, AND DIRECTING THE FILING THEREOF.

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

ACTION TAKEN: _____

12 RPT-1112-8 SUBMISSION OF THE ANNUAL STATUS REPORT ON DEVELOPMENT AND THE NORMAN 2025 LAND USE AND TRANSPORTATION PLAN FOR CALENDAR YEAR 2010.

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

ACTION TAKEN: _____

Attachments: Annual Status Report Norman 2025
7-14-11 PC Minutes - Annual Report

13 RPT-1112-7 CONSIDERATION OF THE CITY'S APPLICATION FOR PERMISSION TO CARRY ITS OWN RISK WITHOUT WORKERS' COMPENSATION INSURANCE.

ACTION NEEDED: Motion to approve or reject the application; and, if approved, authorize the execution thereof and direct submission of the application to the Workers' Compensation Court Administrator for review and payment in the amount of $1,000.

ACTION TAKEN: _____

Attachments: Application.pdf

14 **BID-1112-03** CONSIDERATION AND AWARDING OF BID NO. 1112-03 FOR THE PURCHASE OF TWO THOUSAND TWO HUNDRED (2,200) 95 GALLON POLYCARTS FOR THE CITY OF NORMAN SANITATION DIVISION.

ACTION NEEDED: Acting as the Norman Municipal Authority, motion to accept or reject all bids meeting specifications; and, if accepted, award the bid in the amount of $101,200 to Rehrig Pacific Company as the lowest and best bidder meeting specifications.

ACTION TAKEN: _____

Attachments: Bid Tab Polycarts

15 **BID 1112-06** CONSIDERATION AND AWARDING OF BID NO. 1112-06 FOR THE PURCHASE OF TRAFFIC SIGN FACES FOR THE TRAFFIC CONTROL DIVISION.

ACTION NEEDED: Motion to accept or reject all bids meetings specifications; and, if accepted, award the bid for all sections to Vulcan Signs as the lowest and best bidder meeting specifications.

ACTION TAKEN: _____

Attachments: Bid Tabulation Bid 1112-6
BID-1112-06-Bid Record

16 **BID 1112-07** CONSIDERATION AND AWARDING OF BID NO. 1112-07 FOR THE PURCHASE OF GALVANIZED STEEL SIGN POSTS FOR THE TRAFFIC CONTROL DIVISION.

ACTION NEEDED: Motion to accept or reject all bids meeting specifications; and, if accepted, award the bid for all sections to Centerline Supply, LTD., as the lowest and best bidder meeting specifications.

ACTION TAKEN: _____

Attachments: BID 1112-07-BID Tabulation

17 **BID 1112-08** CONSIDERATION AND AWARDING OF BID NO. 1112-08 FOR THE PURCHASE OF TRAFFIC PAINT GLASS BEADS FOR THE TRAFFIC CONTROL DIVISION.

ACTION NEEDED: Motion to accept or reject all bids meeting specifications; and, if accepted, award the bid in the amount of $0.3575 per pound to Swarco Reflex, Inc., as the lowest and best bidder meeting specifications.

ACTION TAKEN: _____

Attachments: BID 1112-08-BID Tabulation

18 **BID 1112-10** CONSIDERATION AND AWARDING OF BID NO. 1112-10 FOR THE PURCHASE OF TRAFFIC SIGNS AND ACCESSORIES FOR THE TRAFFIC CONTROL DIVISION.

ACTION NEEDED: Motion to accept or reject all bids meeting specifications on Sections 1, 2, and 3F; and, if accepted award the bid to Custom Products Corporation as the lowest and best and bidder meeting specifications.

ACTION TAKEN: _____

ACTION NEEDED: Motion to accept or reject all bids meeting specifications on Sections 3A through E; and, if accepted, award the bid to Hall Signs, Inc., as the lowest and best bidder meeting specifications.

ACTION TAKEN: _____

Attachments: Bid Tabulation Bid 1112-10

19 **E-1112-3** CONSIDERATION OF GRANTING EASEMENT NO. E-1112-3 TO OKLAHOMA GAS & ELECTRIC COMPANY TOP PROVIDE SERVICE TO THE WASTEWATER TREATMENT PLANT FACILTIES.

ACTION NEEDED: Motion to grant or deny Easement No. E-1112-3; and, if granted, direct the execution thereof.

ACTION TAKEN: _____

Attachments: Energy - OG+E Easement

20 E-1112-4 CONSIDERATION OF GRANTING EASEMENT NO. E-1112-04 TO OKLAHOMA GAS & ELECTRIC COMPANY TO PROVIDE SERVICE TO LIFT STATION D.

ACTION NEEDED: Motion to grant or deny Easement No. E-1112-04; and, if granted, direct the execution thereof.

ACTION TAKEN: _____

Attachments: E-1112-4

21 EN-1112-1 CONSIDERATION OF CONSENT TO ENCROACHMENT NO. 1112-1 FOR WEST 493 FEET OF LOT 7, CLEVELAND COUNTY, CITY OF NORMAN, A/K/A 2717 SOUTH BERRY ROAD.

ACTION NEEDED: Motion to approve or reject Consent to Encroachment No. 1112-1; and, if approved, direct the filing thereof with the Cleveland County Clerk.

ACTION TAKEN: _____

Attachments: Consent
Request to Encroach
Mortgage Inspection Cert.
Memo - Clerk
PW Memo
Utilities Response

22 SC-1112-2 SPECIAL CLAIM NO. SC-1112-2: A CLAIM FOR PARTIAL PAYMENT IN THE REDUCED AMOUNT OF $6,353.52 SUBMITTED BY LACEY WADE FOR COSTS INCURRED WHEN A SANITATION VEHICLE STRUCK HER PARKED CAR AT 2500 MCGEE DRIVE.

ACTION NEEDED: Motion to approve or reject Special Claim No. SC-1112-2; and, if approved, direct partial payment in the reduced amount of $6,353.52 contingent upon obtaining a Release and Covenant Not to Sue from Lacey Wade.

ACTION TAKEN: _____

Attachments: Special Claim Wade
Staff Memo Wade
Accident Report Wade

23 **SC-1112-3**

SPECIAL CLAIM NO. SC-1112-3: A CLAIM FOR PARTIAL PAYMENT IN THE REDUCED AMOUNT OF $7,162.33 SUBMITTED BY SANDY LOGAN FOR COSTS INCURRED WHEN A SANITATION VEHICLE STRUCK HER PARKED CAR AT 2500 MCGEE DRIVE.

ACTION NEEDED: Motion to approve or reject Special Claim No. SC-1112-2; and, if approved, direct partial payment in the reduced amount of $7,162.33 contingent upon obtaining a Release and Covenant Not to Sue from Sandy Logan.

ACTION TAKEN: _____

Attachments: Special Claim Logan
Memo Logan
Accident Report Logan

24 **K-0809-165 Amend 1**

AMENDMENT NO. ONE TO CONTRACT NO. K-0809-165: BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND CP&Y, INC., INCREASING THE CONTRACT AMOUNT BY $48,440 TO PROVIDE ADDITIONAL ENGINEERING SERVICES FOR THE FRANKLIN ROAD BRIDGE PROJECT OVER LITTLE RIVER LOCATED ONE-HALF MILE WEST OF 12TH AVENUE N. W.

ACTION NEEDED: Motion to approve or reject Amendment No. One to Contract No. K-0809-165 with CP&Y, Inc., increasing the contract amount by $48,440; and, if approved, authorize the execution thereof.

ACTION TAKEN: _____

Attachments: Amend 1 K-0809-165
Engr Rpt Bridge Alternatives
Franklin Rd Bridge Location Map
Requisition

25 **K-1011-45 FINAL**

CONSIDERATION OF FINAL ACCEPTANCE OF CONTRACT NO. K-1011-45 BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND DOWNEY CONSTRUCTION COMPANY FOR THE REAVES PARK PARKING LOT EXPANSION PROJECT.

ACTION NEEDED: Motion to accept or reject the project; and, if accepted, direct final payment in the amount of $2,193 to Downey Construction Company.

ACTION TAKEN: _____

Attachments: Close-Reaves Parking - PO Attachment.tiff

26 **K-1112-08**

CONTRACT NO. K-1112-8: A CONTRACT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND THE 89ER DAY PARADE COMMITTEE IN THE AMOUNT OF $4,500 FOR COSTS ASSOCIATED WITH THE 89'ER DAY PARADE TO BE HELD APRIL 21, 2012.

ACTION NEEDED: Motion to approve or reject Contract No. K-1112-8 with the 89'er Day Parade Committee in the amount of $4,500; and, if approved, authorize the execution thereof.

ACTION TAKEN: _____

Attachments: 89er Day Parade Request Letter
K-1112-8

27 K-1112-15 CONTRACT NO. K-1112-15: A CONTRACT BY AND BETWEEN THE CITY OF NORMAN AND 3M COMPANY IN THE AMOUNT OF $180,254 FOR ENGINEERING SERVICES FOR TRAFFIC SIGN INVENTORY, MANAGEMENT, AND ASSESSMENT SERVICES FOR THE TRAFFIC CONTROL DIVISION AND BUDGET APPROPRIATION.

ACTION NEEDED: Motion to approve or reject Contract No. K-1112-15 with 3M Company in the amount of $180,254; and, if approved, authorize the execution thereof; the appropriation of $100,254 from the General Fund (010-0000-253.20-00) to Telecommunication Equip/Computer Software (010-5023-429.53-04).

ACTION TAKEN: _____

Attachments: Summary of Budget Requirements (Council - Aug 9, 2011)
K-1112-15

28 K-1112-18 CONTRACT NO. K-1112-18: BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND THE METROPOLITAN FAIR HOUSING COUNCIL, INC., IN THE AMOUNT OF $20,000 AS AGREED UPON UNDER THE 37TH YEAR CDBG PROGRAM.

ACTION NEEDED: Motion to approve or reject Contract No. K-1112-18 with the Metropolitan Fair Housing Council, Inc.; and, if approved, authorize execution of the contract and direct payment in the amount of $20,000.

ACTION TAKEN: _____

Attachments: K-1112-18 Meto Fair Housing
Agency Info 7-1-11
PR Metro Fair Housing

29 K-1112-19 CONTRACT NO. K-1112-19: BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND COMMUNITY AFTER SCHOOL PROGRAM, INC., IN THE AMOUNT OF $3,230 AS AGREED UPON UNDER THE 37TH YEAR CDBG PROGRAM.

ACTION NEEDED: Motion to approve or reject Contract No. K-1112-19 with Community After School Program, Inc.; and, if approved, authorize execution of the contract and direct payment in the amount of $3,230.

ACTION TAKEN: _____

Attachments: K-1112-19 Comm After School
Agency Info 7-1-11
PR Comm After School

30 K-1112-20 CONTRACT NO. K-1112-20: BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND CENTRAL OKLAHOMA COMMUNITY ACTION AGENCY, INC., IN THE AMOUNT OF $23,384 AS AGREED UPON UNDER THE 37TH YEAR CDBG PROGRAM AND ADOPTION OF RESOLUTION NO. R-1112-16.

ACTION NEEDED: Motion to approve or reject Contract No. K-1112-20 with Central Oklahoma Community Action Agency, Inc.; and, if approved, authorize execution of the contract, adopt Resolution No. R-1112-16, and direct payment in the amount of $23,384.

ACTION TAKEN: _____

Attachments: K-1112-20 COCAA
Agency Info 7-1-11
R-1112-16
Pr COCCA

31 K-1112-21 CONTRACT NO. K-1112-21: BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND HEALTH FOR FRIENDS, INC., IN THE AMOUNT OF $10,095 AS AGREED UPON UNDER THE 37TH YEAR CDBG PROGRAM AND ADOPTION OF RESOLUTION NO. R-1112-17.

ACTION NEEDED: Motion to approve or reject Contract No. K-1112-21 with Health for Friends, Inc.; and, if approved, authorize execution of the contract, adopt Resolution No. R-1112-17, and direct payment in the amount of $10,095.

ACTION TAKEN: _____

Attachments: K-1112-21 HFF
Agency Info 7-1-11
R-1112-17
PR HFF

32 K-1112-22 CONTRACT NO. K-1112-22: BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND PROGRESSIVE INDEPENDENCE, INC., IN THE AMOUNT OF $5,653 AS AGREED UPON UNDER THE 37TH YEAR CDBG PROGRAM AND ADOPTION OF RESOLUTION NO. R-1112-18.

ACTION NEEDED: Motion to approve or reject Contract No. K-1112-22 with Progressive Independence, Inc.; and, if approved, authorize execution of the contract, adopt Resolution No. R-1112-18, and direct payment in the amount of $5,653.

ACTION TAKEN: _____

Attachments: K-1112-22 Progressive Independence
Agency Info 7-1-11
R-1112-18
PR Progressive

33 K-1112-23 CONTRACT NO. K-1112-23: BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND HABITAT FOR HUMANITY IN THE AMOUNT OF $14,000 AS AGREED UPON UNDER THE 37TH YEAR CDBG PROGRAM.

ACTION NEEDED: Motion to approve or reject Contract No. K-1112-23 with Habitat for Humanity; and, if approved, authorize execution of the contract and direct payment in the amount of $14,000.

ACTION TAKEN: _____

Attachments: K-1112-23 HFH
Agency Info 7-1-11
PR HFH

34 K-1112-24 CONTRACT NO. K-1112-24: BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND THE SALVATION ARMY, A GEORGIA CORPORATION, IN THE AMOUNT OF $2,423 AS AGREED UPON UNDER THE 37TH YEAR CDBG PROGRAM AND ADOPTION OF RESOLUTION NO. R-1112-19.

ACTION NEEDED: Motion to approve or reject Contract No. K-1112-24 with the Salvation Army, a Georgia Corporation, and, if approved, authorize execution of the contract, adopt Resolution No. R-1112-19, and direct payment in the amount of $2,423.

ACTION TAKEN: _____

Attachments: K-1112-24 Salvation Army
Agency Info 7-1-11
R-1112-19
PR Salvation

35 K-1112-25 CONTRACT NO. K-1112-25: BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND FOOD AND SHELTER FOR FRIENDS, INC., IN THE AMOUNT OF $12,491 AS AGREED UPON UNDER THE 37TH YEAR CDBG PROGRAM.

ACTION NEEDED: Motion to approve or reject Contract No. K-1112-25 with Food and Shelter for Friends, Inc.; and, if approved, authorize execution of the contract and direct payment in the amount of $12,491.

ACTION TAKEN: _____

Attachments: Agency Info 7-1-11
K-1112-25 FSFF
PR FSFF

36 K-1112-26 CONTRACT NO. K-1112-26: BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND UNIVERSITY OF OKLAHOMA (OU)/CART IN THE AMOUNT OF $25,000 AS AGREED UPON UNDER THE 37TH YEAR CDBG PROGRAM.

ACTION NEEDED: Motion to approve or reject Contract No. K-1112-26 with OU/CART; and, if approved, authorize execution of the contract and direct payment in the amount of $25,000.

ACTION TAKEN: _____

Attachments: K-1112-26 CART
Agency Info 7-1-11
PR CART

37 K-1112-27 CONTRACT NO. K-1112-27: BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND AGING SERVICES OF CLEVELAND COUNTY, INC., IN THE AMOUNT OF $8,077 AS AGREED UPON UNDER THE 37TH YEAR CDBG PROGRAM.

ACTION NEEDED: Motion to approve or reject Contract No. K-1112-27 with Aging Services of Cleveland County, Inc.; and, if approved, authorize execution of the contract and direct payment in the amount of $8.077.

ACTION TAKEN: _____

Attachments: K-1112-27 Aging
Agency Info 7-1-11
PR Aging

38 K-1112-28 CONTRACT NO. K-1112-28: BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND FULL CIRCLE SENIOR ADULT DAY CENTER, INC., IN THE AMOUNT OF $2,423 AS AGREED UPON UNDER THE 37TH YEAR CDBG PROGRAM AND ADOPTION OF RESOLUTION NO. R-1112-20.

ACTION NEEDED: Motion to approve or reject Contract No. K-1112-28 with Full Circle Senior Adult Day Center, Inc.; and, if approved, authorize execution of the contract, adopt Resolution No. R-1112-20, and direct payment in the amount of $2,423.

ACTION TAKEN: _____

Attachments: Agency Info 7-1-11
K-1112-28
R-1112-20
PR Full Circle

39 K-1112-29 CONTRACT NO. K-1112-29: BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND COMMUNITY SERVICES BUILDING, INC., IN THE AMOUNT OF $25,000 AS AGREED UPON UNDER THE 37TH YEAR CDBG PROGRAM AND ADOPTION OF RESOLUTION NO. R-1112-21.

ACTION NEEDED: Motion to approve or reject Contract No. K-1112-29 with Community Services Building, Inc.; and, if approved, authorize execution of the contract, adopt Resolution No. R-1112-21, and direct payment in the amount of $25,000.

ACTION TAKEN: _____

Attachments: Agency Info 7-1-11
K-1112-29 CSBI
R-1112-21
PR CSBI

40 K-1112-30 CONTRACT NO. K-1112-30: BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND BETHESDA, INC., IN THE AMOUNT OF $2,423 AS AGREED UPON UNDER THE 37TH YEAR CDBG PROGRAM AND ADOPTION OF RESOLUTION NO. R-1112-22.

ACTION NEEDED: Motion to approve or reject Contract No. K-1112-30 with Bethesda, Inc.; and, if approved, authorize execution of the contract, adopt Resolution No. R-1112-22, and direct payment in the amount of $2,423.

ACTION TAKEN: _____

Attachments: K-1112-30 Bethesda
Agency Info 7-1-11
R-1112-22
PR Bethesda

41 K-1112-31 CONTRACT NO. K-1112-31: BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND MEALS ON WHEELS OF NORMAN, INC., IN THE AMOUNT OF $12,115 AS AGREED UPON UNDER THE 37TH YEAR CDBG PROGRAM.

ACTION NEEDED: Motion to approve or reject Contract No. K-1112-31 with the Meals on Wheels of Norman, Inc.; and, if approved, authorize execution of the contract and direct payment in the amount of $12,115.

ACTION TAKEN: _____

Attachments: K-1112-31 MOW
Agency Info 7-1-11
PR MOW

42 K-1112-32 CONTRACT NO. K-1112-32: BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND THUNDERBIRD CLUBHOUSE, INC., IN THE AMOUNT OF $4,414 AS AGREED UPON UNDER THE 37TH YEAR CDBG PROGRAM AND ADOPTION OF RESOLUTION NO. R-1112-23.

ACTION NEEDED: Motion to approve or reject Contract No. K-1112-32 with Thunderbird Clubhouse, Inc.; and, if approved, authorize execution of the contract, adopt Resolution No. R-1112-23, and direct payment in the amount of $4,414.

ACTION TAKEN: _____

Attachments: K-1112-32 Thunderbird
Agency Info 7-1-11
R-1112-23
PR Thunderbird

43 K-1112-33 CONTRACT NO. K-1112-33: BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND UNITED WAY OF NORMAN, INC., IN THE AMOUNT OF $4,038 AS AGREED UPON UNDER THE 37TH YEAR CDBG PROGRAM AND ADOPTION OF RESOLUTION NO. R-1112-24.

ACTION NEEDED: Motion to approve or reject Contract No. K-1112-33 with United Way of Norman, Inc.; and, if approved, authorize execution of the contract, adopt Resolution No. R-1112-24, and direct payment in the amount of $4,038.

ACTION TAKEN: _____

Attachments: K-1112-33 United Way
Agency Info 7-1-11
R-1112-24
PR United Way

44 K-1112-34 CONTRACT NO. K-1112-34: BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND AMONG FRIENDS ACTIVITY CENTER, INC., IN THE AMOUNT OF $2,220 AS AGREED UPON UNDER THE 37TH YEAR CDBG PROGRAM.

ACTION NEEDED: Motion to approve or reject Contract No. K-1112-34 with Among Friends Activity Center, Inc.; and, if approved, authorize execution of the contract and direct payment in the amount of $2,220.

ACTION TAKEN: _____

Attachments: K-1112-34 Among Friends
Agency Info 7-1-11
PR Among Friends

45 K-1112-35 CONTRACT NO. K-1112-35: BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND CENTER FOR CHILDREN AND FAMILIES, INC., IN THE AMOUNT OF $4,846 AS AGREED UPON UNDER THE 37TH YEAR CDBG PROGRAM.

ACTION NEEDED: Motion to approve or reject Contract No. K-1112-35 with the Center for Children and Families, Inc.; and, if approved, authorize execution of the contract and direct payment in the amount of $4,846.

ACTION TAKEN: _____

Attachments: K-1112-35 CCFI
Agency Info 7-1-11
PR CCFI

46 K-1112-36 CONTRACT NO. K-1112-36: BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND BRIDGES, INC., IN THE AMOUNT OF $1,615 AS AGREED UPON UNDER THE 37TH YEAR CDBG PROGRAM.

ACTION NEEDED: Motion to approve or reject Contract No. K-1112-36 with Bridges, Inc.; and, if approved, authorize execution of the contract and direct payment in the amount of $1,615.

ACTION TAKEN: _____

Attachments: K-1112-36 Bridges
Agency Info 7-1-11
PR Bridges

47 K-1112-37 CONTRACT NO. K-1112-37: BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND BIG BROTHERS BIG SISTERS OF OKLAHOMA, CLEVELAND COUNTY OFFICE, IN THE AMOUNT OF $2,625 AS AGREED UPON UNDER THE 37TH YEAR CDBG PROGRAM.

ACTION NEEDED: Motion to approve or reject Contract No. K-1112-37 with Big Brothers Big Sisters of Oklahoma, Cleveland County Office.; and, if approved, authorize execution of the contract and direct payment in the amount of $2,625.

ACTION TAKEN: _____

Attachments: K-1112-37 BBBS
Agency Info 7-1-11
PR BBBS

48 K-1112-38 CONTRACT NO. K-1112-38: BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND EAST MAIN PLACE, INC., IN THE AMOUNT OF $8,884 AS AGREED UPON UNDER THE 37TH YEAR CDBG PROGRAM.

ACTION NEEDED: Motion to approve or reject Contract No. K-1112-38 with East Main Place, Inc.; and, if approved, authorize execution of the contract and direct payment in the amount of $8,884.

ACTION TAKEN: _____

Attachments: K-1112-38 East Main Place
Agency Info 7-1-11
PR East Main

49 K-1112-39 CONTRACT NO. K-1112-39: BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND THE WOMEN'S RESOURCE CENTER, INC., IN THE AMOUNT OF $4,038 AS AGREED UPON UNDER THE 37TH YEAR CDBG PROGRAM AND ADOPTION OF RESOLUTION NO. R-1112-25.

ACTION NEEDED: Motion to approve or reject Contract No. K-1112-39 with the Women's Resource Center, Inc.; and, if approved, authorize execution of the contract, adopt Resolution No. R-1112-25, and direct payment in the amount of $4,038.

ACTION TAKEN: _____

Attachments: K-1112-39 WRC
Agency Info 7-1-11
R-1112-25
PR WRC

50 K-1112-40 CONTRACT NO. K-1112-40: BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND NORMAN AFFORDABLE HOUSING CORPORATION, IN THE AMOUNT OF $79,140 ACTING AS A COMMUNITY HOUSING DEVELOPMENT ORGANIZATION (CHDO) AS AGREED UPON UNDER THE 37TH YEAR CDBG PROGRAM AND THE HOME INVESTMENT PARTNERSHIPS PROGRAM.

ACTION NEEDED: Motion to approve or reject Contract No. K-1112-40 with Norman Affordable Housing Corporation acting as a CHDO; and, if approved, authorize execution of the contract and direct payment in the amount of $879,140.

ACTION TAKEN:

_____

Attachments: K-1112-40 Affordable Housing
Agency Info 7-1-11
PR Afford Housing

51 K-1112-45 CONTRACT NO. K-1112-45: A CONTRACT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND THE OKLAHOMA TAX COMMISSION FOR THE ADMINISTRATION OF SALES TAX AND USE TAX.

ACTION NEEDED: Motion to approve or reject Contract No. K-1112-45; and, if approved, authorize the execution thereof.

ACTION TAKEN: _____

Attachments: K-1112-45

Non-Consent Items

52 O-1011-62 ORDINANCE NO. O-1011-62: 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 GRANT SPECIAL USE FOR A BAR WITH LIVE ENTERTAINMENT FOR PROPERTY CURRENTLY ZONED C-3, INTENSIVE COMMERCIAL DISTRICT, LOCATED AT 117 NORTH CRAWFORD AVENUE; AND PROVIDING FOR THE SEVERABILITY THEREOF.

ACTION NEEDED: Motion to adopt Ordinance No. O-1011-62 upon Second Reading section by section.

ACTION TAKEN: _____

ACTION NEEDED: Motion to adopt Ordinance No. O-1011-62 upon Final Reading as a whole.

ACTION TAKEN: _____

Attachments: O-1011-62
Davani Location Map
Davani Special Use Hookah Bar Staff Report
Davani Pre-Dev App-Site Plan
Davani Pre-Development Summary
Davani Protest
7-14-11 PC Minutes - Davani

53 O-1112-9

ORDINANCE NO. O-1112-09: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA AMENDING ARTICLE VIII, SECTIONS 13-809 THROUGH 13-814; AND ARTICLE XXVIII, SECTIONS 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.

ACTION NEEDED: Motion to adopt Ordinance No. O-1112-09 upon Second Reading section by section.

ACTION TAKEN: _____

ACTION NEEDED: Motion to adopt Ordinance No. O-1112-09 upon Final Reading as a whole.

ACTION TAKEN: _____

Attachments: O-1112-09 clean
O-1112-09 annotated
August 3 Oversight Minutes

54 O-1112-07 ORDINANCE NO. O-1112-07: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA AMENDING ARTICLE II, SECTIONS 5 AND 6 OF THE NORMAN CITY CHARTER WHICH RELATES TO THE DESIGNATION OF DATES FOR MUNICIPAL GENERAL AND RUNOFF ELECTIONS AS PROVIDED UNDER THE THEN-CURRENT STATE LAW; AND PROVIDING FOR THE SEVERABILITY THEREOF.

ACTION NEEDED: Motion to adopt Ordinance No. O-1112-07 upon Second Reading section by section.

ACTION TAKEN: _____

ACTION NEEDED: Motion to adopt Ordinance No. O-1112-07 upon Final Reading as a whole.

ACTION TAKEN: _____

Attachments: O-1112-07 Runoff elections clean Final.pdf
O-1112-07 Runoff elections anno Final.pdf

55 O-1112-08 ORDINANCE NO. O-1112-08: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AUTHORIZING THE CALLING AND HOLDING OF A SPECIAL ELECTION IN SAID CITY OF NORMAN, STATE OF OKLAHOMA, (THE CITY), ON THE 8th DAY OF NOVEMBER 2011, FOR THE PURPOSE OF SUBMITTING TO THE REGISTERED, QUALIFIED ELECTORS OF SAID CITY THE QUESTION OF APPROVING OR REJECTING ORDINANCE NO. O-1112-07 WHICH ORDINANCE AMENDS SECTIONS 5 AND 6 OF ARTICLE II OF THE CHARTER OF THE CITY OF NORMAN, OKLAHOMA RELATING TO THE DESIGNATION OF DATES FOR MUNICIPAL GENERAL AND RUNOFF ELECTIONS; AND PROVIDING FOR THE SEVERABILITY THEREOF.

ACTION NEEDED: Motion to adopt Ordinance No. O-1112-08 upon Second Reading section by section.

ACTION TAKEN: _____

ACTION NEEDED: Motion to adopt Ordinance No. O-1112-08 upon Final Reading as a whole.

ACTION TAKEN: _____

Attachments: O-1112-08 Calling Special Election 8-3-11 fINAL.pdf
Proclamation and Notice of Election

56 R-1112-30 RESOLUTION NO. R-1112-30: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, GIVING THE SECRETARY OF THE CLEVELAND COUNTY ELECTION BOARD NOTICE OF A SPECIAL ELECTION TO BE HELD ON NOVEMBER 8, 2011.

ACTION NEEDED: Motion to adopt or reject Resolution No. R-1112-30.

ACTION TAKEN: _____

Attachments: R-1112-30 Special Election

57 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.

58 Adjournment

City of Norman, OK

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

Master

File Number: GID-1112-14

File ID:	GID-1112-14	**Type:**	Minutes	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 3	**In Control:**	City Council
Department:	City Clerk Department	**Cost:**		**File Created:**	08/18/2011
File Name:	Minutes			**Final Action:**	

Title:

APPROVAL OF THE MINUTES AS FOLLOWS:
CITY COUNCIL CONFERENCE MINUTES OF JULY 26, 2011
CITY COUNCIL OVERSIGHT COMMITTEE MINUTES OF AUGUST 3, 2011
CITY COUNCIL SPECIAL SESSION MINUTES OF AUGUST 9, 2011
CITY COUNCIL MINUTES OF AUGUST 9, 2011
NORMAN UTILITIES AUTHORITY MINUTES OF AUGUST 9, 2011
NORMAN MUNICIPAL AUTHORITY MINUTES OF AUGUST 9, 2011
NORMAN TAX INCREMENT FINANCE AUTHORITY MINUTES OF AUGUST 9, 2011

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

ACTION TAKEN: _____

Notes:

Agenda Date: 08/23/2011

Agenda Number: 3

Attachments: July 26 Conference Minutes, August 3 Oversight Minutes, August 9 CC Minutes

Project Manager: Brenda Hall, City Clerk

Entered by: Ellen.Usry@NormanOK.gov

Effective Date:

History of Legislative File

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

Text of Legislative File GID-1112-14

CITY COUNCIL CONFERENCE MINUTES

July 26, 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 26th day of July, 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 Dillingham, Ezzell, Gallagher, Griffith, Kovach, Lockett, Quinn, Spaulding, Mayor Rosenthal
ABSENT:	None

Item 1, being:

CHANGE ORDER NO. ONE TO CONTRACT NO. K-1011-152 WITH RUDY CONSTRUCTION COMPANY, INC., DECREASING THE CONTRACT AMOUNT BY $1,972.61 FOR THE JEFFERSON-LONGFELLOW SAFE ROUTES TO SCHOOL PROJECT.

Mr. Angelo Lombardo, Traffic Engineer, said City Council awarded Bid No. 1011-66 to Rudy Construction Company, Inc., and approved Contract No. K-1011-152 to construct the Jefferson-Longfellow Safe Routes to School Infrastructure Project. He said construction of items related to speed tables was postponed until either a petition containing 60% support for speed tables was received and if that could not be achieved, a change order would be prepared replacing speed tables with a non-physical traffic calming alternative. Mr. Lombardo said 60% support was not received although 55.9% support was received from residents on Gray Street; 23.9% from those living on Findlay Avenue; and 57.1% from those on Ponca Avenue. He said Staff met with the City Council Oversight Committee on June 8, 2011, to discuss traffic calming alternatives. He provided an aerial photograph showing the locations of the speed tables that will be eliminated. He said the project consists of replacement of sidewalks and the addition of American Disability Act (ADA) ramps leading to both Longfellow and Jefferson and addition of school zone flashers and other safety devices. He said the alternative will use new flashing school beacons with integrated speed feedback units that will be active 24 hours a day to be located on Gray Street. He said there is presently a set of flashers on Gray Street to be relocated to Findlay Avenue and an additional set of flashers will be placed on Ponca Avenue. He said Gray Street will be the only street that has the speed feedback feature. He said deleting 11 speed tables on Gray Street, Findlay Avenue, and Ponca Avenue reduced the original contract by $30,250 and to add the two replacement school flashing beacons will increase the contract by $28,277.39 making the change order a decrease of $1,972.61. He said Staff is also requesting Council approve a transfer of $7,000 from unused Truman Elementary School Zone Capital Improvement Project funds to pay for the new Ponca Avenue beacons. He said Traffic Control Division employees will install both the Ponca Avenue and Findlay Avenue flashing beacons.

Councilmember Kovach asked if the speed feedback beacons will store data to provide to the Police Department. Mr. Lombardo said yes.

Councilmember Gallagher asked if the number and speeds at the end of the day were checked. Mr. Lombardo said currently this information is downloaded from each location every two weeks and Staff is building a database to determine the long term effect of the device. Councilmember Gallagher asked if this would eventually be done on all schools. Mr. Shawn O'Leary, Director of Public Works, said this is the first school to have a feedback sign. Mr. Lombardo said if the program continues, this would be one of the items used.

Councilmember Ezzell said there had been discussion of installation of a stop light on Porter Avenue and Acres Street. Mr. Lombardo said it is being discussed but it is not a part of this project. Councilmember Dillingham said Staff is working on some alternatives.

Councilmember Gallagher asked if traffic was being monitored around the other elementary schools. Mr. Lombardo said Norman Public Schools is contacted and asked which schools might be willing to participate and then a travel plan is developed in collaboration with the schools. He said the schools have to conduct surveys and prepare an educational component that must be satisfied to get infrastructure dollars. He said the next project is Kennedy Elementary School in Ward One.

Items submitted for the record

1. Text File No. K-1011-152, Change Order No. One, dated July 12, 2011, by Mike Rayburn, Assistant Traffic Engineer
2. Change Order No. One to Contract No. K-1011-152
3. Letter dated June 27, 2011, from Shawn O'Leary, P.E., Director of Public Works, to Ms. Ernestine Mbroh, Safe Routes to School Program Director, Oklahoma Department of Transportation
4. Letter dated July 11, 2011, from Ernestine Mbroh, Safe Routes to School Program Director, Oklahoma Department of Transportation, to Shawn O'Leary, P.E., City of Norman
5. Location map
6. PowerPoint presentation entitled, "Change Order No. 1, Safe Routes to School Project for Jefferson-Longfellow Schools," dated July 26, 2011

Item 2, being:

CHANGE ORDER NO. ONE TO CONTRACT NO. K-1011-174 WITH CENTRAL CONTRACTING SERVICES INC., INCREASING THE CONTRACT AMOUNT BY $14,898.50 FOR THE FYE 2012 CONCRETE PROJECTS.

Mr. Shawn O'Leary, Director of Public Works, said the FYE 2012 Concrete Projects were done every year and there were four components to these projects

- Citywide Sidewalk Reconstruction Project with an annual budget of $50,000 – a 50/50 cost share with property owner who contacts the City wanting a sidewalk project – 0.35 mile of sidewalk
- Sidewalk Accessibility Project with an annual budget of $25,000 – 25 curb ramps throughout City
- Sidewalk Program for Schools/Arterials with an annual budget of $70,000 – new sidewalks for elementary schools (McKinley School) – 0.25 miles of sidewalks
- Downtown Area Sidewalks and Curbs

Mr. O'Leary said Change Order No. One to Contract No. K-1011-174 will increase the contract by $14,898.50 to allow repair of sidewalks adjacent to Fire Station No. 1 and additional sidewalk construction near schools and arterial roadways.

Councilmember Kovach asked if there is any news regarding the Downtown Main Street Grant and Mr. O'Leary said it has been postponed twice, but the Oklahoma Department of Transportation (ODOT) said they would make the announcement August 1st and feedback has been positive for the Downtown Streetscape Project and Legacy Park.

Councilmember Spaulding questioned the $1,000 cost for construction of a handicap ramp and Mr. O'Leary said it gets expensive because you have to remove the old ramp, build new curb, built the new ramp, and tie the ramp into the existing sidewalk by constructing additional sidewalk to maintain the appropriate grade. Councilmember Spaulding asked if there was a breakdown of those costs and Mr. O'Leary said yes, the bids are unit price bids and he would supply that information to Council.

Councilmember Gallagher asked if unit costs for sidewalks were also available and if those costs were bid by the foot or yard. Mr. Jack Burdett, Engineering Assistant, said concrete is generally bid by the square yard and construction of a four foot wide sidewalk would cost approximately $30 per foot.

Councilmember Spaulding asked who was responsible for maintenance of sidewalks in the downtown areas in areas where trees have been removed and dirt left. Mr. O'Leary said, technically, the property owner is responsible; however, the City of Norman has taken on maintenance responsibility of newer sections of sidewalks, ramps, and light poles. Mr. Steve Lewis, City Manager, said the Parks Maintenance Division provides the landscape maintenance.

Councilmember Kovach asked about the number of unfunded sidewalks that need maintenance and Mr. O'Leary said Staff is working on a Sidewalk Master Plan and is inventorying sidewalks throughout the entire City focusing on handicap accessible ramps, gaps in sidewalks, and hazardous sidewalks. He said the goal is to achieve an ongoing sidewalk maintenance program. Mayor Rosenthal said when Staff assesses neighborhoods that have no sidewalks, would they consider both sides of the street or one side of the street and Mr. O'Leary said both sides of the street so the City would have the information on file.

Councilmember Kovach asked when construction of sidewalks on Wylie Road just south of Main would begin and Mr. Burdett said around October.

Councilmember Gallagher asked if the City requires a deposit from residents interested in the 50/50 cost share and Mr. Burdett said no, he provides them with a cost estimate and they pay a month in advance of construction. He said residents are also given the option of using their own contractor and the City pays its share after construction is completed.

Items submitted for the record

1. Text File No. K-1011-174 dated July 7, 2011, by jack Burdett, Engineering Assistant, with FYE 2012 Concrete Projects, FYE 2012 Concrete Project Budget, FYE 2012 Concrete Projects Bid List, and FYE 20-12 Concreter Project locations
2. Change Order No. One to Contract No. K-1011-174

The meeting adjourned at 5:55 p.m.

ATTEST:

City Clerk

Mayor

CITY COUNCIL OVERSIGHT COMMITTEE MINUTES

August 3, 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 3rd day of August, 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 Dillingham, Gallagher, Kovach, Spaulding, and Chairman Griffith
ABSENT:	None
STAFF PRESENT:	Ms. Leah Messner, Assistant City Attorney Ms. Brenda Hall, City Clerk
OTHERS PRESENT:	Ms. Nancy Jarman, owner of The Greenhouse Mr. Rob Gowens, owner of Hob Nob Rob's Liquor Store

CONTINUED DISCUSSION REGARDING PROPOSED MODIFICATIONS TO TEMPORARY/MOBILE FOOD AND SOLICITOR/PEDDLER PERMIT REQUIREMENTS.

Ms. Leah Messner, Assistant City Attorney, said City Council adopted Ordinance No. O-1011-18 on April 12, 2011, regarding new requirements for temporary food and solicitor/peddler permits. After adoption, the City Clerk's Office encountered several difficulties with the practical application of the ordinance. Several local, temporary food vendors expressed concerns about the rule that a mobile food vendor can only sell in one location for three hours in a 24 hour period. She said the local vendors felt a three hour window was difficult because they do all the prep work and set up on site, which takes at least one to one and one-half hours leaving a shorter window to sell.

Ms. Messner said the proposed ordinance will change the maximum hours allowed to twelve hours in a 24 hour period, which will be more in line with proposed State Health Department regulations.

Councilmember Dillingham said the State Health Department has also discussed requiring a home kitchen commissary and asked if that was still their plan and Ms. Messner said yes. Councilmember Dillingham asked how that requirement would affect Norman's Fixed and Mobile Temporary Food Permits and Ms. Messner said she believes the commissary would be required for mobile temporary food vendors only. Ms. Brenda Hall, City Clerk, said that was her understanding as well, but she has not seen the latest State revisions. She said the State had intended to implement the new requirements in the summer of 2011, but had postponed the issue to the summer of 2012. She said the requirements she had reviewed included being allowed to sell on site for a maximum of twelve hours then taking the mobile unit back to a "commissary" for servicing, restocking, and disposal of waste products. She said the State draft regulations did not include a definition for a commissary. She has requested an update from the Cleveland County Health Department regarding a definition. Ms. Hall said at this point it was not known if the commissary could be a residential kitchen or would have to be a commercial facility. Councilmember Griffith asked if anything like a commissary existed and Ms. Hall said she was not aware of any, but there are State regulations for food licenses that require cleaning and commissary type services. She said under current State provisions, a mobile unit must be moved off site once every fourteen days and that regulation was in place to allow the mobile unit to be taken somewhere to be more thoroughly cleaned and allow for disposal of built up fats, oils, and grease.

Councilmember Gallagher asked how the ordinance affects ice cream vendors and Ms. Hall said ice cream vendors are a little different. She said they can obtain an annual Food Service License and are only allowed to stop for a moment to make a sale and move on. They are not allowed to sit for any length of time at one location. She said they also only sell prepackaged product so there is not food preparation; however, they must meet State regulations before a City license can be issued.

Ms. Messner said other proposed ordinance changes will include a one day permit for stationary Solicitor/Peddler Licenses for vendors who want to sell on a weekend or on University of Oklahoma (OU) home football game days. She said the cost for a one day permit would be $20 and, currently, the stationary Solicitor/Peddler License costs are $500 for a thirty day permit, which many vendors find onerous if they only want to sell a few days a year. She said another proposed change will be the requirement of a $1,000 surety bond for the one day permit versus the $10,000 surety bond required for a thirty day permit. She said, currently, the ordinance requires the bond to be effective for two years from issuance of the permit; however, it has come to the City's attention that many insurance companies will not issue a two year bond. She said that requirement will be amended to one year from date of issuance of the permit.

Councilmember Griffith said if the bond is reduced from $10,000 to $1,000 for one day permits, what about the anticipated savings to the vendor. Ms. Hall said construction bonds cost 3% of the bond amount and if these bonds are done in a similar manner, then the cost would be $30 for a $1,000 bond versus $300 for $10,000 bond. Councilmember Spaulding asked if cash bonds were allowed and Ms. Messner said it could be added to the language. Councilmember Dillingham said Council wants to make the process easier so allowing a cash bond helps accomplish that. Councilmember Kovach said the reason the Committee required a $10,000 bond was to protect the citizens of Norman and questioned requiring only a $1,000 bond if a vendor were to sell at all six OU football home games. Ms. Hall said a $1,000 bond would be required per game or per day. She said sometimes a vendor may not want to sell at every game due to lower or higher attendance.

Councilmember Gallagher asked how consumers are protected against vendors selling shrimp out of Texas or other States and Ms. Hall said those vendors fall under the regulations for a Fixed Temporary Food License and they must provide a copy of their certificate of liability insurance, certificate of vehicular insurance, Oklahoma sales tax permit number, and be approved by the Cleveland County Health Department.

Ms. Messner said the proposed ordinance will be on First Reading on August 9, 2011, and Second Reading on August 23, 2011.

Items submitted for the record

1. Memorandum dated July 27, 2011, from Leah Messner, Assistant City Attorney, and Brenda Hall, City Clerk, to City Council Oversight Committee, Councilmember Griffith, Councilmember Dillingham, Councilmember Kovach, Councilmember Spaulding
1. Draft of Ordinance No. O-1011-18
2. Draft of legislatively notated copy of Ordinance No. –O-1011-18

MISCELLANEOUS DISCUSSION. None

The meeting adjourned at 5:55 p.m.

ATTEST:

City Clerk

Mayor

CITY COUNCIL SPECIAL SESSION MINUTES

August 9, 2011

The City Council of the City of Norman, Cleveland County, State of Oklahoma, met in Special Session at 5:30 p.m. in the Municipal Building Conference Room on the 9th day of August, 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 Dillingham, Ezzell, Gallagher, Griffith, Kovach, Lockett, Spaulding, Quinn, Mayor Rosenthal

ABSENT: None

Item 1, being:

CHANGE ORDER NO. ONE TO CONTRACT NO. K-0910-144 WITH ASSOCIATED ENVIRONMENTAL INDUSTRIES CORPORATION INCREASING THE CONTRACT AMOUNT BY $18,629.30 FOR THE CONSTRUCTION OF TEN WATER WELL HOUSES IN CONNECTION WITH PHASE 2 OF THE WELL FIELD DEVELOPMENT PROJECT.

Mr. Jim Speck. Capital Projects Engineer, said City Council approved Contract No. K-0910-144 with Associated Environmental Industries, Inc., in the amount of $925,848.50 for the construction of ten well houses for Phase 2 of the Well Field Development Project. He said Change Order No. One in the amount of $18,629.30 will pay for additional work required to lessen the impact the well sites would have on adjacent property owners and adjustments to as-built quantities.

Items submitted for the record
1. Text File No. 0910-144 CHG 1 dated July 26, 2011, from Jim Speck, Capital Projects Engineer
2. Change Order No. One to Contract No. K-0910-144
3. Phase 2 Water Well location map

Item 2, being:

CHANGE ORDER NO. ONE TO CONTRACT NO. K-1011-131 WITH STANDARD ROOFING COMPANY, INC., INCREASING THE CONTRACT AMOUNT BY $16,153 ADDING THE IRRIGATION PUMP BUILDING ROOF AT WESTWOOD GOLF COURSE AND GUTTERING AT THE SENIOR CENTER TO THE ROOFING PROJECTS.

Ms. Brenda Hall, City Clerk, said City Council approved Contract No. K-1011-131 with Standard Roofing Company, Inc., for roof replacements at the Senior Citizen Center, Fire Station No. 4, north and south digester control buildings at the Wastewater Treatment Plant, and the Westwood Maintenance and Pool Facilities buildings. She said during the replacement of roof process at the Westwood maintenance and pool buildings, it was determined the irrigation pump building roof was in severe disrepair and existing guttering and downspouts at the Senior Center would need replacing as the existing guttering and downspout would be inadequate. Replacement of the guttering was bid as an alternate to the original bid in the event the project bid was less than the budgeted amount, it would be more cost effective to include these items as part of the contractor's work. The project account exceeds the contract amount and Staff feels it would be prudent to replace all the guttering with the installation of the new roof and maintain the integrity of the new 20 year roof. Change Order No. One in the amount of $16,153 will cover the cost of the additional construction. The contract is currently progressing ahead of schedule and the original completion date of September 1, 2011, is not anticipated to be extended.

Items submitted for the record
1. Text File No. K-1011-131 CO #1 dated August 2, 2011, from Matthew Smith, Facility Maintenance Superintendent
2. Change Order No. One to Contract No. K-1011-131

Item 3, being:

CHANGE ORDER NO. ONE TO CONTRACT NO. K-1011-150 WITH RAILROAD YARD, INC., DECREASING THE CONTRACT AMOUNT BY $67,622.70 FOR THE FYE 2011 HALL PARK LAKE DAM IMPROVEMENT PROJECT, PHASE I.

Mr. Bob Hanger, Storm Water Engineer, said the Town of Hall Park was annexed by the City of Norman on October 1, 2003, and within the original city limits of Hall Park, a dam was construction in 1930 and the City was not aware, at the time of annexation, that the dam needed repairs.

The Oklahoma Water Resources Board (OWRB) notified the City that, after inspection, it was found that the easternmost dam north of Robinson Street and west of 24th Avenue N.E. was rated as a high hazard dam due to the proximity of residential structures downstream. They stated that if the dam were to fail, loss of life could occur. The notification also included a request that an inspection report be submitted annually for the dam..

Mr. Hanger said the September 16, 2009, inspection report stated the dam and spillway were in poor condition; trees on the embankment were in excess of three feet in diameter; the trees should be immediately removed and the dam filled to provide a stable embankment; and a formalized maintenance and Emergency Action Plans should be developed.

In October 2010, the Parks Maintenance Division removed most of the vegetation from the dam, but did not remove the larger tree stumps to avoid weakening the dam. The tree stump removal will be done by a private contractor using methods recommended by OWRB. In November 2010, Wilson and Company, Inc., was hired to do a scope of work study that included design of the dam embankment and emergency spillway; preparation of conceptual plans and cost estimates for a primary spillway; review of the Operation and Maintenance Manual prepared by the City of Norman; and an Emergency Action Plan prepared by the City in conjunction with Wilson and Company, Inc.

Mr. Hanger said Contract No. K-1011-150 in the amount of $297,976 was awarded to Railroad Yard, Inc.; however, the engineer's estimate is $303,613.99. Change Order No. One decreasing the contract amount by $67,622.70 is intended to reduce the project cost so the project can be constructed with available funds. He said this, along with savings from other projects, will provide the necessary funding to construct the project.

Items submitted for the record

1. Text File No. K-1011-150 dated July 28, 2011, from Bob Hanger, Stormwater Engineer
2. Capital Projects Recently Closed Resulting in Capital Fund Balance
3. Bid tabulation for the FYE 2011 Hall Park Lake Dam Improvements Project
4. Change Order No. One to K-1011-150
5. PowerPoint presentation entitled, "Hall Park Lake Dam Improvement Project, Phase I, Change Order No. 1," dated August 9, 2011

Item 4, being:

DISCUSSION OF ORDINANCES REGARDING CHANGING THE CHARTER PROVISIONS REGARDING ELECTIONS TO COMPLY WITH STATE LAW AND AUTHORIZING THE CALLING OF A SPECIAL ELECTION.

Mr. Jeff Bryant, City Attorney, said the City received notice from the State Election Board regarding a new law on when cities can hold elections and some of those dates directly impact Norman. He said no elections can be held in May 2012, which is a date for Municipal elections. He said the new law was enacted to try to make it easier for absentee ballots to be sent out to those serving in the military.

Mr. Bryant said one suggestion is to amend the City's ordinance language to give flexibility to the Council in establishing election dates every year in November, which Mr. Bryant felt was a good idea. He said, normally, Council adopts a resolution in December setting the election dates, but moving it back a month would give potential candidates time to plan and the City flexibility if the Legislature amends the law again. He said with that flexibility, the City would not have to amend the Charter every time the law is amended.

Councilmember Kovach said he would prefer to have fixed dates in the Charter using dates allowed by State Statutes and felt April and June were the most logical months. Ms. Hall said only even number years will be problematic, but there has to be 45 days between elections so the City could not hold March and April or April and May elections in even number years. She said, for instance, if the Primary Election was held in March, in 2012 there could be election in May because there would not be 45 days between the dates. She said the elections could be held in March and June, but there was a broad gap between. She said it would make sense for Council to set those dates in April and June. She said the last time the State laws were amended was 2004. Councilmember Kovach felt that amending the Charter once every seven years was not too onerous. Councilmember Quinn and Mayor Rosenthal felt the Council would not want to change the Charter every time the legislature amends election laws and would want to retain flexibility. Ms. Hall said for clarity purposes for candidates Charter language could remain general while more specific language, listing specific months, could be codified in Chapter 2 or Chapter 7.5 of the Code of Ordinances. She said that way, election days could be changed each year without amending the Charter. Councilmember Kovach said he was concerned that a future Council choosing to hold a February election and the idea of candidates running for office during the holidays is abhorrent to him. After more discussion, Councilmembers agreed that Ms. Hall's suggestion was the best option.

Item 4, continued:

Items submitted for the record

1. Text File No. O-1112-07 dated August 2, 2011, from Kathryn Walker, Assistant City Attorney
2. Text File No. O-1112-08 dated August 2, 2011, from Kathryn Walker, Assistant City Attorney
3. Memorandum dated June 2, 2011, from Ellen Usry, Deputy City Clerk, to Mayor and City Council
4. Letter dated May 27, 2011, from the Cleveland County Election Board to Brenda Hall, Secretary
5. FYE 2012 Potential Election Dates
6. Council Study Session minutes of May 18, 2010 and November 16, 2010

Item 5, being:

CONSIDERATION OF ADJOURNING INTO AN EXECUTIVE SESSION AS AUTHORIZED BY OKLAHOMA STATUTES TITLE 25 § 307(B)(4) IN ORDER TO DISCUSS RICHARD STAWICKI, ROBERT O. OLIVAS, AND JIMMY WAYNE STANLEY, VS. THE CITY OF NORMAN, CLEVELAND COUNTY COURT CASE NO. CJ-2011-624-TS.

Councilmember Quinn moved that the Special Session be adjourned out of and an Executive Session be convened into as authorized by Oklahoma Statutes Title 25 § 307(B)(4) in order to discuss Richard Stawicki, Robert O. Olivas, and Jimmy Wayne Stanley vs. the City of Norman, Cleveland County Court Case No. CJ-2011-624-TS, which motion was duly seconded by Councilmember Griffith; and the question being upon adjourning out of the Special Session and convening into an Executive Session as authorized by Oklahoma Statutes Title 25 § 307(B)(4) in order to discuss Richard Stawicki, Robert O. Olivas, and Jimmy Wayne Stanley vs. the City of Norman, Cleveland County Court Case No. CJ-2011-624-TS, a vote was taken with the following result:

YEAS:	Councilmembers Dillingham, Ezzell, Gallagher, Griffith, Kovach, Lockett, Spaulding, Quinn, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and the Special Session adjourned out of; and an Executive Session was convened into as authorized by Oklahoma Statutes Title 25 § 307(B)(4) in order to discuss Richard Stawicki, Robert O. Olivas, and Jimmy Wayne Stanley vs. the City of Norman, Cleveland County Court Case No. CJ-2011-624-TS.

The City Council adjourned into Executive Session at 5:58 p.m. Mr. Steve Lewis, City Manager; Mr. Jeff Bryant, City Attorney; Mr. Rick Knighton, Assistant City Attorney; and Mr. Anthony Francisco, Finance Director, were in attendance at the Executive Session.

Mayor Rosenthal acknowledged return to Open Session.

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

YEAS:	Councilmembers Dillingham, Ezzell, Gallagher, Griffith, Kovach, Lockett, Spaulding, Quinn, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and the Special Session was reconvened at 6:25 p.m.

The Mayor said Richard Stawicki, Robert O. Olivas, and Jimmy Wayne Stanley vs. the City of Norman, Cleveland County Court Case No. CJ-2011-624-TS, was discussed in Executive Session. No action was taken and no votes were cast.

* * * * *

ADJOURNMENT

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

YEAS:	Councilmembers Dillingham, Ezzell, Gallagher, Griffith, Kovach, Lockett, Spaulding, Quinn, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and the meeting was adjourned at 6:26 p.m.

ATTEST:

City Clerk

Mayor

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

August 9, 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 9th day of August, 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 Dillingham, Ezzell, Gallagher, Griffith, Kovach, Lockett, Quinn, Spaulding, Mayor Rosenthal
ABSENT:	None

The Pledge of Allegiance was led by Mayor Rosenthal.

* * * * *

Item 3, being:

CONSENT DOCKET

Councilmember Kovach moved that Item 4 through Item 17 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 4 through Item 17, a vote was taken with the following result:

YEAS:	Councilmembers Dillingham, Ezzell, Gallagher, Griffith, Kovach, Lockett, Quinn, Spaulding, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and Item 4 through Item 17 were placed on the consent docket by unanimous vote.

* * * * *

Item 4, being:

CONSIDERATION OF APPROVAL OF THE MINUTES AS FOLLOWS:

JOINT CITY COUNCIL/OVERSIGHT COMMITTEE STUDY SESSION MINUTES OF JULY 19, 2011
CITY COUNCIL MINUTES OF JULY 26, 2011
NORMAN UTILITIES AUTHORITY MINUTES OF JULY 26, 2011
NORMAN MUNICIPAL AUTHORITY MINUTES OF JULY 26, 2011
NORMAN TAX INCREMENT FINANCE AUTHORITY MINUTES OF JULY 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 Griffith;

Items submitted for the record
1. Text File No. GID-1112-9 dated August 3, 2011, by Brenda Hall, City Clerk
2. Joint City Council/Oversight Committee Study Session minutes of July 19, 2011
3. City Council Conference minutes of July 26, 2011
4. City Council minutes of July 26, 2011
5. Norman Utilities Authority minutes of July 26, 2011
6. Norman Municipal Authority minutes of July 26, 2011
7. Norman Tax Increment Finance Authority minutes of July 26, 2011

Item 4, continued:

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

YEAS:	Councilmembers Dillingham, Ezzell, Gallagher, Griffith, Kovach, Lockett, Quinn, Spaulding, Mayor Rosenthal
NAYES:	None

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

* * * * *

Item 5, being:

CONSIDERATION OF ORDINANCE NO. O-1011-62 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 GRANT SPECIAL USE FOR A BAR WITH LIVE ENTERTAINMENT FOR PROPERTY CURRENTLY ZONED C-3, INTENSIVE COMMERCIAL DISTRICT, LOCATED AT 117 NORTH CRAWFORD AVENUE; AND PROVIDING FOR THE SEVERABILITY THEREOF.

Councilmember Kovach moved that Ordinance No. O-1011-62 be Introduced and adopted upon First Reading by title, which motion was duly seconded by Councilmember Griffith;

Items submitted for the record

1. Text File No. O-1011-62 dated May 19, 2011, by Doug Koscinski, Current Planning Manager
2. Ordinance No. O-1011-62
3. Location map
4. Staff Report dated July 14, 2011, recommending approval
5. Norman Predevelopment Informational Meeting Case No. PD11-19 for Mohammad Davani for property located at 117 North Crawford Avenue
6. Site plan
7. Norman Predevelopment Summary Case No. PD11-19 dated June 23, 2011, for Mohammad Davani for property located at 117 North Crawford Avenue
8. Protest Map containing 3.5% protest within notification area
9. Letter of protest dated May 28, 2011, from Phyllis Woodard to Norman Planning Commission
10. Pertinent excerpts from Planning Commission minutes of July 14, 2011

and the question being upon the Introduction and adoption of Ordinance No. O-1011-62 upon First Reading by title, a vote was taken with the following result:

YEAS:	Councilmembers Dillingham, Ezzell, Gallagher, Griffith, Kovach, Lockett, Quinn, Spaulding, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and Ordinance No. O-1011-62 was Introduced and adopted upon First Reading by title.

* * * * *

Item 6, being:

CONSIDERATION OF ORDINANCE NO. O-1112-07 UPON FIRST READING BY TITLE: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING ARTICLE II, SECTIONS 5 AND 6 OF THE NORMAN CITY CHARTER WHICH RELATES TO THE DESIGNATION OF DATES FOR MUNICIPAL GENERAL AND RUNOFF ELECTIONS AS PROVIDED UNDER THE THEN-CURRENT STATE LAW; AND PROVIDING FOR THE SEVERABILITY THEREOF.

Councilmember Kovach moved that Ordinance No. O-1112-07 be Introduced and adopted upon First Reading by title, which motion was duly seconded by Councilmember Griffith;

Items submitted for the record
1. Text File No. O-1112-07 dated August 2, 2011, by Brenda Hall, City Clerk
2. Ordinance No. O-1112-07
3. Legislatively notated copy of Ordinance No. O-1112-07

Participants in discussion
1. Mr. Stephen Tyler Holman, 1020 College Avenue, asked questions
2. Ms. Brenda Hall, City Clerk

and the question being upon the Introduction and adoption of Ordinance No. O-1112-07 upon First Reading by title, a vote was taken with the following result:

YEAS:	Councilmembers Dillingham, Ezzell, Gallagher, Griffith, Kovach, Lockett, Quinn, Spaulding, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and Ordinance No. O-1112-07 was Introduced and adopted upon First Reading by title.

* * * * *

Item 7, being:

CONSIDERATION OF ORDINANCE NO. O-1112-08 UPON FIRST READING BY TITLE: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AUTHORIZING THE CALLING AND HOLDING OF A SPECIAL ELECTION IN SAID CITY OF NORMAN, STATE OF OKLAHOMA, (THE CITY), ON THE 8th DAY OF NOVEMBER 2011, FOR THE PURPOSE OF SUBMITTING TO THE REGISTERED, QUALIFIED ELECTORS OF SAID CITY THE QUESTION OF APPROVING OR REJECTING ORDINANCE NO. O-1112-07 WHICH ORDINANCE AMENDS SECTIONS 5 AND 6 OF ARTICLE II OF THE CHARTER OF THE CITY OF NORMAN, OKLAHOMA, RELATING TO THE DESIGNATION OF DATES FOR MUNICIPAL GENERAL AND RUNOFF ELECTIONS; AND PROVIDING FOR THE SEVERABILITY THEREOF.

Councilmember Kovach moved that Ordinance No. O-1112-08 be Introduced and adopted upon First Reading by title, which motion was duly seconded by Councilmember Griffith;

Items submitted for the record
1. Text File No. O-1112-08 dated August 2, 2011, by Brenda Hall, City Clerk
2. Ordinance No. O-1112-08
3. Special Election Proclamation and Notice of Election

Participants in discussion
1. Mr. Stephen Tyler Holman, 1020 College Avenue, asked questions
2. Ms. Brenda Hall, City Clerk

and the question being upon the Introduction and adoption of Ordinance No. O-1112-08 upon First Reading by title, a vote was taken with the following result:

YEAS:	Councilmembers Dillingham, Ezzell, Gallagher, Griffith, Kovach, Lockett, Quinn, Spaulding, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and Ordinance No. O-1112-08 was Introduced and adopted upon First Reading by title.

* * * * *

Item 8, being:

CONSIDERATION OF ORDINANCE NO. O-1112-09 UPON FIRST READING BY TITLE: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA AMENDING ARTICLE VIII, SECTIONS 13-809 THROUGH 13-814; AND ARTICLE XXVIII, SECTIONS 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.

Councilmember Kovach moved that Ordinance No. O-1112-9 be Introduced and adopted upon First Reading by title, which motion was duly seconded by Councilmember Griffith;

Items submitted for the record
1. Text File No. O-1112-9 dated August 4, 2011, by Leah Messner, Assistant City Attorney
2. Ordinance No. O-1112-9
3. Legislatively notated copy of Ordinance No. O-1112-9

and the question being upon the Introduction and adoption of Ordinance No. O-1112-9 upon First Reading by title, a vote was taken with the following result:

YEAS:	Councilmembers Dillingham, Ezzell, Gallagher, Griffith, Kovach, Lockett, Quinn, Spaulding, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and Ordinance No. O-1112-9 was Introduced and adopted upon First Reading by title.

* * * * *

Item 9, being:

CONSIDERATION OF BID NO. 1011-64; CONTRACT NO. K-1011-150 WITH RAILROAD YARD, INC. IN THE AMOUNT OF $297,976; CHANGE ORDER NO. ONE DECREASING THE CONTRACT AMOUNT BY $67,622.70; PERFORMANCE BOND NO. B-1011-86; STATUTORY BOND NO. B-1011-87, AND MAINTENANCE BOND NO. MB-1011-89 FOR THE FYE 2011 HALL PARK LAKE DAM IMPROVEMENT PROJECT, PHASE I; RESOLUTION NO. R-1011-139; AND BUDGET APPROPRIATION.

Councilmember Kovach moved that all bids meeting specifications be accepted; the bid in the amount of $297,976 be awarded to Railroad Yard, Inc., as the lowest and best bidder meeting specifications; Contract No. K-1011-150, Change Order No. One decreasing the contract amount by $67,622.70, and the performance, statutory, and maintenance bonds be approved; execution of the contract and change order be authorized; the filing of the bonds be directed; Resolution No. R-1011-139 be adopted; and $94,538.55 be appropriated from the Capital Fund Balance (050-253-20-00) to Project No. DR0058, Hall Park Dam Repair, Construction (050-9968-431.61-01), which motion was duly seconded by Councilmember Griffith;

Items submitted for the record
1. Text File No. K-1011-150 dated July 28, 2011, by Bob Hanger, Stormwater Engineer
2. Capital Projects Recently Closed Resulting in Capital Fund Balance
3. Bid tabulation for FYE 2011 Hall Park Lake Dam Improvements Project, Phase 1
4. Contract No. K-1011-150
5. Change Order No. One to Contract No. K-1011-150
6. Performance Bond No. B-1011-86
7. Statutory Bond No. B-1011-87
8. Maintenance Bond No. MB-1011-89
9. Resolution No. R-1011-139
10. Purchase Requisition No. 0000189645 dated July 28, 2011, in the amount of $230,353.30 to Railroad Yard, Inc.

Item 9, continued:

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

YEAS:	Councilmembers Dillingham, Ezzell, Gallagher, Griffith, Kovach, Lockett, Quinn, Spaulding, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and all bids meeting specifications accepted; the bid in the amount of $634,160 was awarded to Central Contracting Services, Inc., as the lowest and best bidder meeting specifications; Contract No. K-1011-03, Change Order No. One decreasing the contract amount by $67,622.70, and the performance, statutory, and maintenance bonds were approved; the filing of the bonds was directed; execution of the contract and change order was authorized; Resolution No. R-1011-25 was adopted; and $94,538.55 was appropriated from the Capital Fund Balance (050-253-20-00) to Project No. DR0058, Hall Park Dam Repair, Construction (050-9968-431.61-01).

* * * * *

Item 10, being:

CONSIDERATION OF ACCEPTANCE OF EASEMENT NO. E-1112-1 (PERMANENT DAM EMBANKMENT) DONATED BY KEN AND SHELLEY FERTITTA FOR THE HALL PARK LAKE DAM IMPROVEMENT PROJECT.

Councilmember Kovach moved that Easement No. E-1112-1 be accepted and the filing thereof with the Cleveland County Clerk be directed, which motion was duly seconded by Councilmember Griffith;

Items submitted for the record
1. Text File No. E-1112-1 dated July 28, 2011, by John Clink, Capital Projects Engineer, with Exhibit "A", Table of Easements
2. Easement No. E-1112-1 with Exhibit "A," location map

and the question being upon accepting Easement No. E-1112-1 and upon the subsequent directive, a vote was taken with the following result:

YEAS:	Councilmembers Dillingham, Ezzell, Gallagher, Griffith, Kovach, Lockett, Quinn, Spaulding, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and Easement No. E-1112-1 accepted; and the filing thereof with the Cleveland County Clerk was directed.

* * * * *

Item 11, being:

CONSIDERATION OF ACCEPTANCE OF EASEMENT NO. E-1112-2 (PERMANENT DAM EMBANKMENT) DONATED BY JESSE BRANDON MITCHELL AND LINDY MARIE MITCHELL FOR THE HALL PARK LAKE DAM IMPROVEMENT PROJECT.

Councilmember Kovach moved that Easement No. E-1112-2 be accepted and the filing thereof with the Cleveland County Clerk be directed, which motion was duly seconded by Councilmember Griffith;

Items submitted for the record
1. Text File No. E-1112-2 dated July 28, 2011, by John Clink, Capital Projects Engineer, with Exhibit "A", Table of Easements
2. Easement No. E-1112-2 with Exhibit "A," location map

Item 11, continued:

and the question being upon accepting Easement No. E-1112-2 and upon the subsequent directive, a vote was taken with the following result:

YEAS:	Councilmembers Dillingham, Ezzell, Gallagher, Griffith, Kovach, Lockett, Quinn, Spaulding, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and Easement No. E-1112-2 accepted; and the filing thereof with the Cleveland County Clerk was directed.

* * * * *

Item 12, being:

LIMITED LICENSE NO. LL-1112-1: LIMITED LICENSE TO PLACE TWO (2) GROUND BANNERS WITHIN THE PUBLIC RIGHTS-OF-WAY PURSUANT TO A REQUEST FROM THE CLEVELAND COUNTY YMCA FOR THE 10TH ANNUAL TIE-DYE TRI ON SEPTEMBER 25, 2011.

Councilmember Kovach moved that Limited License No. LL-1112-1 to place two (2) ground banners within the public right-of-way pursuant to a request from the Cleveland County YMCA be approved and the issuance thereof be authorized, which motion was duly seconded by Councilmember Griffith;

Items submitted for the record
1. Text File No. LL-1112-1 dated August 1, 2011, by Wayne Stenis, Planner II
2. Application for Limited License dated July 29, 2011, for two banners from the Cleveland County Family YMCA
3. Limited License No. LL-1112-1
4. Photograph of banner

and the question being upon approving Limited License No. LL-1112-1 to place two (2) ground banners within the public right-of-way pursuant to a request from the Cleveland County YMCA and upon the subsequent authorization, a vote was taken with the following result:

YEAS:	Councilmembers Dillingham, Ezzell, Gallagher, Griffith, Kovach, Lockett, Quinn, Spaulding, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and Limited License No. LL-1112-1 to place two (2) ground banners within the public right-of-way pursuant to a request from the Cleveland County YMCA approved; and the issuance thereof was authorized.

* * * * *

Item 13, being:

CHANGE ORDER NO. ONE TO CONTRACT NO. K-0910-144: BY AND BETWEEN THE NORMAN UTILITIES AUTHORITY AND ASSOCIATED ENVIRONMENTAL INDUSTRIES CORPORATION INCREASING THE CONTRACT AMOUNT BY $18,629.30 FOR THE CONSTRUCTION OF TEN WATER WELL HOUSES IN CONNECTION WITH PHASE 2 OF THE WELL FIELD DEVELOPMENT PROJECT AND FINAL ACCEPTANCE OF THE PROJECT.

Acting as the Norman Utilities Authority, Trustee Kovach moved that Change Order No. One to Contract No. K-0910-44 with Associated Environmental Industries Corporation increasing the contract amount by $18,629.30 be approved, the execution thereof be authorized, the project be accepted, and final payment in the amount of $39,769.27 be directed to Associated Environmental Industries Corporation, which motion was duly seconded by Trustee Griffith;

Item 13, continued:

Items submitted for the record
1. Text File No. K-0910-144, Change Order No. One, dated July 26, 2011, from Jim Speck, Capital Projects Engineer
2. Change Order No. One to Contract No. K-0910-144
3. Location map

Participants in discussion
1. Mr. Jim Speck, Capital Projects Engineer
2. Mr. Jim Stanley, 3922 Pine Tree Circle, asked questions

and the question being upon approving Change Order No. One to Contract No. K-0910-144 with Associated Environmental Industries Corporation increasing the contract amount by $18,629.30 and upon the subsequent authorization, acceptance, and directive, a vote was taken with the following result:

YEAS:	Trustees Dillingham, Ezzell, Gallagher, Griffith, Kovach, Lockett, Quinn, Spaulding, Chairman Rosenthal
NAYES:	None

The Chairman declared the motion carried and Change Order No. One to Contract No. K-0910-144 with Associated Environmental Industries Corporation increasing the contract amount by $18,629.30 approved, the execution thereof was authorized, the project was accepted, and final payment in the amount of $39,769.27 was directed to Associated Environmental Industries Corporation.

* * * * *

Item 14, being:

AMENDMENT NO. ONE TO CONTRACT NO. K-1011-56: BY AND BETWEEN THE CITY OF NORMAN AND SMC CONSULTING ENGINEERS, P.C., INCREASING THE CONTRACT AMOUNT OF $5,000 TO PROVIDE ADDITIONAL DESIGN SERVICES FOR THE INTERSTATE 35/ROBINSON STREET INTERCHANGE NORTHEAST RAMP PROJECT.

Councilmember Kovach moved that Amendment No. One to Contract No. K-1011-56 with SMC Consulting Engineers, P.C., increasing the contract amount by $5,000 be approved and the execution thereof be authorized, which motion was duly seconded by Councilmember Griffith;

Items submitted for the record
1. Text File No. K-1011-56, Amendment No. One, dated July 28, 2011, from John Clink, Capital Projects Engineer
2. Amendment No. One to Contract No. K-1011-56 with Attachment A, Scope of Work; Attachment B, Anticipated Schedule; and Exhibit A, Preliminary Budget for Traffic and Roadway Improvements, Contract No, K-0607-45
3. Location map
4. Purchase Requisition No. 0000189408 dated July 20, 2011, in the amount of $5,000 to SMC Consulting Engineers, P.C.

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

and the question being upon approving Amendment No. One to Contract No. K-1011-56 with SMC Consulting Engineers, P.C., increasing the contract amount by $5,000 and upon the subsequent authorization, a vote was taken with the following result:

YEAS:	Councilmembers Dillingham, Ezzell, Gallagher, Griffith, Kovach, Lockett, Quinn, Spaulding, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and Amendment No. One to Contract No. K-1011-56 with SMC Consulting Engineers, P.C., increasing the contract amount by $5,000 approved; and the execution thereof was authorized.

* * * * *

Item 15, being:

CHANGE ORDER NO. ONE TO CONTRACT NO. K-1011-131: BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND STANDARD ROOFING COMPANY, INC., INCREASING THE CONTRACT AMOUNT BY $16,153 ADDING THE IRRIGATION PUMP BUILDING ROOF AT WESTWOOD GOLF COURSE AND GUTTERING AT THE SENIOR CENTER TO THE ROOFING PROJECTS.

Councilmember Kovach moved that Change Order No. One to Contract No. K-1011-131 with Standard Roofing Company, Inc., increasing the contract amount by $16,153 be approved and the execution thereof be authorized, which motion was duly seconded by Councilmember Griffith;

Items submitted for the record
1. Text File No. K-1011-131, Change Order No. One, dated August 2, 2011, by Matthew Smith, Facility Maintenance Superintendent
2. Change Order No. One to Contract No. K-1011-131

Participants in discussion
1. Ms. Brenda Hall, City Clerk

and the question being upon approving Change Order No. One to Contract No. K-1011-131 with Standard Roofing Company, Inc., increasing the contract amount by $16,153 and upon the subsequent authorization, a vote was taken with the following result:

YEAS:	Councilmembers Dillingham, Ezzell, Gallagher, Griffith, Kovach, Lockett, Quinn, Spaulding, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and Change Order No. One to Contract No. K-1011-131 with Standard Roofing Company, Inc., increasing the contract amount by $16,153 approved; and the execution thereof was authorized.

* * * * *

Item 16, being:

CONTRACT NO. K-1112-13: A CONTRACT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND THE OKLAHOMA DEPARTMENT OF TRANSPORTATION FOR FEDERAL-AID PROJECT NO. SRS-114D(294)ST, AND SRS-114D(295), STATE JOB NO. 28470(13) FOR THE SAFE ROUTES TO SCHOOL AGREEMENT FOR KENNEDY ELEMENTARY SCHOOL LOCATED AT 621 SUNRISE DRIVE, ADOPTION OF RESOLUTION NO. R-1112-12 AND BUDGET TRANSER.

Councilmember Kovach moved that Contract No. K-1112-13 with the Oklahoma Department of Transportation be approved, Resolution No. R-1112-12 be adopted, the execution of the contract and resolution be authorized, and $4,900 be transferred from the Special Revenue Fund Balance (022-0000-253-20-00) to Project No. TR0081, Safe Routes to School Kennedy, designating $2,450 to Other Supplies, Materials (022-5023-429.31-99) and $2,450 to Miscellaneous Services/Other (022-5023-429.47-99), which motion was duly seconded by Councilmember Griffith;

Items submitted for the record
1. Text File No. K-1112-13 dated July 27, 2011, by Mike Rayburn, Assistant Traffic Engineer
2. Contract No. K-1112-13 with Exhibit "A", Index of Specifications and Special Provisions; Attachment A, Scope of Services; Attachment B, Procedures for the Selection of Architects, Engineer and Other Design Consultants; Attachment C, Plan Preparation; Attachment C-1, Location and Hydraulic Design of Encroachments on Flood Plains; Attachment C-2, Specifications for Detailed Construction Plans for Grading, Drainage, Surfacing, Structures, and Incidentals; Attachment C-3, LRFD Bridge Design Specifications for Highway Bridges; and Attachment D, Federal Title VI Provisions
3. Resolution No. R-1112-12

Item 16, continued:

and the question being upon approving Contract No. K-1112-13 with the Oklahoma Department of Transportation and upon the subsequent adoption, authorization, and transfer, a vote was taken with the following result:

YEAS:	Councilmembers Dillingham, Ezzell, Gallagher, Griffith, Kovach, Lockett, Quinn, Spaulding, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and Contract No. K-1112-13 with the Oklahoma Department of Transportation approved; Resolution No. R-1112-12 was adopted; the execution of the contract and resolution was authorized; and $4,900 was transferred from the Special Revenue Fund Balance (022-0000-253-20-00) to Project No. TR0081, Safe Routes to School Kennedy, designating $2,450 to Other Supplies, Materials (022-5023-429.31-99) and $2,450 to Miscellaneous Services/Other (022-5023-429.47-99).

* * * * *

Item 17, being:

CONTRACT NO. K-1112-16: A CONTRACT BY AND BETWEEN THE CITY OF NORMAN AND THE OKLAHOMA DEPARTMENT OF TRANSPORTATION (ODOT) FOR FEDERAL AID PROJECT NO. HSIPY-114A(242) TR, JOB PIECE NO. 26474(04) THE CONSTRUCTION OF HIGHWAY 77 (CLASSEN BOULEVARD) AND IMHOFF ROAD INTERSECTION IMPROVEMENT PROJECT AND ADOPTION OF RESOLUTION NO. R-1112-15.

Councilmember Kovach moved that Contract No. K-1112-16 with the Oklahoma Department of Transportation be approved; Resolution No. R-1112-15 be adopted; the execution of the contract and resolution be authorized; and payment to the Oklahoma Department of Transportation in the amount of $302,347.53 for the City's 20% share be directed, which motion was duly seconded by Councilmember Griffith;

Items submitted for the record

1. Text File No. K-1112-16 dated July 28, 2011, by Angelo Lombardo, Traffic Engineer
2. Contract No. K-1112-16
3. Resolution No. R-1112-15
4. Purchase Requisition No. 0000189422 dated July 20, 2011, in the amount of $302,347.53 to the Oklahoma Department of Transportation

and the question being upon approving Contract No. K-1112-16 with the Oklahoma Department of Transportation and upon the subsequent adoption, authorization, and directive, a vote was taken with the following result:

YEAS:	Councilmembers Dillingham, Ezzell, Gallagher, Griffith, Kovach, Lockett, Quinn, Spaulding, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and Contract No. K-1112-16 with the Oklahoma Department of Transportation approved; Resolution No. R-1112-15 was adopted; the execution of the contract and resolution was authorized; and payment to the Oklahoma Department of Transportation in the amount of $302,347.53 for the City's 20% share was directed.

* * * * *

Item 18, being:

CONTRACT NO. K-1112-17: AN ENTERPRISE LICENSE AGREEMENT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND ENVIRONMENTAL SYSTEMS RESEARCH INSTITUTE, INC., (ESRI) TO PROVIDE SOFTWARE SUPPORT FOR THE PLANNING, PUBLIC WORKS, POLICE, PARKS AND RECREATION, AND UTILITIES DEPARTMENTS IN THE AMOUNT OF $53,616.50 PER YEAR FOR A PERIOD OF THREE YEARS.

Councilmember Kovach moved that Contract No. K-1112-17 with ESRI in the amount of $53,616.50 per year for a period of three years be approved and the execution thereof be authorized, which motion was duly seconded by Councilmember Griffith;

Items submitted for the record
1. Text File No. K-1112-17 dated July 25, 2011, by Joyce Green, GIS Service Manager
2. Letter dated July 19, 2011, from Larry Ambriz, ESRI, to Ms. Joyce Green, City of Norman
3. Quotation No. 20389835 dated July 19, 2011, in the amount of $174,119.58 from Environmental Systems Research Institute, Inc.
4. Contract No. K-1111-17

Participants in discussion
1. Ms. Joyce Green, GIS Service Manager

and the question being upon approving Contract No. K-1112-17 with ESRI in the amount of $53,616.50 per year for a period of three years and upon the subsequent authorization, a vote was taken with the following result:

YEAS:	Councilmembers Dillingham, Ezzell, Gallagher, Griffith, Kovach, Lockett, Quinn, Spaulding, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and Contract No K-1112-17 with ESRI in the amount of $53,616.50 per year for a period of three years approved; and the execution thereof was authorized.

* * * * *

Item 19, being:

RESOLUTION NO. R-1011-126: 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-1011-14**, SO AS TO PLACE A TRACT OF LAND LYING IN THE SOUTHWEST QUARTER OF SECTION 9, TOWNSHIP 8 NORTH, RANGE 2 WEST OF THE INDIAN MERIDIAN, CLEVELAND COUNTY, OKLAHOMA, IN THE OFFICE DESIGNATION AND REMOVE THE SAME FROM THE MEDIUM DENSITY RESIDENTIAL DESIGNATION FOR THE HEREINAFTER DESCRIBED PROPERTY. (GENERALLY LOCATED ON THE EAST SIDE OF 12TH AVENUE S.E. BETWEEN CEDAR LANE ROAD AND HIGHWAY 9)

Councilmember Ezzell moved that Resolution No. R-1011-126, Land Use Plan Amendment No. LUP-1011-14, be adopted and the NORMAN 2025 Land Use and Transportation Plan be amended according thereto, which motion was duly seconded by Councilmember Kovach;

Items submitted for the record
1. Text File No. R-1011-126 dated May 10, 2011, by Doug Koscinski, Current Planning Manager
2. Resolution No. R-1011-126, Land Use Plan Amendment No. LUP-1011-14
3. Location map
4. Staff Report dated June 9, 2011, recommending approval
5. Pertinent excerpts from Planning Commission minutes of June 9, 2011

Item 19, continued:

Participants in discussion

1. Mr. Sean Rieger, 136 Thompson Drive, attorney representing the applicant
2. Mr. Chris Russ, Campus Crest Communities. 2100 Rexford Road, #414, Charlotte, North Carolina, applicant
3. Mr. Shawn O'Leary, Director of Public Works
4. Ms. Ann Gallagher, 1522 East Boyd Street, made comments
5. Mr. Stephen Tyler Holman, 1020 South College Avenue, made comments
6. Mr. Mark Campbell, 2821 Dewey Avenue, asked questions
7. Ms. Joy Hampton, Norman Transcript, 215 East Comanche Street, asked questions
8. Mr. Angelo Lombardo, Traffic Engineer

and the question being upon adopting Resolution No. R-1011-126, Land Use Plan Amendment No. LUP-1011-14, and upon the subsequent amendment, a vote was taken with the following result:

YEAS:	Councilmembers Dillingham, Ezzell, Gallagher, Griffith, Kovach, Lockett, Quinn, Spaulding, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and Resolution No. R-1011-126, Land Use Plan Amendment No. LUP-1011-14, adopted; and the NORMAN 2025 Land Use and Transportation Plan was amended according thereto.

* * * * *

Item 20, being:

ORDINANCE NO. O-1011-59: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING ORDINANCE NO. O-0910-25 TO ADJUST THE BOUNDARIES BY INCREASING THE AMOUNT OF AREA ALLOTTED TO OFFICE USES AND AMENDING THE SITE PLAN FOR LOT 1, BLOCK 1, SHAKLEE ADDITION TO THE CITY OF NORMAN, CLEVELAND COUNTY, OKLAHOMA; AND PROVIDING FOR THE SEVERABILITY THEREOF. (GENERALLY LOCATED ON THE EAST SIDE OF 12TH AVENUE S.E. BETWEEN CEDAR LANE ROAD AND HIGHWAY 9)

Ordinance No. O-1011-59 having been Introduced and adopted upon First Reading by title in City Council's meeting of July 26, 2011, Councilmember Kovach moved that Ordinance No. O-1011-59 be adopted upon Second Reading section by section, which motion was duly seconded by Councilmember Griffith;

Items submitted for the record

1. Text File No. O-1011-59 dated May 10, 2011, by Doug Koscinski, Current Planning Manager
2. Ordinance No. O-1011-59 with Exhibit A, site development plan
3. Location map
4. Staff Report dated June 9, 2011, recommending approval with condition
5. PUD narrative for Campus Crest Addition dated May 9, 2011, revised August 3, 2011, prepared by Sean Paul Rieger, the Rieger Law Group
6. Pertinent excerpts from Planning Commission minutes of June 9, 2011

and the question being upon adopting Ordinance No. O-1011-59 upon Second Reading section by section, a vote was taken with the following result:

YEAS:	Councilmembers Dillingham, Ezzell, Gallagher, Griffith, Kovach, Lockett, Quinn, Spaulding, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and Ordinance No. O-1011-59 was adopted upon Second Reading section by section.

Item 20, continued:

Thereupon, Councilmember Ezzell moved that Ordinance No. O-1011-59 be adopted upon Final Reading as a whole, which motion was duly seconded by Councilmember Kovach; and the question being upon adopting Ordinance No. O-1011-59 upon Final Reading as a whole, the roll was called with the following result:

YEAS:	Councilmembers Dillingham, Ezzell, Gallagher, Griffith, Kovach, Lockett, Quinn, Spaulding, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and Ordinance No. O-1011-59 was adopted upon Final Reading as a whole.

* * * * *

Item 21, being:

CONSIDERATION OF A PRELIMINARY PLAT FOR CAMPUS CREST ADDITION, A PLANNED UNIT DEVELOPMENT, AND WAIVER OF ALLEY REQUIREMENTS FOR THE COMMERCIAL PROPERTY. (GENERALLY LOCATED ON THE EAST SIDE OF 12TH AVENUE S.E. BETWEEN CEDAR LANE ROAD AND HIGHWAY 9).

Councilmember Kovach moved that the preliminary plat and waiver of alley requirements for Campus Crest Addition, a Planned Unit Development, be approved, which motion was duly seconded by Councilmember Ezzell;

Items submitted for the record

1. Text File No. PP-1011-24 dated May 10, 2011, by Ken Danner, Development Manager
2. Traffic Table for Campus Crest Addition Preliminary Plat
3. Location map
4. Staff Report dated June 9, 2011, recommending approval
5. Preliminary plat
6. Preliminary site development plan
7. Oil well site plan
8. Letter requesting alley waiver dated June 1, 2011, from Tom L. McCaleb, P.E. SMC Consulting Engineers, P.C., to Mr. Jim Gasaway, Chairman, Planning Commission
9. Norman Predevelopment Summary No. PD11-15 dated April 28, 2011, for Campus Crest Development, L.L.C., for property located east of 12th Avenue S.E. and south of Highway 9
10. Greenbelt Commission Comments dated April 28, 2011
11. Norman Greenbelt Enhancement Statement dated April 12, 2011
12. Pertinent excerpts from Planning Commission minutes of June 9, 2011

and the question being upon approving the preliminary plat and waiver of alley requirements for Campus Crest Addition, a Planned Unit Development, a vote was taken with the following result:

YEAS:	Councilmembers Dillingham, Ezzell, Gallagher, Griffith, Kovach, Lockett, Quinn, Spaulding, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and the preliminary plat and waiver of alley requirements for Campus Crest Addition, a Planned Unit Development, was approved.

* * * * *

MISCELLANEOUS DISCUSSION

Municipal Finance Forum. Mr. Stephen Tyler Holman, 1020 South College Avenue, thanked Mr. Anthony Francisco, Director of Finance, and staff for providing the Municipal Finance Forum last fall because it provided valuable knowledge to citizens and he hoped there would be more of this type of forum in the future.

*

CART Costs. Mr. Fred Pope, 1501 Navajo Road, said at the July 26th City Council meeting, he questioned the cost of the subsidy per ride for the CART system and said he did not understand at that time that the proposed expenditure for CART related only to providing services to handicapped members of the community with extremely limited means of transportation. He said he had not intended to question providing such vital services. He said this funding is being used to support CART and it makes no difference whether the sources of the funds is labeled City, State, Federal, or University of Oklahoma, it all comes from the taxpayer's pocket. He said he would like information indicating how much a ride on the CART system costs the taxpayers and a summation of the cost of vehicles, wages and benefits for drivers, maintenance including mechanics and garage parking of vehicles, insurance, and other costs. He said there would be no question that income from paying riders is insufficient to cover the costs of operations and maintenance and it would be good for Norman taxpayers to be aware of the cost associated with the CART system.

Councilmember Dillingham said Doug Myers, Director of CART, has provided those calculations and she would be glad to get Mr. Pope this information. She said the Community Planning and Transportation Committee is now responsible for overseeing how our transportation system is working including CART. She said the ridership reports for CART are discussed at every meeting and invited Mr. Pope to attend.

Councilmember Spaulding commended Mr. Pope for his comments and encouraged more participation in local government.

Councilmember Gallagher said many churches provide transportation to those attending church and if the City approaches some of the churches and possibly the Kiwanis Kruiser, they might be able to help some of these people who have a need to get out on the weekend. He said the City should look at this.

Councilmember Dillingham said there is an Interfaith Council in town and she and Mr. Myers have called some of the church leaders to discuss helping out with transportation and there is a possibility some of the churches can help out.

Mayor Rosenthal said the Norman Justice Alliance has had ongoing discussions about how various churches assist people in need in our community and transportation issues have been discussed. She said not every church has a lift in their vans for handicapped riders and there are significant liability insurance issues preventing many of the churches from doing more than serving their own congregations. She said sometimes the costs of public transportation are examined and some feel we oversubsidize public transportation but the truth is the City oversubsidizes streets, road, bridges, and highways. She said it is very difficult to get a good comparison and the whole array of services need to be looked at.

*

Building Permit Process. Mr. Sean Rieger, 136 Thompson Drive, Builders Association of South Central Oklahoma, said recently the City had recently approved a new process for residential building permit issuance which involves a one-hour timeframe whereas before it took two to three hours. He thanked the City Manager, Council, and Staff on behalf of the Builders Association of South Central Oklahoma and urged them to continue this process for commercial inspections and permitting.

*

Alley Requirements. Mr. Mark Campbell, 2821 Dewey Avenue, asked why there were alley requirements when it seemed they were always waived.

Mr. Shawn O'Leary, Director of Public Works, said subdivision regulations require alleys on all multi-family and commercial developments to provide access for trash services, emergency vehicles, and public utility vehicles. He said the developers sometimes choose to provide that access through other means such as the site plan or parking lot layout. He said there are a number of ways this can be done and the City works with them. He said if the requirements are met, the alley requirements are not needed and the developer will request a waiver of the alley requirements.

*

Miscellaneous Discussion, continued:

Public Art. Mr. Mark Campbell, 2821 Dewey Avenue, said it was his understanding that the purpose of the Public Arts Board was to approve publicly owned art. He said these were to be permanent art works of quality. He said the Public Art Board had taken proposals for "Indian Grass", the sculpture on the East Main Round-About and this art was voted on by the public. He asked why a proposal from the Firehouse Art Center was being considered as a new project which included placing painted ducks placed around Norman to be funded by citizens.

Mr. Jud Foster, Director of Parks and Recreation, said this project is in the conceptual stages at this point and no final decisions have been made. He said this project was originally proposed as a fundraiser and an educational project for youth involvement in public art but the costs involved are a detriment. He said other communities have adopted a brand, such as a buffalo or penguin, and the idea came forward for the duck. He said these are not final ideas.

Mayor Rosenthal reminded citizens that there are no city money used in projects proposed by the Public Arts Board and all funds come from private donations.

*

Street Striping. Councilmember Quinn said the streets are being striped and painted and he has received comments from constituents about the traffic situations because of the improvements. He said the job has to be done and there are many miles to be covered. He said there is not enough time at night to do this project and apologized to citizens for the inconvenience, but it is a necessary improvement. He said he appreciates City crews and what they are doing.

*

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

*

Item 18, Contract with ESRI. Councilmember Lockett thanked Ms. Joyce Green, GIS Service Manager, for working on the software contract with ESRI.

*

Fire at University Greens. Councilmember Lockett thanked the Fire Department for working tirelessly during the recent fire at University Greens.

Councilmember Gallagher asked if there was any information about how the fire started at University Greens. Mr. James Fullingim, Fire Chief, said the origin for the fire had been determined but not an exact cause. He said the fire appears to have started on the exterior of the building in the mulch beds around the building and moved up the exterior of the building into the attic. He said with these dry conditions, any type of ignition source could start the mulch on fire.

Councilmember Kovach said whenever there is a major fire, there is a coordination of all emergency services and he commended all of them for the excellent work done. He said the temperatures have been extremely high the last few weeks and asked citizens to imagine putting out a fire while wearing a heavy protective coat. He said the fact these professionals are doing this job and doing it well is a testament to their training.

Councilmember Ezzell thanked all of the Public Safety personnel who helped out. He said fire personnel from Newcastle, Slaughterville, Noble, Cleveland County, were all present, as well as the National Guard Chinook helicopter dumping water on the site and they were all very much appreciated.

Mayor Rosenthal also thanked public safety personnel from all over the metro area who provided backup.

*

Miscellaneous Discussion, continued:

Air Conditioning too Cold at Library. Councilmember Gallagher said the air conditioning at the library was too cold and he was told by employees that the temperature cannot be controlled because there are some parts that need to be replaced.

Ms. Brenda Hall, City Clerk, said there is a current project to replace all of the heating and air conditioning equipment at the library and that the current equipment is over 30 years old. She said recently there have been issues with the existing compressors where they had to be turned on completely or turned off. She said the contractor will start the replacement project in the next few weeks and at present, it is possible to do a few adjustments to make the temperature higher but it has to be set manually on a day-to-day basis.

*

Visiting Boy Scout. Councilmember Ezzell welcomed Mr. John Robb, Boy Scout Troup No. 792, who is attending this evening's meeting in order to fulfill some of his Boy Scout citizenship requirements.

*

Condition of the Animal Welfare Facility. Councilmember Ezzell said the first Business and Community Affairs Committee meeting was held recently and seven Councilmembers were present. He said the Animal Welfare Facility was discussed. He said extensive work and study has been done by the Animal Shelter Oversight Committee regarding the problems and issues of the Animal Shelter. He said there is a well designed project that has been idle due to a lack of funding. He said one idea was to bring it forward as part of a larger package of issues and his concern with that approach is that pushes it farther in the future. He said the only challenge is the funding mechanism because it is a $3 million project. He said there is a very good staff at Animal Shelter and this project needs to move forward because the facilities are deficient and antiquated. He said he hoped other Councilmembers will support bringing forward an ordinance to create a General Obligation Bond Indebtedness to fund the project on First Reading on August 23rd so it could be voted on by the citizens on the November 8 ballot. He said this would require a Special Session to be held September 6, 2011, for Second and Final Reading of the Ordinance to meet the election deadline. He asked Council to support this so the Manager and Staff could work on this.

Councilmember Dillingham said she had been fortunate to serve as the Council liaison to the Animal Shelter Oversight Committee who are very dedicated and who are ready to get a project to the voters for their consideration. She said the present facility is not a welcoming place and can be dangerous. She said she would like to discuss this issue with the Finance Committee first but it is definitely needed.

*

Ward Four Meeting. Councilmember Dillingham said the Ward Four Meeting on August 1st was a success and she thanked staff for being so responsive. She thanked the Norman Transcript for a very informative article.

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Sales Tax Collection. Mr. Steve Lewis, City Manager, said August sales tax collections had been received for the month of June and there was an increase of 4% over 2010. He said over the last twelve months, there had been a 4.8% increase.

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Water Conservation Efforts. Mr. Steve Lewis, City Manager, thanked utility customers for working so well with the City during the Odd/Even Water Rotation. He said it would be a strain over the next month of this record drought. He said $400,000 is routinely budgeted every year for purchases of water from Oklahoma City. He said it is estimated that during the month of July, approximately $350,000 was spent so it is possible more funding will be needed to purchase additional water.

*

Change Orders to Contracts. Mr. Steve Lewis, City Manager, said contractors are working at their own peril because they are assuming City Council will follow through and make adjustments on change orders.

*

Miscellaneous Discussion, continued:

Street Improvements. Mr. Steve Lewis, City Manager, said the timing of public improvements is scrutinized carefully and one of the realities is that the City depends on securing federal dollars from the Oklahoma Department of Transportation and the Association of Central Oklahoma Governments to bring about needed improvements. He said it is a very competitive process subject to multi-year budgeting and trying to deliver public projects at the right time at the right price is sometimes difficult. He said several months ago, we presented some projects to council that could possibly be done if we were able to secure General Obligation funding to allow these projects to advance in terms of the design and right-of-way acquisition. He said this could improve our readiness points to allow the City to be more competitive. He said it is possible time to look at the list of projects again because we are seeing a decrease of federal funding and this might be a good time to accelerate that process.

Mayor Rosenthal said we are fortunate in this community to have been as competitive as we had been to leverage the dollars and projects as timely as possible. She said although the City does not want to be too far behind in development we do not want to build infrastructure that is unnecessary by encouraging growth in areas where it is not going to grow on its own. She said looking at General Obligation Bonds in general for infrastructure projects is going to be a very important overview.

* * * * *

ADJOURNMENT

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

YEAS:	Councilmembers Dillingham, Ezzell, Gallagher, Griffith, Kovach, Lockett, Quinn, Spaulding, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and the meeting was adjourned at 8:30 p.m.

ATTEST:

City Clerk

Mayor

City of Norman, OK

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

Master

File Number: R-1112-29

File ID:	R-1112-29	**Type:**	Resolution	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 4	**In Control:**	City Council
Department:	City Clerk Department	**Cost:**		**File Created:**	08/17/2011
File Name:	R-1112-29 9-11			**Final Action:**	

Title: RESOLUTION NO. R-1112-29: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, JOINING THE NATIONAL MOMENT OF REMEMBRANCE OF THE 10TH ANNIVERSARY OF SEPTEMBER 11TH.

ACTION NEEDED: Motion to adopt or reject Resolution No. R-1112-29.

ACTION TAKEN: _____

Notes:

Agenda Date: 08/23/2011

Agenda Number: 4

Attachments: R-1112-29 September 11

Project Manager: Brenda Hall, City Clerk

Entered by: Ellen.Usry@NormanOK.gov

Effective Date:

History of Legislative File

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

Text of Legislative File R-1112-29

Resolution

R-1112-29

A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, JOINING THE NATIONAL MOMENT OF REMEMBRANCE OF THE 10TH ANNIVERSARY OF SEPTEMBER 11TH.

§ 1. WHEREAS, on the morning of September 11, 2001, hijacked American Airlines Flight 11 and hijacked United Airlines Flight 175 crashed into the North and South Towers of the World Trade Center; and

§ 2. WHEREAS, that same morning, the west wall of the Pentagon was hit by hijacked American Airlines Flight 77and the passengers and crew of hijacked United Airlines Flight 93 acted heroically to thwart the loss of additional American lives by crashing the airliner in Shanksville, Pennsylvania; and

§ 3. WHEREAS, nearly 3,000 innocent civilians were killed in the heinous attacks of September 11, 2001, and tens of thousands of individuals narrowly escaped the attacks and, as witnesses to this tragedy, are forever changed; and

§ 4. WHEREAS, countless fire departments, police departments, first responders, governmental officials, workers, emergency medical personnel, and volunteers responded heroically to those horrific events and lost their lives in the tragedy; and

§ 5. WHEREAS, the impact of that day on public health continues through 2011, as nearly 90,000 people are suffering from or at risk of negative health effects as a result of the events of September 11, 2001, including workers, community residents and others; and

§ 6. WHEREAS, 10 years later, the people of the United States and people around the world continue to mourn the tremendous loss of innocent life on that fateful day; and

§ 7. WHEREAS, 10 years later, thousands of men and women in the United States Armed Forces remain in harm's way defending the United States against those who seek to threaten the United States; and

§ 8. WHEREAS, the Norman Faith Community will sponsor a 9-11 ceremony of remembrance and dialogue entitled "Building Peaceful Community In a Violent World" with representatives of the three great Abrahamic faith traditions on September 11 from 4 to 6 p.m. at the Nancy O'Brian Center for the Performance Arts at Norman North High School.

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

§ 9. that we recognize September 11, 2011, as a day of solemn commemoration of the events of September 11, 2001, and a day to come together as a Nation and a community; and

§ 10. that we encourage all citizens to offer their deepest and most sincere condolences to the families, friends, and loved ones of the innocent victims; to honor the heroic service, and sacrifices of first responders and United States personnel, including members of the military, intelligence, diplomatic, and homeland security agencies who continue to support the cause of freedom and defend the security of the United States; and

§ 11. that we call on citizens of Norman to participate in the tenth anniversary dialogue for peace and understanding and to observe the moment of remembrance to last for 1 minute beginning at 12:00 p.m. (noon) Central Daylight Time by, to the maximum extent practicable ceasing all work or other activity

PASSED AND ADOPTED this 23rd day of August, 2011.

_____
Mayor

ATTEST:

_____
City Clerk

City of Norman, OK

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

Master

File Number: P-1112-3

File ID:	P-1112-3	**Type:**	Proclamation	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 5	**In Control:**	City Council
Department:	City Clerk Department	**Cost:**		**File Created:**	08/18/2011
File Name:	NRH Auxiliary 60th Annivesary Day			**Final Action:**	

Title: PROCLAMATION NO. P-1112-3: A PROCLAMATION OF THE MAYOR OF THE CITY OF NORMAN, OKLAHOMA, PROCLAIMING WEDNESDAY, AUGUST 31, 2011, AS NORMAN REGIONAL HOSPITAL AUXILIARY 60TH ANNIVERSARY VOLUNTEER RECOGNITION DAY IN THE CITY OF NORMAN.

ACTION NEEDED: Motion to acknowledge receipt of Proclamation No. P-1112-3 proclaiming Wednesday, August 31, 2011, as Norman Regional Hospital Auxiliary 60th Anniversary Volunteer Recognition Day in the City of Norman.

ACTION TAKEN: _____---

Notes:

Agenda Date: 08/23/2011

Agenda Number: 5

Attachments: NRH Volunteer Recogition

Project Manager: Brenda Hall, City Clerk

Entered by: Ellen.Usry@NormanOK.gov

Effective Date:

History of Legislative File

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

Text of Legislative File P-1112-3

Norman Regional
HEALTH SYSTEM

Mayor Cindy Rosenthal
903 Carey Drive
Norman, OK 73069

Dear Mayor Rosenthal:

As we approach the 60th anniversary of the Norman Regional Hospital Auxiliary, August 31, 2011, we ask you to honor all current and past hospital volunteers who tirelessly share their time and talent with city residents and members of our regional community.

The 60th anniversary celebration and recruitment fair will be about inspiring, recognizing and encouraging people who have -so lovingly – been involved in our community's health care system.

Would you consider making August 31st the Norman Regional Hospital Auxiliary 60th Anniversary Recognition Day in Norman?

Norman Regional plans to honor the volunteers by hosting a breakfast on August 31st. We invite you to join the event at 9:30 a.m. to read the proposed proclamation which will honor the hundreds of hospital volunteers who have given of their time, efforts and resources to make our health care system function seamlessly.

If you have any questions, please don't hesitate to call. We would be honored to have you participate and look forward to your response.

Sincerely,

Paula Price, RN, MPH
Director, Health Promotion and Community
405-307-3176
pprice@nrh-ok.com

Resolution

P-1112-3

A PROCLAMATION OF THE MAYOR OF THE CITY OF NORMAN, OKLAHOMA, PROCLAIMING WEDNESDAY, AUGUST 31, 2011, AS NORMAN REGIONAL HOSPITAL AUXILIARY 60TH ANNIVERSARY VOLUNTEER RECOGNITION DAY IN THE CITY OF NORMAN.

§ 1. WHEREAS, the entire community can inspire, equip, and mobilize people to take action that changes the world; and

§ 2. WHEREAS, volunteers can connect with local community members; and

§ 3. WHEREAS, individuals and communities are at the center of social change, discovering their power to make a difference; and

§ 4. WHEREAS, during this day, hospital volunteers will be recognized for their 60 year commitment to Norman Regional Health System; and

§ 5. WHEREAS, the giving of oneself in service to another empowers the giver and the recipient; and

§ 6. WHEREAS, experience teaches us that government, citizens, and organizations working together can create an incredible, lasting impact upon our community; and.

§ 7. WHEREAS, our health system's volunteer force of more than 350 is a great treasure; and

§ 8. WHEREAS, volunteers are vital of our future as a caring and productive community; and.

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

§ 9. Do hereby proclaim Wednesday, August 31, 2011, as Norman Regional Hospital Auxiliary 60th Anniversary Volunteer Recognition Day in the City of Norman and urge my fellow citizens to volunteer in our community because by volunteering and recognizing those who serve, we can replace disconnection with understanding and compassion

.

PASSED AND APPROVED this 23rd day of August, 2011.

_____
Mayor

ATTEST:

_____
City Clerk

City of Norman, OK

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

Master

File Number: O-1112-3

File ID: O-1112-3 **Type:** Zoning Ordinance **Status:** Consent Item

Version: 1 **Reference:** Item No. 7 **In Control:** City Council

Department: Planning and Community Development Department **Cost:** **File Created:** 06/21/2011

File Name: O-1112-3 Closing Easement NRH **Final Action:**

Title: CONSIDERATION OF ORDINANCE NO. O-1112-3 UPON FIRST READING BY TITLE: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, CLOSING A UTILITY AND DRAINAGE EASEMENT LOCATED ALONG THE SOUTH BOUNDARY OF LOTS 21, 22, AND 23, AND ALONG THE NORTH BOUNDARY OF LOTS 24, 25, AND 26, LOCATED IN BLOCK 5, NRH MEDICAL PARK WEST ADDITION, SECTION 4, TO THE CITY OF NORMAN, CLEVELAND COUNTY, OKLAHOMA; AND PROVIDING FOR THE SEVERABILITY THEREOF.

ACTION NEEDED: Motion to Introduce and adopt Ordinance No. O-1112-3 upon First Reading by title.

ACTION TAKEN: _____

Notes:

Agenda Date: 08/23/2011

Agenda Number: 7

Attachments: O-1112-3 NRH UE, Location Map - NRH UE, Staff Memo O-1112-3, NRH UE Petition, Abstractor's Certificate and Radius Map, NRH UE Utility Letters, NRH UE Staff Report, 7-14-11 PC Minutes - NRH UE

Project Manager: Doug Koscinski, Current Planning Manager

Entered by: rone.tromble@normanok.gov **Effective Date:**

History of Legislative File

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

1	Planning Commission	07/14/2011	Recommended for Adoption at a subsequent City Council Meeting	City Council	08/23/2011	Pass

Action Text: Recommended for Adoption at a subsequent City Council Meeting to the City Council due back on 8/23/2011

1	Planning Commission	07/14/2011

Text of Legislative File O-1112-3

Body

BACKGROUND: Block 5 of N.R.H. Medical Park West Section 4 contains six lots, which divide into two groups separated by an east-west Utility and Drainage Easement. Each lot is encumbered with a 7.5 foot easement, which were designed to serve each individual lot. The applicant has purchased all of the lots, and intends to construct one large building that will be centrally located and surrounded by parking. He has asked that the easement be closed and vacated, so that a new structure could be properly located.

DISCUSSION: All franchised utilities were contacted to assess the impact on their facilities if the easement was closed; there were no objections. Sewer services and water services for these lots are located within the perimeter street rights-of-way. The request for "closure" is the first step to removing the easement from the plat and will be followed by an appeal to District Court to vacate the platted easement.

RECOMMENDATION: There is a drainage structure owned and maintained by the lot owners located within this easement. The purpose of the drainage structure was to drain the parking lots that would be utilized by the individual lots. A single user is interested in the property and a different drainage system will be utilized. All utilities have either been removed or were never installed. The fifteen-foot easement will not be needed, and can be eliminated. Staff supports this request to close the easement with the understanding that an alternate drainage solution will be provided to the city for review and approval. At their July 14 meeting, the Planning Commission unanimously supported this request.

O-1112-3

AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, CLOSING A UTILITY AND DRAINAGE EASEMENT LOCATED ALONG THE SOUTH BOUNDARY OF LOTS 21, 22 AND 23, AND ALONG THE NORTH BOUNDARY OF LOTS 24, 25, AND 26, LOCATED IN BLOCK 5, NRH MEDICAL PARK WEST ADDITION, SECTION 4, TO THE CITY OF NORMAN, CLEVELAND COUNTY, OKLAHOMA; AND PROVIDING FOR THE SEVERABILITY THEREOF.

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

§ 1. That, pursuant to Resolution Number R-8182-66, NRH Medical Park West, L.L.C. and Vilano Salim, L.L.C., owners of the subject property, have petitioned the City to have the utility and drainage easement along the south boundary of Lots 21, 22, and 23, and along the north boundary of Lots 24, 25, and 26, Block 5, NRH MEDICAL PARK WEST ADDITION, SECTION 4 closed; and,

§ 2. That, also pursuant to Resolution Number R-8182-66, the proper notice has been given, and the maps, memorandums and other items required by said Resolution have been presented to this Council; and

§ 3. That, also pursuant to Resolution Number R-8182-66, a public hearing has been held regarding said closing; and

§ 4. That, the utility and drainage easement along the south boundary of Lots 21, 22, and 23, and along the north boundary of Lots 24, 25, and 26, Block 5, NRH MEDICAL PARK WEST ADDITION, SECTION 4, herein after described, to wit:

> The utility and drainage easements along the South boundary of Lots 21, 22, and 23, and along the North boundary of Lots 24, 25, and 26, each being 7.5 feet wide, and all located in Block 5, NRH MEDICAL PARK WEST ADDITION, SECTION 4 to the City of Norman, Cleveland County, Oklahoma according to the recorded plat thereof.

is hereby closed.

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

ADOPTED this _____ day of

_____, 2011.

_____
(Mayor)

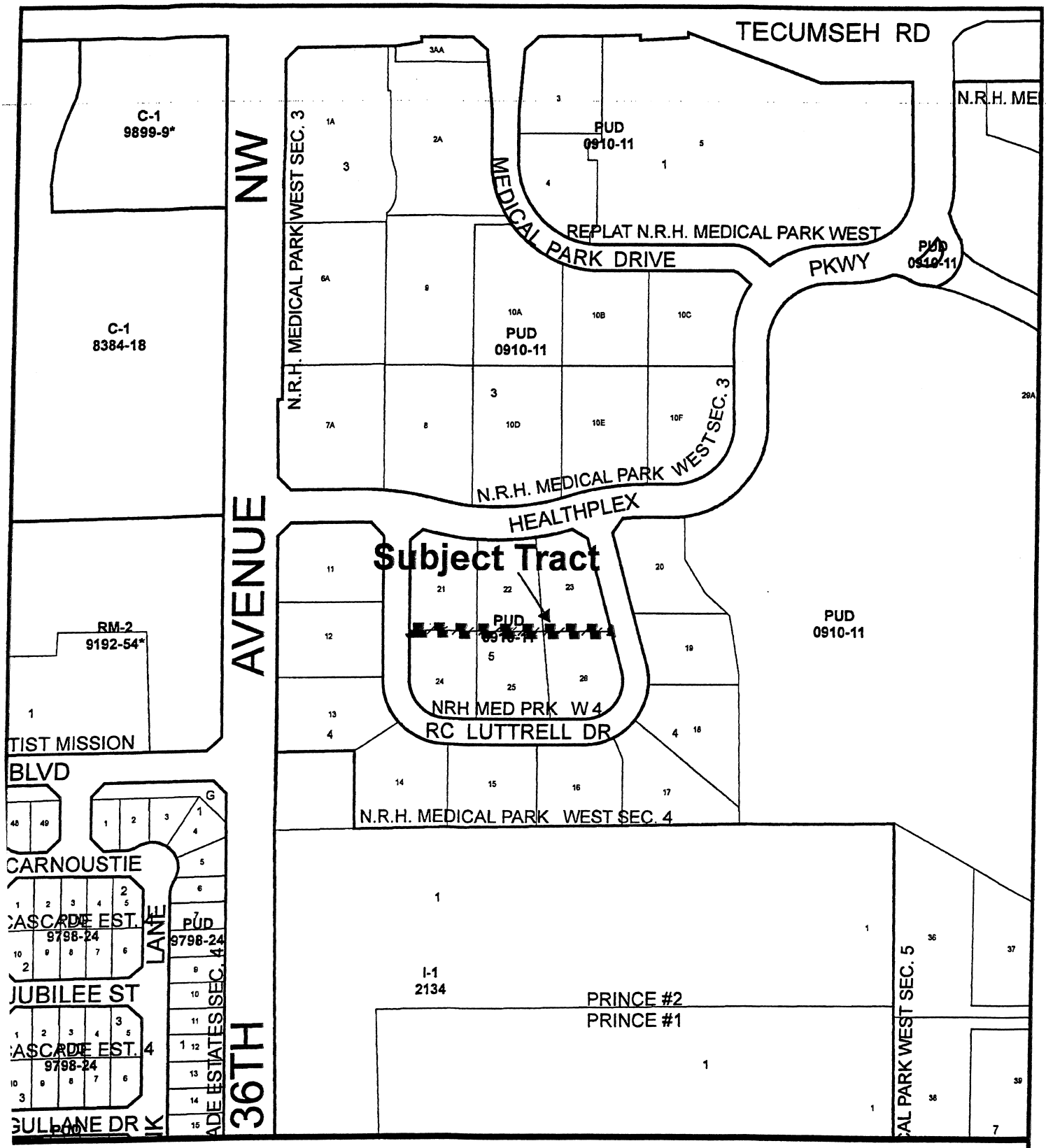
ATTEST:

_____
(City Clerk)

NOT ADOPTED this _____day of

_____, 2011.

_____
(Mayor)



Location Map

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

N
W E
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June 14, 2011

0 125 250 Ft.

Subject Tract

Zoning

7-3

office memorandum

DATE: June 9, 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

SUBJECT: Request to Close Easements

I am in receipt of a request to close utility easements along the south boundary of Lots 21, 22, and 23, and Lots 24, 25, and 26, each being 7.5 feet wide, and all located in Block 5, NRH Medical Park West Addition, Section 4. 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

To: City of Norman, c/o City Clerk Brenda Hall
Norman City Hall, Norman, OK (hand-delivered)

Re: **Petition to close easements in NRH Medical Park West Addition, Section 4**

Date: June 9, 2011

1. The undersigned Applicants, **NRH MEDICAL PARK WEST, LLC** (*OWNER*) and **VILLANO SALIM, LLC** (*PURCHASER*) are the owners of all the land on both sides of the easements, described below, which are 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 easements:

> The utility easements along the South boundary of **Lots 21, 22 and 23, and** along the North boundary of **Lots 24, 25 and 26**, each being 7.5 feet wide, and all located in **Block 5, NRH MEDICAL PARK WEST ADDITION, SECTION 4 to Norman,** according to the recorded plat thereof (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. Copies of 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 are submitted herewith. A map which is attached to each copy of said ownership list shows the location of the ownership lines for each owner of record whose name appears on the ownership list. Enclosed is our firm check for the required filing fee of **$400.**

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

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

Applicants: NRH MEDICAL PARK WEST, LLC (*OWNER*) **and VILLANO SALIM, LLC** (*PURCHASER*)

by /Hiple H. L. Heiple, Attorney-Agent,Heiple Law Offices, Inc. Box 847, Norman, OK 73070
Phone (405) 321-0090 - FAX (405) 321-9763

cc: Ken Danner, CON Public Works
Doug Koscinski, CON Planning Dept.
Clients (w/o attachments)

ABSTRACTOR'S SPECIAL CERTIFICATE

ORIGINAL

STATE OF OKLAHOMA)
) ss.
COUNTY OF **CLEVELAND**)

OLD REPUBLIC TITLE COMPANY OF OKLAHOMA, a corporation and bonded abstractor, hereby certifies:

That the following is a list of the last grantee as shown in a conveyance purporting to convey surface title as filed in the Office of the County Clerk of Cleveland County, Oklahoma, to the lands described on the attached list.

OWNER OF RECORD: SEE ATT.

That the addresses that are listed have been taken from the records of Cleveland County, Oklahoma, unless noted after each address that they have been taken elsewhere.

GRANTEE & ADDRESS & LEGAL DESCRIPTION:

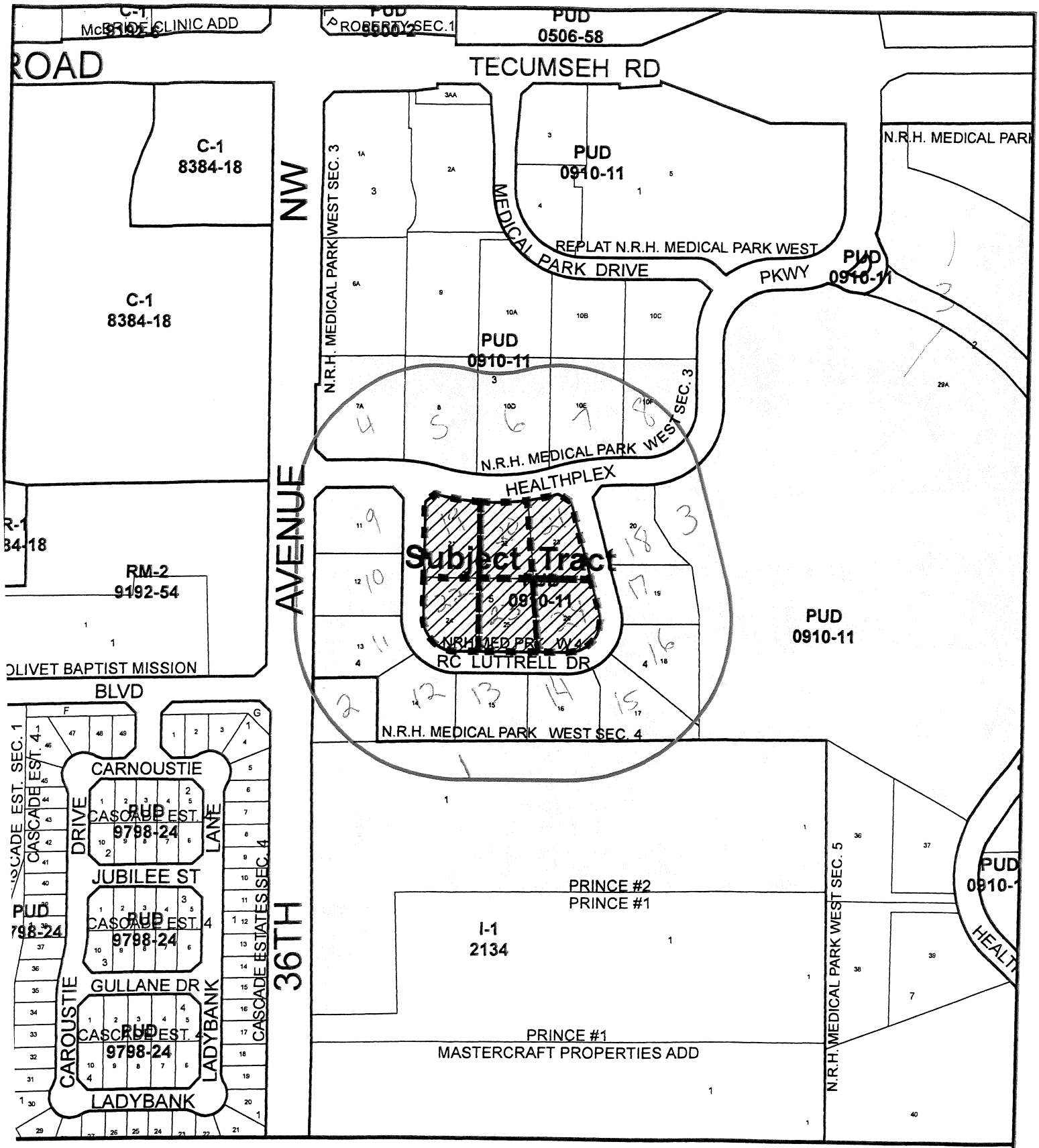
SEE ATT.

Due care and diligence have been exercised in preparing this report; however, no liability is assumed for the correctness or completeness of information furnished.

DATED: May 27, 2011 at 7:30 A.M.

OLD REPUBLIC TITLE COMPANY OF OKLAHOMA
Bonded Abstractor
Terrell Dodson
TERRELL DODSON

Order No. 11123349



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

N
W E
S

0 75 150 300 Feet

Subject Tract
Radius
Zoning
Parcels 7-7

PO Box 321
Oklahoma City, Oklahoma 73101-0321
405-553-3000
www.oge.com

JULY 5, 2011

OG&E
OG&E Electric Services
An OGE Energy Corp. Company

CITY OF NORMAN
ATTN: KEN DANNER
DEVELOPMENT COORDINATOR
NORMAN PLANNING COMMISSION
P. O. BOX 370
NORMAN, OK. 73070

RE: **Applicant: NRH PARK WEST, L.L.C.**
Lots 21 thru 26, Block 5, NRH Medical Park West Addition
Closure of utility easements

Mr. Danner:

Available records show OG&E Electric Services has no facilities located in the utility easements located in the lots described above. OG&E has no objection to the closure of these utility easements.

If you have any further questions, or if I can provide you with any other information, please contact me at (405) 553-5174.

Sincerely,

Timothy J. Bailey

Timothy J. Bailey
Right-Of-Way Agent

OKLAHOMA ELECTRIC COOPERATIVE

Your Touchstone Energy® Partner

June 24, 2011

Ken Danner
Development Coordinator
City of Norman Public Works Department
P.O. Box 370
Norman OK 73070

Re: Request for closure of the 7.5 foot utility easement within Block 5, NRH Medical Park West Addition, Section 4

Dear Ken:

OEC has **NO** facilities at this location and therefore has **NO** objection to this request. Please feel free to contact me if you have any questions.

Respectfully,

Thad Peterson
Supervisor of Engineering Services
Oklahoma Electric Cooperative
(405) 217-6625

TP/sc

Oklahoma Electric Cooperative • 242 24th Ave NW • P.O. Box 1208 • Norman, OK • 73070 • (405) 321-2024

ORDINANCE NO. O-1112-3 ITEM NO. 9

STAFF REPORT

GENERAL INFORMATION

APPLICANT	NRH Medical Park West, L.L.C. and Vilano Salim, L.L.C.
REQUESTED ACTION	Closure of the utility easement and drainage easement along the south boundary of Lots 21, 22, and 23 and along the north boundary of lots 24, 25, and 26 each being seven and a half feet (7' 5"), creating a fifteen foot U/E & D/E. All lots are located in Block 5 of NRH Medical Park west Addition Section 4.

BACKGROUND. Block 5 of NRH Medical Park West Section 4 was filed of record in May of 2010 with a fifteen foot (15') Utility Easement (U/E) and Drainage Easement (D/E), serving lots 21 through 26. The applicant has indicated one large user for all of the lots in this block, and the easement hampers the ability to properly locate a new structure.

DISCUSSION. All franchised utilities were contacted to assess the impact on their facilities if the easement was closed; there were no objections. Sewer services and water services for these lots are located within the street rights-of-way. 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 is a drainage structure owned and maintained by the lot owners located within this easement. The purpose of the drainage structure was to drain the parking lots that would be utilized by the individual lots. Since that time, a single user is interested in the property and the drainage solution will utilize a different system. All utilities have either been removed or were never installed since there were no structures ever built. Staff supports this request to close the easement with the condition an alternate drainage solution is provided to the city for review and approval.

NORMAN PLANNING COMMISSION
REGULAR SESSION MINUTES

JULY 14, 2011

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

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

Item No. 1, being:
ROLL CALL

MEMBERS PRESENT	Cynthia Gordon Diana Hartley Tom Knotts Chris Lewis Roberta Pailes Andy Sherrer Zev Trachtenberg Jim Gasaway
MEMBERS ABSENT	Curtis McCarty

A quorum was present.

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

* * *

Item No. 9, being:
ORDINANCE NO. O-1112-3 – NRH MEDICAL PARK WEST, L.L.C. AND VILANO SALIM, L.L.C. REQUEST CLOSURE OF THE UTILITY EASEMENTS LOCATED ALONG THE SOUTH BOUNDARY OF LOTS 21, 22, AND 23, AND ALONG THE NORTH BOUNDARY OF LOTS 24, 25, AND 26, LOCATED IN BLOCK 5, NRH MEDICAL PARK WEST ADDITION, SECTION 4, ON PROPERTY BOUNDED BY HEALTHPLEX PARKWAY AND RC LUTTRELL DRIVE.

ITEMS SUBMITTED FOR THE RECORD:
1. Location Map
2. Staff Report
3. Petition
4. Utility Letters

PRESENTATION BY STAFF:
1. Mr. Koscinski explained that this is a 15' utility easement. It straddles the middle of six lots – three on the north, three on the south. The applicant intends to purchase all six lots and construct one new multi-story office building. The utility easement is in the way. It has drainage and utilities. Everyone has been contacted. The utilities are going to be relocated if they're in the way. Staff has no objection to closing the easement. It can be served without this easement. There are no protests on the request.

PRESENTATION BY THE APPLICANT:
1. Harold Heiple, 218 East Eufaula, representing the applicant – I'm not here to ask for any apartments or office buildings or anything – just a garden variety easement closure that sits across six lots. It backs up on the back side of those six lots and is fifteen feet wide. The hospital has made a contract to have one multi-story building built here. No protests. The staff report says there is a drainage structure within the easements. When I was preparing the application, I assumed that when I asked to close the utility easement that that carried with it the designation of the drainage easement. After talking to Ken Danner, to avoid any confusion, I did send an email to the staff a couple of days ago asking that the words "and drainage" be inserted after the word "utility" in my legal description so there's no doubt that we're asking to vacate both the utility and the drainage easements that are all within that 15 foot section. The recommendation is that this be closed conditioned on making a provision for the replacement of the drainage structure which already exists within that easement. Mr. McCaleb has submitted the letter to Ken Danner and Ken told me earlier that the letter was satisfactory to him, that the drainage solution will be submitted to the City and approved, obviously, before there can be any occupancy. The utility companies have been taken care of, so I think all the bases have been touched and we would respectfully request you recommendation for approval.

PARTICIPATION BY THE AUDIENCE:
None

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:
Zev Trachtenberg moved to recommend adoption of Ordinance No. O-1112-3, with the addition of "and drainage" after "utility" 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, Tom Knotts, Chris Lewis, Roberta Pailes, Andy Sherrer, Zev Trachtenberg, Jim Gasaway
NAYES	None
ABSENT	Curtis McCarty

Recording Secretary Roné Tromble announced that the motion, to recommend adoption of Ordinance No. O-1112-3, as amended, to the City Council, passed by a vote of 8-0.

* * *

City of Norman, OK

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

Master

File Number: O-1112-4

File ID:	O-1112-4	**Type:**	Zoning Ordinance	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 8	**In Control:**	City Council
Department:	Planning and Community Development Department	**Cost:**		**File Created:**	06/21/2011
File Name:	O-1112-4 Bd of Regents UE			**Final Action:**	

Title: CONSIDERATION OF ORDINANCE NO. O-1112-4 UPON FIRST READING BY TITLE: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, CLOSING A UTILITY EASEMENT ALONG THE REAR PROPERTY LINE OF LOTS 1 THROUGH 20 AND LOTS 25 THROUGH 44, BLOCK 1, HARDIE-RUCKER ADDITION TO THE CITY OF NORMAN, CLEVELAND, OKLAHOMA; AND PROVIDING FOR THE SEVERABILITY THEREOF.

ACTION NEEDED: Motion to Introduce and adopt Ordinance No. O-1112-4 upon First Reading by Title.

ACTION TAKEN: _____

Notes:

Agenda Date: 08/23/2011

Agenda Number: 8

Attachments: O-1112-4 OU UE, Location Map - OU UE, Staff Memo O-1112-4, Request and Petition O-1112-4, OU UE Utility Letters, OU UE Staff Report, OU UE Minutes

Project Manager: Doug Koscinski, Current Planning Manager

Entered by: rone.tromble@normanok.gov

Effective Date:

History of Legislative File

Ver-sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Planning Commission	07/14/2011	Recommended for Adoption at a subsequent City Council Meeting	City Council	08/23/2011		Pass

Action Text: Recommended for Adoption at a subsequent City Council Meeting to the City Council due back on 8/23/2011

Text of Legislative File O-1112-4

Body

BACKGROUND: The University of Oklahoma has purchased this entire block and is in the process of constructing a new multi-story structure on the site. They have requested closure and vacation of the existing utility easement that runs north-south through the middle of the block, said easement being six feet in width lying within the amended plat of Hardie-Rucker Addition. Vacation will formally remove any use restriction resulting from the easement.

DISCUSSION: All franchised utilities were notified to assess the impact on their facilities if the easement was closed; there were no objections. The University of Oklahoma will become a single user for the property located between Jenkins Avenue and Lincoln Avenue and Lindsey Street and Farmer Street. The property can be served by water mains located in the abutting street rights-of-way. The sewer line now terminates just north of the Farmer Street right-of-way. 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: The easement in question was specifically designed to serve buildings which are no longer on site. The sanitary sewer manhole recently installed to terminate the sanitary sewer main is just north of the Farmer Street right-of-way; the University must provide the city access to this facility for any required maintenance. Staff recommends approval of this request to close, and ultimately vacate, this six foot (6') utility easement provided that documentation is submitted to protect the city in the event maintenance of the sanitary sewer manhole is needed.

O-1112-4

AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, CLOSING A UTILITY EASEMENT LOCATED ALONG THE REAR PROPERTY LINE OF LOTS 1 THROUGH 20 AND LOTS 25 THROUGH 44, BLOCK 1, HARDIE-RUCKER ADDITION, TO THE CITY OF NORMAN, CLEVELAND COUNTY, OKLAHOMA; AND PROVIDING FOR THE SEVERABILITY THEREOF.

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

§ 1. That, pursuant to Resolution Number R-8182-66, the Board of Regents of the University of Oklahoma, owners of the subject property, have petitioned the City to have the utility easement along the rear property line of Lots 1 through 20 and Lots 25 through 44, Block 1, HARDIE-RUCKER 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, the utility easement along the rear property line of Lots 1-20 and Lots 25-44, Block 1, HARDIE-RUCKER ADDITION, herein after described, to wit:

> A tract of land lying in the Northwest Quarter (NW/4) of Section Five (5), Township Eight (8) North, Range Two (2) West of the Indian Meridian, Cleveland County, Oklahoma, also know as a strip of land being a six (6) foot Utility Easement in Block 1, Amended Plat of Hardie-Rucker Addition, according to the plat thereof recorded, being 6.0 feet in width and lying 3.0 feet each side of a centerline more particularly described as follows:
> BEGINNING at the Southeast corner of Lot 1, Block 1 of the Amended Plat of Hardie-Rucker Addition, also being the Southwest corner of Lot 44, Block 1; THENCE North 00°13'37" West along the East lot line of Lots 1-20 also being the West lot line of Lots 25-44, a distance of 489.35 feet.

is hereby closed.

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

ADOPTED this _____ day of

_____, 2011.

_____
(Mayor)

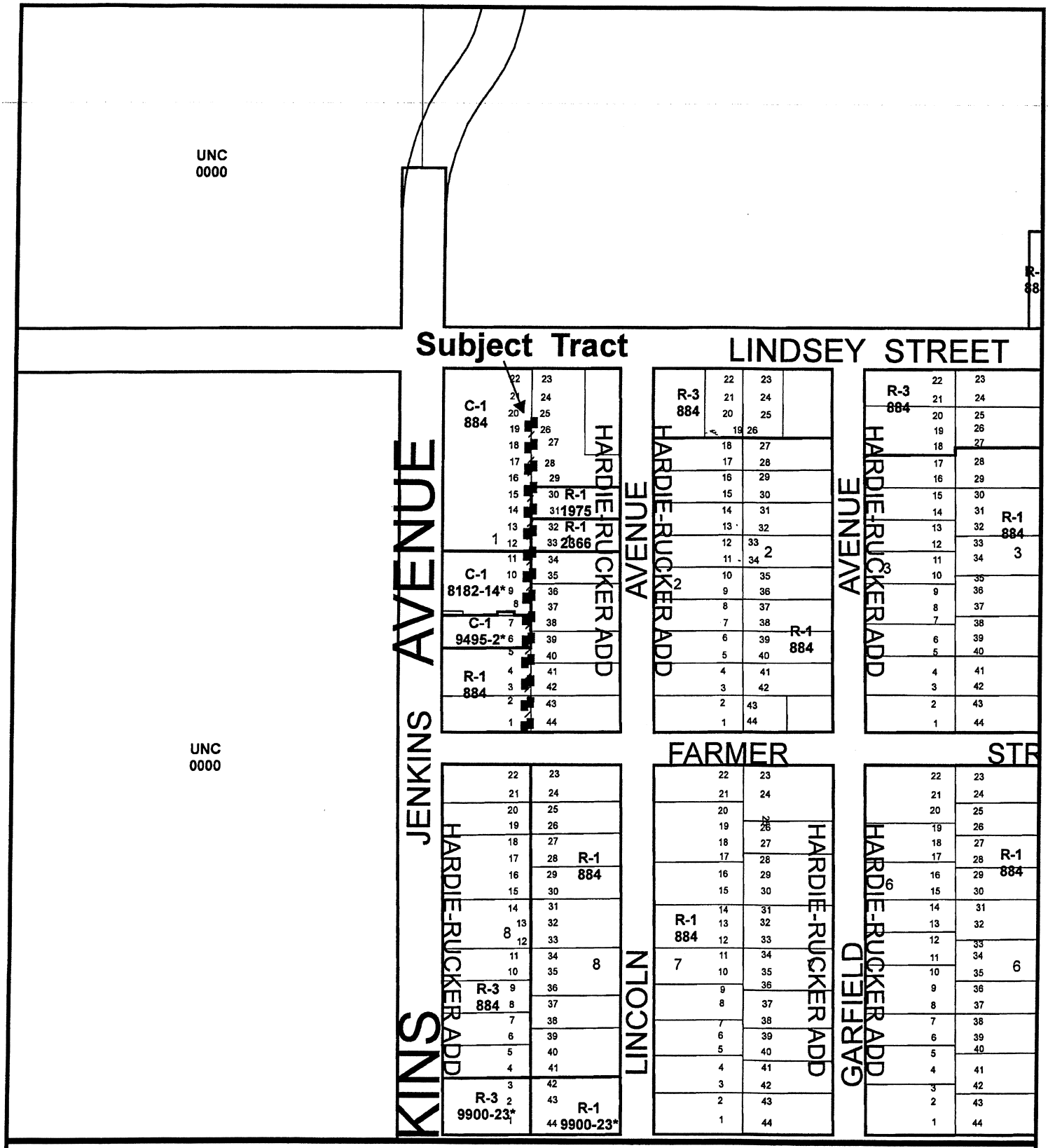
ATTEST:

_____
(City Clerk)

NOT ADOPTED this _____day of

_____, 2011.

_____
(Mayor)



Location Map

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

N
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June 20, 2011

0 100 200 Ft.

Subject Tract

Zoning

office memorandum

DATE: June 15, 2011

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

FROM: Brenda Hall, City Clerk BH

SUBJECT: Request to Vacate a Utility Easement

I am in receipt of a request to vacate a utility easement beginning at the southeast corner of Lot 1, Block 1, of the amended plat of Hardie-Rucker Addition, also being the southwest corner of Lot 44, Block1, then northwest along the east lot line of Lots 1 through 20, also being west lot line of Lots 25 through 44. The application fee has been paid.

In accordance with Resolution No. R-8182-66, I am forwarding the request; petition; 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

SMITH ROBERTS BALDISCHWILER, LLC

ENGINEERS • SURVEYORS • PLANNERS
100 N.E. 5th Street • Oklahoma City, OK 73104
(405) 840-7094 • FAX: (405) 840-9116
E-mail: srb@smith-roberts.com • Url: http://www.smith-roberts.com
"SINCE 1981"

June 14, 2011

City of Norman
City Clerk
P.O. Box 370
201 West Gray
Norman, OK 73070

RE: Closing of utility easement
Hardie-Rucker Addition

Dear City Clerk:

Enclosed please find:

1. A petition requesting the closing of a certain platted utility easement in the Amended Plat of Hardie-Rucker Addition, signed by the owner of all of the total front footage of the easement proposed for closing.
2. A legal description of the easement proposed for closing.
3. Three copies of an ownership list certified by a bonded abstractor.
4. A filing fee in the amount of $400.00 (check number 11597).
5. Three copies of a map depicting the easement and the ownership lines.

Thank you.

Mark Caywood
General Counsel
Smith Roberts Baldischwiler, LLC
100 NE 5th Street
Oklahoma City, OK 73104

FILED IN THE OFFICE
OF THE CITY CLERK
ON 6-15-11

PETITION

To: City of Norman, Oklahoma

We, the undersigned, being the owner of all of the total front footage of the public easement proposed for closing, hereby request the closing of the platted easement described on Exhibit A.

Dated this 31st day of May, 2011.

THE BOARD OF REGENTS OF THE UNIVERSITY OF OKLAHOMA

By: Nicholas S. Hathaway
Executive Vice President
and Vice President for Administration and Finance

EXHIBIT "A"
LEGAL DESCRIPTION
OF
6' UTILITY EASEMENT VACATE

A tract of land lying in the Northwest Quarter (NW/4) of Section Five (5), Township Eight (8) North, Range Two (2) West of the Indian Meridian, Cleveland County, Oklahoma, also knows as a strip of land being a six (6) foot Utility Easement in Block 1, Amended Plat of Hardie-Rucker Addition, according to the plat thereof recorded, being 6.0 feet in width and lying 3.0 feet each side of a centerline more particularly described as follows:

BEGINNING at the Southeast corner of Lot 1, Block 1 of the Amended Plat of Hardie-Rucker Addition, also being the Southwest corner of Lot 44, Block 1;

THENCE North 00°13'37" West along the East lot line of Lots 1-20 also being the West lot line of Lots 25-44, a distance of 489.35 feet to the POINT OF ENDING.

Created by SRB, 04/20/2011

CERTIFICATE OF BONDED ABSTRACTOR
(300 FEET RADIUS REPORT)

STATE OF OKLAHOMA)
) §:
COUNTY OF CLEVELAND)

The undersigned bonded abstractor in and for Cleveland County, State of Oklahoma, does hereby certify that the following Ownership is true and correct according to the current year's tax rolls in the office of the County Treasurer of Cleveland County, Oklahoma, as updated by the records of the County Clerk of Cleveland County, Oklahoma; that the owners, as reflected by said records, are based on the last conveyance or final decree of record of certain properties located within 300 feet in all directions of the following described land:

A tract of land lying in the Northwest Quarter (NW/4) of Section Five (5), Township Eight (8) North, Range Two (2) West of the Indian Meridian, Norman, Cleveland County, Oklahoma, described on attached Exhibit "A".

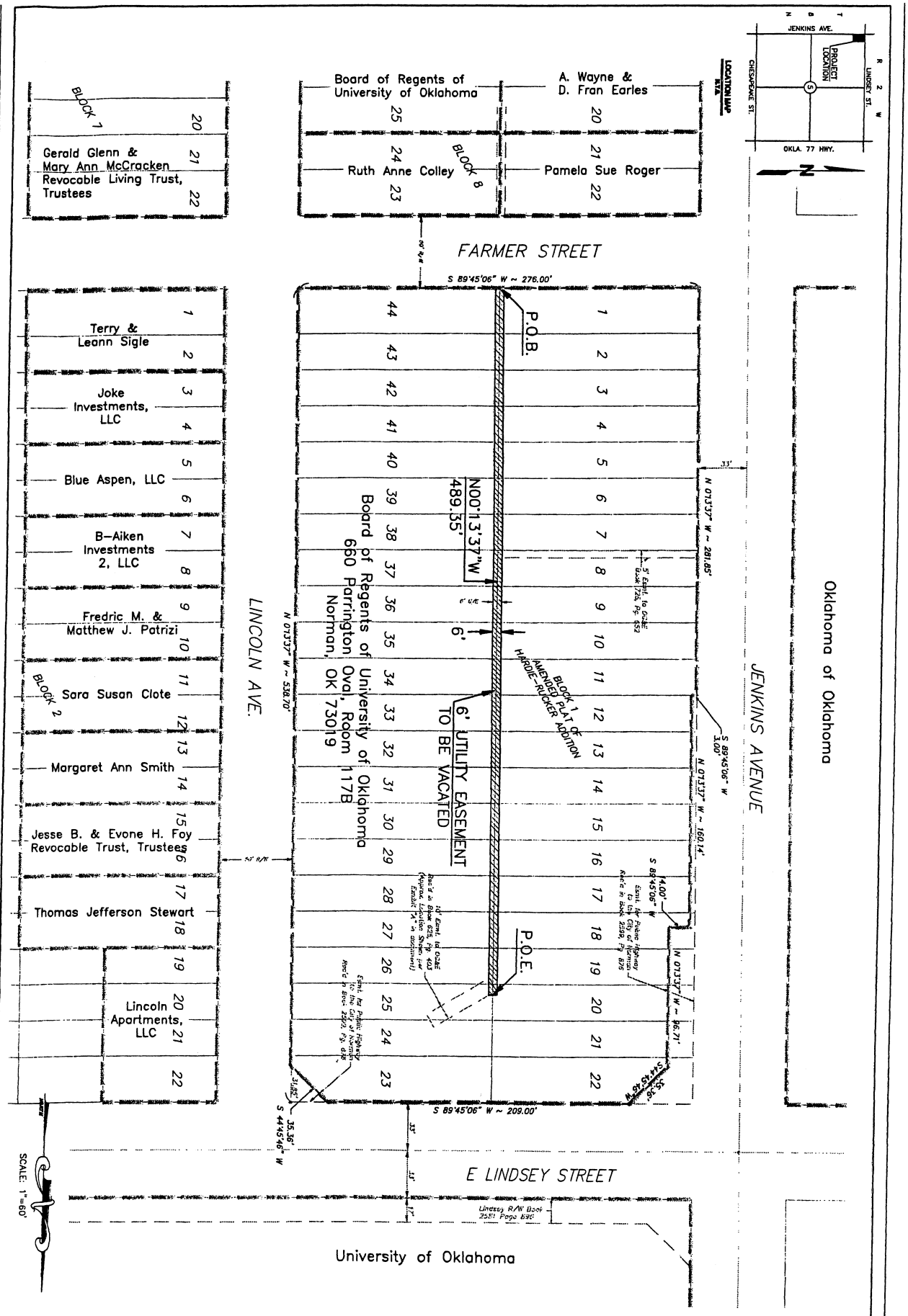
and find the following owners, addresses and brief legal descriptions on the attached pages numbered from (1) to (2), both inclusive.

NOTICE TO CUSTOMERS: This report is released with the understanding that the information is strictly confidential. This report contains information from public land records only and is not to be construed as an abstract of title, opinion of title, title commitment, title insurance policy, or environmental research report. As used herein, the term "public land records" means those land records which under the recording laws of the applicable state, impart constructive notice to the third parties with respect to recorded, unreleased or record instruments memorializing legal interests in real estate. The company suggests that you contact your attorney for matters of a legal nature or legal opinion. We have exercised due care and diligence in preparing this report, however, the Abstractor does not guarantee validity of the title and acceptance of this report by the Company or person(s) for whom this report is made, constitutes agreement and confirmation of the limitation of this report.

Dated: April 14, 2011 at 7:30 AM

First American Title & Trust Company

By: _____
Mitzi Combs
Abstractor License No. 93
S.A.&I. Certificate of Authority No. 52
File No. 1574764-MO99



SCALE: 1" = 60'	**OU SOONER CENTER** **6.0' UTILITY EASEMENT VACATE** **NORMAN, CLEVELAND COUNTY, OKLAHOMA** **EXHIBIT B**	PROJ. 111884 DATE: 04/25/11 DRAWN BY: CT DESIGNED BY: CT CHECKED BY: GN	SMITH ROBERTS BALDISCHWILER, LLC OKLAHOMA CITY OFFICE: OKMULGEE OFFICE: ENGINEERS • SURVEYORS • PLANNERS CERTIFICATE OF AUTHORIZATION NO. 3548 EXPIRES JUNE 30, 2011
SHEET EXH B			

OKLAHOMA ELECTRIC COOPERATIVE

Your Touchstone Energy® Partner

June 24, 2011

Ken Danner
Development Coordinator
City of Norman Public Works Department
P.O. Box 370
Norman OK 73070

Re: Request for closure of the six foot utility easement within Block 1, Amended Plat of Hardie-Rucker Addition

Dear Ken:

OEC has **NO** facilities at this location and therefore has **NO** objection to this request. Please feel free to contact me if you have any questions.

Respectfully,

Thad Peterson
Supervisor of Engineering Services
Oklahoma Electric Cooperative
(405) 217-6625

TP/sc

OKLAHOMA NATURAL GAS

A DIVISION OF ONEOK

June 30th, 2011

Ken Danner, Development Coordinator
City of Norman Public Works Department
P.O. Box 370
Norman, OK 73070

Dear Mr. Danner:

LETTER OF NO OBJECTION FOR UTILITY EASEMENT CLOSURE.
REQUESTED CLOSURE OF A 6' WIDE UTILITY EASEMENT IN BLOCK 1, AMENDED PLAT OF HARDIE-RUCKER ADDITION.

Beginning at the Southeast corner of Lot 1, Block 1 of the Amended Plat of Hardie-Rucker Addition, also being the Southwest corner of Lot 44, Block 1; Thence North 00 13'37" West along the East lot line of Lots 1-20 also being the West lot line of Lots 25-44, a distance of 489.35 feet to the Point of Beginning.

Oklahoma Natural Gas does not object to the City of Norman closing this utility easement and there is no conflict with our 12" gas main on the South side of East Lindsey, nor our 2" gas main on the West side of Lincoln Avenue.

Sincerely,

Cody Bennett
Team Leader

RECEIVED
JUL 05 2011
PW/Administration

625 N. Berry Road • Norman, OK 73069-7541
(405) 366-2407 • Fax (405) 366-2440
www.ong.com

ORDINANCE NO. O-1112-4 ITEM NO. 10

STAFF REPORT

GENERAL INFORMATION

APPLICANT	The Board of Regents of the University of Oklahoma
REQUESTED ACTION	Closure of six foot (6') Utility Easement

BACKGROUND. This closure request is within the amended plat of Hardie-Rucker Addition, beginning at the southeast corner of Lot 1, Block 1, also being the southwest corner of Lot 44, Block 1, then north along the east lot line of lots 1 through 20, and the west lot line of lots 25-44. The applicant is in the process of rebuilding the area, eliminating the utility easement will remove the restriction on where a structure can be built.

DISCUSSION. All franchised utilities were notified to assess the impact on their facilities if the easement was closed; there were no objections. The University of Oklahoma will become a single user for the property located between Jenkins Avenue and Lincoln Avenue and Lindsey Street and Farmer Street. The property can be served by water mains located on the east side of Jenkins Avenue, south side of Lindsey Street and east side of Lincoln Avenue. All water mains are located in the street rights-of-way. The sewer line now terminates just north of the Farmer Street R-O-W. 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. The easement in question was specifically designed to serve buildings which are no longer on site. The sanitary sewer manhole recently installed to terminate the sanitary sewer main is just north of the Famer Street R-O-W; the University must provide the city and any other utility company access to their facility for any required maintenance. Staff recommends approval of this request to close, and ultimately vacate, this six foot (6') utility easement provided that documentation is submitted to protect the city in the potential maintenance of the sanitary sewer manhole.

NORMAN PLANNING COMMISSION
REGULAR SESSION MINUTES

JULY 14, 2011

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

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

Item No. 1, being:
ROLL CALL

MEMBERS PRESENT	Cynthia Gordon Diana Hartley Tom Knotts Chris Lewis Roberta Pailes Andy Sherrer Zev Trachtenberg Jim Gasaway
MEMBERS ABSENT	Curtis McCarty

A quorum was present.

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

* * *

Item No. 10, being:
ORDINANCE NO. O-1112-4 – THE BOARD OF REGENTS OF THE UNIVERSITY OF OKLAHOMA REQUESTS CLOSURE OF THE 6' WIDE UTILITY EASEMENT ALONG THE REAR PROPERTY LINE OF LOTS 1-20 AND 25-44, BLOCK 1, HARDIE-RUCKER ADDITION, GENERALLY LOCATED BETWEEN JENKINS AVENUE AND LINCOLN AVENUE AND NORTH OF FARMER STREET.

ITEMS SUBMITTED FOR THE RECORD:
1. Location Map
2. Staff Report
3. Petition
4. Utility Letters

PRESENTATION BY STAFF:
1. Mr. Koscinski reported that this is an older part of Norman. It has been purchased by the University. All the structures have already been removed. The property is now fenced and they're under construction with drilling piers and site preparation for the imminent construction of a new multi-story building. The easement is in the way. The property can be served without an easement up the middle. We concur with the request to close it. There is a manhole that we need protected, unless it is relocated somewhere in this process. That's the only condition that staff would ask be honored – that something be done with that manhole so that we either have access to it or it's protected or moved. No comments were received from any utility companies that were negative. We have no protests. We support the request.

PRESENTATION BY THE APPLICANT:
1. Mark Caywood, Smith Roberts Baldischwiler – There is a manhole that sits a little bit outside of the street right-of-way and it's slightly into the easement that we're going to vacate for the Sooner Center, but when we go to District Court to vacate it, we will put language in the journal entry protecting the City's right to maintain that manhole.

PARTICIPATION BY THE AUDIENCE:
None

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:
1. Ms. Hartley noted that there are a few Commissioners that work for the University of Oklahoma. She asked if they need to recuse themselves from participation on this item to avoid any conflict of interest or violation of the City's Ethics Policy. Ms. Messner explained that the City of Norman's Ethics Policy does govern the Planning Commission. There are two types of conflicts within the policy: either an actual conflict, or a potential conflict. With an actual conflict, you have some kind of direct benefit or detriment or employment consequence that you might receive from your vote on this item tonight. So if you think vacating the easement might affect your job, you could ask to recuse, the Commission could vote, and you would get up from your chair and leave the room. However, if you think the conflict is potential – you can't really speculate as to what the result of it might be, voting on this item and its impact on your job at the University – you can go ahead and disclose that you work for OU and go ahead and remain in your seat and vote.

2. Mr. Trachtenberg disclosed that he works for the University of Oklahoma. Ms. Gordon indicated she also works for them. Mr. Gasaway added that he is retired.

Diana Hartley moved to recommend adoption of Ordinance No. O-1112-4 to the City Council, with protection of the manhole. 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, Tom Knotts, Chris Lewis, Roberta Pailes, Andy Sherrer, Zev Trachtenberg, Jim Gasaway
NAYES	None
ABSENT	Curtis McCarty

Recording Secretary Roné Tromble announced that the motion, to recommend adoption of Ordinance No. O-1112-4 to the City Council with protection of the manhole, passed by a vote of 8-0.

* * *

City of Norman, OK

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

Master

File Number: O-1112-12

File ID:	O-1112-12	**Type:**	Ordinance	**Status:**	ATS Paused
Version:	1	**Reference:**	Item No. 9	**In Control:**	City Council
Department:	City Council Finance Committee	**Cost:**	$1,035,000.00	**File Created:**	08/18/2011
File Name:	O-1112-12 Special Election Animal Shelter			**Final Action:**	

Title:

CONSIDERATION OF ORDINANCE NO. 0-1112-12 UPON FIRST READING BY TITLE: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AUTHORIZING THE CALLING AND HOLDING OF A SPECIAL ELECTION IN THE CITY OF NORMAN, STATE OF OKLAHOMA (THE "CITY"), ON THE 8TH DAY OF NOVEMBER, 2011, FOR THE PURPOSE OF SUBMITTING TO THE REGISTERED QUALIFIED ELECTORS OF SAID CITY THE QUESTION OF THE ISSUANCE OF THE BONDS OF SAID CITY IN AN AMOUNT NOT TO EXCEED THE SUM OF THREE MILLION, THIRTY-FIVE THOUSAND DOLLARS ($3,035,000) TO BE ISSUED IN SERIES TO PROVIDE FUNDS FOR THE PURPOSE OF REMODELING AND EXPANDING THE CITY'S ANIMAL SHELTER FACILITIES (INCLUDING RELATED DRAINAGE AND PARKING LOT IMPROVEMENTS), ALL TO BE OWNED EXCLUSIVELY BY THE CITY; AND LEVYING AND COLLECTING AN ANNUAL TAX, IN ADDITION TO ALL OTHER TAXES, UPON ALL THE TAXABLE PROPERTY IN SAID CITY FOR THE PAYMENT OF THE INTEREST AND PRINCIPAL ON SAID BONDS.

ACTION NEEDED: Motion to Introduce and adopt Ordinance No. O-1112-12 upon First Reading by Title.

ACTION TAKEN: _____

Notes:

Agenda Date: 08/23/2011

Agenda Number: 9

Attachments: O-1112-12

Project Manager: Anthony Francisco, Director of Finance

Entered by: Ellen.Usry@NormanOK.gov

Effective Date:

History of Legislative File

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

Text of Legislative File O-1112-12

Body

BACKGROUND: In April, 2008, the City of Norman received a Feasibility Study on proposed improvements to the City of Norman Animal Shelter. The Study recommended that the facility be substantially expanded and improved to better meet the animal welfare needs of the City. Since that time there have been ongoing discussions amongst the City Council, the Animal Oversight Committee and the public related to ways to finance the implementation of the improvements recommended in the Feasibility Study.

DISCUSSION: The City Council discussed the implementation of the recommended improvements to the City of Norman Animal Shelter during a Finance Committee meeting held on August 17, 2011. At that time, direction was given to staff to prepare documents in preparation for a voter referendum for general obligation bond financing of the improvements on November 8, 2011. The attached Ordinance, along with accompanying Election Notice and Proclamation resolutions would refer this question to the voters of Norman. If approved by the voters, the recommended improvements would be made under the direction of the Public Works and Police Departments. Since Council has already called a Special Election for the voters to consider a Charter Amendment to be held on November 8th, a strong preference was expressed to give the voters an opportunity vote on the Animal Shelter proposal at the same election. To meet statutory deadlines for notice to the Election Board, this Ordinance will be considered on First Reading on August 23rd and then on Second and Final Reading at a Special Session on September 6, 2011, in order to meet the timeframe required by the Cleveland County Election Board.

RECOMMENDATION: It is recommended that the Ordinance, resolutions and documents be approved and the Mayor or Mayor Pro Tem, City Clerk or Deputy City Clerk be authorized and empowered to take actions to call the General Obligation Bond referendum on November 8, 2011.

Ordinance No. O-1112-12

PURSUANT TO THE LEGAL NOTICE AS IS REQUIRED BY THE OKLAHOMA OPEN MEETING ACT INCLUDING THE POSTING OF NOTICE AND AGENDA AS IS REQUIRED BY THE TERMS THEREOF, THE MAYOR AND THE CITY COUNCIL OF THE CITY OF NORMAN, OKLAHOMA (THE "CITY") MET IN REGULAR SESSION AT THE MUNICIPAL BUILDING COUNCIL CHAMBERS, 201 WEST GRAY, IN NORMAN, OKLAHOMA, ON THE 6TH DAY OF SEPTEMBER, 2011, AT 6:30 O'CLOCK P.M.

PRESENT:

ABSENT:

Notice of the Schedule of Regular Meetings of the governing body of the municipality for calendar year 2011, having been given in writing to the Clerk of the municipality, and public notice of this meeting having been posted in prominent public view at the Municipal Building Council Chambers, 201 W. Gray, Norman, Oklahoma, at least twenty-four (24) hours prior to this meeting, excluding Saturdays, Sundays and State designated legal holidays, all in compliance with the Oklahoma Open Meeting Act.

(OTHER PROCEEDINGS)

THEREUPON, the Mayor introduced an Ordinance, which was read in full by the Clerk and considered by sections, and upon motion by Councilmember _____, seconded by Councilmember _____, said Ordinance was adopted by the following vote:

YEAS:

NAYS:

Said Ordinance was thereupon signed by the Mayor, attested by the Clerk, sealed with the seal of said municipality, and is as follows:

ORDINANCE NO. O-1112-12

AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AUTHORIZING THE CALLING AND HOLDING OF A SPECIAL ELECTION IN THE CITY OF NORMAN, STATE OF OKLAHOMA (THE "CITY"), ON THE 8TH DAY OF NOVEMBER, 2011, FOR THE PURPOSE OF SUBMITTING TO THE REGISTERED QUALIFIED ELECTORS OF SAID CITY THE QUESTION OF THE ISSUANCE OF THE BONDS OF SAID CITY IN AN AMOUNT NOT TO EXCEED THE SUM OF THREE MILLION, THIRTY-FIVE THOUSAND DOLLARS ($3,035,000) TO BE ISSUED IN SERIES TO PROVIDE FUNDS FOR THE PURPOSE OF REMODELING AND EXPANDING THE CITY'S ANIMAL SHELTER FACILITIES (INCLUDING RELATED DRAINAGE AND PARKING LOT IMPROVEMENTS), ALL TO BE OWNED EXCLUSIVELY BY THE CITY; AND LEVYING AND COLLECTING AN ANNUAL TAX, IN ADDITION TO ALL OTHER TAXES, UPON ALL THE TAXABLE PROPERTY IN SAID CITY FOR THE PAYMENT OF THE INTEREST AND PRINCIPAL ON SAID BONDS; AND PROVIDING FOR THE SEVERABILITY THEREOF.

WHEREAS, it is deemed advisable by The City of Norman, State of Oklahoma (the "City") to remodel and expand the City's animal shelter facilities (including related drainage and parking lot improvements), to be owned exclusively by the City; and

WHEREAS, the estimated amount necessary for such purposes is Three Million, Thirty-Five Thousand Dollars ($3,035,000); and

WHEREAS, there are no funds in the treasury for such purposes, and power is granted said City by Section 27, Article 10, of the Oklahoma Constitution and laws of the State of Oklahoma, to issue bonds to provide funds for such purposes, provided the same is authorized by the registered qualified voters thereof, voting at an election held for such purpose.

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

Section 1. Propositions. That the Mayor of the City, or in her absence or incapacity, the duly qualified Mayor Pro Tempore, be and hereby is authorized and directed to call a special election to be held in the City on the 8th day of November, 2011, for the purpose of submitting to the registered qualified voters of the City, for their approval or rejection, the following proposition:

PROPOSITION NO. 1

"SHALL THE CITY OF NORMAN, STATE OF OKLAHOMA, INCUR AN INDEBTEDNESS BY ISSUING ITS BONDS IN THE SUM OF THREE MILLION, THIRTY-FIVE THOUSAND DOLLARS ($3,035,000) TO PROVIDE FUNDS FOR THE PURPOSE OF REMODELING AND EXPANDING THE CITY'S ANIMAL SHELTER FACILITIES (INCLUDING RELATED DRAINAGE AND PARKING LOT IMPROVEMENTS), ALL TO BE OWNED EXCLUSIVELY BY SAID CITY; AND LEVY AND COLLECT AN ANNUAL TAX, IN ADDITION TO ALL OTHER TAXES, UPON ALL THE TAXABLE PROPERTY IN SAID CITY SUFFICIENT TO PAY THE INTEREST ON SAID BONDS AS IT FALLS DUE, AND ALSO TO CONSTITUTE A SINKING FUND FOR THE PAYMENT OF THE PRINCIPAL THEREOF WHEN DUE, SAID BONDS TO BEAR INTEREST AT NOT TO EXCEED THE RATE OF TEN PERCENTUM (10%) PER ANNUM, PAYABLE SEMI-ANNUALLY AND TO BECOME DUE SERIALLY WITHIN FIVE (5) YEARS FROM THEIR DATE?"

Section 2. Description of Projects and Use of Proceeds.

(Proposition No. 1)
Animal Shelter Project

The specific projects for which at least seventy percent (70%) of the proceeds of the animal shelter bonds shall be expended and the dollar amounts of each such project shall be as follows:

Animal Shelter Project	$3,035,000

Project will consist of constructing an approximately 11,000 square foot expansion to the current 3,500 square foot animal shelter facility, remodeling the current animal shelter facility, and completing related drainage and parking lot improvements.

Section 3. That such call for said election shall be by proclamation, signed by the Mayor or Mayor Pro Tempore and attested by the City Clerk, setting forth the propositions to be voted upon, a statement regarding the specific projects for which the proceeds of each of the aforesaid Bonds shall be expended and the dollar amount to be expended on such projects; that the ballots shall set forth the propositions to be voted upon substantially as set out in Section 1 hereof; and that the returns of said election shall be made to and canvassed by the Cleveland County Election Board.

Section 4. That the number and location of the polling places and the persons who shall conduct the election shall be the same as the regular polling places and persons prescribed and selected by the Cleveland County Election Board, for elections in Norman, Oklahoma.

Section 5. That the Special Election Proclamation and Notice of even date, a copy of which is on file with the City Clerk and which is incorporated herein by reference, calling said election is hereby approved in all respects, and the Mayor or Mayor Pro Tempore is hereby authorized to execute said Special Election Proclamation and Notice on behalf of the City, and the City Clerk is hereby authorized to attest and affix the seal of the City to said Special Election Proclamation and Notice, and to cause a copy of said Special Election Proclamation and Notice to be published as required by law, and a copy thereof delivered to the Cleveland County Election Board.

Section 6. That the City Clerk shall serve or cause to be served, a copy of this Ordinance and the Special Election Proclamation and Notice upon the office of the Cleveland County Election Board, at least sixty (60) days prior to the date of the election.

Section 7. 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.

[Remainder of Page Intentionally Left Blank]

PASSED AND ADOPTED AND SIGNED BY THE MAYOR THIS 6TH DAY OF SEPTEMBER, 2011.

THE CITY OF NORMAN, OKLAHOMA

(SEAL)

_____
Mayor

ATTEST:

_____
City Clerk

Ordinance No. O-1112-12

STATE OF OKLAHOMA)
) SS
COUNTY OF CLEVELAND)

I, the undersigned, the duly qualified and acting Clerk of The City of Norman, Oklahoma hereby certify that the foregoing is a true and complete copy of an Ordinance authorizing the calling and holding of an election for the purpose therein set out adopted by the governing body of said municipality and Transcript of Proceedings of said governing body at a regular meeting thereof held on the date therein set out, insofar as the same relates to the introduction, reading and adoption thereof as the same appears of record in my office.

I further certify that attached hereto is a true and complete copy of the public notice posted at the Municipal Building Council Chambers, 201 W. Gray, Norman, Oklahoma, in said municipality at least twenty-four (24) hours prior to the meeting wherein said Ordinance was adopted, excluding Saturdays, Sundays and State designated legal holidays.

WITNESS my hand and the seal of said City this 6th day of September, 2011.

(SEAL)

_____
City Clerk

City of Norman, OK

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

Master

File Number: RPT-1112-6

File ID:	RPT-1112-6	**Type:**	Communication or Report	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 10	**In Control:**	City Council
Department:	Finance Department	**Cost:**		**File Created:**	08/05/2011
File Name:	Finance Director's Investment Report 7-31-11			**Final Action:**	

Title: SUBMISSION AND ACKNOWLEDGING RECEIPT OF THE FINANCE DIRECTOR'S INVESTMENT REPORT AS OF JULY 31, 2011, AND DIRECTING THE FILING THEREOF.

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

ACTION TAKEN: _____

Notes:

Agenda Date: 08/23/2011

Agenda Number: 10

Attachments: Finance Report July 31 2011

Project Manager: Anthony Francisco, Director of Finance

Entered by: Ellen.Usry@NormanOK.gov

Effective Date:

History of Legislative File

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

Text of Legislative File RPT-1112-6

DATE: 04-Aug-11

TO: City Council

FROM: Anthony Francisco, Director of Finance
PREPARED BY: Clint Mercer, Chief Accountant

SUBJECT: Breakdown of Interest Earnings by Fund

	MONTHLY COMPARISON				ANNUAL COMPARISON			
FUND	MONTHLY BUDGETED INTEREST EARNINGS FYE12	MONTHLY INTEREST EARNINGS July 2011	MONTHLY % INCREASE (DECREASE)	MONTHLY % OF PORTFOLIO HOLDINGS	ANNUAL BUDGETED INTEREST EARNINGS FYE12-YTD	INTEREST EARNINGS YTD FYE12	YTD % INCREASE (DECREASE)	YTD % PORTFOLIO HOLDINGS
GENERAL FUND	$8,333	$5,882	-29.42%	8.72%	$8,333	$5,882	-29.42%	8.72%
PUBLIC SAFETY SALES TAX FUND	N/A	$5,354	100.00%	7.94%	N/A	$5,354	100.00%	7.94%
ROOM TAX FUND	$250	$141	-43.42%	0.21%	$250	$141	-43.42%	0.21%
CAPITAL PROJECTS FUND	$12,500	$16,322	30.57%	24.21%	$12,500	$16,322	30.57%	24.21%
SINKING FUND	$2,083	$3,454	65.78%	5.12%	$2,083	$3,454	65.78%	5.12%
G.O. BOND FUND	$167	$100	-39.83%	0.15%	$167	$100	-39.83%	0.15%
WESTWOOD FUND	$625	$104	-83.35%	0.15%	$625	$104	-83.35%	0.15%
WATER FUND	$10,000	$10,014	0.14%	14.85%	$10,000	$10,014	0.14%	14.85%
WASTEWATER FUND	$8,333	$6,895	-17.27%	10.23%	$8,333	$6,895	-17.27%	10.23%
HALLPARK FUND	N/A	$0	100.00%	0.00%	N/A	$0	100.00%	0.00%
DEVELOPMENT EXCISE	$16,667	$9,337	-43.98%	13.85%	$16,667	$9,337	-43.98%	13.85%
SEWER SALES TAX	$6,250	$5,815	-6.97%	8.62%	$6,250	$5,815	-6.97%	8.62%
SANITATION FUND	$2,500	$234	-90.63%	0.35%	$2,500	$234	-90.63%	0.35%
PARKLAND FUND	$1,250	$998	-20.14%	1.48%	$1,250	$998	-20.14%	1.48%
TRUST & AGENCY FUNDS	N/A	$4	100.00%	0.01%	N/A	$4	100.00%	0.01%
TAX INCREMENT DISTRICT	$1,458	$1,355	100.00%	2.01%	$1,458	$1,355	100.00%	2.01%
SPECIAL GRANTS FUND	N/A	$527	100.00%	0.78%	N/A	$527	100.00%	0.78%
CLEET FUND	N/A	$23	100.00%	0.03%	N/A	$23	100.00%	0.03%
HOUSING	N/A	$0	100.00%	0.00%	N/A	$0	100.00%	0.00%
SITE IMPROVEMENT FUND	N/A	$34	100.00%	0.05%	N/A	$34	100.00%	0.05%
ARTERIAL ROAD FUND	N/A	$436	100.00%	0.65%	N/A	$436	100.00%	0.65%
SEIZURES	$42	$392	841.16%	0.58%	$42	$392	841.16%	0.58%
	$70,458	$67,421	-4.31%	100.00%	$70,458	67,421	-4.31%	100.00%

City funds are invested in interest bearing accounts and investment securities, as directed by the City's Investment Policy. Rates of return on these investments relate directly to current Treasury and Money Market rates. Total funds on deposit of $ 116.61 million as of 7/31/11 are represented by working capital cash balances of all City funds of approximately $ 67.55 million, outstanding encumbrances of $21.69 million, General Oblig.ation Bond proceeds of $6.20, NUA revenue bond proceeds of $12.36 million, NMA bond proceeds of $3.91 million, and UNP TIF reserve amounts of $4.90 million.

INVESTMENT BY TYPE

July 31, 2011

LIST BY TYPE	SEC. NO.	PURCHASED	MATURITY	YIELD	EARNED INTEREST	COST	MARKET
**Checking							
BANK OF AMERICA	NUA REV. FD.				$0.00	$0.00	$0.00
BANK OF AMERICA	GEN'L DEP.			0.30%	$2,720.74	$11,924,506.39	$11,924,506.39
BANK OF AMERICA	WARRANTS PAYABLE				$0.00	$128,327.50	$128,327.50
BANK OF AMERICA	PAYROLL				$0.00	($2,334,147.41)	($2,334,147.41)
BANK OF AMERICA	COURT BOND REFUNDS				$0.00	$222,553.27	$222,553.27
BANK OF AMERICA	INSURANCE CLAIMS				$0.00	($104,890.30)	($104,890.30)
BANK OF AMERICA	HALLPARK			0.01%	$0.71	$85,509.77	$85,509.77
**Subtotal					$2,721.45	$9,921,859.22	$9,921,859.22
**Money Market							
BANCFIRST-NUA	MONEY MKT.			0.01%	$0.00	$816,240.30	$816,240.30
BANCFIRST-NMA Sanitat.	MONEY MKT.			0.01%	$0.00	$3,645,484.55	$3,645,484.55
BANCFIRST-NMA Golf	MONEY MKT.			0.01%	$0.00	$265,468.37	$265,468.37
BANCFIRST-NUA Water	MONEY MKT.			0.01%	$0.00	$11,551,427.16	$11,551,427.16
Bank of Oklahoma UNP TIF	MONEY MKT.			0.01%	$0.00	$4,258,064.44	$4,258,064.44
REPUBLIC BANK UNP TIF	MONEY MKT.			0.01%	$349.20	$638,911.31	$638,911.31
FIRST FIDELITY	MONEY MKT.			0.40%	$104.08	$0.00	$0.00
BANK OF AMERICA	MONEY MKT.			0.30%	$4.45	$452,450.52	$452,450.52
BANK OF AMERICA	MONEY MKT.			0.05%	$8.14	$263,990.08	$263,990.08
BANK OF AMERICA - Drinking W	MONEY MKT.			0.30%	$138.06	$1,358,357.55	$1,358,357.55
BANK OF AMERICA - Clean Wate	MONEY MKT.			0.30%	$0.42	$1,655.06	$1,655.06
BANK OF AMERICA-2008A	MONEY MKT.			0.30%	$196.48	$771,186.69	$771,186.69
BANK OF AMERICA-2008B	MONEY MKT.			0.30%	$487.88	$1,802,943.98	$1,802,943.98
BANK OF AMERICA-2010	MONEY MKT.			0.30%	$924.50	$3,627,284.74	$3,627,284.74
**Subtotal					$2,213.21	$29,453,464.75	$29,453,464.75
**Sweep/Overnight							
JP MORGAN	SHORT TERM			0.00%	$0.00	$6,706,637.45	$6,706,637.45
**U.S. Treasury Securities/Agency Securities							
FHLB	3133XWD71	12/31/09	02/28/12	1.24%	5,172.68	5,000,000.00	$5,022,100.00
FHLB	3133XWD71	12/31/09	02/28/12	1.25%	5,196.26	5,000,000.00	$5,022,100.00
T-Note	912828KP4	12/31/09	05/15/12	1.31%	6,539.41	6,000,000.00	$6,045,653.48
T-Note	912828KP4	12/31/09	05/15/12	1.31%	7,357.44	6,750,000.00	$6,817,439.03
FHLB	3133XTS49	03/31/10	06/20/12	1.30%	107.99	100,000.00	$101,353.00
FNMA	313359MNU3	11/30/10	08/01/12	0.73%	4,215.48	8,000,000.00	$8,388,480.00
FFCB	31331G2R9	03/31/10	12/07/12	1.58%	131.58	100,000.00	$101,990.00
US T-Note	912828MN7	05/20/11	02/15/13	0.48%	2,833.72	7,500,000.00	$7,619,250.00
FFCB	31331JBV4	06/30/11	02/21/13	0.49%	664.90	2,000,000.00	$2,037,880.00
FHLMC	312SX1EJ2	12/31/09	05/22/13	2.08%	3,534.60	2,000,000.00	$2,136,080.00
FHLB	3133XYHD0	07/22/10	06/14/13	1.05%	3,484.75	4,000,000.00	$4,086,760.00
FNMA	31398AZ47	07/29/10	07/29/13	1.19%	3,967.46	0.00	$0.00
FFCB	31331KET3	05/20/11	09/23/13	0.80%	3,314.66	5,000,000.00	$5,042,650.00
FNMA	31398A5Q1	12/02/10	11/08/13	1.06%	7,356.60	8,250,000.00	$8,257,177.50
FFCB	31331KKX7	05/18/11	11/18/13	1.04%	4,766.67	5,500,000.00	$5,501,375.00
FHLB	313371WK8	11/30/10	02/25/14	1.00%	1,458.33	1,750,000.00	$1,752,817.50
US T-Note	912828KV1	06/30/11	05/31/14	0.76%	1,938.48	3,500,000.00	$3,670,905.00
U.S. STRIPS (Hallpark)	912833KC3	06/09/04	05/15/14	5.12%	445.64	79,860.00	$130,117.68
**Subtotal					62,486.65	70,529,860.00	$71,734,128.18
TOTAL					67,421.31	116,611,821.42	$117,816,089.60

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 of Norman, OK

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

Master

File Number: RPT-1112-5

File ID:	RPT-1112-5	**Type:**	Communication or Report	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 11	**In Control:**	City Council
Department:	City Manager Department	**Cost:**		**File Created:**	08/05/2011
File Name:	Monthly Dept Report July 2011			**Final Action:**	

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

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

ACTION TAKEN: _____

Notes:

Agenda Date: 08/23/2011

Agenda Number: 11

Attachments:

Project Manager: Carol Coles, Administrative Assistant

Entered by: Ellen.Usry@NormanOK.gov

Effective Date:

History of Legislative File

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

Text of Legislative File RPT-1112-5

City of Norman, OK

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

Master

File Number: RPT-1112-8

File ID:	RPT-1112-8	**Type:**	Communication or Report	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 12	**In Control:**	City Council
Department:	Planning and Community Development Department	**Cost:**		**File Created:**	06/21/2011
File Name:	Annual Status Report Norman 2025			**Final Action:**	07/14/2011

Title: SUBMISSION OF THE ANNUAL STATUS REPORT ON DEVELOPMENT AND THE NORMAN 2025 LAND USE AND TRANSPORTATION PLAN FOR CALENDAR YEAR 2010.

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

ACTION TAKEN: _____

Notes:

Agenda Date: 08/23/2011

Agenda Number: 12

Attachments: Annual Status Report Norman 2025, 7-14-11 PC Minutes - Annual Report

Project Manager: Joyce Green, GIS Services Manager

Entered by: rone.tromble@normanok.gov

Effective Date:

History of Legislative File

Version:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Planning Commission	07/14/2011	Presented				
	Action Text: Presented						
1	Planning Commission	07/14/2011					

Text of Legislative File RPT-1112-8

body

BACKGROUND: Since the adoption of the *Norman 2025 Plan for Land Use and Transportation* in 2004, the City's Planning staff has prepared an annual summary of development activity for the past calendar year. Historically, this report has included a statistical analysis of the year's construction and development activity, a comparison of

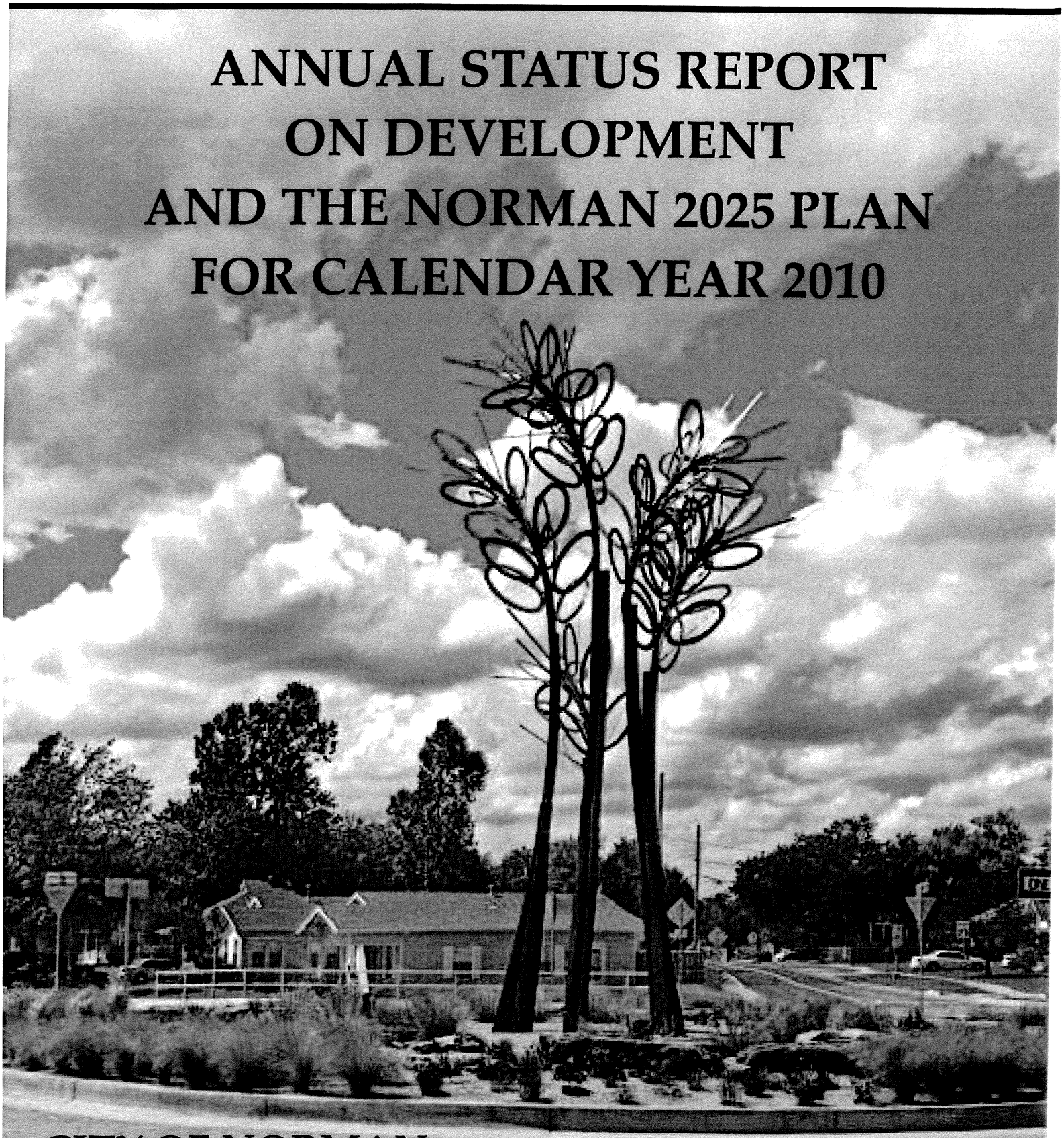
current trends with those observed since the adoption of the *Norman 2020 Plan* in 1997, and an analysis of the trends observed and what they may imply for future development throughout the city as a whole.

DISCUSSION: The Annual Status Report for 2010 includes a more detailed set of statistical analyses and mapping from previous years' reports. The 2010 report has also been expanded to include a description of long-range planning activities undertaken by the City of Norman during the year and how those activities address recommendations made in the *Norman 2025 Plan.*

The Annual Status Report for 2010 is organized into four sections that include narrative descriptions, comparative statistical data, and relevant mapping. The four sections include:
Section One: Long-Range Planning Activity
Section Two: Construction Activity
Section Three: Land Use Plan and Zoning Amendments
Section Four: Platting and Subdivision Activity

The report's narrative, along with eleven tables and eight maps, paints a detailed picture of Norman's current development climate and correlates long-range planning activity with the goals and objectives of City's comprehensive plan.

ANNUAL STATUS REPORT ON DEVELOPMENT AND THE NORMAN 2025 PLAN FOR CALENDAR YEAR 2010



CITY OF NORMAN
JULY 2011

Annual Status Report on Development and the Norman 2025 Plan For Calendar Year 2010

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Norman Annual Development Report for 2010

BACKGROUND

Since the 1997 adoption of the *Norman 2020 Land Use and Transportation Plan* (*Norman 2020*), the Planning and Community Development Department staff has produced an annual report on the status of development in the City of Norman. This year's report summarizes development activity for calendar year 2010, and provides analysis of development and construction trends since the adoption of *Norman 2020*, and its successor, the *Norman 2025 Land Use and Development Plan* (*Norman 2025*), adopted in 2004. Staff provides this annual report to Planning Commission and City Council members to allow comparison of the pace of growth anticipated by the land use plans and their companion document *Norman 2025 Land Demand Analysis* (*Land Demand*) to the actual rate of development that has occurred in the community.

This report consists of four sections: Long Range Planning Activity; Construction Activity; Land Use Plan and Zoning Amendments; and Platting and Land Subdivision Activity. Each section begins with a brief narrative describing the maps and tables that follow. The maps and tables include statistical summaries of the amount, type, and location of development and construction in Norman for Calendar Year 2010. Several tables include information dating back to the adoption of the *Norman 2020 Plan* in 1997. The remaining tables contain data spanning at least a decade of development. These tables put the current year's development into a temporal context and illustrate trends and changes that have occurred in recent years.

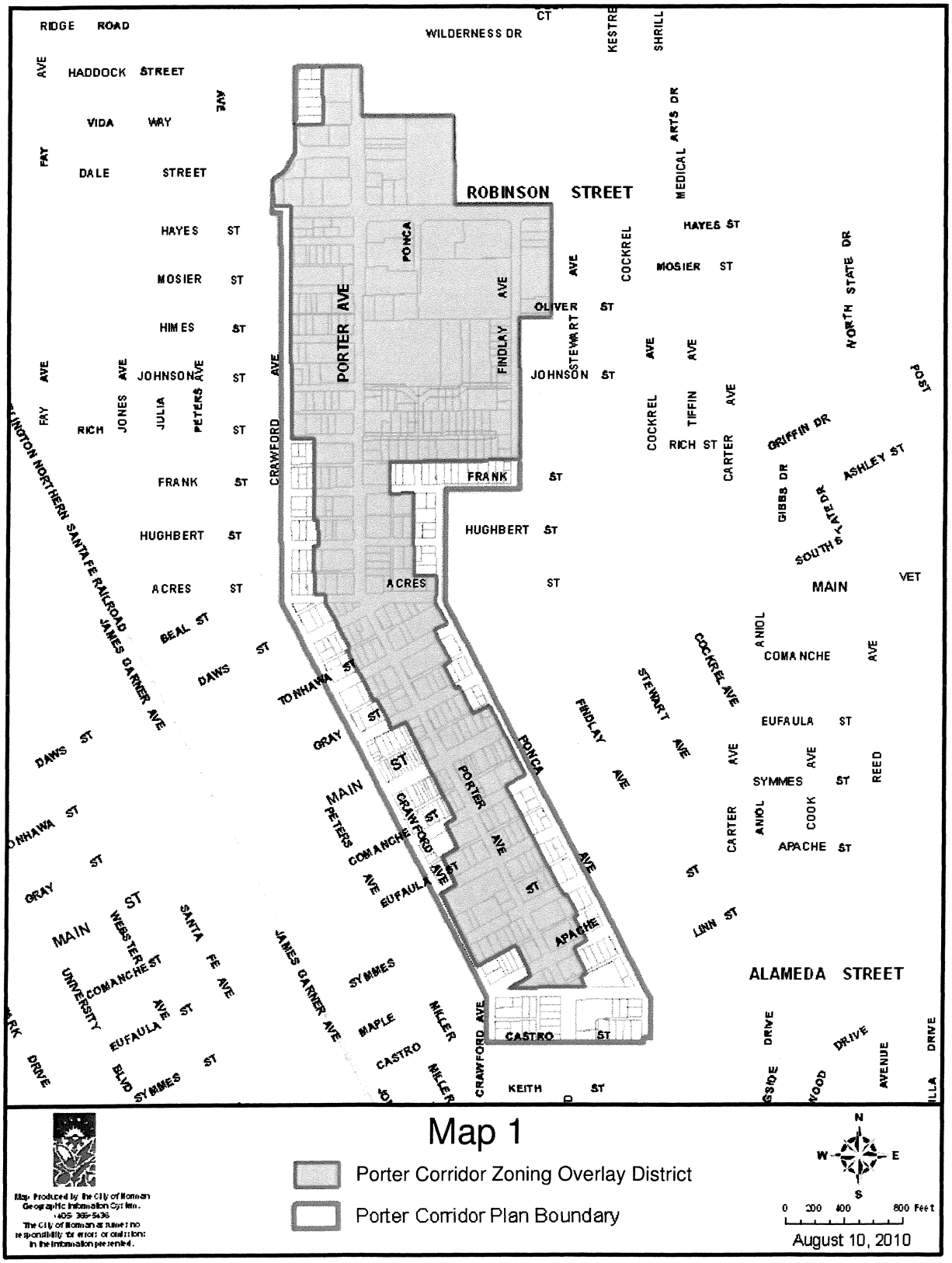
SECTION ONE: LONG-RANGE PLANNING ACTIVITY

Porter Avenue Corridor Plan

On August 10, 2010, City Council adopted the *Porter Avenue Corridor Plan*, (O-1011-2), a policy document designed to guide the future redevelopment of a 1.2-mile segment of Porter Avenue in central Norman. The *Porter Plan* is regarded as an implementing document of the *Norman 2025 Land Use and Transportation Plan*. The adoption of this plan was the culmination of an intensive, two-year study guided by the mayor-appointed Porter Corridor Steering Committee, City staff, elected officials, and members of the public. Incorporating issues, concerns and aspirations raised during numerous community meetings and stakeholder sessions, the *Porter Avenue Corridor Plan* focuses on five areas of future improvement: Aesthetics, Neighborhoods, Public Safety, Economic Development, and Land Use.

The *Porter Avenue Corridor Plan* established the following vision for the future revitalization of the area:

> Porter Avenue will be a Core Area destination that brings new economic and social vitality to the City of Norman. Porter Avenue will be a gateway to the community and will be recognized for its unique character and visual appeal. The pedestrian-friendly corridor will offer a balance of commercial, residential and institutional land uses that complement adjacent neighborhoods.


RIDGE ROAD
WILDERNESS DR
HADDOCK STREET
VIDA WAY
DALE STREET
ROBINSON STREET
HAYES ST
MOSIER ST
HIMES ST
JOHNSON ST
RICH ST
FRANK ST
HUGHBERT ST
ACRES ST
BEAL ST
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TONHAWA ST
GRAY ST
MAIN ST
PORTER AVE
PONCA
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CRAWFORD AVE
OLIVER ST
STEWART AVE
COCKREL AVE
TIFFIN AVE
CARTER AVE
GRIFFIN DR
ASHLEY ST
GIBBS DR
SOUTH STATE DR
NORTH STATE DR
MEDICAL ARTS DR
COMANCHE AVE
EUFAULA ST
SYMMES ST
APACHE ST
LINN ST
ALAMEDA STREET
CASTRO ST
KEITH ST
MAPLE
MILLER
SANTA FE AVE
WEBSTER
UNIVERSITY BLVD
JAMES GARNER AVE
PETERS AVE
JONES AVE
JULIA
FAY AVE
REED
COOK
ANIOL
DRIVE
AVENUE
WOOD
Map 1
Porter Corridor Zoning Overlay District
Porter Corridor Plan Boundary
Map Produced by the City of Norman Geographic Information System.
(405) 366-5436
The City of Norman assumes no responsibility for errors or omissions in the information presented.
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August 10, 2010

Page 2

Adoption of the *Porter Avenue Corridor Plan* supports two key goals and a number of policy recommendations that were included in the *Norman 2025 Plan*:

Goal 3: Housing and Neighborhoods
Encourage and support diversified housing types and densities in order to serve different income levels, family structures and ownership.

Goal 7: Core Area Stability and Enhancement
Continue efforts to promote the enhancement and stability of the core area.

Adoption of *The Porter Avenue Corridor Plan* also resulted in the adoption of two important tools that establish a plan for the future design character of public rights-of-way along Porter Avenue and manage the edges between commercial and residential land uses in the corridor:

Plan for Public Streetscape/Schematic Design. On April 27, 2010, staff presented to City Council the *Porter Avenue Plan for Public Streetscape*, a schematic design for public improvements in the right-of-way along the segment of Porter Avenue between Robinson and Alameda Streets. The streetscape plan includes landscape plantings and street trees, sidewalks and ornamental paving, street furnishings, pedestrian lighting and amenities, with an accompanying narrative summarizing the project process and describing the Corridor's future design character. The Streetscape Plan was included in City Council's adoption of the *Porter Avenue Corridor Plan* (O-1011-2) on August 10, 2010.

Zoning Overlay District. A critical motivator in the City's decision to undertake a Porter Corridor Study was the need to resolve on-going conflicts between commercial and adjacent residential land uses along Porter Avenue. *The Porter Avenue Corridor Plan* recommended the creation of a commercial limit line that allows limited commercial expansion along Porter Avenue but still protects residential feel and form of adjacent neighborhoods. The City Council adopted the Porter Corridor Zoning Overlay District ordinance (PCZOD) (O-1011-2) for the purpose of creating this commercial limit line.

- ❑ **Map 1** depicts the boundaries of the Porter Avenue Corridor with the Zoning Overlay District (ZOD)

Mixed Use Development Zoning Ordinance

On April 13, 2010, City Council adopted a Mixed Use Development (MUD) Zoning District (O-0910-26) designed to foster new development that intentionally integrates a mix of residential and commercial land uses and emphasizes pedestrian walkability. At the request of City Council, City staff and members of the Planning Commission developed the new zoning category using a methodical process that included a series of public meetings and discussions and peer city research.

The *Norman 2025 Land Use and Transportation Plan* introduced the concept of Mixed Use and recommended its implementation, but provided little direction on potential mix of uses or site design desired in areas that were designated for mixed-use. Prior to

adoption, the only tool in the City of Norman Zoning Ordinance that could accommodate mixed-use development was the PUD zoning district. The *2025 Plan*'s rationale for developing an MUD is to create a more flexible approach to developing specific areas of town in ways that better interconnect the city street network, promote pedestrian travel and access, and foster interaction of neighborhoods.

Highlights of the MUD include:

- The allowance of all types of residential uses, and the requirement that new districts incorporate two or more different types of residential uses.
- The requirement that specific commercial uses be incorporated into an integrated design that places residential and commercial uses in the same building, block, or area.
- A detailed list of design standards for the various components of a mixed use area, which still allows for a wide variety of individual building design.
- A strong emphasis on pedestrian walkability and connectivity.
- Locational criteria for on-street and off-street parking that are designed to de-emphasize the presence and minimize the use of automobiles.
- Open space requirements that make such open spaces a central design element of such areas.

Greenbelt Commission

In 2004, the City Council adopted the Greenbelt Commission Ordinance officially establishing a Commission charged with advising the City Council on policies pertaining to the promotion, acquisition, maintenance and improvement of the green spaces, greenways and trailway systems in the City of Norman.

Adoption of the Greenbelt Ordinance addresses a key goal of the *Norman 2025 Plan*:

Goal 6: Greenbelt Development
Develop and maintain a greenbelt system for Norman.

In this original Ordinance the duties and powers of the Commission were identified and included the task of proposing an ordinance that:

- Establishes the Greenbelt system of open spaces, greenways, and trail systems.
- Establishes the contents of the Greenbelt Enhancement Statement ("GES") and associated duties/responsibilities.
- Establishes the types of applications that will be subject to GES review.

During 2010, staff worked with the nine-member Greenbelt Commission to develop the contents of the GES, to identify the review process, and to establish guidelines for evaluating the GES.

On October 12, 2010, City Council amended the Greenbelt Ordinance to establish the requirements for a GES, when a GES is required and the guidelines for evaluating the

GES. The first application items requiring submittal of a GES for review by the Commission were submitted in December, 2010 for review at the January, 2011 meeting.

Industrial Land Use Study

In March 2010, City staff concluded a detailed study of industrial land uses throughout the city. Though the Industrial Land Use Study was presented to Planning Commission and City Council without a recommendation for specific action or policy change, its undertaking supported several policy recommendations in *Norman 2025 Plan* Goal 4: Economic Stability and Enhancement. The purpose of the study was to determine optimum locations for industrial land uses in Norman and to analyze existing and potential industrial land locations using common criteria. The study was prompted by City staff's receipt of several applications to amend the *2025 Land Use and Transportation Plan* from industrial land use to other categories, including residential.

The study revealed that despite policies in the *2025 Plan* established to reserve and support industrial land use and generate centers of employment, several areas previously designated for industrial use were rezoned for commercial or residential uses. Once those parcels are consumed or surrounded by residential subdivisions, Norman will have few opportunities to develop new industrial parks or parcels without resorting to more expensive redevelopment opportunities.

The Industrial Land Use Study used the following criteria to evaluate industrial land in Norman:

- ❑ Parcel size, location and configuration
- ❑ Adequacy of existing infrastructure
- ❑ Site constraints
- ❑ Environmental issues
- ❑ Overall industrial land supply
- ❑ Economic development objectives
- ❑ Available support services

The *2025 Plan* intentionally designated nearly one thousand acres of land for industrial use so that Norman could offer a wide variety of opportunities for different types of industry. The plan identified and designated land with convenient access to major roads such as Interstate 35 or Highway 9, or land that could be provided with access to rail.

The *2025 Plan* recommends that changes from industrially designated land to other uses be "critically evaluated" before approval. The preliminary results of this study suggest that extreme caution be exercised when large individual parcels are the subject of requests for change. As ever more industrial land is allowed to be converted from industrial use, the price of land escalates and becomes another barrier to bringing industrial users to Norman. While future industrial development should certainly be evaluated for its environmental impact and effect on neighboring land uses, industrial uses typically offer high-wage employment and are vital to continuing to diversify Norman's economy.

SECTION TWO: CONSTRUCTION ACTIVITY

Since the 2004 adoption of the *2025 Plan*, Norman's pace of multi-family residential construction has consistently surpassed assumptions made in the plan and *Land Demand* documents. For the first time since 2006, the total number of all residential units permitted in 2010 exceeded the *Land Demand* predictions. However 2010 single-family construction increased by only a half-million dollars in valuation and the total number of housing units built decreased by three from 2009. While this 62% decrease in single-family units is a significant drop from *Land Demand* projections, the drop is offset by the number of multi-family residential units permitted during the same period—more than 300% above the projection. It is too soon to determine whether this is a local manifestation of the national trend away from home ownership in favor of rental as an acceptable form of land tenure. Though 2010 residential projects permitted dropped 11% from the 14-year average tracked since 1997, the overall residential value increased 24% from the previous year.

Non-residential construction continues to be a bright spot in Norman's development environment. Though down from its high in 2009, non-residential construction in 2010 represents the third highest valuation of projects permitted in the last fourteen years.

The continued strength of non-residential construction, bolstered by the robust multi-family construction environment, resulted in a total permitted construction value of $196.4 million in 2010. This figure is the sixth highest dollar value of the past fourteen years and exceeds the yearly average over this period by $11 million (+ 6%).

The remainder of this section consists of descriptive summaries of the maps and tables related to construction activity. The section contains six tables and 3 maps that create a clear picture of development in Norman since the adoption of *Norman 2020*. Most of the analytical assessments reference *Norman 2025*, which is the most recent plan and includes the most current statistical summaries and estimates.

Section One: Tables and Maps

Table 1: All Types of Construction
This table reflects the aggregate numbers for all types of construction between 1997 and 2010, the fourteen-year total, and the average for those fourteen years. The value of all residential construction activity for 2010 has increased over $18 million dollars from 2009 levels. This increase is led by multi-family construction, while single family housing construction remains flat.

Tables 2- 5: Residential Construction
These tables reflect residential construction for all of the years since adoption of the *Norman 2020 Plan*. Consistent with national trends, during the years 2007-2010 the rate of single-family residential construction decreased significantly from the previous four years. The tables indicate the following:

- **Table 2** depicts new residential construction by type for 1997-2010, the fourteen year average, the volume of new residential construction predicted by the *Land Demand* for 2010, and the *Land Demand's* 22-year average. The city's 788 new units constructed during 2010 exceeds the 2010 prediction of 688 new units. While the 336 new single-family units is lower than the 540 units projected in the *Land Demand,* the 444 new multi-family units permitted in 2010 exceeds the 134 projected by nearly 300%.
- **Table 3** and **Map 2** reflect the location of new residential units by Service Growth Area. The 1% in the Suburban and 4% in the Country Residential Growth Areas are consistent with previous years. The fourteen-year average of 12% for these two categories remains consistent within the 10-to-15% range of growth projected in both the *Norman 2020 and 2025 Plans*.
- **Table 4** reflects new residential units permitted in 2010 by Ward boundaries. This information is the basis for calculations that will ultimately be used for consideration by the City's Reapportionment Commission.
- **Table 5** reflects a grouping of parcel sizes within each growth area where the new residential units were permitted.

Table 6: Non-Residential Construction
This table breaks the majority of the non-residential construction permitting activity into four categories: Industrial, Institutional, Office and Retail. The aggregate numbers for 2010 are down slightly from 2009, with total new dollar valuation of $41,561,638 as estimated from permit applications. This dollar value is somewhat lower than previous years and is also lower than the value of new construction cited in Table 1. The dollar value is lower is because Table 1 includes several foundation-only permits that cannot be categorized until finish-out permits are applied for. The average valuation for the years 1997-2010 is $54,075,000.

- **Map 3** depicts new non-residential construction permit activity throughout Norman between 2008-2010.

- **Map 4** depicts non-residential construction addition/alteration permit activity in Norman between 2008-2010.

Table 1: Calendar Year Dollar Value* of 2010 Construction and Selected Previous Years

Year	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	TOTAL	14 YEAR AVG
New Single Family	$61.9	$72.1	$82.8	$60.3	$76.2	$74.2	$88.8	$108.3	$120.9	$117.6	$73.6	$90.3	$57.4	$57.7	$1,141.9	$81.6
New Mobile Homes	$2.0	$2.9	$2.4	$1.5	$0.7	$1.7	$0.5	$1.0	$0.8	$0.5	$0.5	$0.2	$0.5	$0.2	$15.4	$1.1
New Duplexes	$0.9	$0.6	$0.7	$1.3	$0.3	$6.2	$4.0	$0.5	$0.5	$0.2	$0.0	$0.8	$0.3	$0.3	$16.6	$1.2
New Multi-Family	$0.0	$2.7	$8.7	$0.0	$1.0	$0.2	$6.5	$50.2	$20.0	$7.7	$6.7	$1.3	$5.9	$18.4	$129.2	$9.2
Additions/ Alterations to Residential All	$8.0	$19.3	$6.9	$5.7	$9.1	$8.4	$10.0	$11.4	$14.0	$11.7	$11.6	$11.6	$10.6	$16.3	$154.6	$11.0
Subtotal Residential	$72.8	$97.7	$101.5	$68.8	$87.4	$90.7	$109.8	$171.4	$156.2	$137.7	$92.4	$104.1	$74.6	$92.9	$1,457.8	$104.1
New Non-Residential	$36.1	$24.7	$45.6	$13.4	$44.0	$78.4	$27.0	$21.4	$29.1	$55.8	$200.1	$56.0	$76.1	$73.7	$781.3	$55.8
Additions/ Alterations to Non-Residential	$14.4	$22.3	$55.2	$14.1	$25.1	$18.0	$15.9	$33.2	$20.0	$20.7	$21.5	$16.9	$40.9	$29.8	$348.0	$24.9
Subtotal Non-Residential	$50.5	$47.0	$100.7	$27.4	$69.1	$96.4	$42.9	$54.6	$49.1	$76.5	$221.7	$73.0	$117.0	$103.5	$1,129.3	$80.7
Total All Construction	$123.3	$144.7	$202.2	$96.3	$156.5	$187.1	$152.7	$226.0	$205.3	$214.1	$314.0	$177.0	$191.5	$196.4	$2,587.1	$184.8

**Values in Millions of Dollars*

Table 2: Calendar Year New Residential Units by Type

YEAR	SINGLE FAMILY UNITS	MOBILE HOME UNITS	DUPLEX UNITS	3 UNIT/MULTI-FAMILY UNITS (PERMITS)	TOTAL NEW RESIDENTIAL UNITS
NORMAN 2025 22 YEAR AVERAGE PREDICTION*	**456**	**(INCLUDED IN SINGLE FAMILY)**	**13**	**125**	**594**
2010 PREDICTED*	**540**	**(INCLUDED IN SINGLE FAMILY)**	**14**	**134**	**688**
2010	**336**	**6**	**2**	**444 (41)**	**788**
2009	339	7	2	168 (14)	516
2008	564	6	2	18 (4)	590
2007	419	9	0	68 (11)	496
2006	669	13	4	122 (9)	808
2005	724	20	4	371 (30)	1119
2004	652	19	6	768 (91)	1445
2003	619	15	48	187 (30)	869
2002	492	43	84	3 (1)	622
2001	508	18	4	8 (2)	538
2000	439	38	21	0 (0)	498
1999	631	56	8	188 (2)	883
1998	568	59	10	462 (4)	1099
1997	521	51	22	0 (0)	594
14 YEAR AVERAGE	**534**	**26**	**16**	**201(17)**	**776**

**NORMAN 2025 Land Demand Analysis*

Table 3: Calendar Year New Residential Units by Service/Growth Area

YEAR	CURRENT URBAN SERVICE/GROWTH AREA # and (%)	FUTURE URBAN SERVICE/GROWTH AREA # and (%)	SUBURBAN RESIDENTIAL GROWTH AREA # and (%)	COUNTRY RESIDENTIAL GROWTH AREA # and (%)	TOTAL UNITS
2010	**747 (95%)**	**1 (<1%)**	**8 (1%)**	**32 (4%)**	**788**
2009	464 (90%)	2 (<1%)	10 (2%)	40 (8%)	516
2008	520 (88%)	3 (<1%)	16 (3%)	51 (9%)	590
2007	442 (89%)	0 (0%)	17 (3%)	37 (7%)	496
2006	731 (91%)	2 (<1%)	63 (8%)	12 (1%)	808
2005	1002 (90%)	5 (<1%)	24 (2%)	88 (8%)	1119
2004	1297 (90%)	25 (2%)	88 (6%)	35 (2%)	1445
2003	765 (88%)	18 (2%)	24 (3%)	62 (7%)	869
2002	518 (83%)	5 (1%)	19 (3%)	80 (13%)	622
2001	470 (87%)	0 (0%)	24 (5%)	44 (8%)	538
2000	422 (85%)	2 (<1%)	12 (2%)	62 (13%)	498
1999	729 (83%)	3 (<1%)	29 (3%)	124 (14%)	883
1998	959 (87%)	1 (<1%)	25 (2%)	114 (10%)	1099
1997	466 (78%)	0 (0%)	13 (2%)	115 (19%)	594
14 YEAR AVERAGE	**681 (87%)**	**5 (1%)**	**27 (3%)**	**64 (9%)**	**776**
NORMAN 2025 22 YEAR AVERAGE % OF GROWTH EXPECTED	85-90%		10-15%		100%

Table 4: Calendar Year 2010 New Residential Units by Ward

	SINGLE FAMILY UNITS	MOBILE HOME UNITS	DUPLEX UNITS	3+ UNIT/MULTI-FAMILY UNITS	TOTAL NEW RESIDENTIAL UNITS
Ward 1	28	0	0	0	**28**
Ward 2	1	0	0	34	**35**
Ward 3	14	1	0	0	**15**
Ward 4	10	0	2	50	**62**
Ward 5	37	5	0	360	**402**
Ward 6	183	0	0	0	**183**
Ward 7	21	0	0	0	**21**
Ward 8	42	0	0	0	**42**
2009 TOTAL	**336**	**6**	**2**	**444**	**788**

Table 5: Calendar Year New Residential Permits by Parcel Size and by Service/Growth Areas in the Most Recent Years

	< 2 ACRES	2 - 4.9 ACRES	5 - 9.9 ACRES	>= 10 ACRES	GRAND TOTAL
2010 CURRENT	**303**	**2**	**0**	**2**	**307**
2010 FUTURE	**1**	**0**	**0**	**0**	**1**
2010 SUBURBAN	**4**	**2**	**0**	**2**	**8**
2010 COUNTRY	**4**	**10**	**7**	**10**	**31**
2010 TOTAL	**312**	**14**	**7**	**14**	**347**
2009 CURRENT	309	0	0	1	310
2009 FUTURE	1	0	0	1	2
2009 SUBURBAN	6	2	0	2	10
2009 COUNTRY	1	16	16	7	40
2009 TOTAL	**317**	**18**	**16**	**11**	**362**
2008 CURRENT	503	2	0	1	506
2008 FUTURE	2	1	0	0	3
2008 SUBURBAN	7	6	1	2	16
2008 COUNTRY	1	18	12	20	51
2008 TOTAL	**513**	**27**	**13**	**23**	**576**
2007 CURRENT	373	4	7	1	385
2007 FUTURE	0	0	0	0	0
2007 SUBURBAN	9	6	1	1	17
2007 COUNTRY	5	15	12	5	37
2007 TOTAL	**387**	**25**	**20**	**7**	**439**
2006 CURRENT	607	6	2	3	618
2006 FUTURE	1	1	0	0	2
2006 SUBURBAN	3	6	1	2	12
2006 COUNTRY	2	26	16	19	63
2006 TOTAL	**613**	**39**	**19**	**24**	**695**
5 YEAR AVERAGE (TOTAL)	**428**	**25**	**15**	**16**	**484**

MAP 2: 2010 RESIDENTIAL CONSTRUCTION PERMIT ACTIVITY

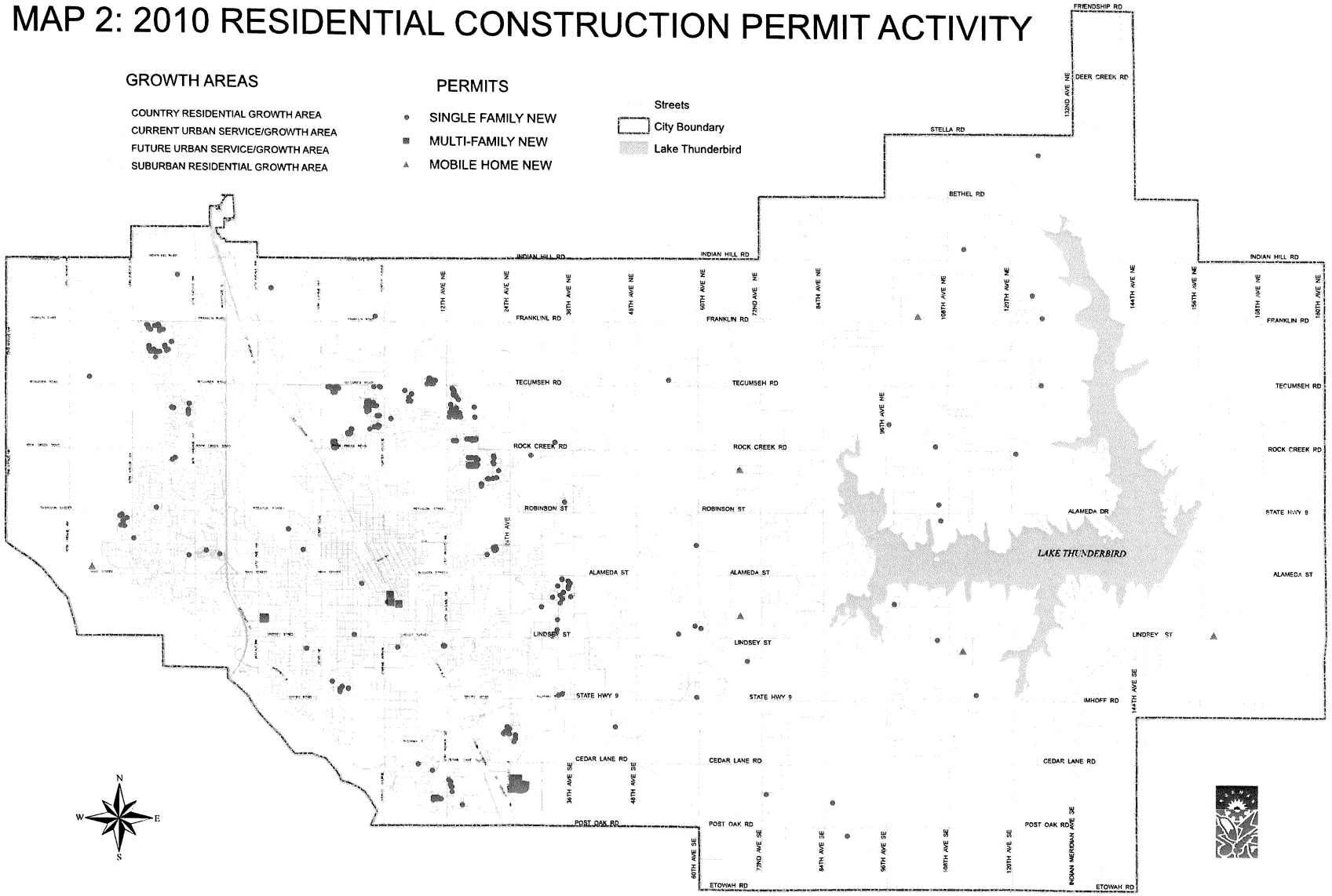
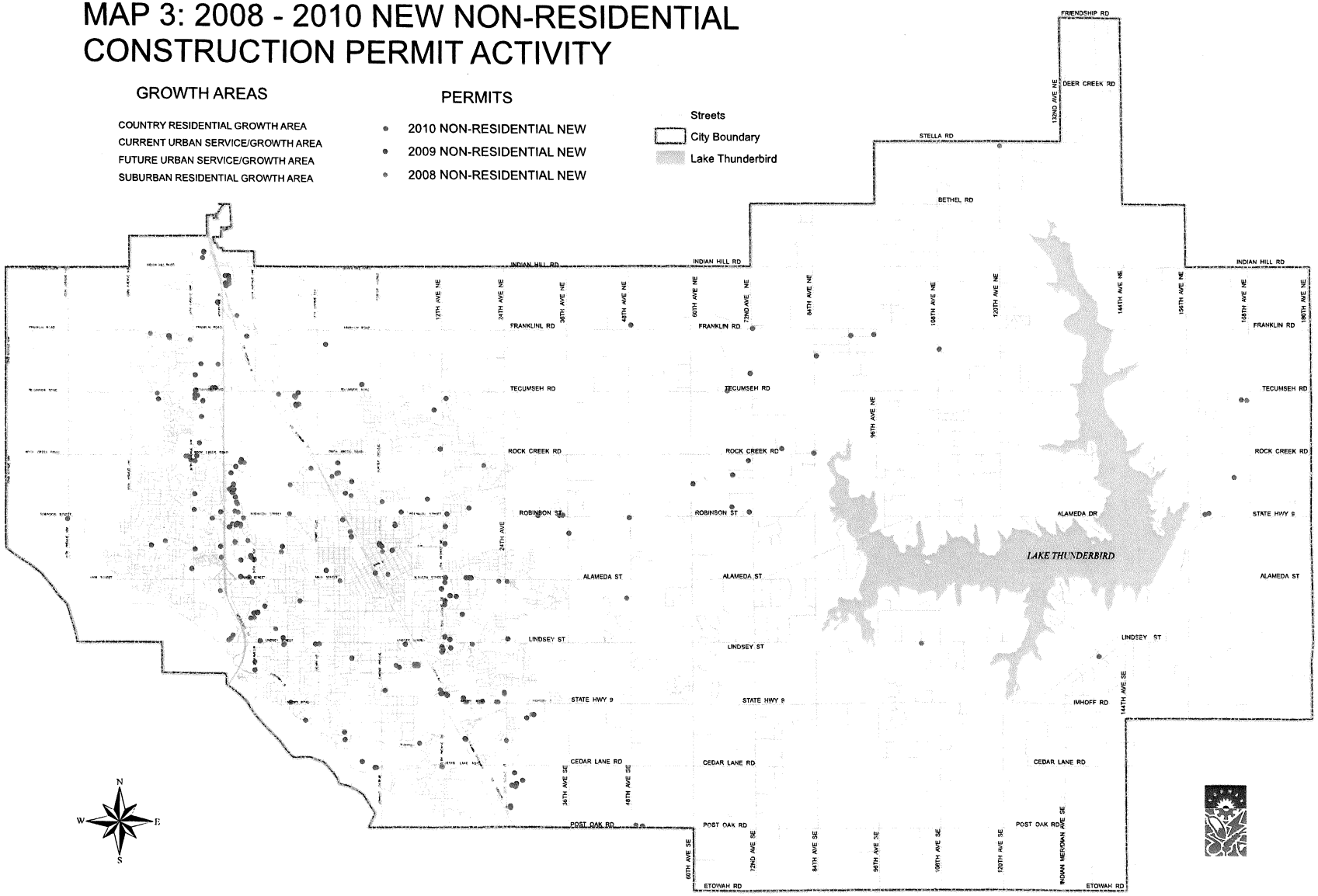


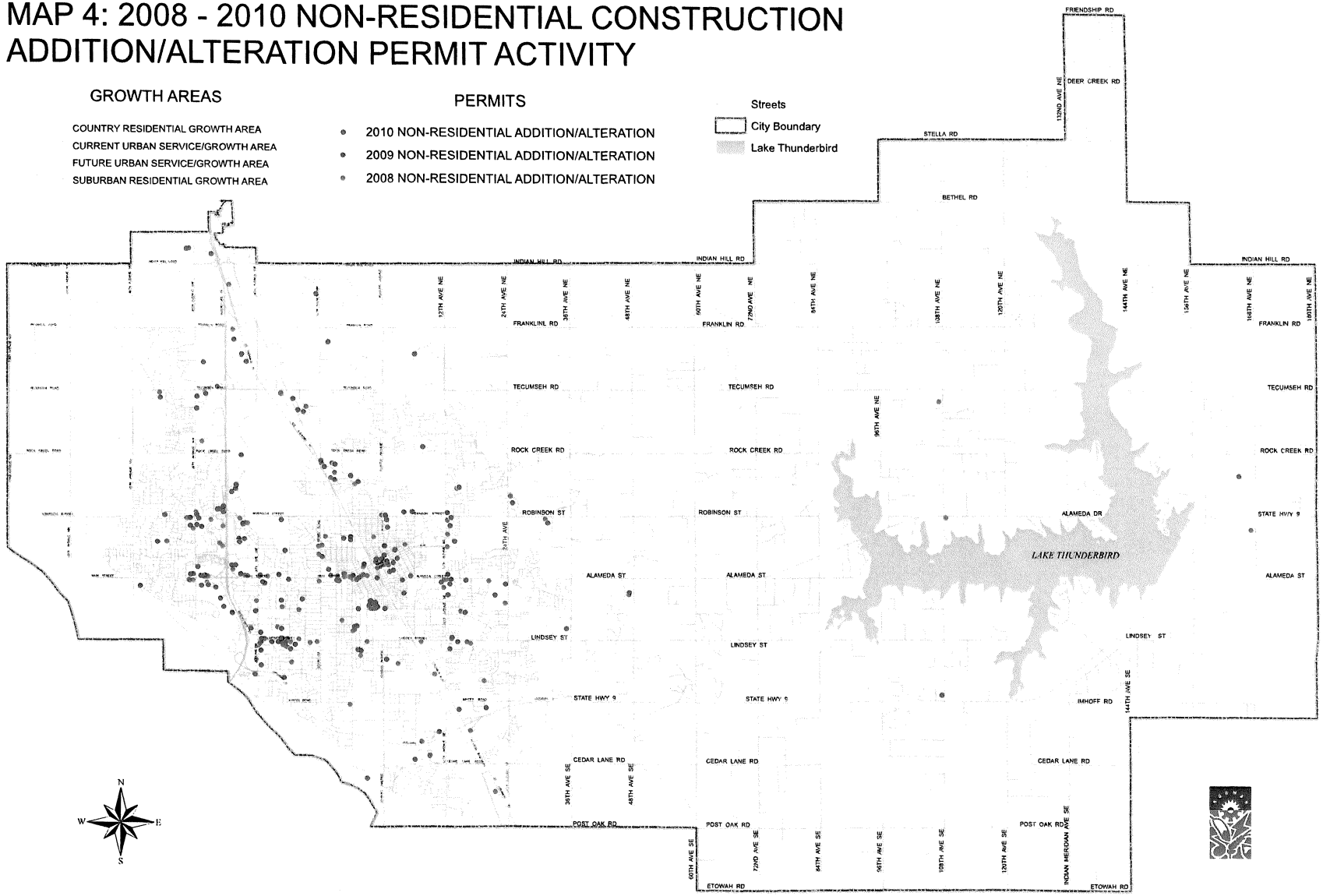
Table 6: Calendar Year Non-Residential New Construction Permits by Type

	INDUSTRIAL	INSTITUTIONAL	OFFICE	RETAIL	TOTAL
2010 PERMITS	**5**	**27**	**21**	**29**	**82**
2010 ESTIMATED SQ FT	**22,325**	**230,703**	**32,788**	**159,419**	**445,235**
2010 ESTIMATED VALUE	**$1,725,000**	**$28,726,322**	**$1,769,656**	**$9,340,660**	**$41,561,638**
2009 PERMITS	12	45	13	35	**105**
2009 ESTIMATED SQ FT	25,698	274,368	102,896	186,814	**589,776**
2009 ESTIMATED VALUE	$493,000	$52,576,847	$11,136,866	$6,951,300	**$71,158,013**
2008 PERMITS	26	21	43	51	**141**
2008 ESTIMATED SQ FT	412,977	48,109	148,959	404,307	**1,014,352**
2008 ESTIMATED VALUE	$4,698,348	$2,729,900	$15,825,408	$32,754,812	**$56,008,468**
2007 PERMITS	10	32	19	75	**136**
2007 ESTIMATED SQ FT	69,433	491,966	114,598	1,143,166	**1,819,163**
2007 ESTIMATED VALUE	$1,658,995	$101,296,717	$6,318,650	$90,837,647	**$200,112,009**
2006 PERMITS	26	10	29	42	**107**
2006 ESTIMATED SQ FT	135,864	108,580	146,949	594,375	**985,768**
2006 ESTIMATED VALUE	$6,931,500	$12,247,048	$9,373,463	$27,228,001	**$55,780,012**
2005 PERMITS	19	13	21	16	**69**
2005 ESTIMATED SQ FT	272,236	50,225	97,643	84,495	**504,599**
2005 ESTIMATED VALUE	$11,434,092	$3,469,229	$8,229,046	$5,958,836	**$29,091,203**
2004 PERMITS	1	23	19	82	**125**
2004 ESTIMATED SQ FT	320	84,001	53,843	345,915	**484,079**
2004 ESTIMATED VALUE	$2,000	$5,477,596	$2,756,460	$13,146,375	**$21,382,431**
2003 PERMITS	32	15	15	11	**73**
2003 ESTIMATED SQ FT	178,186	159,786	85,212	84,374	**507,558**
2003 ESTIMATED VALUE	$3,913,837	$9,857,867	$7,281,438	$5,936,000	**$26,989,142**
2002 PERMITS	8	21	14	49	**92**
2002 ESTIMATED SQ FT	95,869	148,342	97,521	731,161	**1,072,893**
2002 ESTIMATED VALUE	$17,372,000	$14,618,774	$3,776,980	$42,653,793	**$78,421,547**
2001 PERMITS	13	11	11	20	**55**
2001 ESTIMATED SQ FT	111,989	114,056	95,579	523,424	**845048**
2001 ESTIMATED VALUE	$2,611,442	$7,712,399	$7,168,644	$26,346,950	**$43,839,435**
2000 PERMITS	3	10	16	19	**48**
2000 ESTIMATED SQ FT	11,381	89,069	82,745	141,659	**324,854**
2000 ESTIMATED VALUE	$431,190	$6,384,500	$4,892,600	$3,494,842	**$15,203,132**
1999 PERMITS	18	5	10	28	**61**
1999 ESTIMATED SQ FT	247,668	52,332	34,917	467,020	**801,937**
1999 ESTIMATED VALUE	$13,493,000	$4,109,900	$1,766,565	$20,597,819	**$39,967,284**
1998 PERMITS	20	6	23	27	**76**
1998 ESTIMATED SQ FT	117,443	141,896	63,236	290,637	**613,212**
1998 ESTIMATED VALUE	$2,051,000	$10,078,854	$1,918,975	$9,411,960	**$23,460,789**
13 YEAR AVG PERMITS	**14.8**	**18.4**	**19.5**	**37.2**	**90.0**
13 YEAR AVG SQ FT	**130,876**	**153,341**	**88,991**	**396,674**	**769,883**
13 YEAR AVG ESTIMATED VALUE	**$5,139,646**	**$19,945,073**	**$6,324,212**	**$22,666,077**	**$54,075,008**
ANNUAL NORMAN 2025 SQ FT PROJECTION	84,691	N/A	94,350	195,136	N/A

MAP 3: 2008 - 2010 NEW NON-RESIDENTIAL CONSTRUCTION PERMIT ACTIVITY



MAP 4: 2008 - 2010 NON-RESIDENTIAL CONSTRUCTION ADDITION/ALTERATION PERMIT ACTIVITY



SECTION THREE: LAND USE PLAN AND ZONING AMENDMENTS

The City of Norman processed nine applications for amendments to the *2025 Land Use and Transportation Plan* in 2010. This was a decrease from 2009 in the total number of applications but the nearly 600 acres involved in these actions nearly doubles the acreage processed during an average year—around 350 acres. This sizable increase in acreage was due to conversions of large sections of Future Urban Service Areas into Current Urban Service Areas that were made possible by voter-approved sewer improvements, including the connection of northwest Norman to the renovated Lift Station D.

The City of Norman acted on 19 applications for rezoning during Calendar Year 2010. One of these applications involved the rezoning of a 27-acre parcel previously zoned for I-1 Light Industrial land to a Planned Unit Development (PUD) for residential and commercial use. The balance of rezoning applications involved the conversion of agricultural land to residential or commercial use, requests for Special Use Permits in residential and commercial districts, and rezoning for residential and/or commercial land use by PUDs.

Section two: Tables and Maps

Tables 7-8

- **Table 7 and Map 5** identify each of the applications for *Norman 2025 Land Use and Transportation Plan* amendments approved during Calendar Year 2010. For each of the nine applications processed, the table summarizes the applicant's name, property location, original *2025 Plan* designation, change(s) requested, acreage involved, and action taken by the Planning Commission and City Council.
- **Table 8 and Map 6** identify all of the zoning changes that were approved by the Planning process during Calendar Year 2010. For each of the 19 applications processed, the table summarizes the applicant's name, property location, original zoning and zoning being sought, acreage involved, and action taken by the Planning Commission and the City Council.

Table 7: Calendar Year 2010 Land-Use Plan Amendments

ORDINANCE	APPLICANT	LOCATION	OLD USE	NEW USE	AREA	PC ACTION	CC ACTION
R-0910-72 LUP-0910-3	J&J PROPERTIES LLC	FRANKLIN RD & 36TH AVE NW	FUSA, LOW DENS RES	CUSA, COMM, HIGH DENS RES	348.33 AC	APP 1/14/10	APP 3/23/10
R-0910-82 LUP-0910-5	KENT CONNALLY	12TH AVE NW & TECUMSEH ROAD	FUSA, INDUSTRIAL	CUSA, LOW DENS RES	150.56 AC	DEN 4/8/10	APP 6/8/10
R-0910-87 LUP-0910-6	CEREBRAL PROFESSIONAL SYSTEMS, INC.	HIGHWAY 9 & BERRY RD	MED DENS RES	OFFICE	4.64 AC	APP 4/810	APP 6/8/10
R-0910-95 LUP-0910-7	MISSION NORMAN, INC.	2225 E. LINDSEY STREET	LOW DENS RES	MED DENS RES	5.55 AC	APP 3/11/10	APP 5/11/10
R-0910-96 LUP-0910-8	SHANNON O MOORE, LLC.	HIGHWAY 9 & 12TH AVE SE	INDUSTRIAL	OFFICE, MED DENS RES	25.13 AC	DEN 5/13/10	APP 8/24/10
LURP-0910-1 LUP-0910-9	WESTPOINT DEVELOPERS, LLC	EAST OF 48TH AVE NW	FUSA	CUSA	79.07AC	APP 7/8/10	APP 8/24/10
R-1011-1 LUP-1011-1	TARAHUMARA'S MEXICAN CAFÉ & CANTINA	NORTH PORTER AVENUE	LOW DENS RES	COMM	0.49 AC	APP 7/8/10	APP 8/24/10
R-1011-45 LUP-1011-2	L&S DEVELOPMENT, INC	12TH AVE SE	OFFICE	MIXED USE	1.47 AC	DEN 10/14/10	APP 12/14/10
R-1011-66 LUP-1011-4	JERRY'S, LLC (VAN'S PIG STAND)	316 & 322 E DAWS STREET	LOW DENS RES	COMM	0.33 AC	APP 11/18/10	APP 12/28/10

CUSA = Current Urban Service/Growth Area
FUSA = Future Urban Service/Growth Area
SRA = Suburban Residential Growth Area
CRA = Country Residential Growth Area

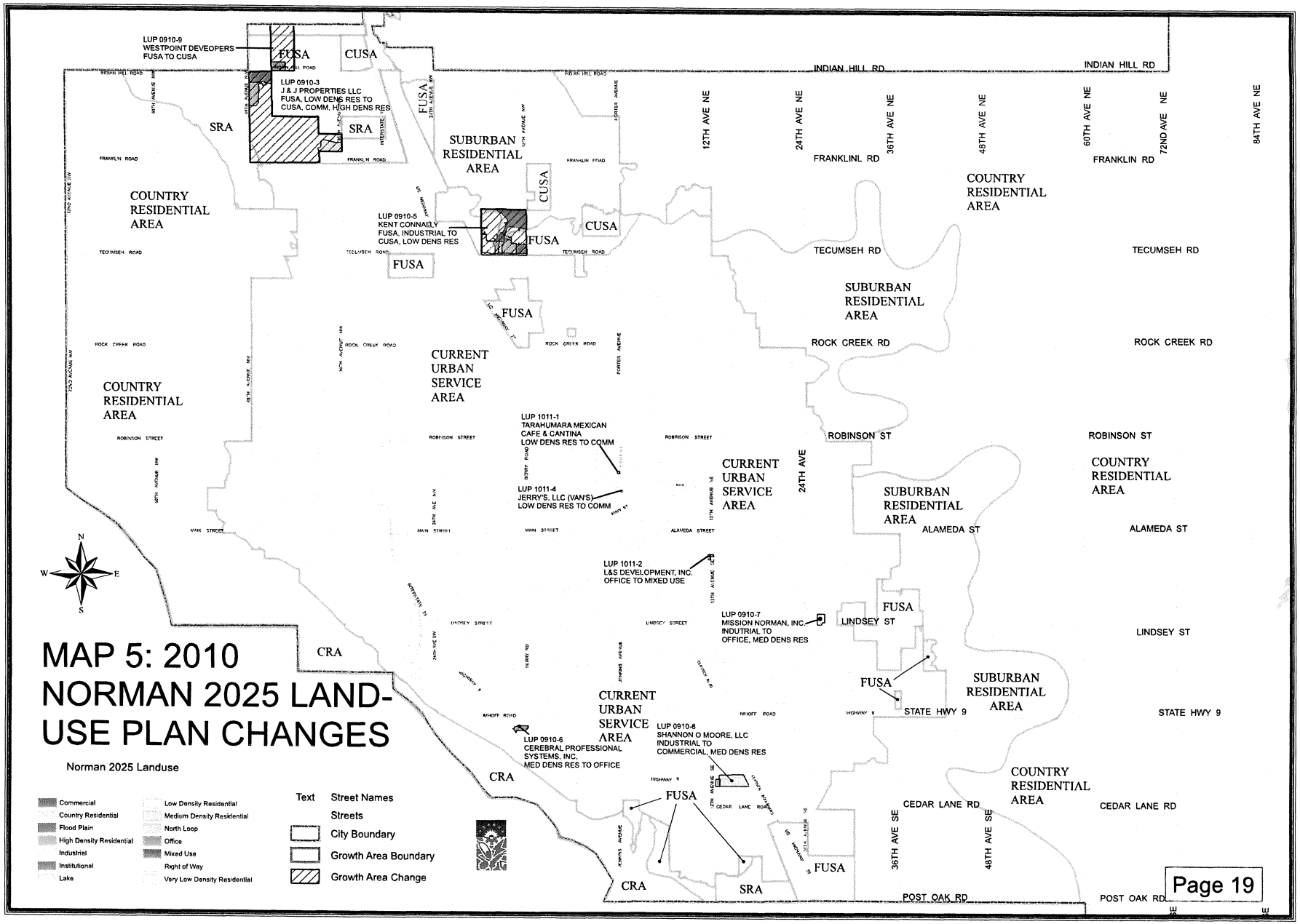
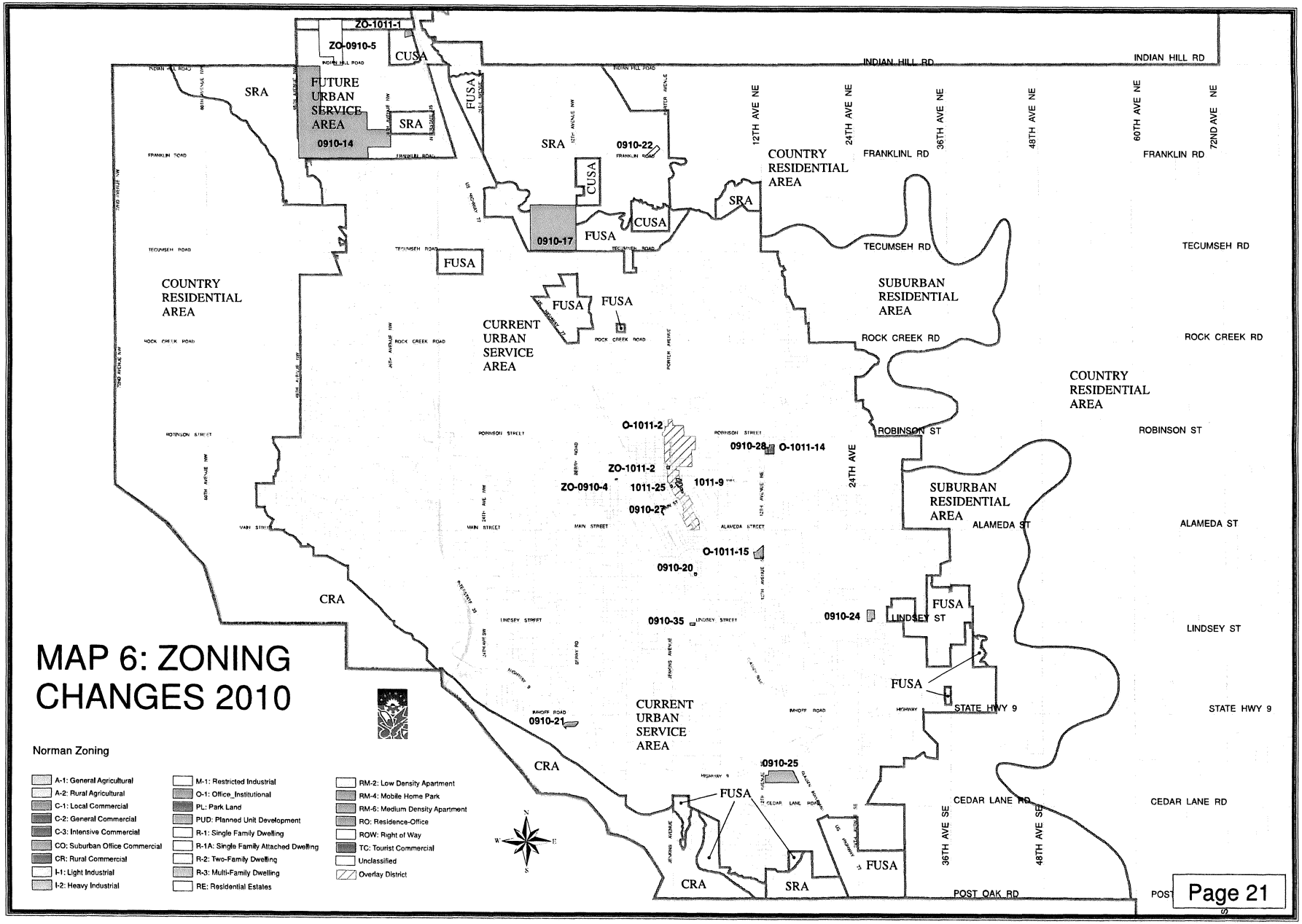

LUP 0910-9
WESTPOINT DEVEOPERS
FUSA TO CUSA
LUP 0910-3
J & J PROPERTIES LLC
FUSA, LOW DENS RES TO
CUSA, COMM, HIGH DENS RES
LUP 0910-5
KENT CONNALLY
FUSA, INDUSTRIAL TO
CUSA, LOW DENS RES
LUP 1011-1
TARAHUMARA MEXICAN
CAFE & CANTINA
LOW DENS RES TO COMM
LUP 1011-4
JERRY'S, LLC (VAN'S)
LOW DENS RES TO COMM
LUP 1011-2
L&S DEVELOPMENT, INC.
OFFICE TO MIXED USE
LUP 0910-7
MISSION NORMAN, INC.
INDUTRIAL TO
OFFICE, MED DENS RES
LUP 0910-6
CEREBRAL PROFESSIONAL
SYSTEMS, INC.
MED DENS RES TO OFFICE
LUP 0910-8
SHANNON O MOORE, LLC
INDUSTRIAL TO
COMMERCIAL, MED DENS RES
FUSA
CUSA
SRA
CRA
COUNTRY RESIDENTIAL AREA
SUBURBAN RESIDENTIAL AREA
CURRENT URBAN SERVICE AREA
INDIAN HILL RD
FRANKLIN RD
TECUMSEH RD
ROCK CREEK RD
ROBINSON ST
ALAMEDA ST
LINDSEY ST
STATE HWY 9
CEDAR LANE RD
POST OAK RD
12TH AVE NE
24TH AVE NE
36TH AVE NE
48TH AVE NE
60TH AVE NE
72ND AVE NE
84TH AVE NE
36TH AVE SE
48TH AVE SE
24TH AVE
MAP 5: 2010
NORMAN 2025 LAND-USE PLAN CHANGES
Norman 2025 Landuse
Commercial
Country Residential
Flood Plain
High Density Residential
Industrial
Institutional
Lake
Low Density Residential
Medium Density Residential
North Loop
Office
Mixed Use
Right of Way
Very Low Density Residential
Text
Street Names
Streets
City Boundary
Growth Area Boundary
Growth Area Change

Table 8: Calendar Year 2010 Zoning Amendments*

ORDINANCE	APPLICANT	LOCATION	FROM ZONING	TO ZONING	RELATED N2025 ORD	ACREAGE	PC ACTION	CC ACTION
O-0910-14	J&J PROPERTIES LLC	FRANKLIN RD & 36TH AVE NW	A-2	PUD	LUP 0910-3	340.89	APP 1/14/10	APP 3/23/10
O-0910-17	KENT CONNALLY	12TH AVE NW & TECUMSEH ROAD	A-2	PUD	LUP 0910-5	154.43	APP 4/08/10	APP 6/8/10
O-0910-20	ZAFAR BAIG/ ZAIN FUEL INC.	1226 CLASSEN BLVD	C2	SU	N/A	0.31	APP 2/9/10	APP 2/23/10
O-0910-21	CEREBRAL PROFESSIONAL SYSTEMS INC	HIGHWAY 9 & BERRY RD	RM-2 R-1	CO	LUP 0910-6	4.65	APP 4/08/10	APP 6/8/10
O-0910-22	RANDY & LISA MARTIN	BROADWAY AVE AND FRANKLIN RD	A-2	RE	NA	5.00	APP 2/9/10	APP 3/23/10
O-0910-24	MISSION NORMAN, INC.	500 ALAMEDA ST	A-2	PUD	LUP 0910-7	5.55	APP 3/11/10	APP 5/11/10
O-0910-25	SHANNON O MOORE LLC	HIGHWAY 9 &AND 12TH AVE SE	I-1	PUD	LUP 0910-8	25.15	DEN 5/13/10	APP 6/22/10
O-0910-27	BRENT SWIFT	104 E. MAIN	C-3	SU	NA	0.08	APP 4/8/10	APP 6/8/10
O-0910-28	ELITE LION, LLC	1051 12TH AVE NE	PUD	C-2	NA	0.49	APP 4/8/10	APP 5/11/10
O-0910-35	NAIT & ISLAMIC SOCIETY OF NORMAN	420 E LINDSEY ST	R-1 R-3	SU	NA	0.85	APP 5/13/10	APP 6/22/10
ZO-0910-4	DAVID & KELLEY HAMES	910 N LAHOMA AVE	R-1	I-1	NA	0.20	APP 6/10/10	APP 8/10/10
ZO-0910-5	WEST POINT DEVELOPERS LLC	EAST OF 48TH AVE NW	A-2	R-1	LUP 0910-9	70.20	APP 7/8/10	APP 8/24/10
ZO-1011-1	HALLBROKE DEVELOPMENT GROUP	36TH AVE NW & INDIAN HILL RD	PUD	PUD	NA	3.10	APP 7/8/10	APP 8/24/10
O-1011-2	CITY OF NORMAN	PORTER AVE FROM ALAMEDA TO ROBINSON	NA	OVERLAY	NA	13.00	APP 7/8/10	APP 8/10/11
ZO-1011-2	TARAHUMARA'S MEXICAN CAFÉ & CANTINA	PORTER AVE & FRANK ST	R-3	C-2	LUP 1011-1	0.49	APP 7/8/10	APP 8/24/10
O-1011-9	ST JOSEPH'S CATHOLIC CHURCH	N PORTER BETWEEN ACRES & TONHAWA	R-3	SU	NA	3.15	APP 9/9/10	APP 10/12/10
O-1011-14	ELITE LION, LLC	1051 12TH AVE NE	PUD	C-2	NA	3.85	APP 10/14/10	APP 11/23/10
0-1011-15	L&S DEVELOPMENT INC.	12TH AVE SE & ALAMEDA ST	PUD	PUD	NA	6.07	APP 10/14/10	APP 11/23/10
0-1011-25	JERRY'S LLC (VAN'S PIG STAND)	316 & 322 E DAWS	R-3	C-2	LUP 1011-4	0.33	APP 11/18/10	APP 12/28/10

*Does not include easement closures and administrative changes that do not alter map.


MAP 6: ZONING CHANGES 2010
Norman Zoning
A-1: General Agricultural
A-2: Rural Agricultural
C-1: Local Commercial
C-2: General Commercial
C-3: Intensive Commercial
CO: Suburban Office Commercial
CR: Rural Commercial
I-1: Light Industrial
I-2: Heavy Industrial
M-1: Restricted Industrial
O-1: Office_Institutional
PL: Park Land
PUD: Planned Unit Development
R-1: Single Family Dwelling
R-1A: Single Family Attached Dwelling
R-2: Two-Family Dwelling
R-3: Multi-Family Dwelling
RE: Residential Estates
RM-2: Low Density Apartment
RM-4: Mobile Home Park
RM-6: Medium Density Apartment
RO: Residence-Office
ROW: Right of Way
TC: Tourist Commercial
Unclassified
Overlay District
ZO-1011-1
ZO-0910-5
0910-14
0910-22
0910-17
O-1011-2
ZO-1011-2
ZO-0910-4
1011-25
1011-9
0910-27
0910-28
O-1011-14
O-1011-15
0910-20
0910-35
0910-24
0910-21
0910-25
FUTURE URBAN SERVICE AREA
CURRENT URBAN SERVICE AREA
COUNTRY RESIDENTIAL AREA
SUBURBAN RESIDENTIAL AREA
SRA
CUSA
FUSA
CRA
INDIAN HILL RD
FRANKLIN RD
TECUMSEH RD
ROCK CREEK RD
ROBINSON ST
ALAMEDA ST
LINDSEY ST
STATE HWY 9
CEDAR LANE RD
POST OAK RD
12TH AVE NE
24TH AVE NE
36TH AVE NE
48TH AVE NE
60TH AVE NE
72ND AVE NE
24TH AVE
36TH AVE SE
48TH AVE SE

SECTION FOUR: PLATTING AND SUBDIVISION ACTIVITY

In 2010 the City of Norman processed a total of eight Certificates of Survey (COS) and Short Form Plats (SFP) involving a total of 285 acres over 23 lots. This compares to 2009 when the City processed seven COS/SFPs involving 436 acres on 23 lots. The ten-year average is nine COS/SFP involving 443 acres of land with an average of 34 lots.

During the Calendar Year 2010 there were no revisions made to City Ordinances involving the process of platting or subdivision of land.

Section 3: Tables and Maps

Tables 9-11
These tables provide data relative to all land division activity that was subject to the City of Norman Subdivision Regulations during Calendar Year 2010. The tables also depict land subdivision activity for the past decade.

- **Tables 9 -10 and Map 7** identify the number of Preliminary and Final Plats applied for in Calendar Year 2010, for the preceding nine years, and a ten-year average. The data includes acreages involved, number of lots proposed, and distribution between the four Service/Growth Areas of the *2025 Plan*. Numbers for 2010 indicate that final plats in two of the four growth areas consumed 154 acres and 397 lots. This is around 260 fewer acres than the ten-year average. The 2010 numbers also reflect 230 fewer new urban lots than the ten-year average going to final plat, however the numbers represent a large increase in the acreage coming forward for preliminary platting. This trend is due in part to other action creating ordinances that affect the subdivision of land. Companion Map 7 shows the location of the 2010 plats as well as plats from the proceeding three years.

- **Table 11** and **Map 8** identify the number of Norman Rural Certificates of Surveys and Short Form Plats applied for in Calendar Year 2010, for the preceding nine years, and a ten-year average. The information provides the acreage involved, the number of lots proposed, and the distribution among the four Growth Areas of the *2025 Plan*.

Table 9: Calendar Year Preliminary Plats by Service/Growth Area

	CURRENT URBAN SERVICE AREA	FUTURE URBAN SERVICE AREA	SUBURBAN RESIDENTIAL AREA	COUNTRY RESIDENTIAL AREA	TOTAL
2010 PRELIMS	6	2	0	0	8
2010 ACRES	194.17	419.90	0.00	0.00	614.07
2010 LOTS	421	872	0	0	1293
2009 PRELIMS	7	3	0	0	10
2009 ACRES	105.46	165.38	0.00	0.00	270.84
2009 LOTS	46	24	0	0	70
2008 PRELIMS	12	1	0	1	14
2008 ACRES	555.18	153.99	0.00	80.07	789.24
2008 LOTS	1425	9	0	3	1437
2007 PRELIMS	13	4	0	0	17
2007 ACRES	170.78	375.87	0.00	0.00	546.65
2007 LOTS	209	1123	0	0	1332
2006 PRELIMS (PARTIAL)	9 (3)	1 (3)	0 (4)	0 (2)	15
2006 ACRES	347.36	202.32	268.27	53.81	871.76
2006 LOTS	961	391	312	14	1678
2005 PRELIM PLATS	17	2	1	1	21
2005 ACRES	213.28	64.36	89.46	9.23	376.33
2005 LOTS	413	151	58	1	623
2004 PRELIM PLATS	12	1	0	2	15
2004 ACRES	352.40	59.21	0.00	175.63	587.24
2004 LOTS	762	143	0	71	976
2003 PRELIM PLATS	18	0	0	0	18
2003 ACRES	961.24	0.00	0.00	0.00	961.24
2003 LOTS	2369	0	0	0	2369
2002 PRELIM PLATS	0	0	3	6	9
2002 ACRES	0.00	0.00	133.18	233.36	366.54
2002 LOTS	0	0	25	20	45
2001 PRELIM PLATS	17	2	2	1	22
2001 ACRES	449.92	44.48	86.17	26.41	606.98
2001 LOTS	1081	20	6	2	1109
10 YEAR AVERAGE # OF LOTS	**768.7**	**273.3**	**40.1**	**11.1**	**1093.2**
10 YEAR AVERAGE ACRES	**335.0**	**148.6**	**57.7**	**57.9**	**599.1**

Table 10: Calendar Year Approved Final Plats by Service/Growth Area

GROWTH AREA/ SERVICE AREA	CURRENT URBAN SERVICE AREA	FUTURE URBAN SERVICE AREA	SUBURBAN RESIDENTIAL AREA	COUNTRY RESIDENTIAL AREA	TOTAL
2010 # FINAL PLATS	15	0	1	0	16
2010 ACRES	149.27	0.00	5.14	0.00	154.41
2010 LOTS	395	0	2	0	397
2010 AVG SINGLE FAMILY LOT SIZE	0.34	N/A	2.57	N/A	0.35
2010 AVG OTHER LOT SIZE*	2.36	N/A	N/A	N/A	2.36
2009 # FINAL PLATS	20	2	0	1	23
2009 ACRES	304.57	157.88	0.00	25.62	488.08
2009 LOTS	441	12	0	1	454
2009 AVG SINGLE FAMILY LOT SIZE	0.39	N/A	N/A	N/A	0.40
2009 AVG OTHER LOT SIZE*	3.73	8.68	N/A	25.62	2.42
2008 # FINAL PLATS	22	0	1	1	24
2008 ACRES	237.86	0.00	157.66	83.54	479.06
2008 LOTS	331	0	83	38	452
2008 AVG SINGLE FAMILY LOT SIZE	0.27	N/A	0.82	2.20	3
2008 AVG OTHER LOT SIZE*	3.96	N/A	22.17	N/A	26.13
2007 # FINAL PLATS	25	2	0	0	27
2007 ACRES	367.46	13.05	0.00	0.00	380.51
2007 LOTS	699	20	0	0	719
2007 AVG SINGLE FAMILY LOT SIZE	0.41	0.17	0	0.00	0.41
2007 AVG OTHER LOT SIZE*	1.91	4.96	0	0	2.03
2006 # FINAL PLATS (Partial)	27 (4)	0 (2)	0 (2)	2 (2)	34
2006 ACRES	432.02	5.75	142.62	83.68	664.07
2006 LOTS	1031	4	74	23	1132
2006 AVG SINGLE FAMILY LOT SIZE	0.24	0.50	0.8	1.30	0.4
2006 AVG OTHER LOT SIZE*	2.61	4.25	22.6	5.89	2.67
2005 # FINAL PLATS	22	1	1	0	24
2005 ACRES	271.94	4.83	89.46	0.00	366.22
2005 LOTS	566	1	1	0	568
2005 AVG SINGLE FAMILY LOT SIZE	0.37	N/A	89.46	N/A	0.57
2005 AVG OTHER LOT SIZE*	0.74	4.83	N/A	N/A	0.79
2004 # FINAL PLATS	27	3	0	3	33
2004 ACRES	285.40	65.88	0.0	126.54	477.82
2004 LOTS	742	207	0	46	995
2004 AVG SINGLE FAMILY LOT SIZE	0.31	0.32	N/A	2.35	0.41
2004 AVG OTHER LOT SIZE*	1.43	0.38	N/A	20.63	1.60
2003 # FINAL PLATS	36	1	3	1	41
2003 ACRES	406.32	13.55	100.69	18.35	538.91
2003 LOTS	995	49	21	1	1066
2003 AVG SINGLE FAMILY LOT SIZE	0.27	3.62	4.00	N/A	0.34
2003 AVG OTHER LOT SIZE*	1.17	N/A	6.09	18.35	1.81
2002 # FINAL PLATS	30	1	0	1	32
2002 ACRES	214.74	4.76	0	34.45	253.95
2002 LOTS	505	2	0	15	522
2002 AVG SINGLE FAMILY LOT SIZE	0.29	N/A	N/A	2.30	1.29
2002 AVG OTHER LOT SIZE*	1.785	2.38	N/A	N/A	2.38
2001 # FINAL PLATS	23	4	0	2	29
2001 ACRES	230.96	66.98	0	72.14	370.08
2001 LOTS	623	120	0	33	776
2001 AVG SINGLE FAMILY LOT SIZE	0.25	0.47	N/A	1.48	0.34
2001 AVG OTHER LOT SIZE*	1.8	1.15	N/A	4.41	1.99
10 YEAR AVG # FINAL PLATS	24.9	1.4	0.8	1.2	28.3
10 YEAR AVG ACRES	290.1	33.3	49.6	44.4	417.3
10 YEAR AVG LOTS	632.8	41.5	18.1	15.7	708.1
10 YEAR AVG SF LOT SIZE	0.3	0.3	18.7	1.6	0.8
10 YEAR AVG OTHER LOT SIZE*	2.15	4.25	14.92	13.04	4.69

*Other includes all non-single family uses

MAP 7: 2008 - 2010 PLATTING HISTORY

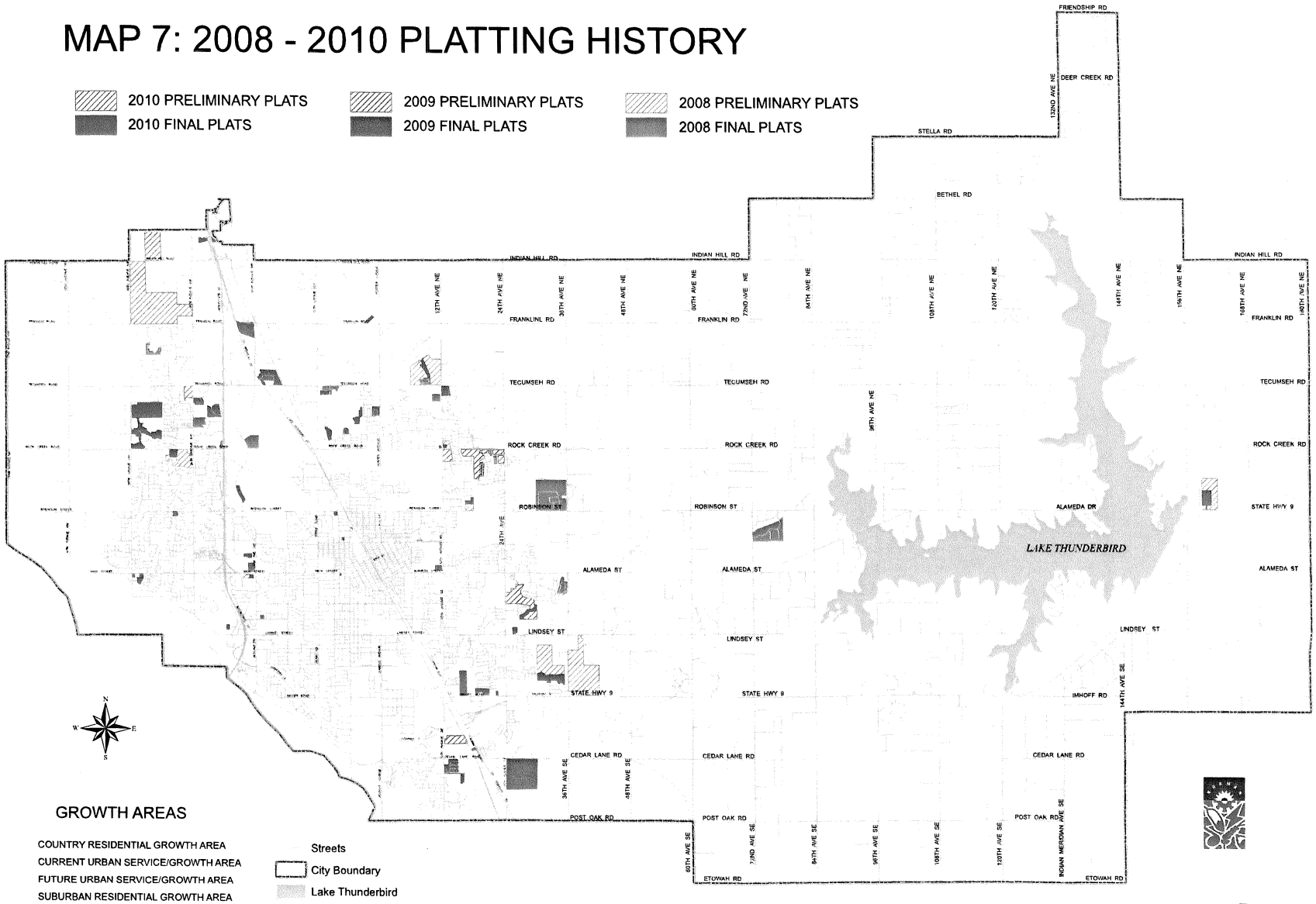
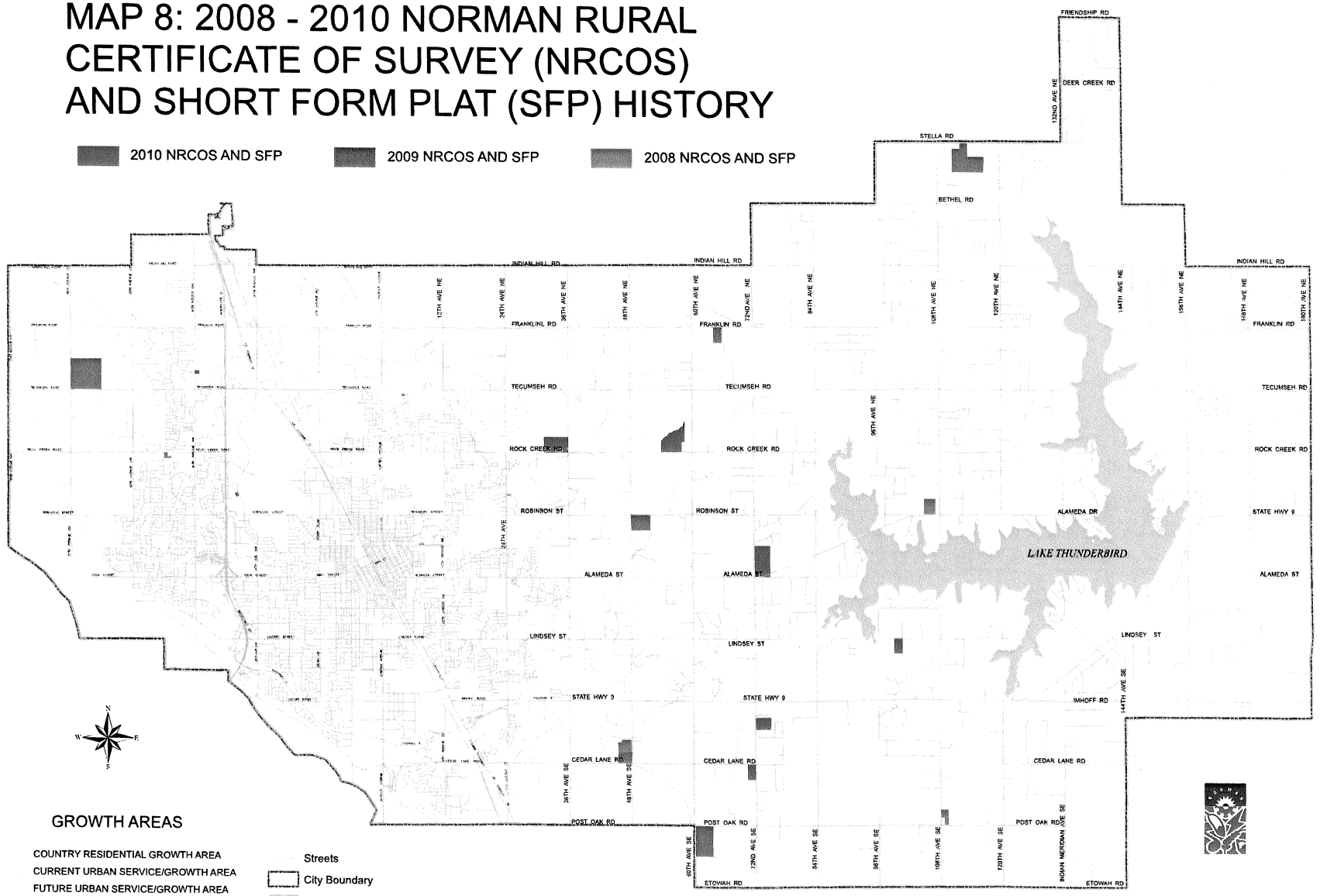


Table 11: Calendar Year Approved Norman Rural Certificates of Survey and Short Form Plats by Service/Growth Area

GROWTH AREA	CURRENT URBAN SERVICE/ GROWTH AREA	FUTURE URBAN SERVICE/ GROWTH AREA	SUBURBAN RESIDENTIAL GROWTH AREA	COUNTRY RESIDENTIAL GROWTH AREA	TOTAL
2010 # COS AND SFP'S	2	0	1	5	**8**
2010 ACRES	2.22	0.00	61.86	221.44	**285.52**
2010 LOTS	4	0	5	14	**23**
2010 AVG LOT SIZE	0.56	N/A	12.37	15.82	**12.41**
2009 # COS AND SFP'S	0	0	1	6	**7**
2009 ACRES	0.00	0.00	49.44	414.31	**463.76**
2009 LOTS	0	0	3	20	**23**
2009 AVG LOT SIZE	N/A	N/A	16.48	20.72	**20.16**
2008 # COS AND SFP'S	2	0	0	3	**5**
2008 ACRES	5.88	0.00	0.00	96.31	**102.18**
2008 LOTS	2	0	0	7	**9**
2008 AVG LOT SIZE	2.94	N/A	N/A	13.76	**11.35**
2007 # COS AND SFP'S	2	0	0	8	**10**
2007 ACRES	3.16	0.00	0.00	301.71	**304.87**
2007 LOTS	2	0	0	23	**25**
2007 AVG LOT SIZE	1.58	0.00	0.00	13.12	**12.19**
2006 # COS AND SFP'S	1	0	4	5	**10**
2006 ACRES	0.59	0.00	134.48	265.62	**400.69**
2006 LOTS	2	0	11	14	**27**
2006 AVG LOT SIZE	0.30	0.00	12.23	18.97	**14.84**
2005 # COS AND SFP'S	2	0	4	6	**12**
2005 ACRES	1.23	0.00	512.34	229.23	**742.80**
2005 LOTS	22	0	13	33	**68**
2005 AVG LOT SIZE	0.06	0.00	39.41	6.95	**10.92**
2004 # COS AND SFP'S	3	0	4	7	**14**
2004 ACRES	4.14	0.00	225.78	284.80	**514.72**
2004 LOTS	6	0	6	22	**34**
2004 AVG LOT SIZE	0.71	0.00	37.63	12.95	**15.14**
2003 # COS AND SFP'S	1	0	1	8	**10**
2003 ACRES	0.71	0.00	30.88	661.41	**693.01**
2003 LOTS	1	0	3	48	**52**
2003 AVG LOT SIZE	0.71	0.00	10.29	13.78	**13.33**
2002 # COS AND SFP'S	0	0	3	6	**9**
2002 ACRES	0.00	0.00	133.18	233.36	**366.54**
2002 LOTS	0	0	25	20	**45**
2002 AVG LOT SIZE	0.00	0.00	5.33	11.67	**8.15**
2001 # COS AND SFP'S	1	0	1	6	**8**
2001 ACRES	0.61	0.00	136.78	425.52	**562.91**
2001 LOTS	1	0	2	31	**34**
2001 AVG LOT SIZE	0.61	0.00	68.39	13.73	**16.56**
10 YEAR AVG # COS AND SFP'S	**1.4**	**0.0**	**1.9**	**6.0**	**9**
10 YEAR AVG ACRES	**1.9**	**0.0**	**128.5**	**313.4**	**443.7**
10 YEAR AVG LOTS	**4.0**	**0.0**	**6.8**	**23.2**	**34.0**
10 YEAR AVG LOT SIZE	**0.8**	**0.0**	**22.5**	**14.1**	**13.5**

MAP 8: 2008 - 2010 NORMAN RURAL CERTIFICATE OF SURVEY (NRCOS) AND SHORT FORM PLAT (SFP) HISTORY



SUMMARY AND FUTURE OUTLOOK

Construction

During the seven years since the adoption of the *Norman 2025 Plan*, Norman has experienced significant growth and development primarily in the multi-family residential and non-residential construction sectors. Reflecting trends throughout the region, the pace of single-family residential construction activity slowed to a crawl after 2007. In 2010 there was an increase of less than a half-million dollars in valuation and a total decrease of three housing units built. During the same period though, multi-family residential construction increased by $18 million. Although it was lower than the fourteen-year average valuation of $104.1 million, construction permit activity in 2010 exceeded 2009 rates.

The total non-residential permitting valuation for 2010 is $103.5 million, the third highest level since 1997. Additionally, rates of new construction and additions/alterations have been substantial with both scoring in the top four valuations since 1997. As a result of the strong performance of non-residential construction and additions/alteration activity, the total value of all permitted activity in 2010 is $196.5 million, nearly $11.6 million or 6% higher than the fourteen-year average of $184.8 million.

Land Use and Zoning

The City of Norman processed nine applications for amendments to the *2025 Plan* during Calendar Year 2010. This was a decrease in the total number of applications from 2009 but the nearly 600 acres involved in these actions almost doubles the 350-acre average of the past 14 years. This increase was due to large conversions of Future Urban Service Areas into Current Urban Service Areas that were enabled by voter-approved sewer improvements, including the connection of northwest Norman to the renovated Lift Station D.

The City of Norman processed 19 applications for rezoning during Calendar Year 2010. One of these applications involved the rezoning of a 27-acre parcel previously zoned for I-1 Light Industrial land to a Planned Unit Development (PUD) for residential and commercial use. The balance of rezoning applications involved the conversion of agricultural land to residential or commercial use, requests for Special Use Permits in residential and commercial districts, and rezoning for residential and/or commercial land use by PUDs.

Platting and Subdivision

In 2010 the City of Norman processed a total of 8 Certificates of Survey (COS) and Short Form Plats (SFP) involving a total of 285 acres over 23 lots. This compares to 2009 when the City processed seven COS/SFPs involving 436 acres on 23 lots. The ten-year average is nine COS/SFP involving 443 acres of land with an average of 34 lots.

Porter Corridor Plan Implementation

The Porter Plan included a design for improvements to the public streetscape to be implemented as funding becomes available. City staff is currently exploring possible funding sources to begin making improvements to the sidewalk environment along Porter

Avenue. The plan also included a preliminary study of traffic along Porter which concluded that current traffic growth patterns along the corridor cannot be supported in the long term by the existing roadway. As a result of this finding, the plan recommended that the City undertake a detailed traffic analysis of Porter Avenue as soon as possible to determine the best future course of action to improve the roadway. City Council approved funding in FY12 for a Transportation Plan Scoping Study as precursor to undertaking the community's first city-wide transportation plan. Such a plan would include a detailed analysis of Porter Avenue as one of the city's major arterial roadways. The PCZOD requirements have been applied to projects in three commercial parcels—one involved new construction of a commercial land use and two involved expansion of parking lots at existing commercial development.

Industrial Land Use Study

In March 2010, City staff concluded a detailed study of industrial land uses throughout the city. The purpose of the study was to determine optimum locations for industrial land uses in Norman and to analyze existing and potential industrial land locations using common criteria. Though the Industrial Land Use Study was presented to Planning Commission and City Council without a recommendation for specific action or policy change, its undertaking supported several policy recommendations in *Norman 2025 Plan*

The *2025 Plan* recommends that changes from industrially designated land to other uses be "critically evaluated" before approval. The preliminary results of the Industrial Land Use Study suggest that City officials exercise extreme caution when large industrial parcels are the subject of requests for change. As ever more industrial land is allowed to be converted from industrial use, the price of land escalates and becomes another barrier to bringing industrial users to Norman.

Greenbelt Commission

In December 2010, The City Council adopted the Greenbelt Commission Ordinance (O-1011-6) officially designating a commission charged with preserving green space, natural habitat and existing vegetation in the city, with the ultimate goal of creating an interconnected trail system throughout Norman. Establishment of the Greenbelt Ordinance addresses a key goal of the *Norman 2025 Plan* to develop and maintain a greenbelt system for Norman.

The Greenbelt Ordinance also created a requirement that applications for a Predevelopment meeting which are triggered by a *2025 Land Use Plan* amendment, a request for Norman Rural Certificate of Survey or the preliminary platting of land in the city shall include a Greenbelt Enhancement Statement. Greenbelt Enhancement Statements articulate how the purposes and goals of this ordinance are met by proposed development and its amenities. Greenbelt Enhancement Statements are intended to advise City Council as they make decisions and form policies that affect the city's open space, natural environment and pedestrian and bicycle circulation.

Neighborhood Plans

During 2010, City staff continued to work with neighborhoods that flank the Porter Corridor to create individual long-range plans for each neighborhood. This activity is the

implementation of a *Norman 2025 Plan* recommendation to "establish a neighborhood planning program for a targeted portion of the City's Core area, in order to address such issues as land use compatibility, parking, circulation, and neighborhood improvements."

Norman 2025 Plan Update

Seven years ago the *Norman 2025 Plan* recommended that a major plan update be undertaken in 2009. However, several factors that have emerged since the plan's adoption in 2004 have caused City officials to deem it appropriate to delay a plan update project. These factors include:

- Significant growth that has occurred in 2004 has been consistent with the goals and directions established in the *2025 Plan* and its supporting documents.
- Economic forecasts suggested a continued slowing of the local and national economies which proved true in Norman beginning in 2009.
- Norman has just adopted a comprehensive Storm Water Master Plan and progress has just begun on the implementation Action Plan. It was important to sustain city officials' and the public's attention on this critical planning effort.
- The 2010 US Census took place in April of 2010. The 2010 Census data began to be available in 2011.
- In 2011, the City of Norman will undertake a Transportation Plan Scoping Study as precursor to a later undertaking of a city-wide transportation plan. This information will be important to include in any plan update.

Taking all of these reasons into account in 2010, staff recommended that the *Norman 2025 Land Use and Transportation Plan* update be postponed until at least 2012.

The community is presently undertaking an update of the Waste Water Master Plan through existing condition flow monitoring and current loading analysis. A long-range water supply study is also close to completion. Information and directions established through both of those efforts will play key roles in the *Norman 2025 Plan* update. In anticipation of the completion of those two studies, staff is currently assessing options for undertaking the update to the *Norman 2025 Plan* to commence in or after 2012.

NORMAN PLANNING COMMISSION
REGULAR SESSION MINUTES

JULY 14, 2011

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

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

Item No. 1, being:
ROLL CALL

MEMBERS PRESENT	Cynthia Gordon Diana Hartley Tom Knotts Chris Lewis Roberta Pailes Andy Sherrer Zev Trachtenberg Jim Gasaway
MEMBERS ABSENT	Curtis McCarty

A quorum was present.

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

* * *

Item No. 11, being:
PRESENTATION OF THE ANNUAL REPORT OF THE NORMAN 2025 LAND USE AND TRANSPORTATION PLAN.

1. Ms. Connors presented a summary of the Annual Report.

2. Mr. Lewis asked, in regards to the numbers presented, are those normalized for inflation? When we're talking about it's the third highest or the highest, are those normalized for the valuation of the dollars and inflation. Ms. Connors responded they're just the actual dollars each year. We take the actual figures that we have gotten through the process each year, so they're not modified in any way. The actual value of construction would take into account, to a certain extent, that change in the value of construction materials. Mr. Lewis said what he is getting at is they would increase year over year just by general valuations. Ms. Connors agreed.

3. Mr. Sherrer noted the several large construction projects over the last year that were mentioned, including the jail, the hospital, and the new elementary school. Do you have any idea how we compare if you took those numbers out? Ms. Connors replied that we had a lot of multi-family. I don't think it would be a crucial fall in value. But, of course, those large non-residential construction projects – schools, churches, hospitals – are large ticket items. It would probably modify the place of last year in the list. We could probably do that each year. Mr. Sherrer commented that last year just seemed exceptionally high, based that on what I do for a living and how that relates to the overall construction.

4. Ms. Hartley asked if there is a plan to update the 2025 Plan. Ms. Connors reported that the direction that City Council has chosen to go is that they're looking at an overall Transportation Plan and working to incorporate that into a new update of the 2025 Plan. So in FY12 they have budgeted money for the Transportation Scoping Project and they have not budgeted money to update the 2025 Plan.

* * *

City of Norman, OK

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

Master

File Number: RPT-1112-7

File ID:	RPT-1112-7	**Type:**	Communication or Report	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 13	**In Control:**	City Council
Department:	Finance Department	**Cost:**	$1,000.00	**File Created:**	08/07/2011
File Name:	Application for Own Risk WC Insurance			**Final Action:**	

Title: CONSIDERATION OF THE CITY'S APPLICATION FOR PERMISSION TO CARRY ITS OWN RISK WITHOUT WORKERS' COMPENSATION INSURANCE.

ACTION NEEDED: Motion to approve or reject the application; and, if approved, authorize the execution thereof and direct submission of the application to the Workers' Compensation Court Administrator for review and payment in the amount of $1,000.

ACTION TAKEN: _____

Notes:

Agenda Date: 08/23/2011

Agenda Number: 13

Attachments: Application.pdf

Project Manager: Clint Mercer, Chief Accountant

Entered by: clint.mercer@normanok.gov

Effective Date:

History of Legislative File

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

Text of Legislative File RPT-1112-7

Body

BACKGROUND: Each year it is necessary for the City to complete an application to the State of Oklahoma Workers' Compensation Court for permission to be "own risk" (i.e., self insured against workers' compensation claims filed against the City). The City's current own risk permit will expire on October 31, 2011.

DISCUSSION: Please fund the City's application with attachments that are due to be submitted to the State of Oklahoma Workers' Compensation Court by August 31, 2011.

RECOMMENDATION: It is recommended that the City Council approve this application for submission to the State of Oklahoma Workers' Compensation Court.

The City of
NORMAN
201 West Gray, Bldg. C • P.O. Box 370
Norman, Oklahoma 73069 • 73070

OFFICE OF THE FINANCE DIRECTOR
Phone: 405-366-5413
Fax: 405-366-5417

August 25, 2011

Richard Fisher
Director of Insurance
Worker's Compensation Court
1915 North Stiles
Oklahoma City, OK 73105-4918

Dear Mr. Fisher:

Please see the enclosed own risk application for the City of Norman ("City"). The City has budgeted $1,500,000 for Worker's Compensation for fiscal year ending June 30, 2012. Below is a breakdown of some of these accounts:

Worker's Compensation Claim Settlements	$466,000
Worker's Compensation Medical Costs	620,100
Worker's Compensation Weekly Payments	304,400
Administrative Fees for W/C	105,400
Worker's Compensation Patient Mileage	4,100

Please find the Comprehensive Annual Financial Report (CAFR) for the fiscal year ended June 30, 2010 and the application check for $1,000 as requested. The CAFR report represents our most current audited financial statements. The CAFR for fiscal year ended June 30, 2011 will not be available until December 31, 2011. Please find our June 30, 2011 preliminary general ledger account information. These figures are preliminary and will change during the audit due to adjustments.

Workers' compensation claims are funded via appropriations as noted above. Awarded settlements are placed on the Cleveland County property tax rolls and collected over three years.

We registered on October 1, 2009 for the Section 111 COBSW and been assigned an RRE ID. Mr. Steve Lewis, City Manager, was designated at the Authorized Representative and I was designated as the Account Manager. At this time we do not have any claimants who would be subject to Section 111 reporting.

If you have any further questions, please contact me at (405) 217-7720. My e-mail address is clint.mercer@normanok.gov.

Sincerely,

Clint Mercer, CPA
Risk Manager

Encl:

FORM 1B

OKLAHOMA WORKERS' COMPENSATION COURT
1915 NORTH STILES AVENUE
OKLAHOMA CITY, OK 73105-4918
(405) 522-8600

EMPLOYERS APPLICATION FOR PERMISSION TO CARRY ITS OWN RISK WITHOUT INSURANCE

To: The Oklahoma Workers' Compensation Court Date August 1, 2011

The undersigned, an employer subject to the provisions of the Workers' Compensation Act, hereby applies for permission to carry its own risk without insurance. To enable the Workers' Compensation Court to determine whether or not the applicant possesses sufficient financial ability to render certain the payment of any award made by the Court, said applicant hereby states the following:

1. Employer's Name City of Norman
2. Employer's Federal Identification Number 73-6005350
3. Home Office Address P.O. Box 370, Norman, OK, 73070
4. Oklahoma principal office address n/a
5. Incorporated or organized under the laws of the State of Oklahoma
6. If foreign corporation, give date licensed to do business in Oklahoma n/a
7. Nature of business Municipal Government
8. General Information on Company:
   a. Years engaged in continuous business 116 years, In Oklahoma Since 1895
   b. Payroll in each of the preceding three (3) years:

      Year: '09, $ 58,126,302; Year: '10, $ 62,460,871; Year: '11, $ 62,037,808

      Payroll in Oklahoma in each of the preceding three (3) years:

      Year:_____, $_____; Year:_____, $_____; Year:_____, $_____

   c. Number of employees presently employed 844
      In Oklahoma_____
   d. Estimated payroll in Oklahoma for the next twelve (12) months 67,404,587
9. Excess Insurance Information:
   a. Name of carrier n/a
   b. Policy dates: Effective_____ Expiration_____
   c. Under this policy: Self Insured Retention_____ Limits of Liability_____

Note: A certificate of excess insurance or a valid binder issued by said carrier must be attached to this application. A copy of the policy must follow.

10. Estimated manual premium for your company 1,536,385

11. A. In the section below, state the loss history for the past five (5) calendar years. Copy the requested information from your loss runs (if the hard copy of your loss runs are required you will be notified). **Also include the current year's history, indicating how many months of the current year are included:**

Total incurred losses in Oklahoma (include for all injuries, both open & closed claims)

CY	$ Medical Paid	$ Indemnity Paid	$ Total Paid	$ Total Reserves Outstanding
2011 mo Jul	235,547	96,113	331,660	270,406
2010	632,260	487,188	1,119,448	521,581
2009	541,134	470,734	1,011,868	210,618
2008	322,509	270,103	592,612	20,000
2007	674,782	1,035,571	1,710,353	195,905
2006	404,979	528,289	933,268	87,600

CY	Cases Opened	Cases Reopened	Cases Closed	Death Cases
2011 mo Jul	152	0	132	0
2010	209	0	198	0
2009	170	0	163	0
2008	187	0	186	0
2007	151	0	147	0
2006	192	0	191	0

B. Total Self Insurance Reserves Outstanding: $ 1,328,262
(for all years of self insurance)

Total Self Insured Open Cases: 45
(for all years of self insurance)

12. A. Enclose current audited financial report, including balance sheets, income statements & notes.

B. A governmental entity must provide a definite statement of the amount it has specifically appropriated for workers' compensation claims for the latest and the next fiscal year. Also, a description of how workers' compensation claims are funded must be submitted.

13. A. Is the applicant a subsidiary of another employer? No If yes, submit the parent company's financial statements.

B. Does the applicant have subsidiary companies that it wants to include under this permit? No
(attach a list of the names and addresses of ALL entities to be included under this permit, including subdivisions)

C. If you answered yes to either question 13A or 13B, attach a copy of a written agreement whereby the ultimate parent employer guarantees that it will be fully responsible for any liabilities that its subsidiaries may incur under the Oklahoma Workers' Compensation Act.

14. A. Name and address of the company's Third Party Administrator for the servicing of the self insurance claims.

n/a

B. If an approved Third Party Administrator is not employed, please submit qualifications of benefits administrator.

15. Attach a copy of your company's safety plan.

16. In consideration of the approval of this application, the applicant hereby expressly agrees as follows:

A. The applicant's privilege to carry its own risk without insurance may be revoked at any time for good cause by the Administrator of the Workers' Compensation Court.

B. The applicant will fully discharge by cash payment all installments of compensation for disability promptly when due. The applicant will assume liability for physician's fees, hospital services, and hospital supplies within 10 days after such liability is determined either by an agreement or an award.

Include an annual application fee of **$1,000 (per SB 1973)**, made payable to the Oklahoma Workers' Compensation Court.

I declare under penalty of perjury that I have examined this application and all statements contained herein, and to the best of my knowledge and belief, they are true, correct and complete.

Signed this 23rd Day of August, 2011

Cindy S. Rosenthal, Mayor
Print Name and Title (**note: person signing should be authorized to bind the applicant to the agreements contained herein**)

Signature

P.O. Box 370
Mailing Address

201 West Gray, Building C
Street Address, if different from Mailing Address

Norman	OK	73069
City,	State	Zip Code

405-217-7720
Telephone Number

clint.mercer@normanok.gov
E-mail Address

Send application to:

Insurance Department
Oklahoma Workers' Compensation Court
1915 North Stiles Ave.
Oklahoma City, OK 73105-4918

Rev.1/2011

FORM 7
Send original to
Workers' Compensation Court

WORKERS' COMPENSATION COURT
1915 NORTH STILES
OKLAHOMA CITY, OK 73105-4918

This space for Court Use only

Designation of Service Agent

Pursuant to Workers' Compensation Court Rule 10: When the claimant files a claim for compensation (Form 3, Form 3A or Form 3B), the Court shall mail a file-stamped copy of the claim form bearing the assigned file number to a single service agent of the self-insured employer, group self-insurance association, insurance carrier or CompSource Oklahoma which shall be designated on a Form 7 and filed with the Court. The Court shall send all notices and correspondence to the service agent until an entry of appearance or notice of substitution of attorney is filed pursuant to Rule 7. If no service agent is designated on the Form 7, notices and correspondence shall be sent to:

1. The signatory on the self-insurance application, if the insurer is a self-insured employer;
2. The Administrator of the group self-insurance association, if the insurer is a group self-insurance association;
3. The person designated to receive notice of service of process for an insurer as provided in 36 O.S., Section 621, if the insurer is a foreign or alien insurance carrier;
4. The President and Chief Executive Officer of CompSource Oklahoma, if the insurer is CompSource Oklahoma; or
5. The service agent on file with the Secretary of State, if the insurer is a domestic insurance carrier.

If the employer is uninsured or the Court cannot determine insurance coverage, notices and correspondence shall be sent by certified mail to the employer's last known address.

The following information is required and must be amended whenever a change of service agent is made.

Please check (✓) the appropriate box below

Name of: ☐ Carrier ☐ Self-Insured Employer ☐ Group Self-Insurance Association

P.O. Box 370	Norman	OK	73070-0370
Home office mailing address:	City	State	Zip

201 West Gray, Building C	405-217-7720
Street Address, if different from mailing address:	Phone Number

Designated Service Agent

City of Norman
Name of Individual or Business:

Jeff Bryant, City Attorney
Name of contact person, if the service agent is a business: E-mail:

P.O. Box 370	Norman	OK	73070-0370
Mailing address:	City	State	Zip

201 West Gray	405-366-5428
Street Address, if different from mailing address:	Phone Number

Signature

Signed this 23rd day of August, 2011

I HEREBY CERTIFY THAT THIS DOCUMENT WAS MAILED TO THE WORKERS' COMPENSATION COURT ON:

August 31, 2011

Prepared by Clint Mercer, CPA

Title Chief Accountant/Risk Manager

10/09

The City of
NORMAN

201 West Gray, Bldg. C • P.O. Box 370
Norman, Oklahoma 73069 • 73070

OFFICE OF THE FINANCE DIRECTOR
Phone: 405-366-5413
Fax: 405-366-5417

August 10, 2011

Richard Fisher
Director of Insurance
Worker's Compensation Court
1915 North Stiles
Oklahoma City, OK 73105-4918

RE: Workplace Safety Plan

Dear Mr. Fisher:

Pursuant to your request, the City of Norman's Workplace Safety Plan is as follows:

1. Monthly Safety Meetings

We conduct monthly safety meetings at each division. The meetings take place within each division's break room and cover topics such as the following:

Back Injury Prevention
Crew Safety
MSDS Right to Know
CDL Pre-Trip
Personal Protective Equipment
Adverse Weather Driving
How to Back a Truck Safely
Hot/Cold Weather Injury Prevention
Eye Safety

2. Orientation Safety Training

Orientation Safety Training consists of training on preventing injuries and vehicular accidents. All new employees go through this training before reporting to their Departments for work. Subjects include:

Back Injury Prevention
Preventing Slips, Trips and Falls
Preventing Backing Accidents
MSDS Right to know
Crew Safety
Personal Protective Equipment

Vehicle collisions are classified by the Safety Manager as either chargeable (our fault) or non-chargeable. The driver may challenge this finding, and request an Accident Review Committee be convened. At this meeting the driver states his case to his Department Head, and the Department Head determines whether it is chargeable or not.

Currently the City has two Safety Committees who meet regularly. One is a committee comprised of solely Division Heads who meet monthly to "ensure safe work practices, so that we can prevent accidents, injuries and property damage; in order to save money needlessly spend on repairing our people, vehicles and property." The other committee meets quarterly and is comprised from the safety coordinators from each Division. Supervisors, workers, union representatives and other key

management personnel participate in the committee. The City also maintains a comprehensive safety manual.

The City has an Employee Assistance Program, which helps employees overcome personal conflicts, drug, or alcohol abuse. The City's Police Department conducts high-speed pursuit driver's training at the Lloyd Noble parking lot as well as the Burns Flat Course on an annual basis. The following is the sequence in which worker's compensation claims originate and are processed:

1. Receive phone call of injury
2. Authorize treatment at the appropriate medical facility (i.e., Norman Regional Hospital for serious injuries or Norman Regional Occupational Health Medicine and Concentra, for routine injuries).
3. Receive a written on-the-job (OJI) report of circumstances from supervisor.
4. Generate Form 2 and send to the Worker's Compensation Court.
5. Open and maintain a file for the injury.
6. Log all medical expenses within Micro Niche database software.
7. Request purchase orders for expenses using purchase requisitions.
8. Transition of the entire file is handed off to the City Attorney's Office once the OJI becomes a Worker's Compensation claim.

The primary City staff responsible for worker's compensation cases is Blaine Nice, Assistant City Attorney. The primary safety staff member responsible for the safety plan is Larry Heikkila. I am responsible for the risk management duties of the City.

If you have any further questions, please contact me at (405) 217-7720.

Sincerely,

Clint Mercer, CPA
Risk Manager

City of Norman, OK

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

Master

File Number: BID-1112-03

File ID:	BID-1112-03	**Type:**	Bid	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 14	**In Control:**	City Council
Department:	Utilities Department	**Cost:**	$101,200.00	**File Created:**	08/03/2011
File Name:	Bid 1112-03 Polycarts			**Final Action:**	

Title: CONSIDERATION AND AWARDING OF BID NO. 1112-03 FOR THE PURCHASE OF TWO THOUSAND TWO HUNDRED (2,200) 95 GALLON POLYCARTS FOR THE CITY OF NORMAN SANITATION DIVISION.

ACTION NEEDED: Acting as the Norman Municipal Authority, motion to accept or reject all bids meeting specifications; and, if accepted, award the bid in the amount of $101,200 to Rehrig Pacific Company as the lowest and best bidder meeting specifications.

ACTION TAKEN: _____

Notes:

Agenda Date: 08/23/2011

Agenda Number: 14

Attachments: Bid Tab Polycarts

Project Manager: Scottie Williams, Sanitation Superintendent

Entered by: karen.kimber@normanok.gov

Effective Date:

History of Legislative File

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

Text of Legislative File BID-1112-03

Body

BACKGROUND: The Sanitation Division usually bids out the purchase of polycarts every two years and the last bid, Bid No. 0910-21, was awarded on October 13, 2009, to Rehrig Pacific Company for one-thousand five hundred (1,500) 95-gallon polycarts in the amount of $62,625 ($41.75 each). On July 28, 2011, bids were opened for the purchase of 2,200 new 95 gallon polycarts for the Residential Section of the Sanitation Division in the Utilities

Department. The containers will be used by Norman residents for the collection of all non-hazardous waste.

DISCUSSION: There has been an increase in the cost of polycarts due to the rising prices of the high-density polyethylene resin which is used to manufacture polycarts. There has also been an increase in freight costs due to the higher cost of fuel. Proposals for the containers were distributed to four (4) vendors. Complete bids were received from all four vendors. Rehrig Pacific Company provided the lowest and best bid.

RECOMMENDATION: There is $112,500 budgeted for the purchase of polycarts. It is recommended that Bid No 1112-03 be awarded to Rehrig Pacific Company in the amount of $101,200 for the purchase of 2,200 polycarts ($46.00 each). Funding is available in Account No. 033-5561-432.51-08, Refuse Receptacles.

UTILITIES DEPARTMENT
SANITATION DIVISION

TABULATION OF BIDS

95 GALLON POLYCARTS

BID NO. 1112-03

July 28, 2011

VENDOR	QUANTITY	UNIT PRICE	TOTAL
Rehrig Pacific Company Dallas, TX 75247	**2,200**	**$46.00**	**$101,200.00**
Schaefer Systems Charlotte, NC 28241	2,200	$47.11	$103,642.00
Cascade Engineering Grand Rapids, MI 49512	2,200	$47.88	$105,336.00
Otto Environmental Eloy, AZ 85231	2,200	$48.08	$105,776.00

RECOMMENDATION: That Bid No. 1112-03 for 2,200 95-gallon polycarts be awarded to Rehrig Pacific Company as the lowest and best bidder meeting specifications.

City of Norman, OK

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

Master

File Number: BID 1112-06

File ID:	BID 1112-06	**Type:**	Bid	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 15	**In Control:**	City Council
Department:	Public Works Department	**Cost:**		**File Created:**	08/11/2011
File Name:	Bid 1112-06 Traffic Sign Faces			**Final Action:**	

Title: CONSIDERATION AND AWARDING OF BID NO. 1112-06 FOR THE PURCHASE OF TRAFFIC SIGN FACES FOR THE TRAFFIC CONTROL DIVISION.

ACTION NEEDED: Motion to accept or reject all bids meetings specifications; and, if accepted, award the bid for all sections to Vulcan Signs as the lowest and best bidder meeting specifications.

ACTION TAKEN: _____

Notes:

Agenda Date: 08/23/2011

Agenda Number: 15

Attachments: Bid Tabulation Bid 1112-6, BID-1112-06-Bid Record

Project Manager: Gary Jennings, Traffic Control Supervisor

Entered by: julie.shelton@normanok.gov

Effective Date:

History of Legislative File

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

Text of Legislative File BID 1112-06

Body

BACKGROUND: The City of Norman's Traffic Control Division utilizes galvanized steel posts, sign faces, and aluminum materials for manufacturing street signs; glass beads for reflective traffic markings, and fluorescent traffic cones for the pavement striping program.

DISCUSSION: Every year, the City of Norman enters into several supply agreements for the materials needed in our striping and signing operations. Under these agreements, we purchase operating equipment and supplies as they are needed. Bid Nos. 1112-06 was opened on July 28, 2011 and will provide traffic sign faces for our signing program.

The budget amount for Bid Nos. 1112-06, 1112-07 and 1112-10 (All Sections) is $44,000. All low bids are below the Engineer's Estimate and consistent with previous year's purchases. Account Number for Traffic Sign Materials: 010-5023-429.32-13.

RECOMMENDATION: It is recommended that all sections of Bid No. 1112-06 be awarded to Vulcan Signs as the lowest and best bidder meetings specification

BID NO. 1112-06

TRAFFIC SIGN FACES - PER SQUARE FOOT

	ITEM	VULCAN SIGNS Foley, AL	CUSTOM PRODUCTS CORP Jackson, MS	HALL SIGNS, INC Bloomington, IN	ROCAL, INC Frankfort, OH
		PRICE	PRICE	PRICE	PRICE
I.	SEG SHEETING - ONE COLOR INK	$1.26	$2.30	$1.33	$1.76
II.	SEG SHEETING - TWO COLORS INK	$1.29	$2.49	$1.48	$2.05
III.	SEG SHEETING - THREE COLORS INK	$1.35	$2.82	$1.57	$2.34
IV.	HIGH INTENSITY SHEETING - ONE COLOR INK	$1.70	$1.85	$1.77	$1.76
V.	HIGH INTENSITY SHEETING - TWO COLORS INK	$1.73	$2.02	$1.97	$2.05
VI.	HIGH INTENSITY SHEETING - THREE COLORS INK	$1.79	$2.78	$2.08	$2.34
VII.	DIAMOND GRADE SHEETING - ONE COLOR INK	$3.96	$4.11	$4.96	$4.80
VIII.	DIAMOND GRADE SHEETING - TWO COLORS INK	$4.01	$4.27	$5.51	$5.70
IX.	DIAMOND GRADE SHEETING - FLUORESCENT YELLOW-GREEN	$4.32	$4.51	$5.19	$4.80
X.	DIAMOND GRADE SHEETING - FLUORESCENT YELLOW-GREEN TWO COLORS INK	$4.37	$4.67	$5.77	$5.70

It is recommended that Bid No. 1112-06 be awarded as follows: VULCAN SIGNS: All Sections.

City of Norman, OK

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

Master

File Number: BID 1112-07

File ID:	BID 1112-07	**Type:**	Bid	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 16	**In Control:**	City Council
Department:	Public Works Department	**Cost:**		**File Created:**	08/11/2011
File Name:	Bid 1112-07 Galvanized Steel Sign Posts			**Final Action:**	

Title: CONSIDERATION AND AWARDING OF BID NO. 1112-07 FOR THE PURCHASE OF GALVANIZED STEEL SIGN POSTS FOR THE TRAFFIC CONTROL DIVISION.

ACTION NEEDED: Motion to accept or reject all bids meeting specifications; and, if accepted, award the bid for all sections to Centerline Supply, LTD., as the lowest and best bidder meeting specifications.

ACTION TAKEN: _____

Notes:

Agenda Date: 08/23/2011

Agenda Number: 16

Attachments: BID 1112-07-BID Tabulation

Project Manager: Gary Jennings, Traffic Control Supervisor

Entered by: julie.shelton@normanok.gov

Effective Date:

History of Legislative File

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

Text of Legislative File BID 1112-07

Body

BACKGROUND: The City of Norman's Traffic Control Division utilizes galvanized steel posts, sign faces, and aluminum materials for manufacturing street signs.

DISCUSSION: Every year, the City of Norman enters into several supply agreements for the materials needed in our striping and signing operations. Under these agreements, we purchase operating equipment and supplies as they are needed. Bid No. 1112-07 was opened on July 28, 2011 and will provide galvanized steel sign posts needed for our signing program.

The budget amount for Bid Numbers 1112-06, 1112-07 and 1112-10 (All Sections) is $44,000. All low bids are below the Engineer's Estimate and consistent with previous year's purchases. Account Number for Traffic Sign Materials: 010-5023-429.32-13.

RECOMMENDATION: It is recommended that for all sections of Bid No. 1112-07 be awarded to Centerline Supply, LTD.

BID NO. 1112-07

GALVANIZED STEEL SIGN POSTS

		CENTERLINE SUPPLY, LTD Grand Prairie, TX	CUSTOM PRODUCTS CORP Jackson, MS	XCESSORIES SQUARED DEV & MFG, INC Auburn, IL	HALL SIGNS, INC Bloomington, IN
	ITEM	PRICE	PRICE	PRICE	PRICE
I.	11 FOOT THIN WALL - PER POST	$17.55	$19.03	$20.11	$27.92
II.	12 FOOT THIN WALL - PER POST	$18.89	$20.71	$22.00	$29.99
III.	13 FOOT THIN WALL - PER POST	$20.25	$22.49	$23.75	$41.73
IV.	14 FOOT THIN WALL - PER POST	$21.60	$24.22	$25.64	$44.30

It is recommended that Bid No. 1112-07 be awarded as follows: CENTERLINE SUPPLY LTD: All Sections.

Note: CENTERLINE SUPPLY LTD's bid was prepared quoting price per post, not per bundle as were the other vendor's bids.

Forwarded by: Gary Jennings, Traffic Control Supervisor

City of Norman, OK

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

Master

File Number: BID 1112-08

File ID:	BID 1112-08	**Type:**	Bid	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 17	**In Control:**	City Council
Department:	Public Works Department	**Cost:**		**File Created:**	08/11/2011
File Name:	Bid 1112-08 Traffic Paint Glass Beads			**Final Action:**	

Title: CONSIDERATION AND AWARDING OF BID NO. 1112-08 FOR THE PURCHASE OF TRAFFIC PAINT GLASS BEADS FOR THE TRAFFIC CONTROL DIVISION.

ACTION NEEDED: Motion to accept or reject all bids meeting specifications; and, if accepted, award the bid in the amount of $0.3575 per pound to Swarco Reflex, Inc., as the lowest and best bidder meeting specifications.

ACTION TAKEN: _____

Notes:

Agenda Date: 08/23/2011

Agenda Number: 17

Attachments: BID 1112-08-BID Tabulation

Project Manager: Gary Jennings, Traffic Control Supervisor

Entered by: julie.shelton@normanok.gov

Effective Date:

History of Legislative File

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

Text of Legislative File BID 1112-08

Body

BACKGROUND: The City of Norman's Traffic Control Division utilizes galvanized steel posts, sign faces, and aluminum materials for manufacturing street signs; glass beads for reflective traffic markings, and fluorescent traffic cones for the pavement striping program.

DISCUSSION: Every year, the City of Norman enters into several supply agreements for the materials needed in our striping and signing operations. Under these agreements, we purchase operating equipment and supplies as they are needed. Bid No. 1112-08 was opened on July

28, 2011 and will provide the glass beads for reflective traffic markings for our signing program.

The budget amount for Bid Numbers 1112-08 and 1112-09 (All Sections) is $15,000. All low bid are below the Engineer's Estimate and consistent with previous year's purchases. Account Number for Pavement Marking Materials: 010-5023-429.32-14.

RECOMMENDATION: It is recommended that Bid No. 1112-08 be awarded to Swarco Reflex, Inc., as the lowest and best bidder meeting specifications.

BID NO. 1112-08

TRAFFIC PAINT GLASS BEADS

ITEM	SWARCO REFLEX, INC Columbia, TN	POTTERS INDUSTRIES, INC Valley Forge, PA	CENTERLINE SUPPLY LTD Grand Prairie, TX	PAVING MAINTENANCE SUPPLY, INC Wichita, KS	ROADSAFE TRAFFIC SYSTEMS
	PRICE	PRICE	PRICE	PRICE	PRICE
TRAFFIC PAINT GLASS BEADS - PER POUND	$0.3575	$0.54	No Bid	No Bid	No Bid

It is recommended that Bid No. 1112-08 be awarded to SWARCO REFLEX, INC.

City of Norman, OK

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

Master

File Number: BID 1112-10

File ID:	BID 1112-10	**Type:**	Bid	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 18	**In Control:**	City Council
		Cost:		**File Created:**	08/11/2011
File Name:	Bid 1112-10 Traffic Sign Faces and Accessories			**Final Action:**	

Title: CONSIDERATION AND AWARDING OF BID NO. 1112-10 FOR THE PURCHASE OF TRAFFIC SIGNS AND ACCESSORIES FOR THE TRAFFIC CONTROL DIVISION.

ACTION NEEDED: Motion to accept or reject all bids meeting specifications on Sections 1, 2, and 3F; and, if accepted award the bid to Custom Products Corporation as the lowest and best and bidder meeting specifications.

ACTION TAKEN: _____

ACTION NEEDED: Motion to accept or reject all bids meeting specifications on Sections 3A through E; and, if accepted, award the bid to Hall Signs, Inc., as the lowest and best bidder meeting specifications.

ACTION TAKEN: _____

Notes:

Agenda Date: 08/23/2011

Agenda Number: 18

Attachments: Bid Tabulation Bid 1112-10

Project Manager: Gary Jennings, Traffic Control Supervisor

Entered by: julie.shelton@normanok.gov

Effective Date:

History of Legislative File

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

Text of Legislative File BID 1112-10

Body

BACKGROUND: The City of Norman's Traffic Control Division utilizes galvanized steel posts, sign faces, and aluminum materials for manufacturing street signs; glass beads for reflective traffic markings, and fluorescent traffic cones for the pavement striping program.

DISCUSSION: Every year, the City of Norman enters into several supply agreements for the materials needed in our striping and signing operations. Under these agreements, we purchase operating equipment and supplies as they are needed. Bid No. 1112-10 was opened on July 28, 2011 and will provide traffic signs and accessories needed for our signing program.

The budget amount for Bid Numbers 1112-06, 1112-07 and 1112-10 (All Sections) is $44,000. All low bids are below the Engineer's Estimate and consistent with previous year's purchases. Account Number for Traffic Sign Materials: 010-5023-429.32-13.

RECOMMENDATION: It is recommended that Bid No. 1112-10 be awarded as follows:

Sections 1, 2, and 3F - Custom Products Corporation
Sections 3A through E - Hall Signs, Inc.

TRAFFIC SIGNS AND ACCESSORIES

ITEM		CUSTOM PRODUCTS CORP Jackson, MS	HALL SIGNS INC Bloomington, IN	ROCAL INC Frankfort, OH	MD SOLUTIONS Dublin, OH	AMERICAN SIGN BRACKETS Green Forest, AR
		PRICE	PRICE	PRICE	PRICE	PRICE
I.	SHEET ALUMINUM - 0.080 INCH PER SQUARE FOOT	$2.34	$2.78	$3.03	No Bid	No Bid
II.	SHEET ALUMINUM - 0.125 INCH PER SQUARE FOOT	$4.92	$5.08	$4.99	No Bid	No Bid
III A.	STREET NAME BACKET SETS WITH 6 INCH BLADE HOLDER	$9.15	$7.82	No Bid	$9.90	$10.50
III B.	STREET NAME BRACKET SETS WITH 12 INCH BLADE HOLDER	$21.61	$19.00	No Bid	$22.95	$26.00
III C.	ADDITIONAL VANDAL PROOF BOLTS	$0.30	$0.18	No Bid	$0.19	$0.22
III D.	ADDITIONAL VANDAL PROOF SCREWS	$0.24	$0.18	No Bid	$0.19	$0.22
III E.	INSTALLATION TOOLS FOR VANDAL PROOF BOLTS	$1.55	$1.47	No Bid	$3.00	$3.14
III F.	INSTALLATION TOOLS FOR VANDAL PROOF SCREWS	$1.55	$2.25	No Bid	$3.00	$2.58

It is recommended that Bid No. 1112-10 be awarded as follows: CUSTOM PRODUCTS CORP: Sections I, II, and III F; HALL SIGNS, INC: Section III A through E.

Forwarded by: Gary Jennings, Traffic Control Supervisor

City of Norman, OK

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

Master

File Number: E-1112-3

File ID:	E-1112-3	**Type:**	Easement	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 19	**In Control:**	City Council
Department:	Utilities Department	**Cost:**	$0.00	**File Created:**	08/09/2011
File Name:	E-1112-3 OGE WWT			**Final Action:**	

Title: CONSIDERATION OF GRANTING EASEMENT NO. E-1112-3 TO OKLAHOMA GAS & ELECTRIC COMPANY TOP PROVIDE SERVICE TO THE WASTEWATER TREATMENT PLANT FACILTIES.

ACTION NEEDED: Motion to grant or deny Easement No. E-1112-3; and, if granted, direct the execution thereof.

ACTION TAKEN: _____

Notes: Edits per legal;; 8/12. CRT

Agenda Date: 08/23/2011

Agenda Number: 19

Attachments: Energy - OG+E Easement

Project Manager: Charlie Thomas, Capital Projects Engineer

Entered by: charlie.thomas@normanok.gov

Effective Date:

History of Legislative File

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

Text of Legislative File E-1112-3

Body

BACKGROUND: On August 6, 2009, staff received notice of award for an Energy Efficiency and Conservation Block Grant (EECBG) in the amount of $1,001,400, administered by the U.S. Department of Energy (DOE) to fund Energy improvements at the Wastewater Treatment Plant (WWTP). On December 28, 2010, the Norman Utilities Authority (NUA) approved Contract No. K-1011-42 with Oil Capital Electric, LLC (OCE) in the amount of $2,305,000 for the work. As part of the project, Oklahoma Gas & Electric Company (OG&E) modified their underground electrical power lines to serve their newly installed transformers at the Wastewater Treatment Plant

DISCUSSION: The power lines were modified to provide electrical power to existing and proposed WWTP facilities located at 3500 S. Jenkins. In order for OG&E to provide maintenance service on their lines and newly installed transformers, an access and maintenance easement is needed. No cost is associated with this request.

STAFF RECOMMENDATION: Staff recommends approval and granting of Easement No. E-1112-03.

AFTER RECORDING RETURN TO:
OGE ELECTRIC SERVICES
RIGHT-OF-WAY AGENT,-M/C WNM-12
PO BOX 321
OKLAHOMA CITY OK 73101-0321

EASEMENT

Work Order #7905553

KNOW ALL MEN BY THESE PRESENTS: THAT **THE CITY OF NORMAN, OKLAHOMA, a Municipal Corporation,** Grantor, in consideration of Ten or more dollars in hand paid, the receipt of which is hereby acknowledged, and other good and valuable consideration, does hereby grant and warrant unto **OKLAHOMA GAS AND ELECTRIC COMPANY,** an Oklahoma corporation, Grantee, its successors and assigns, the right, privilege and authority to enter upon and install, erect, operate, maintain, and reconstruct underground and/or above ground a system of conduits, wires, cables, vaults, junction boxes, switches, fuses, transformers, service connection boxes and other fixtures for the transmission and distribution of electrical current and communication messages, including the right of ingress and egress to and from said system across adjoining lands of Grantor, upon and across the following real property and premises, situated in Cleveland County, State of Oklahoma, to wit:

A part of the **SE/4, Section 7, T8N, R2W,** I.M., as described in Exhibit "A", and shown on Exhibit "B" attached hereto and hereby made a part of this easement.

Grantor further covenants and agrees that no building or other structure shall ever be erected nor shall any excavation or other removal of soil, so as to change the grade of terrain, be accomplished by Grantor, its heirs or assigns, within the above described easement area unless the written consent of the Grantee is first obtained. Grantor further acknowledges the requirements of 63 Oklahoma Statutes (1991) Section 142.1, et. seq. (One-call statute).

The rights and privileges above granted to continue so long as same are used or needed for the transmission and distribution of electric current or communication messages; but should the Grantee remove its property from the premises and abandon the right of way herein granted, then the rights granted in this easement shall terminate.

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

ATTEST: _____
Brenda Hall, City Clerk

By: _____
Cindy Rosenthal, Mayor

Approved as to form this 11th day of August, 2011.

City Seal

By: _____
Jeff Bryant, City Attorney

CITY ACKNOWLEDGMENT

STATE OF OKLAHOMA, COUNTY OF CLEVELAND, SS;
Before me, the undersigned, a Notary Public, in and for said County and State, on this _____ day of _____, 2011, personally appeared Cindy Rosenthal, to me known to be the identical person who subscribed the name of the maker thereof to the foregoing instrument as its Mayor, and acknowledged to me that she executed the same as her free and voluntary act and deed of such city, for the uses and purposes therein set forth.

My Commission Expires:_____
Commission #_____

_____
Notary Public

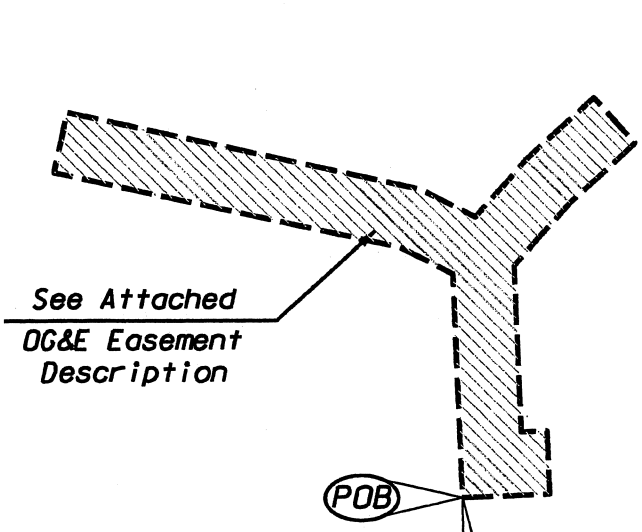
EXHIBIT "A"

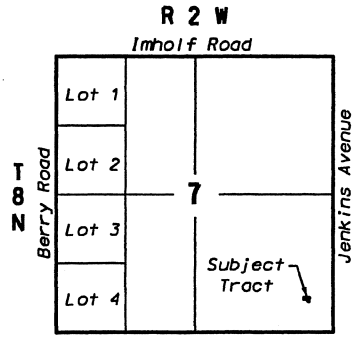
To that certain easement from the City of Norman, Oklahoma, a Municipal Corporation to Oklahoma Gas and Electric Company, on the _____ day of _____, 2011.

An easement in the **Southeast Quarter (SE/4) of Section Seven (7), Township Eight (8) North, Range Two (2) West of the Indian Meridian, Cleveland County, Oklahoma**, written by Timothy G. Pollard, PLS 1474, dated May 19, 2011, using an Arbitrary Bearing of S88°59'00"W between existing monuments at the Southeast and Southwest corners of said SE1/4 as a Basis of Bearing as shown on Exhibit "B", said easement further described as:

COMMENCING at the Southeast Corner of said SE1/4;
Thence S88°59'00"W, on the South Line of said SE1/4, for a distance of 469.29 feet;
Thence N01°01'00"W for a distance of 598.41 feet to the **POINT OF BEGINNING**;
Thence N87°42'50"E for a distance of 14.22 feet;
Thence N02°17'10"W for a distance of 10.32 feet;
Thence S87°42'50"W for a distance of 4.22 feet;
Thence N02°17'10"E for a distance of 27.08 feet;
Thence N41°20'12"E for a distance of 13.94 feet;
Thence N47°21'40"E for a distance of 14.22 feet;
Thence N42°38'20"W for a distance of 10.00 feet;
Thence S47°21'40"W for a distance of 14.75 feet;
Thence S41°20'12"W for a distance of 12.60 feet;
Thence N63°15'23"W for a distance of 9.97 feet;
Thence N77°41'40"W for a distance of 58.61 feet;
Thence S12°18'20"W for a distance of 10.00 feet;
Thence S77°41'40"E for a distance of 57.34 feet;
Thence S63°15'23"E for a distance of 9.63 feet;
Thence S02°17'10"E for a distance of 36.46 feet to the **POINT OF BEGINNING.**

EXHIBIT "B"
EASEMENT SKETCH



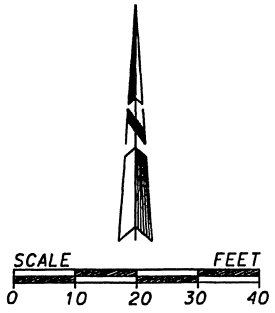


LOCATION MAP

Note: Bearings Are Based On S88°59'00"W Between Existing Monuments at the Southeast and Southwest Corners of the SE1/4 of Section 7.

(●) - Indicates Existing Monument As Noted

OCCR - Indicate Oklahoma Certified Corner Record on file with the State Archives by Surveyor Noted.



N01°01'00"W
598.41'

S88°59'00"W
469.29'

Section Line
2638.43'(SE1/4)
S88°59'00"W

SW Corner
SE1/4 Sec.7
Exist PK Nail
OCCR By LS 1474

SE Corner
Section 7
Exist PK Nail
OCCR By LS 227

I, Timothy G. Pollard, a Professional Land Surveyor, herby certify that the attached drawing is a true and accurate representation of the attached easement description and is subject to all notes and qualifying statements.

Timothy D. Pollard

Timothy G. Pollard, PLS 1474

05/20/2011

REGISTERED PROFESSIONAL LAND SURVEYOR
TIMOTHY G. POLLARD
1474
OKLAHOMA

OKLAHOMA GAS AND ELECTRIC COMPANY		
POLLARD & WHITED SURVEYING INC. 2514 TEE DRIVE, NORMAN, OKLAHOMA 73069 CA#2385 EXP 06-30-11 405-366-0001	OG&E EASEMENT SKETCH WO# 7905553 PART OF SE1/4 OF SEC.7,T8N,R2W, I.M. NORMAN, CLEVLAND COUNTY, OKLAHOMA	REVISIONS:
DRAWN BY: T. POLLARD DATE: May 20, 2011	FILE #: 7-8n2w.ASC DATE: May 09, 2011	SCALE: 1" = 30'
APPROVED BY: D. MEEKS DATE: May 20, 2011	DRWG #: 7-8n2w.DGN DATE: May 20, 2011	SHEET 1 OF 1

City of Norman, OK

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

Master

File Number: E-1112-4

File ID:	E-1112-4	**Type:**	Easement	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 20	**In Control:**	City Council
Department:	Utilities Department	**Cost:**		**File Created:**	08/11/2011
File Name:	E-1112-4 OG&E Lift Station D			**Final Action:**	

Title: CONSIDERATION OF GRANTING EASEMENT NO. E-1112-04 TO OKLAHOMA GAS & ELECTRIC COMPANY TO PROVIDE SERVICE TO LIFT STATION D.

ACTION NEEDED: Motion to grant or deny Easement No. E-1112-04; and, if granted, direct the execution thereof.

ACTION TAKEN: _____

Notes:

Agenda Date: 08/23/2011

Agenda Number: 20

Attachments: E-1112-4

Project Manager: Mark Daniels, Utilities Engineer

Entered by: mark.daniels@normanok.gov

Effective Date:

History of Legislative File

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

Text of Legislative File E-1112-4

Body

BACKGROUND: On January 22, 2008, the NUA approved Resolution No. R-0708-78 directing staff to implement an interim sewer solution for northern Norman, meeting the full-build out needs identified in the Wastewater Master Plan (WWMP) but delaying construction of a second wastewater treatment plant (WWTP). A new system of interceptors will convey wastewater by gravity from existing lift stations in the Little River drainage basin to a rehabilitated Lift Station D providing a pumping capacity of 6 MGD and expanding the equalization basin capacity to 4.8 MG.

On August 25, 2009, the NUA approved Contract No. K-0910-34 with Walters-Morgan

Construction Inc. of Manhattan, Kansas for $5,840,000. The work began September 28, 2009 and the project is approximately 93% complete at this time.

DISCUSSION: Concurrent with the Lift Station D Rehabilitation project, Oklahoma Gas and Electric Company (OGE) has installed a new pad-mounted transformer, underground electrical power lines and associated appurtenances at no cost to the City of Norman. The transformer replaces the existing pole-mounted transformer that was no longer of adequate size. OG&E has requested a 10-foot wide permanent easement for the new work.

RECOMMENDATION: Staff recommends the City of Norman grant Easement No. E-1011-04 to Oklahoma Gas and Electric Company for construction, operation and maintenance of electrical components for transmission and distribution of electrical current and communication messages.

AFTER RECORDING RETURN TO:
OGE ELECTRIC SERVICES
RIGHT-OF-WAY AGENT,-M/C WNM-12
PO BOX 321
OKLAHOMA CITY OK 73101-0321

EASEMENT

Work Order #7301794

KNOW ALL MEN BY THESE PRESENTS: THAT **THE CITY OF NORMAN, OKLAHOMA, a Municipal Corporation,** Grantor, in consideration of Ten or more dollars in hand paid, the receipt of which is hereby acknowledged, and other good and valuable consideration, does hereby grant and warrant unto **OKLAHOMA GAS AND ELECTRIC COMPANY,** an Oklahoma corporation, Grantee, its successors and assigns, the right, privilege and authority to enter upon and install, erect, operate, maintain, and reconstruct underground and/or above ground a system of conduits, wires, cables, vaults, junction boxes, switches, fuses, transformers, service connection boxes and other fixtures for the transmission and distribution of electrical current and communication messages, including the right of ingress and egress to and from said system across adjoining lands of Grantor, upon and across the following real property and premises, situated in Cleveland County, State of Oklahoma, to wit:

A part of the **SW/4, Section 8, T9N, R2W,** I.M., as described in Exhibit "A", and shown on Exhibit "B" attached hereto and hereby made a part of this easement.

Grantor further covenants and agrees that no building or other structure shall ever be erected, nor shall any excavation or other removal of soil, so as to change the grade of terrain, be accomplished by Grantor, its heirs or assigns, within the above described easement area unless the written consent of the Grantee is first obtained. Grantor further acknowledges the requirements of 63 Oklahoma Statutes (1991) Section 142.1, et. seq. (One-call statute).

The rights and privileges above granted to continue so long as same are used or needed for the transmission and distribution of electric current or communication messages; but should the Grantee remove its property from the premises and abandon the right of way herein granted, then the rights granted in this easement shall terminate.

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

ATTEST: _____
Brenda Hall, City Clerk

By: _____
Cindy Rosenthal, Mayor

Approved as to form this 11th day of August, 2011.

City Seal

By: _____
Jeff Bryant, City Attorney

CITY ACKNOWLEDGMENT

STATE OF OKLAHOMA, COUNTY OF CLEVELAND, SS;
Before me, the undersigned, a Notary Public, in and for said County and State, on this _____ day of _____, 2011, personally appeared Cindy Rosenthal, to me known to be the identical person who subscribed the name of the maker thereof to the foregoing instrument as its Mayor, and acknowledged to me that she executed the same as her free and voluntary act and deed of such city, for the uses and purposes therein set forth.

My Commission Expires:_____
Commission #_____

_____
Notary Public

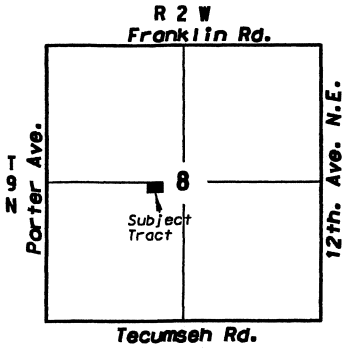
EXHIBIT "A"

To that certain easement from the City of Norman, Oklahoma, a Municipal Corporation to Oklahoma Gas and Electric Company, on the _____ day of _____, 2011.

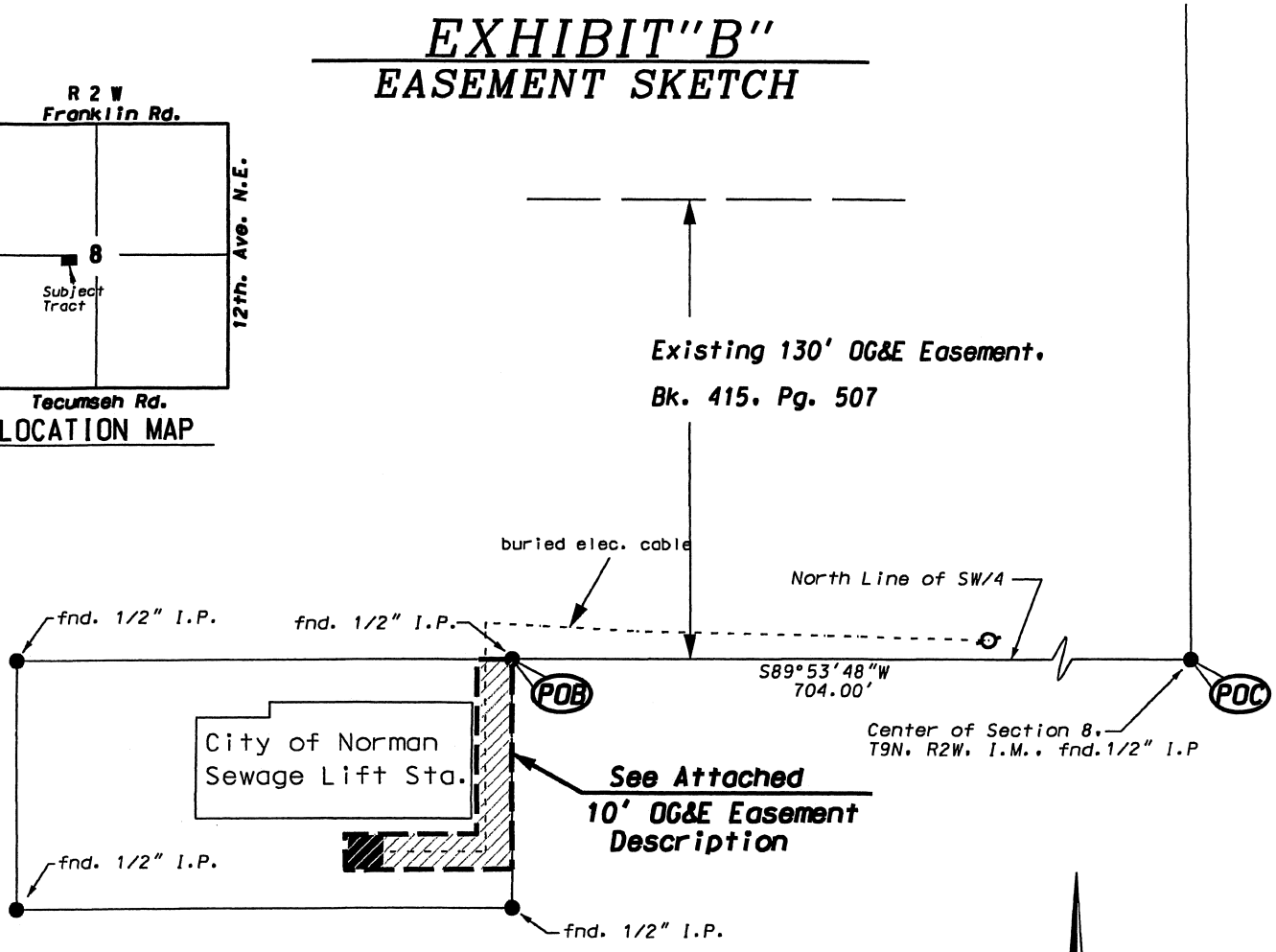
An easement, ten (10) feet, in width in the **Southwest Quarter (SW/4) of Section Eight (8), Township Nine (9) North, Range Two (2) West of the Indian Meridian, Cleveland County, Oklahoma,** being described as follows:

COMMENCING at the Northeast Corner of said SW1/4;
Thence S89°53'48"W, on the North Line of said SW1/4 **AND** the South Line of an existing 130 feet wide easement to OG&E, recorded in Book 415, Page 507 of the Cleveland County Clerk's records, for a distance of 704.00 feet to the **POINT OF BEGINNING**;
Thence S89°53'48"W, on said North Line, for a distance of 10.00 feet;
Thence S00°03'22"W for a distance of 49.21 feet;
Thence S89°40'30"W for a distance of 36.74 feet;
Thence S00°29'20"E for a distance of 10.00 feet;
Thence N89°40'30"E for a distance of 46.64 feet;
Thence N00°03'22"E for a distance of 59.17 feet to the **POINT OF BEGINNING.**

EXHIBIT "B"
EASEMENT SKETCH



LOCATION MAP



Note: Bearings Are Based On S89°53'48"W on the North Line of the SW1/4 of Sec.8 as Shown Hereon.

(●) - Indicates Monument As Noted

(OCCR) Indicates Oklahoma Certified Corner Record On File Or To Be Filed With The Okla. Department of Libraries. Archives & Records Division.

I. Timothy G. Pollard. a Professional Land Surveyor. hereby certify that the attached drawing is a true and accurate representation of the attached easement description and is subject to all notes and qualifying statements.

REGISTERED PROFESSIONAL LAND SURVEYOR
TIMOTHY G. POLLARD
1474
OKLAHOMA

Timothy D. Pollard

Timothy G. Pollard. PLS 1474

04/28/2011

OKLAHOMA GAS AND ELECTRIC COMPANY		
POLLARD & WHITED SURVEYING INC. 2514 TEE DRIVE. NORMAN. OKLAHOMA 73069 CA#2385 EXP 06-30-11 405-366-0001	OG&E EASEMENT SKETCH WO# 7301794 PART OF SW1/4 OF SEC.8.T9N.R2W. I.M. NORMAN. CLEVELAND COUNTY. OKLAHOMA	REVISIONS:
DRAWN BY: M. Johnson DATE: APRIL 25. 2010	FILE #: 8-9n2w.ASC DATE: APRIL. 2010	SCALE: 1" = 50'
APPROVED BY: D. MEEKS DATE: 04/28/2011	DRWG #: 7301794.DGN DATE: APRIL 25. 2010	SHEET 1 OF 1

City of Norman, OK

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

Master

File Number: EN-1112-1

File ID:	EN-1112-1	**Type:**	Encroachment	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 21	**In Control:**	City Council
Department:	Legal Department	**Cost:**		**File Created:**	08/16/2011
File Name:	Encroachment EN-1112-1 2717 S. Berry			**Final Action:**	

Title: CONSIDERATION OF CONSENT TO ENCROACHMENT NO. 1112-1 FOR WEST 493 FEET OF LOT 7, CLEVELAND COUNTY, CITY OF NORMAN, A/K/A 2717 SOUTH BERRY ROAD.

ACTION NEEDED: Motion to approve or reject Consent to Encroachment No. 1112-1; and, if approved, direct the filing thereof with the Cleveland County Clerk.

ACTION TAKEN: _____

Notes:

Agenda Date: 08/23/2011

Agenda Number: 21

Attachments: Consent, Request to Encroach, Mortgage Inspection Cert., Memo - Clerk, PW Memo, Utilities Response

Project Manager: Leah Messner, Assistant City Attorney

Entered by: denise.johnson@normanok.gov

Effective Date:

History of Legislative File

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

Text of Legislative File EN-1112-1

Body

BACKGROUND: An encroachment request has been filed in the office of the City Clerk by Greg Barnard, requesting a Consent to Encroach into a City of Norman sewer easement at the above-described property.

DISCUSSION: This application for a consent to encroach concerns the encroachment upon a City of Norman sewer easement for a conversion of a back porch into a sunroom.

Staff has reviewed the application and the "hold harmless" clause. From a legal perspective,

it protects the City's concerns with respect to damage to the property owner's property should the City or other authorized entity be required to perform work within its easement.

The benefit to having a consent to encroach on file is that it is evidence of the property owners' understanding that, while the City is allowing them to encroach upon the easement, the City is not liable and will not be responsible for damage to the property owners' property in the event such maintenance has to be performed within the easement.

STAFF RECOMMENDATION: Based upon the above and foregoing, the City Attorney's office is forwarding the above Consent to Encroach for Council consideration.

CONSENT

Consent to Encroachment No. 1112-1

WHEREAS, the City of Norman, Cleveland County, is in possession of a sewer easement on the land described as follows, to-wit:

Lot 4, Replat of Lakewood Park being a subdivision of the west 493 feet of Lot 7, Cleveland County, Oklahoma a/k/a 2717 South Berry Road

AND WHEREAS, the owner of the above-described property requests that a conversion of an existing back porch into a sun room be allowed to encroach upon an existing sewer easement;

AND WHEREAS, the City has been requested to consent in writing for a conversion of an existing back porch into a sun room on the property being located at the requested location;

NOW, THEREFORE, the City of Norman does hereby consent to said conversion of an existing back porch into a sun room on the property being within and upon the sewer easement with the following conditions:

1. The property owner be responsible for the cost of repairs for any damages to the City's sewer easement caused by any excavation or other construction activities conducted on their behalf; and

2. The property owner will be responsible for the cost the City incurs to remove any or all of the converted back porch to a sun room, if needed, to facilitate maintenance or repair of the City's sewer easement; and

3. The property owner will be responsible for the cost to repair or replace any or all of converted back porch to a sun room for such repairs.

4. The property owner waives and releases any claims against the City for any damages to any or all of a conversion of an existing back porch into a sun room improvements caused by any excavation by the City for purposes of maintaining or replacing the City's sewer facilities within the easement area.

The consent is limited to the conversion as indicated in the application being located within the sewer easement and the City does not authorize or consent to the construction or location of any other structure(s) of a permanent nature within the easement. Further, this Consent is given with the understanding that the property owner is responsible for any and all direct and consequential damages resulting from the granting of this consent with entry to or upon the existing sewer easement as required at any time in the future.

The City, or any other entity so authorized, shall not be held responsible for any and all direct or consequential damages to encroaching improvements resulting from entry, by the City or any other entity so authorized, upon said sewer easement, for any purpose associated with the maintenance, construction, relocation, etc. of any sewer located within the said easement.

IN WITNESS WHEREOF, the undersigned has executed this consent this ____ day of _____, 2011.

THE CITY OF NORMAN, OKLAHOMA

_____
Mayor

ATTEST:

_____
City Clerk

On this _____ day of _____, 2011, before me personally appeared _____ and _____, to me to be known to be the identical persons who executed the same as their free and voluntary act and deed of such municipal corporation, for the uses and purposes therein set forth.

Witness my hand and official seal the day and year last above written.

_____
Notary Public

My Commission Expires:

_____

OWNERS:

By: _____
Greg Barnard

On this ____ day of _____, 2011, before me personally appeared _____ to me to be known to be the identical person(s) who executed the same as his/her free and voluntary act and deed for the uses and purposes therein set forth.

Witness my hand and official seal the day and year last above written.

_____
Notary Public

My Commission Expires: _____

The City of Norman
Post Office Box 370
Norman, OK 73070

LOFTIS & BARNARD

ATTORNEYS & COUNSELORS AT LAW
A PROFESSIONAL ASSOCIATION

Jim Loftis
Greg Barnard

225 NORTH PETERS, SUITE 1
NORMAN, OKLAHOMA 73069

Telephone: 405-366-1400
Facsimile: 405-366-0041

July 25, 2011

City Of Norman
201 W. Gray
Norman, OK 73069

Re: 2717 S. Berry Rd.

To whom it may concern,

Please consider this letter my formal request for a "Right To Encroach"into the "Sanitation Sewer Easement" located on the property I recently purchased at 2717 S. Berry Rd. in Norman. The existing house was built in the 1950s and has not been changed or altered since that time. A portion of the existing structure and the majority of the back porch is located in a platted sewer easement and has been for approximately sixty years without incident. I have requested a building permit to allow me to renovate the house and convert the back porch into a sun room. Due to the easement, I have been told that I need to get approval from the City Counsel to encroach before completing the room. The slab and some of the framing has already been completed without harming the sewer line.

Not only will the addition add a limited amount of square footage into the existing easement, but it is also my understanding that this easement is to be abandoned for a new easement located further to the East on the property within the year. I have previously spoken with the City Engineer and agreed to grant the new Easement so that a new line can be placed across the back of my property. My understanding is that the existing line will simply be abandoned and no dirt work will be required to remove the sewer pipe. The existing easement does not involve any utilities and is strictly a matter with the City of Norman.

Thank you for your cooperation in this matter. If you have any questions or concerns please do not hesitate to contact me.

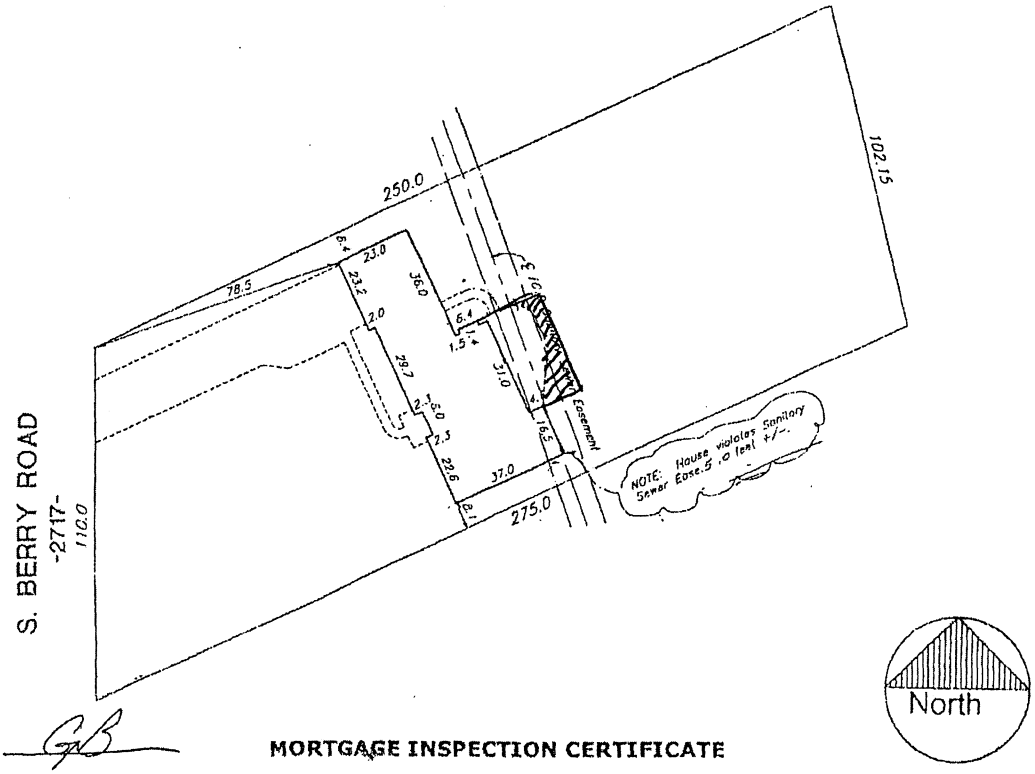
FILED IN THE OFFICE
OF THE CITY CLERK
ON 7/26/11

Sincerely,

Greg Barnard

GAB.hls
Enclosures

26, 2008, the subject property is located in ZONE X, which is not in a flood hazard area..
NOTE: The Easements of record filed in Book 60, Page 20, Book 104, Page 159, Book 256, Page 191 and in Book 742, Page 286 do not cross the subject property....



MORTGAGE INSPECTION CERTIFICATE

I, D.Mike Dossey, a Registered Land Surveyor, do hereby certify that a careful inspection has been made under my supervision on the following described property, to wit;

Lot Four (4), REPLAT OF LAKEWOOD PARK, being a subdivision of the West 693 feet of Lot 7, in the Southwest Quarter (SW/4) of Section Six (6), Township Eight (8) North, Range Two (2) West of the Indian Meridian, Cleveland County, Oklahoma, according to the recorded plat thereof.

Physical Address: 2717 S Berry Road, Norman, Oklahoma 73072

as shown on the annexed plat hereto and there are no encroachments of dwelling structure except if shown hereon; and the above inspection shows all recorded plat easements and other such easements as have been disclosed and furnished by the title insurer. The Mortgagee's inspection has been prepared for identification purpose for the Mortgagee in connection with a new loan and mortgage and is not intended or represented to be a land or property line survey. No corners were set. Do not use this drawing for establishing fence or building lines. This inspection was made for loan purposes only and no other responsibility is hereby extended to the land owner or occupant. Dated at Oklahoma City, Oklahoma on this 18th of May, 2011.

Revised 5-20-2011 (Drawing)

Inspection No: 2110936

Buyer: Barnard.....1100938

Title Company: Cleveland County Abstract

Registered Land Surveyor

REGISTERED PROFESSIONAL LAND SURVEYOR
D. MIKE DOSSEY
1431
OKLAHOMA

VMI Inspection, Inc.
Mortgage Inspections • ALTA/ACSM • Elevations
1530 SW 89th St., Suite C-2 Oklahoma City, Oklahoma 73159
(405) 691-0077 (405) 691-0023 Fax
www.vmisurvey.com - surveys@vmisurvey.com
CA-4853 Expires: 06-30-2011

office memorandum

DATE: July 26, 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

SUBJECT: Consent to Encroachment No. 1112-1

An Encroachment Request was filed in my office today for permission to encroach on a utility easement on located in Lot 4, Replat of Lakewood Park being a subdivision of the west 493 feet of Lot 7, a/k/a as 2717 South Berry Road, to convert an existing back porch into a sun room. The applicant states the house was built in the 1950's with a large portion of the existing structure and porch built on a platted sewer easement. Mr. Barnard stated he has been talking with Mr. Mark Daniels, Utility Engineer, and Mr. Ken Danner, Development Coordinator, and has been told the easement would be placed on the City Council agenda of August 9, 2011. After the information has been received from the Planning Department, Public Works Department, and Utilities Department and a determination has been made on whether to recommend approval or denial, please forward your recommendation and Consent to Encroachment Form, if needed, to my office in order that it may be scheduled as an agenda item

This item will be scheduled as an agenda item on August 9, 2011, and the information must be received in my office by August 1, 2011. If there is a problem in meeting that timeframe, please advise.

smr
attachments

office memorandum

DATE: August 16, 2011

TO: Blaine Nice, Assistant City Attorney

FROM: Ken Danner, Development Manager KD

SUBJECT: Consent to Encroach
Lot 4, a Replat of Lakewood Park Addition
2717 South Berry Road

Public Works/Engineering staff does not oppose the request to encroach an existing sanitary sewer easement. Public Works does not have any improvements within the easement. We do yield to the Utilities Department regarding any possible sanitary sewer mains that might be located within the easement. If required the City should be held harmless in the course of maintaining their facilities. Utility Companies were not notified based on the fact this is a platted sanitary sewer easement.

If you have further questions, please feel free to contact me.

KD/tf

Reviewed by: Shawn O'Leary, Director of Public Works

cc: Brenda Hall, City Clerk
Ken Komiske, Director of Utilities

office memorandum

Date: August 15, 2011

To: Brenda Hall, City Clerk

From: Mark Daniels, Utilities Engineer

Re: Consent to Encroach 1112-01
2717 South Berry Road

The proposed building expansion is located to the east of the existing home at 2717 S. Berry, otherwise known as Lot 4, Replat of Lakewood Park. The house has a platted 10-foot wide sewer only easement (S/E) located directly adjacent to and east of the existing home/patio and west of Imhoff Creek. The owner has submitted a building permit to convert the existing patio area into a sunroom.

The existing 8-inch diameter vitrified clay (VCP) sewer line was constructed in the 1950's, is in poor condition and is approximately 3 to 4 feet deep. The home was constructed in the late 1950's. It appears a small portion of the home foundation as well as a large part of the concrete patio at 2717 S. Berry is within the existing sewer easement.

The Norman Utilities Authority (NUA) has identified the sewer in question for replacement under the Sewer Maintenance Plan. Staff has being working with six homeowners (directly north of Imhoff on the east side of Berry) to relocate and replace to existing sewer. The new alignment will require donation of a new sewer easement from three of the six affected property owners. All three of the property owners affected (2717 S. Berry and the properties directly north and south) have verbally agreed to donate the required sewer easement. Staff is working to finalize these easement documents and we expect easements for the re-located sewer to be considered by Council on September 13, 2011.

All encroachments upon utility easements are objected to unless the applicant agrees to certain requirements that are filed of record on the property deed. In this instance, the existing sewer easement will be abandoned upon relocation of the sewer line. The applicant has agreed to provide a new sewer easement needed to construct and maintain the relocated sewer.

Therefore, the Utilities Department can approve the encroachment application if the following requirements pertaining to the existing sewer easement are filed of record on the deed.

1. The property owner will be responsible for the cost to repair any damages to the City's "active" sewer line caused by any excavation or other construction activities conducted by the property owner or his agents.
2. The property owner will waive and release any claims against the City for any damages to the residence and related improvements that may occur after abandonment of the City sewer line within the existing easement area.

The owner of 2717 S. Berry has agreed to donate and execute the new sewer easement as a condition to approval of this request to encroach. The Utilities Department concurs in this approach. Please advise if you have any questions.

Cc: Ken Danner
Ken Komiske
Bob Christian

City of Norman, OK

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

Master

File Number: SC-1112-2

File ID:	SC-1112-2	**Type:**	Special Claim	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 22	**In Control:**	City Council
Department:	Legal Department	**Cost:**	$6,353.52	**File Created:**	08/16/2011
File Name:	Special Claim Wade			**Final Action:**	

Title: SPECIAL CLAIM NO. SC-1112-2: A CLAIM FOR PARTIAL PAYMENT IN THE REDUCED AMOUNT OF $6,353.52 SUBMITTED BY LACEY WADE FOR COSTS INCURRED WHEN A SANITATION VEHICLE STRUCK HER PARKED CAR AT 2500 MCGEE DRIVE.

ACTION NEEDED: Motion to approve or reject Special Claim No. SC-1112-2; and, if approved, direct partial payment in the reduced amount of $6,353.52 contingent upon obtaining a Release and Covenant Not to Sue from Lacey Wade.

ACTION TAKEN: _____

Notes:

Agenda Date: 08/23/2011

Agenda Number: 22

Attachments: Special Claim Wade, Staff Memo Wade, Accident Report Wade

Project Manager: Jeanne Snider, Assistant City Attorney

Entered by: jayme.rowe@normanok.gov

Effective Date:

History of Legislative File

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

Text of Legislative File SC-1112-2

Body

BACKGROUND: A claim has been filed by Lacey Wade for damages to her vehicle in the amount of $6,353.52 and lost wages in the amount of $200 due to an incident which occurred on July 28, 2011 when Ms. Wade's vehicle was struck by a City of Norman sanitation truck. Ms. Wade has also advised that a supplemental tort claim will be filed for her rental car expense during the repair process.

DISCUSSION: This incident was investigated by Gary L. Seal, Utilities Supervisor. According to his investigation, the sanitation truck was stopped on Rolling Hills Street. However, the parking brake of the sanitation truck failed to engage causing the truck to roll down the hill and strike Ms. Wade's parked, unoccupied vehicle.

As indicated above, there appears to be possible negligence on the part of the City in this matter and, consequently, potential liability on the City. The amount of $6,353.52 claimed by Ms. Wade for repairs to her vehicle appears to be reasonable.

RECOMMENDATION: Based upon the above and foregoing, it is the recommendation of the City Attorney's Office that the claim of Lacey Wade for repair of the damages to her vehicle in the amount of $6,353.52, as above set forth, be approved.

office memorandum

DATE: August 3, 2011

TO: Ken Komiske, Director of Utilities
Jeff Bryant, City Attorney

FROM: Brenda Hall, City Clerk

SUBJECT: Claim from Lacey Wade

I am in receipt of a claim from Ms. Lacey Wade in the amount of $6,553.52 for damages to her parked vehicle and lost wages as a result of being struck by a Sanitation truck. Ms. Wade states her vehicle was parked at her workplace located at 2500 S. McGee Drive and a City of Norman Sanitation truck, located on Rolling Hills Street, rolled down the street colliding into her co-workers vehicle, causing the co-workers vehicle to collide into her vehicle. Ms. Wade claims she is unable to drive her vehicle because the impact caused multiple damages and she has rented a car. Ms. Wade indicated she will submit a claim for rental car expenses at a later date.

Ken, I would appreciate your checking with your staff regarding verification of the problem. Please report your findings by written memorandum to me with a copy to Jeff.

Jeff, if it is determined the City has liability in this matter, please signify by writing a report of your recommendations in order that we may schedule this claim as an agenda item.

BH:kjc
attachments

CITY OF NORMAN
POST OFFICE BOX 370
NORMAN, OKLAHOMA 73070

NOTICE OF TORT CLAIM

CLAIMANT: Lacey Wade DATE: 7/28/11

ADDRESS: 812 Winter Park CITY Blanchard

STATE: OK ZIP: 73010 PHONE: (H) 405-485-3021 (W) 405-623-9104 *

DATE OF INCIDENT: 7/28/11

LOCATION OF INCIDENT: Rolling Hills (Hi-Point BLDG)

STATEMENT OF CIRCUMSTANCES / REASONS YOU BELIEVE CITY IS LIABLE:

While parked at my place of work a City of Norman trash truck rolled down a hill, running into a co-workers vehicle. Her vehicle was pushed into mine causing multiple damages to my vehicle.

* Rental car expenses are not complete until car is completely repaired. Will be submitted at a later date

(use additional pages if necessary)

MONETARY STATEMENT: List of expenses claimed for payment:

Rental car expenses * $

time off work $ 200 $

auto repairs $ 6353.52 $

TOTAL AMOUNT CLAIMED: $ 6553.52

NAME AND ADDRESS OF INSURANCE COMPANY:

AGENT:

THIS FORM MUST BE SIGNED AND RETURNED WITH ALL REQUESTED INFORMATION IN ORDER TO BE PROCESSED.

I SWEAR AND/OR AFFIRM THE INFORMATION PROVIDED ABOVE IS TRUE AND CORRECT.

Lacey D. Wade
CLAIMANT'S SIGNATURE

FILED IN THE OFFICE OF THE CITY CLERK ON 8/3/11

MARC HEITZ CHEVROLET BODY SHOP
1560 24TH AVE SW
NORMAN, OK 73072
PHONE: 405-579-3070 FAX: 405-579-3048
FEDERAL TAX ID #73-0732005

CD LOG NO 20763-1 DATE 07/29/11

SHOP:	MARC HEITZ BODY SHOP	INSP DATE:	07/29/11
ADDRESS:	1560 24TH AVE SW	CONTACT:	NICK HORTON
	PO BOX 720908	PHONE 1:	(405)579-3070
CITY STATE:	NORMAN, OK	FAX:	(405)579-3048
ZIP:	73070-4708		
EMAIL:	DDILLARD@MHEITZ.COM		
OWNER:	WADE, LACY	WORK PHONE:	(405)651-3447
ADDRESS:	812 WINTER PARK	CELL PHONE:	(405)623-9104
CITY STATE:	BLANCHARD, OK		
ZIP:	73010		

POINT OF IMPACT: 0

VEH. DROP OFF DATE/TIME:07/28/11 07:32 AM RENTAL ASSISTED: YES

LIC#:	STATE:	VIN:	1G1ZK57B79F203458
BODY COLOR:	WHITE	MILEAGE:	28,821
CONDITION:		ACCTNG CTL#:	
DRIVEABLE:	NO	VEH. INSP#:	

*=USER-ENTERED VALUE	E=REPLACE OEM	NG=REPLACE NAGS
EC=REPLACE ECONOMY	UE=REPLACE OE SURPLUS	UC=RECONDITIONED PRT
UM=REMAN/REBUILT PRT	EU=REPLACE SALVAGE	EP=REPLACE PXN
OE=REPLACE PXN OE SRPLS	PC=PXN RECONDITIONED	PM=PXN REMAN/REBUILT
TE=PARTL REPL PRICE	ET=PARTL REPL LABOR	IT=PARTIAL REPAIR
I=REPAIR	L=REFINISH	BR=BLEND REFINISH
TT=TWO-TONE	CG=CHIPGUARD	SB=SUBLET
N=ADDITIONAL LABOR	RI=R&I ASSEMBLY	P=CHECK
AA=APPEAR ALLOWANCE	RP=RELATED PRIOR	UP=UNRELATED PRIOR

2009 CHEVROLET MALIBU LTZ 4DOOR SEDAN 4CYL GASOLINE 2.4
CODE: U2663D/B OPTNS E/24DBCEFHIM

OPTIONS:

TWO-STAGE - EXTERIOR SURFACES	TWO-STAGE - INTERIOR SURFACES
BUMPER COVER MOUNTED FOG LAMPS	HEATED FRONT SEATS
PASSENGER POWER FRONT SEAT	HEATED REMOTE CONTROL MIRRORS
REMOTE KEYLESS IGNITION	STABILITY CONTROL
CLIMATE CONTROLLED A/C	STRG WHEEL MTD RADIO CONTROLS

OP	GDE	MC	DESCRIPTION	MFG.PART NO.	PRICE	AJ%	B%	HOURS	R
N	0034		FRT BUMPER CVR OVERHAU	ADDNL LABOR OPERA				3.4	1
I	0006		COVER,FRONT BUMPER	REPAIR				3.0*	1

2009 CHEVROLET MALIBU LTZ 4DOOR SEDAN
CD LOG NO 20763-1

L 0006	13	COVER,FRONT BUMPER	REFINISH			4.4	4
E 0011		EMBLEM,FRT BMPR COVER	25961384 GM PART	31.34		0.2	1
E 0047		DEFL,FRONT BUMPER LWR	15826166 GM PART	34.28		INC	1
E 0111		SKIRT,INNER FENDER LT	20830624 GM PART	59.56		0.1	1
E 0817	46	WHEEL,REAR LT	9598595 GM PART	456.93		0.4	1
E 0818	46	WHEEL,REAR RT	9598595 GM PART	456.93		0.4	1
E 1840		VALVE STEM LT	15263240 GM PART	8.82			1
E 1841		VALVE STEM RT	15263240 GM PART	8.82			1
TE0249	07	PANEL ASSY,BODY SID RT	PART/PARTIAL REPL	842.76			1
E 1199		RETAINER,RCKR PNL M RT	MULTI-PART GM PAR	65.11			1
RI0118		MLDG,ROCKER PANEL RT	R&I ASSEMBLY			0.4	1
BR0210		PNL,FRONT DOOR OUTE RT	BLEND REFINISH			1.4	4
RI0232		PNL,INNER DOOR TRIM RT	R&I ASSEMBLY			INC	1
RI1314		MLDG,FRONT DOOR BELR/R	R&I ASSEMBLY			0.1	1
E 0095		EMBLEM,FRONT DOOR R/F	15223484 GM PART	5.00		0.2	1
RI0230		MIRROR,OUTER R/C RT	R&I ASSEMBLY			0.7	1
RI0228		HANDLE,FRONT DOOR O RT	R&I ASSEMBLY			0.2	1
E 0290		PNL,REAR DOOR OUTER RT	15894779 GM PART	316.30		5.8	1
L 0290		PNL,REAR DOOR OUTER RT	REFINISH			2.9	4
SB0304		SEALANT KIT,RR DR V RT	SUBLET REPAIR	20.00*			1
E 1320		COVER,RR DOOR HANDL RT	15895670 GM PART	25.50			1
RI0323		REAR VENT GLASS R & RT	R&I ASSEMBLY			0.2	1
E 0319		SUPT,RR DOOR HANDLE RT	20795233 GM PART	29.83		0.2	1
E 1318		HANDLE,RR DOOR OUTE RT	15929514 GM PART	54.36		INC	1
N 0369		BACK GLASS R & I	ADDNL LABOR OPERA			2.7	1
SB1456		SEALANT KIT,BACK GLASS	SUBLET REPAIR	20.00*			1
ET0426		PANEL,QUARTER RT	LABOR/PARTL REPLA			15.8	1
L 0426		PANEL,QUARTER RT	REFINISH			4.2	4
RI0397		DOOR,FUEL FILLER RT	R&I ASSEMBLY			INC	1
L 0397		DOOR,FUEL FILLER RT	REFINISH			0.4	4
I 0402	07	PNL,WHEELHOUSE OUTE RT	REPAIR			6.0*	1
L 0402		PNL,WHEELHOUSE OUTE RT	REFINISH			0.5	4
BR0479		LID,REAR DECK	BLEND REFINISH			1.3	4
E 0398		N/PLATE,DECK LID	15832264 GM PART	10.25		0.2	1
E 0519		N/PLATE,DECK LID	15832267 GM PART	8.00		0.2	1
E 0416		EMBLEM,DECK LID	15832268 GM PART	31.34		0.2	1
RI0534		TAILLAMP ASSEMBLY,O RT	R&I ASSEMBLY			0.2	1
RI0535		TAILLAMP ASSEMBLY,I LT	R&I ASSEMBLY			0.6	1
RI0536		TAILLAMP ASSEMBLY,I RT	R&I ASSEMBLY			0.2	1
N 0566		REAR BUMPER COVER R&I	ADDNL LABOR OPERA			INC	1
SBM14		CORROSION PROTECTION	SUBLET REPAIR	10.00*			4
SBM17		COVER CAR EXTERIOR	SUBLET REPAIR	5.00*			4
SBM60		HAZARD. WSTE. REM.	SUBLET REPAIR	3.00*			1
SB		TOWING	SUBLET REPAIR	178.60*			1*
EC		Eagle LS-2 LR	ECONOMY PART	144.28			1
		GOODYEAR 225/50R18 706543153 0 11 94T					
		Tire Rack					
		(800) 445-0179					
EC		Eagle LS-2 RR	ECONOMY PART	144.28			1
		GOODYEAR 225/50R18 706543153 0 11 94T					
		Tire Rack					
		(800) 445-0179					
SB		ALIGNMENT	SUBLET REPAIR	79.95*			1*

2009 CHEVROLET MALIBU LTZ 4DOOR SEDAN
CD LOG NO 20763-1

SB	MNT & BAL X 2	SUBLET REPAIR	36.00*	1*

50 ITEMS

MC MESSAGE(S)
07 STRUCTURAL PART AS IDENTIFIED BY I-CAR
13 INCLUDES 0.6 HOURS FIRST PANEL TWO-STAGE ALLOWANCE
46 PRINTABLE PXN COMPARE

FINAL CALCULATIONS & ENTRIES

GROSS PARTS				2,445.13
OTHER PARTS				288.56
PAINT MATERIAL				513.40
PARTS & MATERIAL TOTAL				3,247.09
TAX ON PARTS & MATERIAL @			8.250%	267.88

LABOR	RATE	REPLACE HRS	REPAIR HRS	
1-SHEET METAL	44.00	26.3	15.1	1,821.60
2-MECH/ELEC	75.00			
3-FRAME	55.00			
4-REFINISH	44.00	15.1		664.40
5-PAINT MATERIAL	34.00			
LABOR TOTAL				2,486.00
SUBLET REPAIRS				352.55
TOWING				
STORAGE				

GROSS TOTAL	6,353.52
NET TOTAL	6,353.52

SHOPLINK U4635 ES CD LOG 20763-1 DATE 07/29/11 12:41:51AM R6.37 CD 07/11
PXN: Y/02/00/00/02/02 CUM 02/00/00/02/02 GEOCODE 73070
HOST LOG
(C) 1998 - 2008 AUDATEX NORTH AMERICA, INC.

3.5 HRS WERE ADDED TO THIS EST. BASED ON AUDATEX TWO-STAGE REFINISH FORMULA.

THIS ESTIMATE HAS BEEN PREPARED BASED ON THE USE OF CRASH PARTS SUPPLIED BY A SOURCE OTHER THAN THE MANUFACTURER OF YOUR MOTOR VEHICLE. WARRANTIES APPLICABLE TO THESE REPLACEMENT PARTS ARE PROVIDED BY THE MANUFACTURER OR DISTRIBUTOR OF THESE PARTS RATHER THAN THE MANUFACTURER OF YOUR VEHICLE.
WE AT MARC HEITZ BELIEVE WE EMPLOYEE SOME OF THE BEST CRAFTSMEN IN THE AUTO REPAIR BUSSINESS. THEREFORE WE WILL GUARANTEE OUR WORK FOR AS LONG AS YOU OWN YOUR VEHICLE.
SIGNED:_____ DATE:_____

office memorandum

DATE: August 3, 2011

TO: Ken Komiske, Director of Utilities
Jeff Bryant, City Attorney

FROM: Brenda Hall, City Clerk

SUBJECT: Claim from Lacey Wade

I am in receipt of a claim from Ms. Lacey Wade in the amount of $6,553.52 for damages to her parked vehicle and lost wages as a result of being struck by a Sanitation truck. Ms. Wade states her vehicle was parked at her workplace located at 2500 S. McGee Drive and a City of Norman Sanitation truck, located on Rolling Hills Street, rolled down the street colliding into her co-workers vehicle, causing the co-workers vehicle to collide into her vehicle. Ms. Wade claims she is unable to drive her vehicle because the impact caused multiple damages and she has rented a car. Ms. Wade indicated she will submit a claim for rental car expenses at a later date.

Ken, I would appreciate your checking with your staff regarding verification of the problem. Please report your findings by written memorandum to me with a copy to Jeff.

Jeff, if it is determined the City has liability in this matter, please signify by writing a report of your recommendations in order that we may schedule this claim as an agenda item.

BH:kjc
attachments

received
8-5-11

COMPLETE

[DO NOT WRITE IN THIS SPACE]

Pg 1 of 8

	Y	N
Incident Report		X
Investigation Completed	X	
Investigation Made at Scene	X	
Photographs		X
Revised		X
Fatality		X
Hit and Run		X

OFFICIAL OKLAHOMA TRAFFIC COLLISION REPORT

(1) Reporting Agency: NORMAN POLICE DEPT
Case Number (Agency Use): 2011-09649
Motor Vehicles Involved: 03 | Number Injured: 00 | Number Killed: 00

(2) Date of Collision (mm/dd/yyyy): 07/28/2011 | Time: 1336 | County Number and Name: 14 CLEVELAND | Nearest City or Town Number and Name: In [X] Near [ ] 20 NORMAN

(3) Distance from Nearest City or Town Limits: Mi. [ ] Ft. [ ] N [ ] S [ ] Mi. [ ] Ft. [ ] E [ ] W [ ] | Control # | Int ID | Location | East Grid | North Grid | Administrative

(4) Street, Road or Highway: ROLLING HILLS ST | At: Distance from 0145 Mi. [ ] Ft. [X] N [ ] S [ ] E [ ] W [X] of (Nearest) Intersecting Street, Road or Highway: MCGEE DR

Unit 01

(5) Unit: 01 | Occupants: 00 | Type: D | Hit & Run: [ ] | CMV: [ ]
Last Name: WOOLINGTON | First: PERRY | Middle: MICHAEL | Date of Birth (mm/dd/yyyy): [redacted] | Sex:
(6) Address: 110 MOOREHEAD CT | City: WASHINGTON | State: OK | Zip: 73093 | Telephone (Use Area Code): 4056602257
(7) Driver License Number: [redacted] | State: OK | Class: B | Endorsement(s): | Restriction(s): 1 | Inj. Sev.: 1 | Type of Injury: 0 | Drv./Ped. Cond.: 01 | OP Use: 00
(8) Air Bag: 1 | Ejected: 1 | Extricated: 1 | Test: 5 | (% BAC): 0. | Transported by: | To Medical Facility: | License Plate Number: CI 15136 | State: OK | Month: 12 | Year: 2011
(9) VIN: [redacted] | Vehicle Year: 2003 | Color: GRN | 2nd Color: O | Make: JNIS | Model: Q60 | Veh. Conf.: 24 | Extent of Damage: 2
(10) Insurance Verification: 4 | Insurance Company Name: CITY OF NORMAN | Policy Number: | Insurance Telephone (Use Area Code):
(11) Vehicle Removed by: Driver: CITY OF NORMAN WRECKER | Owner's Last Name: | First: | Middle Initial: | Same as Driver: [ ] CITY OF NORMAN
(12) Owner's Address: 201 W GRAY | City: NORMAN | State: OK | Zip: 73069 | Oversized Load: 0 | Towed Veh. Type: 00 | Rolled [ ] Burned [ ] | Phone present [ ] Phone in use [ ]
(13) Citation Number: | Statute/Ordinance Number: | Citation Number: | Statute/Ordinance Number:

CX1049-11

Unit 02

(14) Unit: 02 | Occupants: 00 | Type: D | Hit & Run: [ ] | CMV: [ ]
Last Name: LOGAN | First: SANDRA | Middle: DIAN | Date of Birth (mm/dd/yyyy): [redacted] | Sex:
(15) Address: 12611 N COUNTY RD 3332 | City: PAOLI | State: OK | Zip: 73074 | Telephone (Use Area Code): 4054143560
(16) Driver License Number: [redacted] | State: OK | Class: D | Endorsement(s): M | Restriction(s): | Inj. Sev.: 0 | Type of Injury: 0 | Drv./Ped. Cond.: 01 | OP Use: 00
(17) Air Bag: 1 | Ejected: 1 | Extricated: 1 | Test: 5 | (% BAC): 0. | Transported by: | To Medical Facility: | License Plate Number: 999 FAE | State: OK | Month: 07 | Year: 2012
(18) VIN: [redacted] | Vehicle Year: 2007 | Color: BLK | 2nd Color: O | Make: NISS | Model: FRON | Veh. Conf.: 04 | Extent of Damage: 4
(19) Insurance Verification: 2 | Insurance Company Name: STATE FARM | Policy Number: [redacted] | Insurance Telephone (Use Area Code): 4055275591
(20) Vehicle Removed by: Driver: REMAINED AT SCENE | Owner's Last Name: | First: | Middle Initial: | Same as Driver: [X]
(21) Owner's Address: | City: | State: | Zip: | Oversized Load: 0 | Towed Veh. Type: 00 | Rolled [ ] Burned [ ] | Phone present [ ] Phone in use [ ]
(22) Citation Number: | Statute/Ordinance Number: | Citation Number: | Statute/Ordinance Number:

(23) Investigating Officer: GARNAND | Badge Number: 0012 | Troop/Div.: | Reviewed by (Init.): AA | Reviewer Badge Number: 9711 | Date of Report (mm/dd/yyyy): 07/28/2011

Unit Type: D Driver, P Pedestrian, X Pedestrian Conveyance, B Bicyclist, Z Other Cyclist, C Parked Car, A Animal, T Train

Injury Severity: 0 N/A, 1 No Injury, 2 Possible, 3 Non-incapacitating, 4 Incapacitating, 5 Fatal, 9 Unknown

Type of Injury: 0 N/A, 1 Head, 2 Trunk - External, 3 Trunk - Internal, 4 Arms, 5 Legs, 9 Unknown

Driver/Pedestrian Condition: 00 Not Applicable, 01 Apparently Normal, 02 Drinking - Ability Impaired, 03 Odor of Alcohol Beverage, 04 Illegal Drugs, 05 Under the Influence of Medications, 06 Very Tired, 07 Sleepy, 08 Ill (Sick), 09 Dizzy/Faint, 10 Emotional, 11 Other, 99 Unknown

Occupant Protection (OP) In Use: 00 Not Applicable, 01 None Used, 02 Lap Belt Only, 03 Shoulder Belt Only, 04 Shoulder and Lap Belt, 05 Child Restraint Type Unknown, 06 Restraint Used - Type Unknown, 07 Helmet, 08 Child Restraint - Forward Facing, 09 Child Restraint - Rear Facing, 10 Booster Seat, 11 Other, 99 Unknown

Air Bag Deployed: 0 Not Applicable, 1 Not Deployed, 2 Deployed - Front, 3 Deployed - Side, 4 Deployed - Other (knee, air belt, etc.), 5 Deployed - Combination, 9 Deployment Unknown

Ejected: 0 Not Applicable, 1 Not Ejected, 2 Ejected, Partially, 3 Ejected, Totally, 9 Unknown

Extricated: 0 N/A, 1 No, 2 Yes

Chemical Test: 0 N/A, 1 Blood, 2 Breath, 3 Blood/Breath, 4 Test Refused, 5 None Given, 6 Other

Extent of Damage: 0 N/A, 1 None, 2 Minor, 3 Functional, 4 Disabling, 9 Unknown

Insurance Verification: 0 N/A, 1 No, 2 Owner, 3 Operator, 4 Exempt

Oversized Load: 0 N/A, N Not Permitted, P Permitted

Towed Vehicle Type: 00 N/A, 01 Boat Trailer, 02 House Trailer, 03 Farm Trailer, 04 Horse Trailer, 05 Another Vehicle, 06 Utility Trailer, 07 Homemade Trailer, 08 Box Trailer, 09 Stock Trailer, 10 Camping Trailer, 11 Combination, 12 Other, 99 Unknown

WARNING - STATE LAW Use of contents for commercial solicitation is unlawful

DPS: 0192-0122-7 0107

Case Number 201109649

(24) Unit | Injured | Witness | Passenger | Prop. Owner | Pos in Veh. | Last Name | First | Middle Initial | Date of Birth (mm/dd/yyyy) | Sex
MCPHEETERS CHRISTOPHER S [redacted]

(25) Address | Same as Driver | City | State | Zip | Telephone (Use Area Code)
7400 NW 22ND ST | BETHANY | OK | 73008 | 4055511304

(26) Injury Severity / Type | OP Use | Air Bag Ejected | Extricated | Transported by | To Medical Facility | Property Type

(27) Unit | Injured | Witness | Passenger | Prop. Owner | Pos in Veh. | Last Name | First | Middle Initial | Date of Birth (mm/dd/yyyy) | Sex

(28) Address | Same as Driver | City | State | Zip | Telephone (Use Area Code)

(29) Injury Severity / Type | OP Use | Air Bag Ejected | Extricated | Transported by | To Medical Facility | Property Type

(30) Unit [redacted] | Pos in Veh. | Last Name | First | Middle Initial | Date of Birth (mm/dd/yyyy) | Sex

(31) Address | Same as Driver | City | State | Zip | Telephone (Use Area Code)

(32) Injury Severity / Type | OP Use | Air Bag Ejected | Extricated | Transported by | To Medical Facility | Property Type [redacted]

(33) Unit | Injured | Witness | Passenger | Prop. Owner | Pos in Veh. | Last Name | First | Middle Initial | Date of Birth (mm/dd/yyyy) | Sex

(34) Address | Same as Driver | City | State [redacted]

(35) Injury Severity / Type | OP Use | Air Bag Ejected | Extricated | Transported by | To Medical Facility | Property Type

Complete information below if this vehicle is being used for COMMERCE/BUSINESS and has a GVWR/GCWR IN EXCESS OF 10,000 LBS., or has a HAZMAT PLACARD, or is a BUS WITH SEATING FOR NINE OR MORE INCLUDING THE DRIVER

(36) Unit | Carrier Name | Address

(37) City | State | Zip | GVWR | GCWR | 0 - 10K lbs. | 10,001 - 26K lbs. | 26K+ lbs. | Axle Qty. | Cargo Body | Vehicle Use: Interstate Commerce, Intrastate Commerce, Other Non-Commercial, Government

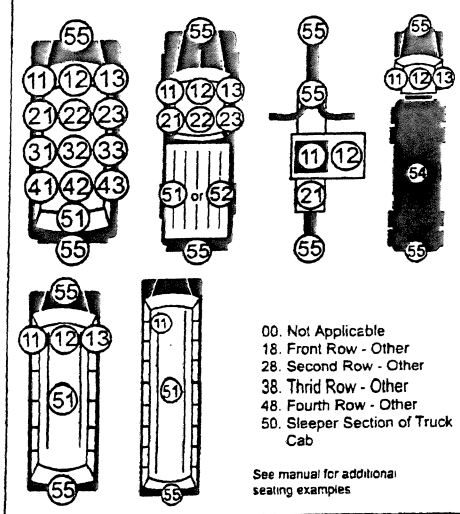
(38) U.S. DOT Number [redacted] | NASI Report Number: OK | Placard Number | Haz. Mat. Class | Haz. Mat. Involved: Yes / No | Haz. Mat. Release: Yes / No

(39) Unit | Carrier Name | Address [redacted]

(40) City | State | Zip | GVWR | GCWR | 0 - 10K lbs. | 10,001 - 26K lbs. | 26K+ lbs. | Axle Qty. | Cargo Body | Vehicle Use: Interstate Commerce, Intrastate Commerce, Other Non-Commercial

(41) U.S. DOT Number | NASI Report Number: OK | Placard Number | Haz. Mat. Class | Haz. Mat. Involved | Haz. Mat. Release

Position in Vehicle



00. Not Applicable
18. Front Row - Other
28. Second Row - Other
38. Thrid Row - Other
48. Fourth Row - Other
50. Sleeper Section of Truck Cab

See manual for additional seating examples

Vehicle Configuration

00. N/A
01. Passenger Veh.-2 Dr
02. Passenger Veh.-4 Dr
03. Passenger Veh. Conv.
04. Pickup
05. Single Unit Truck, 2 axles
06. Single Unit Truck. 3+ axles
07. School Bus
08. Truck/Trailer
09. Truck-Tractor (Bobtail)
10. Truck-Tractor/ Semi-Trailer
11. Truck-Tractor/ Double
12. Truck-Tractor/ Triple
13. Bus/Large Van 9-15 occupants including driver
14. Bus 16+ occupants including driver
15. Motorcycle
16. Motor Scooter/ Moped
17. Motor Home
18. Farm Machinery
19. ATV
20. SUV
21. Passenger Van
22. Truck more than 10,000 lbs., Cannot Classify
23. Van 10,000 lbs. or Less
24. Other
99. Unknown

Cargo Body Type

00. N/A
01. Bus 9-15 seats
02. Bus 16+ seats
03. Van / Enclosed Box / Stock Trailer
04. Cargo Tank
05. Flatbed
06. Intermodal
07. Dump Truck/ Trailer
08. Concrete Mixer
09. Auto Transporter
10. Garbage/Refuse
11. Hopper (grain/ chips/gravel)
12. Pole Trailer
13. Log Trailer
14. Vehicle Towing Vehicle
15. Other
99. Unknown

Case Number 2011-09649

OFFICIAL OKLAHOMA TRAFFIC COLLISION REPORT

	Unit	Total Lanes in Roadway	Legal Speed	Pedestrian / Pedalcyclist Only: Actions Prior to Collision	Location at Time of Collision	Safety Equip.	Unit Number of Vehicle Striking
This unit will correspond to "Unit 1"	01	02	25				
This unit will correspond to "Unit 2"	02	02	25				

Was the collision in or near a construction, maintenance or utility work zone? (If yes, complete this section) Yes ☐ No ☑

Type of Work Zone
1 Lane Closure
2 Lane Shift/Crossover
3 Work on Shoulder or Median
4 Intermittent or Moving Work
9 Unknown

Location of the Work Zone Collision
1 Before the First Work Zone Warning Sign
2 Advance Warning Area
3 Transition Area
4 Activity Area
5 Termination Area
9 Unknown

Workers Present Yes ☐ No ☐ Unknown ☐

Light [1]
1 Daylight
2 Dark-Not Lighted
3 Dark-Lighted
4 Dawn
5 Dusk
6 Dark-Unknown Lighting
7 Other
9 Unknown

Weather [6]
01 Clear
02 Fog/Smog/Smoke
03 Cloudy
04 Rain
05 Snow
06 Sleet/Hail (Freezing Rain/Drizzle)
07 Severe Crosswind
08 Blowing Snow
09 Blowing Sand, Soil, Dirt
10 Other
99 Unknown

Locality [2]
1 Residential
2 Business
3 Industrial
4 School
5 Not Built-up
6 Mixed Use
7 Other
9 Unknown

Type of Intersection [0]
0 Not an Intersection
2 Y-Intersection
3 T-Intersection
4 Four-Way Intersection
5 Five-Point or More
6 Intersection as Part of Interchange
7 Traffic Circle
8 Roundabout
9 Unknown

Incident Type [00]
00 Not an Incident
51 Private Property
52 Deliberate Intent
53 Medical Condition
54 Legal Intervention
55 Suicide
57 Drowning
58 Other

Location of First Harmful Event [07]
01 On Roadway
02 Shoulder
03 Median
04 Roadside
05 Gore
06 Separator
07 Parking Lane/Zone
08 Off Roadway, Location Unknown
09 Outside Right-of Way
10 Other
99 Unknown

	Unit 1	Unit 2
What Vehicle Was Going to Do	12	13

00 Not Applicable
01 Go Ahead
02 Turn Left
03 Turn Right
04 Make "U" Turn
05 Stop
06 Slow for Cause
07 Start from Park/Stop
08 Change Lanes
09 Overtake
10 Pass
11 Back
12 Remain Stopped
13 Remain Parked
14 Enter/Merge in Traffic
15 Negotiate a Curve
16 Park
17 Other
99 Unknown

	Unit 1	Unit 2
What Vehicle Did	07	13

00 Not Applicable
01 Went Ahead
02 Turned Left
03 Turned Right
04 Entered "U" Turn
05 Stopped
06 Slowed
07 Started From Park/Stop
08 Entered Other Lane
09 Overtaking
10 Passing
11 Backed
12 Remained Stopped
13 Remained Parked
14 Entered/Merged
15 Departed Rdwy-Right
16 Departed Rdwy-Left
17 Swerved Right
18 Swerved Left
19 Parked
20 Other
99 Unknown

	Unit 1	Unit 2
Visibility Obscured by	00	00

00 Not Applicable
01 Trees
02 Embankment
03 Building
04 Signs
05 Parked Vehicles
06 High Weeds
07 Fences
08 Shrubbery
09 Ice, Snow or Frost on Windows
10 Smoke
11 Fog
12 Dust
13 Rain
14 Sun
15 Other
99 Unknown

	Unit 1	Unit 2
Driver Distracted by	0	0

0 Not Applicable/None
1 Electronic Communication Devices
2 Other Electronic Device
3 Other Inside Vehicle
4 Other Outside Vehicle
9 Unknown

	Unit 1	Unit 2
Underride/ Override		

0 Not Applicable
1 No Underride or Override
2 Underride, Compartment Intrusion
3 Underride, No Compartment Intrusion
4 Underride, Compartment Intrusion Unknown
5 Override, Motor Vehicle in Transport
6 Override, Other Motor Vehicle
9 Unknown

	Unit 1	Unit 2
Traffic Control	06	06

00 No Control
01 Stop Sign
02 Traffic Signal
03 Flashing Traffic Signal
04 School Zone Signs
05 Yield Sign
06 Warning Sign
07 Railroad Advance Warning Sign
08 Railroad Cross Bucks
09 Railroad Gates
10 Railroad Signal
11 No Passing Zone
12 Person (including flagger, law enforcement, crossing guard, etc.)
13 Abnormal Control
14 Other
99 Unknown

	Unit 1	Unit 2
Road Surface Conditions	01	01

01 Dry
02 Wet
03 Ice/Frost
04 Snow
05 Mud, Dirt, Gravel
06 Slush
07 Water (standing, moving)
08 Sand
09 Oil
10 Other
99 Unknown

Road Character

	Unit 1	Unit 2
Grade	4	4

1 Level
2 Hillcrest
3 Uphill
4 Downhill
5 Sag (bottom)

	Unit 1	Unit 2
Road Alignment	2	2

1 Straight
2 Curve - Left
3 Curve - Right

	Unit 1	Unit 2
Road Surface Type	2	2

1 Concrete
2 Asphalt
3 Gravel
4 Dirt
5 Brick
6 Other
9 Unknown

	Unit 1	Unit 2
Trafficway	2	2

0 Not Applicable
1 One Way
2 Two-Way - Not Divided
3 Two-Way - Divided
4 Two-Way - Divided - Positive Median Barrier
5 Turn Lane
6 Ramp / Loop
7 Driveway
8 Alley / Parking Lot
9 Unknown

	Unit 1	Unit 2
Vehicle Removal	2	3

0 Not Applicable
1 Towed Due to Vehicle Damage
2 Towed For Reasons Other Than Damage
3 Remained at Scene
4 Driven from Scene
9 Unknown

	Unit 1	Unit 2
Vehicle Condition	02	01

00 Not Applicable
01 Apparently Normal
02 Brakes
03 Headlights
04 Steering
05 Tail Lights
06 Brake Lights
07 Tires/Wheels
08 Suspension
09 Signal lights
10 Windows
11 Truck Coupling/Trailer Hitch/Safety Chains
12 Mirrors 15 Other
13 Wipers 99 Unknown
14 Power Train

	Unit 1	Unit 2
Special Function of Vehicle	12	06

00 Not Applicable
01 School Bus
02 Transit Bus
03 Intercity Bus
04 Charter Bus
05 Other Bus
06 Military
07 OHP
08 Other Police
09 Other Law Enforcement
10 Ambulance
11 Fire Truck
12 Public Owned Vehicle
13 Highway Equipment
14 Special Mobilized Machine
15 Other 99 Unknown

	Unit 1	Unit 2
Emergency Vehicle Responding to an Emergency	0	0

0 N/A 2 No
1 Yes 9 Unknown

	Unit 1	Unit 2
Unsafe / Unlawful Contributing Factors	17	18

FAILED TO YIELD
01 From Stop Sign
02 From Yield Sign
03 Private Drive
04 County Road at Through Highway
05 From Signal Light
06 From Alley
07 To Pedestrian
08 To Vehicle on Right
09 To Vehicle in Intersection
10 To Emergency Vehicles
12 Other

FOLLOWED TOO CLOSELY
13 Human Element
14 Traffic Condition
15 Weather Condition

UNSAFE SPEED
16 Driver's Ability (Aged)
17 Inexperienced Driver - Young
18 Exceeding Legal Limit
19 For Traffic Conditions
20 For Type of Roadway (Gravel, Dirt, etc.)
21 For Ice or Snow on Roadway
22 Rain or Wet Roadway
23 Wind
24 Other Weather Conditions
25 Vehicle Condition
26 View Obstruction
27 On Curve/Turn
28 Impeding Traffic
29 Other

IMPROPER TURN
30 From Wrong Lane
31 From Direct Course
32 Right
33 Left
34 Turn About/U-Turn
35 To Enter Private Drive
36 In Front of Oncoming Traffic
37 Other
38 **CHANGED LANES UNSAFELY**
39 **STOPPED IN TRAFFIC LANE**

FAILED TO STOP
40 For Stop Sign
41 For Traffic Signal
42 For School Bus
43 For Railroad Gates/ Signal
44 For Officer/Flagman
45 At Sidewalk/Stopline
46 Other

UNSAFE VEHICLE
47 Brakes
48 Steering
49 Tires
50 Suspension
51 Headlights
52 Tail Lights
53 Stop Lights
54 Wheel
55 Exhaust System
56 Windshield Wipers
57 Other Mechanical Defects

LEFT OF CENTER
58 In Meeting
59 No Passing Zone (Unmarked)
60 Marked Zone
61 Other

IMPROPER OVERTAKING
62 In Marked Zone
63 On Hill/Curve
64 At Intersection
65 Without Sufficient Clearance
66 Other

IMPROPER PARKING
67 On Roadway
68 Where Prohibited
69 Other

INATTENTION
70 Distracted by Passenger in Vehicle
71 Other Distraction Inside Vehicle
72 Distraction From Outside Vehicle
73 Other

WRONG WAY
74 On One Way
75 On Exit Ramp
76 On Entrance Ramp
77 Other

IMPROPER START FROM
78 Parked Position
79 Other

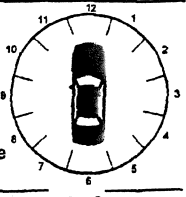
80 **ALCOHOL-DUI/DWI**
81 **DRUG-DUI**

OTHER IMPROPER ACT/ MOVEMENT
82 Failed to Signal
83 Disregarded Warning Signal
84 Improper Use of Lane
85 Improper Backing
86 Apparently Sleepy
87 Failed to Secure Load
88 Other/Unknown

UNKN./NO IMPROPER ACT
89 Deer in Roadway
90 Animal in Roadway
91 Domestic Animal in Rdwy
92 Avoiding Other Vehicle
93 Avoiding Pedestrian
94 Object/Debris in Roadway
95 Defect in Roadway
96 Abnormal Traffic Control
97 Improper Bicyclist Action
98 **NO IMPROPER ACTION BY DRIVER**
99 **PEDESTRIAN ACTION**

	Unit 1	Unit 2
Point of First Contact on Vehicle	12	04
Most Damaged Area	12	04

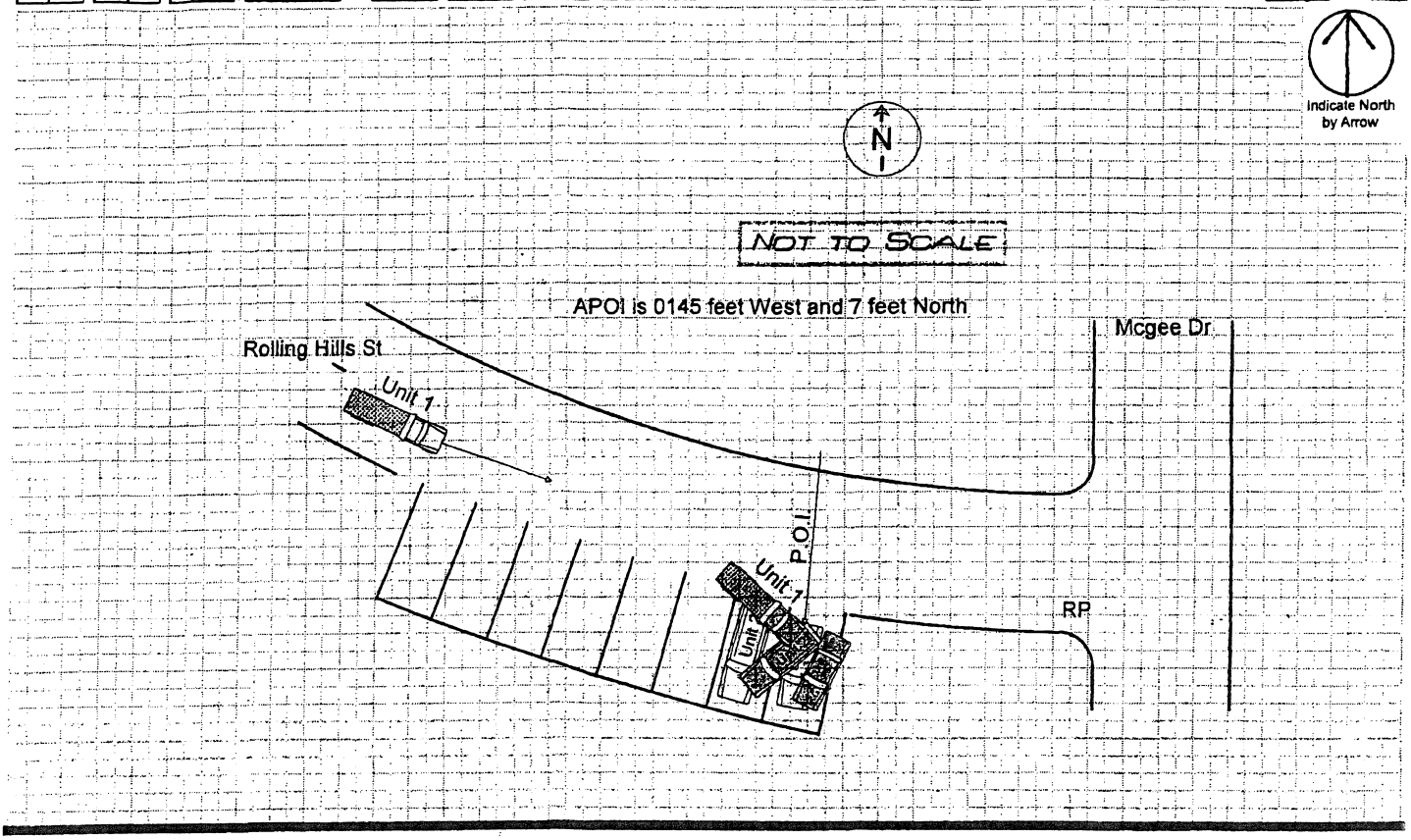
00 Not Applicable 14 Undercarriage
13 Top 99 Unknown



Case Number 2011-09649

Latitude ___ ___ ___ . ___ N Longitude ___ ___ ___ . ___ W Railroad Crossing Number ___

Roadway Orientation Unit Number 01 NE SW E Unit Number 02 NE SW S



COLLISION EVENTS

Unit	First Event	Second Event	Third Event	Fourth Event	Most Harmful Event
01	15	35	00	00	35
02	34	35	00	00	34

First Harmful Event for the Entire Collision: 34

00 Not Applicable
10 Overturn/Rollover
11 Fire/Explosion
12 Immersion
13 Jackknife
14 Cargo/Equipment Loss or Shift
15 Equipment Failure (Blown Tire, Brake Failure, etc.)
16 Separation of Units
17 Departed Road Right
18 Departed Road Left
19 Cross Median/Centerline
20 Downhill Runaway
21 Fell/Jumped From Motor Vehicle
22 Thrown Or Falling Object
23 Other Non-Collision

PERSON, MOTOR VEHICLE, OR NON-FIXED OBJECT:

30 Pedestrian
31 Pedal Cycle
32 Railway Vehicle (train, engine)
33 Animal
34 Motor Vehicle in Transport
35 Parked Motor Vehicle
36 Struck by Falling, Shifting Cargo or Anything Set in Motion by Motor Vehicle
37 Work Zone/Maintenance Equipment
38 Other Non-Fixed Object

FIXED OBJECT:

40 Barrier (Cable)
41 Barrier (Concrete)
42 Barrier (Other)
43 Fence Pole
44 Fence
45 Traffic Signal Support
46 Traffic Sign Support
47 Utility Pole/Light Support
48 Other Post/Pole/Support
49 Guardrail/Guardrail Face
50 Guardrail End
51 Culvert
52 Curb
53 Island
54 Sand Barrels
55 Impact Attenuator/ Crash Cushion
56 Pavement Drop-Off
57 Ditch
58 Embankment
59 Tree (Standing)
60 Dividing Strip
61 Retaining Wall
62 Bridge Abutment
63 Bridge Pier or Support
64 Bridge Rail
65 Bridge Post
66 Bridge Curb
67 Bridge Super Structure (Beams)
68 Bridge Overhead Structure
69 Delineator
70 Mailbox
71 Other Fixed Object
72 Other Highway Structure
73 Ground
99 Unknown

Remarks

THE DRIVER OF UNIT ONE PARKED THE TRASH TRUCK AND WAS OUTSIDE BEHIND THE VEHICLE WHEN THE EMERGENCY BRAKE WENT OUT. THE VEHICLE ROLLED DOWN THE HILL HITTING TWO PARKED CARS. UNIT TWO AND UNIT THREE WERE PARKED AND UNOCCUPIED. THE CITY WRECKER DRIVER AND I VERIFIED THE EMERGENCY PARKING BRAKES WERE NOT WORKING. UNIT TWO'S FAMILY BROUGHT A TRAILER TO REMOVE THE VEHICLE.

This report is based on the officer's investigation of this collision. This report may contain the opinion of the officer.

DO NOT WRITE IN THIS SPACE

Incident Report: Y [X] N [ ]
Investigation Completed [X]
Investigation Made at Scene [X]
Photographs [ ]
Revised [ ]
Fatality [ ]
Hit and Run [ ]

OFFICIAL OKLAHOMA TRAFFIC COLLISION REPORT

(1) Reporting Agency: NORMAN POLICE DEPT
Case Number (Agency Use): 2011-096149
Motor Vehicles Involved: 03
Number Injured: 00
Number Killed: 00

(2) Date of Collision (mm/dd/yyyy): 07/28/2011
Time: 1336
County Number and Name: 14 CLEVELAND
Nearest City or Town Number and Name: In [X] Near [ ] 20 NORMAN

(3) Distance from Nearest City or Town Limits: Mi. [ ] Ft. [ ] N [ ] S [ ] Mi. [ ] Ft. [ ] E [ ] W [ ]
Control # | Int ID | Location | East Grid | North Grid | Administrative

(4) Street, Road or Highway: ROLLING HILLS ST
Distance from: At [ ] 0145 Mi. [ ] Ft. [X] N [ ] S [ ] E [ ] W [X] of
(Nearest) Intersecting Street, Road or Highway: MILEE DR

(5) Unit	Occupants	Type	Hit & Run	CMV	Last Name	First	Middle	Date of Birth (mm/dd/yyyy)	Sex
03	00	D			WADE	LACEY	GEORGIA	[redacted]	F

(6) Address: 812 WINTER PARK
City: BLANCHARD
State: OK
Zip: 73010
Telephone (Use Area Code): 4054853021

(7) Driver License Number	State	Class	Endorsement(s)	Restriction(s)	Inj. Sev.	Type of Injury	Drv./Ped. Cond.	OP Use
[redacted]	OK	D			0	6	01	00

(8)	Ejected	Extricated	Test	(% BAC)	Transported by	To Medical Facility	License Plate Number	State	Month	Year
Air Bag	1	1	1	50.			349 ENL	OK	04	2012

(9) VIN: [redacted]
Vehicle Year: 2009
Color: WHT
2nd Color:
Make: CHEV
Model: MALI
Veh. Conf.: 02
Extent of Damage: 4

(10) Insurance Verification: 2
Insurance Company Name: FARMER'S
Policy Number: [redacted]
Insurance Telephone (Use Area Code): 4055278909

(11) Vehicle Removed by: Driver [ ] QUALITY
Owner's Last Name | First | Middle Initial
Same as Driver [X]

(12) Owner's Address | City | State | Zip
Towed Veh. Type: Oversized Load 000 | Rolled [ ] Phone present [ ] Burned [ ] Phone in use [ ]

(13) Citation Number | Statute/Ordinance Number | Citation Number | Statute/Ordinance Number

(14) Unit	Occupants	Type	Hit & Run	CMV	Last Name	First	Middle	Date of Birth (mm/dd/yyyy)	Sex

(15) Address | City | State | Zip | Telephone (Use Area Code)

(16) Driver License Number	State	Class	Endorsement(s)	Restriction(s)	Inj. Sev.	Type of Injury	Drv./Ped. Cond.	OP Use

(17)	Ejected	Extricated	Test	(% BAC)	Transported by	To Medical Facility	License Plate Number	State	Month	Year
Air Bag				0.						

(18) VIN | Vehicle Year | Color | 2nd Color | Make | Model | Veh. Conf. | Extent of Damage

(19) Insurance Verification | Insurance Company Name | Policy Number | Insurance Telephone (Use Area Code)

(20) Vehicle Removed by: Driver [ ]
Owner's Last Name | First | Middle Initial
Same as Driver [ ]

(21) Owner's Address | City | State | Zip
Towed Veh. Type: Oversized Load | Rolled [ ] Phone present [ ] Burned [ ] Phone in use [ ]

(22) Citation Number | Statute/Ordinance Number | Citation Number | Statute/Ordinance Number

(23) Investigating Officer: GARNAND
Badge Number: 0712
Troop/Div. | Reviewed by (Init.) | Reviewer Badge Number
Date of Report (mm/dd/yyyy): 07/28/2011

Unit Type
D Driver, P Pedestrian, X Pedestrian Conveyance, B Bicyclist, Z Other Cyclist, C Parked Car, A Animal, T Train

Injury Severity
0 N/A, 1 No Injury, 2 Possible, 3 Non-incapacitating, 4 Incapacitating, 5 Fatal, 9 Unknown

Type of Injury
0 N/A, 1 Head, 2 Trunk - External, 3 Trunk - Internal, 4 Arms, 5 Legs, 9 Unknown

Driver/Pedestrian Condition
00 Not Applicable, 01 Apparently Normal, 02 Drinking - Ability Impaired, 03 Odor of Alcohol Beverage, 04 Illegal Drugs, 05 Under the Influence of Medications, 06 Very Tired, 07 Sleepy, 08 Ill (Sick), 09 Dizzy/Faint, 10 Emotional, 11 Other, 99 Unknown

Occupant Protection (OP) In Use
00 Not Applicable, 01 None Used, 02 Lap Belt Only, 03 Shoulder Belt Only, 04 Shoulder and Lap Belt, 05 Child Restraint Type Unknown, 06 Restraint Used - Type Unknown, 07 Helmet, 08 Child Restraint - Forward Facing, 09 Child Restraint - Rear Facing, 10 Booster Seat, 11 Other, 99 Unknown

Air Bag Deployed
0 Not Applicable, 1 Not Deployed, 2 Deployed - Front, 3 Deployed - Side, 4 Deployed - Other (knee, air belt, etc.), 5 Deployed - Combination, 9 Deployment Unknown

Ejected
0 Not Applicable, 1 Not Ejected, 2 Ejected, Partially, 3 Ejected, Totally, 9 Unknown

Extricated
0 N/A, 1 No, 2 Yes

Chemical Test
0 N/A, 1 Blood, 2 Breath, 3 Blood/Breath, 4 Test Refused, 5 None Given, 6 Other

Extent of Damage
0 N/A, 1 None, 2 Minor, 3 Functional, 4 Disabling, 9 Unknown

Insurance Verification
0 N/A, 1 No, 2 Owner, 3 Operator, 4 Exempt

Oversized Load
0 N/A, N Not Permitted, P Permitted

Towed Vehicle Type
00 N/A, 01 Boat Trailer, 02 House Trailer, 03 Farm Trailer, 04 Horse Trailer, 05 Another Vehicle, 06 Utility Trailer, 07 Homemade Trailer, 08 Box Trailer, 09 StockTrailer, 10 Camping Trailer, 11 Combination, 12 Other, 99 Unknown

WARNING - STATE LAW Use of contents for commercial solicitation is unlawful

Case Number 2011-09649

(24) Unit | Pos in Veh. | Last Name | First | Middle Initial | Date of Birth (mm/dd/yyyy) | Sex
Injured ☐ Passenger ☐ Witness ☐ Prop. Owner ☐

(25) Address | City | State | Zip | Telephone (Use Area Code)
Same as Driver ☐

(26) Injury Severity / Type | OP Use | Air Bag Ejected | Extricated | Transported by | To Medical Facility | Property Type

(27) Unit | Pos in Veh. | Last Name | First | Middle Initial | Date of Birth (mm/dd/yyyy) | Sex
Injured ☐ Passenger ☐ Witness ☐ Prop. Owner ☐

(28) Address | City | State | Zip | Telephone (Use Area Code)
Same as Driver ☐

(29) Injury Severity / Type | OP Use | Air Bag Ejected | Extricated | Transported by | To Medical Facility | Property Type

(30) Unit | Pos in Veh. | Last Name | First | Middle Initial | Date of Birth (mm/dd/yyyy) | Sex
Witness ☐ Prop. Owner ☐

(31) Address | City | State | Zip | Telephone (Use Area Code)
Same as Driver ☐

(32) Injury Severity / Type | OP Use | Air Bag Ejected | Extricated | Transported by | To Medical Facility | Property Type

(33) Unit | Pos in Veh. | Last Name | First | Middle Initial | Date of Birth (mm/dd/yyyy) | Sex
Injured ☐ Passenger ☐ Witness ☐ Prop. Owner ☐

(34) Address | City | State | Zip | Telephone (Use Area Code)
Same as Driver ☐

(35) Injury Severity / Type | OP Use | Air Bag Ejected | Extricated | Transported by | To Medical Facility | Property Type

Complete information below if this vehicle is being used for COMMERCE/BUSINESS and has a GVWR/GCWR IN EXCESS OF 10,000 LBS., or has a HAZMAT PLACARD, or is a BUS WITH SEATING FOR NINE OR MORE INCLUDING THE DRIVER

(36) Unit | Carrier Name | Address

(37) City | State | Zip | GVWR ☐ GCWR ☐ | 0 - 10K lbs. ☐ 10,001 - 26K lbs. ☐ 26K+ lbs. ☐ | Axle Qty. | Cargo Body | Vehicle Use: Interstate Commerce ☐ Intrastate Commerce ☐ Other Non-Commercial ☐ Government ☐

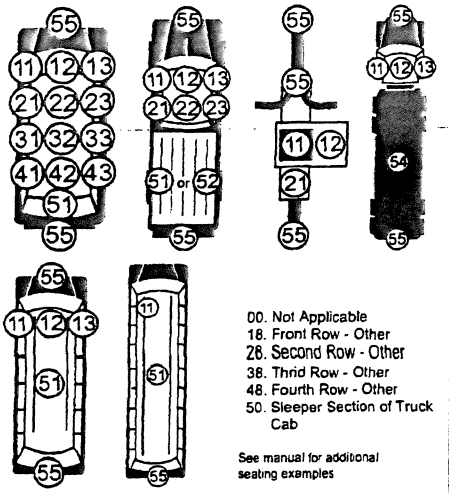
(38) U.S. DOT Number | NASI Report Number: OK | Placard Number | Haz. Mat. Class | Haz. Mat. Involved: Yes ☐ No ☐ | Haz. Mat. Release: Yes ☐ No ☐

(39) Unit | Carrier Name | Address

(40) City | State | Zip | GVWR ☐ GCWR ☐ | 0 - 10K lbs. ☐ 10,001 - 26K lbs. ☐ 26K+ lbs. ☐ | Axle Qty. | Cargo Body | Vehicle Use: Interstate Commerce ☐ Intrastate Commerce ☐ Other Non-Commercial ☐ Government ☐

(41) U.S. DOT Number | NASI Report Number: OK | Placard Number | Haz. Mat. Class | Haz. Mat. Involved: Yes ☐ No ☐ | Haz. Mat. Release: Yes ☐ No ☐

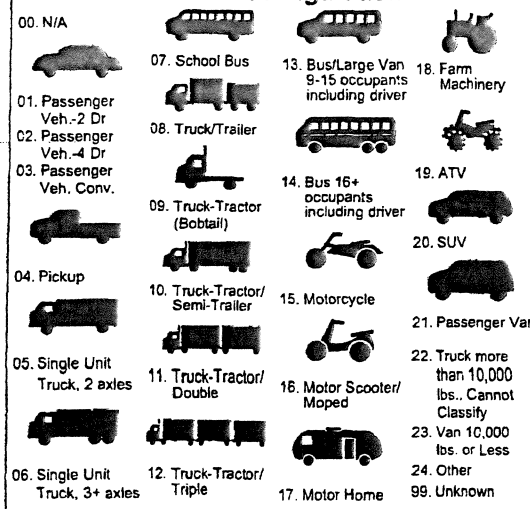
Position in Vehicle



00. Not Applicable
18. Front Row - Other
28. Second Row - Other
38. Third Row - Other
48. Fourth Row - Other
50. Sleeper Section of Truck Cab

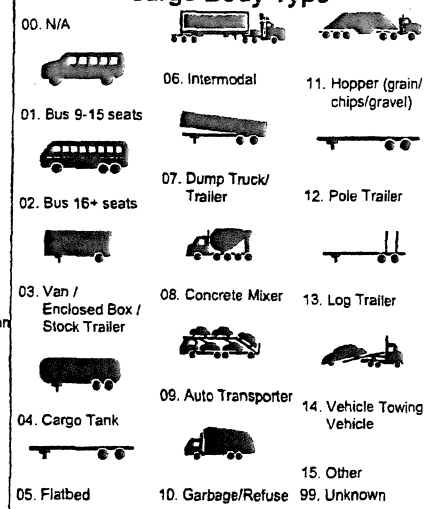
See manual for additional seating examples

Vehicle Configuration



00. N/A
01. Passenger Veh.-2 Dr
02. Passenger Veh.-4 Dr
03. Passenger Veh. Conv.
04. Pickup
05. Single Unit Truck, 2 axles
06. Single Unit Truck, 3+ axles
07. School Bus
08. Truck/Trailer
09. Truck-Tractor (Bobtail)
10. Truck-Tractor/ Semi-Trailer
11. Truck-Tractor/ Double
12. Truck-Tractor/ Triple
13. Bus/Large Van 9-15 occupants including driver
14. Bus 16+ occupants including driver
15. Motorcycle
16. Motor Scooter/ Moped
17. Motor Home
18. Farm Machinery
19. ATV
20. SUV
21. Passenger Van
22. Truck more than 10,000 lbs., Cannot Classify
23. Van 10,000 lbs. or Less
24. Other
99. Unknown

Cargo Body Type



00. N/A
01. Bus 9-15 seats
02. Bus 16+ seats
03. Van / Enclosed Box / Stock Trailer
04. Cargo Tank
05. Flatbed
06. Intermodal
07. Dump Truck/ Trailer
08. Concrete Mixer
09. Auto Transporter
10. Garbage/Refuse
11. Hopper (grain/ chips/gravel)
12. Pole Trailer
13. Log Trailer
14. Vehicle Towing Vehicle
15. Other
99. Unknown

Case Number 2011-09649

OFFICIAL OKLAHOMA TRAFFIC COLLISION REPORT

	Unit	Total Lanes in Roadway	Legal Speed	Pedestrian / Pedalcyclist Only: Actions Prior to Collision	Location at Time of Collision	Safety Equip.	Unit Number of Vehicle Striking
This unit will correspond to 'Unit 1'	03	00	25				
This unit will correspond to 'Unit 2'							

Was the collision in or near a construction, maintenance or utility work zone? (If yes, complete this section) Yes ☐ No ☒

Type of Work Zone
1 Lane Closure
2 Lane Shift/Crossover
3 Work on Shoulder or Median
4 Intermittent or Moving Work
9 Unknown

Location of the Work Zone Collision
1 Before the First Work Zone Warning Sign
2 Advance Warning Area
3 Transition Area
4 Activity Area
5 Termination Area
9 Unknown

Workers Present Yes ☐ No ☐ Unknown ☐

Light [1]
1 Daylight
2 Dark-Not Lighted
3 Dark-Lighted
4 Dawn
5 Dusk
6 Dark-Unknown Lighting
7 Other
9 Unknown

Weather [01]
01 Clear
02 Fog/Smog/Smoke
03 Cloudy
04 Rain
05 Snow
06 Sleet/Hail (Freezing Rain/Drizzle)
07 Severe Crosswind
08 Blowing Snow
09 Blowing Sand, Soil, Dirt
10 Other
99 Unknown

Locality [2]
1 Residential
2 Business
3 Industrial
4 School
5 Not Built-up
6 Mixed Use
7 Other
9 Unknown

Type of Intersection [0]
0 Not an Intersection
2 Y-Intersection
3 T-Intersection
4 Four-Way Intersection
5 Five-Point or More
6 Intersection as Part of Interchange
7 Traffic Circle
8 Roundabout
9 Unknown

Incident Type [00]
00 Not an Incident
51 Private Property
52 Deliberate Intent
53 Medical Condition
54 Legal Intervention
55 Suicide
57 Drowning
58 Other

Location of First Harmful Event [07]
01 On Roadway
02 Shoulder
03 Median
04 Roadside
05 Gore
06 Separator
07 Parking Lane/Zone
08 Off Roadway, Location Unknown
09 Outside Right-of Way
10 Other
99 Unknown

What Vehicle Was Going to Do Unit 1 [13] Unit 2 [ ]
00 Not Applicable
01 Go Ahead
02 Turn Left
03 Turn Right
04 Make "U" Turn
05 Stop
06 Slow for Cause
07 Start from Park/Stop
08 Change Lanes
09 Overtake
10 Pass
11 Back
12 Remain Stopped
13 Remain Parked
14 Enter/Merge in Traffic
15 Negotiate a Curve
16 Park
17 Other
99 Unknown

What Vehicle Did Unit 1 [13] Unit 2 [ ]
00 Not Applicable
01 Went Ahead
02 Turned Left
03 Turned Right
04 Entered "U" Turn
05 Stopped
06 Slowed
07 Started From Park/Stop
08 Entered Other Lane
09 Overtaking
10 Passing
11 Backed
12 Remained Stopped
13 Remained Parked
14 Entered/Merged
15 Departed Rdwy-Right
16 Departed Rdwy-Left
17 Swerved Right
18 Swerved Left
19 Parked
20 Other
99 Unknown

Visibility Obscured by Unit 1 [06] Unit 2 [ ]
00 Not Applicable
01 Trees
02 Embankment
03 Building
04 Signs
05 Parked Vehicles
06 High Weeds
07 Fences
08 Shrubbery
09 Ice, Snow or Frost on Windows
10 Smoke
11 Fog
12 Dust
13 Rain
14 Sun
15 Other
99 Unknown

Driver Distracted by Unit 1 [0] Unit 2 [ ]
0 Not Applicable/None
1 Electronic Communication Devices
2 Other Electronic Device
3 Other Inside Vehicle
4 Other Outside Vehicle
9 Unknown

Underride/ Override Unit 1 [ ] Unit 2 [ ]
0 Not Applicable
1 No Underride or Override
2 Underride, Compartment Intrusion
3 Underride, No Compartment Intrusion
4 Underride, Compartment Intrusion Unknown
5 Override, Motor Vehicle in Transport
6 Override, Other Motor Vehicle
9 Unknown

Traffic Control Unit 1 [06] Unit 2 [ ]
00 No Control
01 Stop Sign
02 Traffic Signal
03 Flashing Traffic Signal
04 School Zone Signs
05 Yield Sign
06 Warning Sign
07 Railroad Advance Warning Sign
08 Railroad Cross Bucks
09 Railroad Gates
10 Railroad Signal
11 No Passing Zone
12 Person (including flagger, law enforcement, crossing guard, etc.)
13 Abnormal Control
14 Other
99 Unknown

Road Surface Conditions Unit 1 [01] Unit 2 [ ]
01 Dry
02 Wet
03 Ice/Frost
04 Snow
05 Mud, Dirt, Gravel
06 Slush
07 Water (standing, moving)
08 Sand
09 Oil
10 Other
99 Unknown

Road Character

Grade Unit 1 [4] Unit 2 [ ]
1 Level
2 Hillcrest
3 Uphill
4 Downhill
5 Sag (bottom)

Road Alignment Unit 1 [2] Unit 2 [ ]
1 Straight
2 Curve - Left
3 Curve - Right

Road Surface Type Unit 1 [2] Unit 2 [ ]
1 Concrete
2 Asphalt
3 Gravel
4 Dirt
5 Brick
6 Other
9 Unknown

Trafficway Unit 1 [2] Unit 2 [ ]
0 Not Applicable
1 One Way
2 Two-Way - Not Divided
3 Two-Way - Divided
4 Two-Way - Divided - Positive Median Barrier
5 Turn Lane
6 Ramp / Loop
7 Driveway
8 Alley / Parking Lot
9 Unknown

Vehicle Removal Unit 1 [1] Unit 2 [ ]
0 Not Applicable
1 Towed Due to Vehicle Damage
2 Towed For Reasons Other Than Damage
3 Remained at Scene
4 Driven from Scene
9 Unknown

Vehicle Condition Unit 1 [01] Unit 2 [ ]
00 Not Applicable
01 Apparently Normal
02 Brakes
03 Headlights
04 Steering
05 Tail Lights
06 Brake Lights
07 Tires/Wheels
08 Suspension
09 Signal lights
10 Windows
11 Truck Coupling/Trailer Hitch/Safety Chains
12 Mirrors 15 Other
13 Wipers 99 Unknown
14 Power Train

Special Function of Vehicle Unit 1 [00] Unit 2 [ ]
00 Not Applicable
01 School Bus
02 Transit Bus
03 Intercity Bus
04 Charter Bus
05 Other Bus
06 Military
07 OHP
08 Other Police
09 Other Law Enforcement
10 Ambulance
11 Fire Truck
12 Public Owned Vehicle
13 Highway Equipment
14 Special Mobilized Machine
15 Other 99 Unknown

Emergency Vehicle Responding to an Emergency Unit 1 [0] Unit 2 [ ]
0 N/A 2 No
1 Yes 9 Unknown

Unsafe / Unlawful Contributing Factors Unit 1 [98] Unit 2 [ ]

FAILED TO YIELD
01 From Stop Sign
02 From Yield Sign
03 Private Drive
04 County Road at Through Highway
05 From Signal Light
06 From Alley
07 To Pedestrian
08 To Vehicle on Right
09 To Vehicle in Intersection
10 To Emergency Vehicles
12 Other

FOLLOWED TOO CLOSELY
13 Human Element
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UNSAFE SPEED
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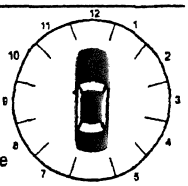
97 Improper Bicyclist Action
98 **NO IMPROPER ACTION BY DRIVER**
99 **PEDESTRIAN ACTION**

Point of First Contact on Vehicle Unit 1 [04] Unit 2 [ ]

Most Damaged Area Unit 1 [04] Unit 2 [ ]

00 Not Applicable 14 Undercarriage
13 Top 99 Unknown

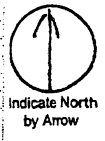


DPS-0192-03-35V 0107

Case Number 2011-09649

Latitude ___ ___ ___.___ N Longitude ___ ___ ___.___ W Railroad Crossing Number ___ Roadway Orientation Unit Number 03 NE SW S Unit Number ___ NE SW ___

Indicate North by Arrow



COLLISION EVENTS

Unit	First Event	Second Event	Third Event	Fourth Event	Most Harmful Event	First Harmful Event for the Entire Collision
03	36	52	00	00	52	34

00 Not Applicable
10 Overturn/Rollover
11 Fire/Explosion
12 Immersion
13 Jackknife
14 Cargo/Equipment Loss or Shift
15 Equipment Failure (Blown Tire, Brake Failure, etc.)
16 Separation of Units
17 Departed Road Right
18 Departed Road Left
19 Cross Median/Centerline
20 Downhill Runaway
21 Fell/Jumped From Motor Vehicle
22 Thrown Or Falling Object
23 Other Non-Collision

PERSON, MOTOR VEHICLE, OR NON-FIXED OBJECT:

30 Pedestrian
31 Pedal Cycle
32 Railway Vehicle (train, engine)
33 Animal
34 Motor Vehicle in Transport
35 Parked Motor Vehicle
36 Struck by Falling, Shifting Cargo or Anything Set in Motion by Motor Vehicle
37 Work Zone/Maintenance Equipment
38 Other Non-Fixed Object

FIXED OBJECT:

40 Barrier (Cable)
41 Barrier (Concrete)
42 Barrier (Other)
43 Fence Pole
44 Fence
45 Traffic Signal Support
46 Traffic Sign Support
47 Utility Pole/Light Support
48 Other Post/Pole/Support
49 Guardrail/Guardrail Face
50 Guardrail End
51 Culvert
52 Curb
53 Island
54 Sand Barrels
55 Impact Attenuator/ Crash Cushion
56 Pavement Drop-Off
57 Ditch
58 Embankment
59 Tree (Standing)
60 Dividing Strip
61 Retaining Wall
62 Bridge Abutment
63 Bridge Pier or Support
64 Bridge Rail
65 Bridge Post
66 Bridge Curb
67 Bridge Super Structure (Beams)
68 Bridge Overhead Structure
69 Delineator
70 Mailbox
71 Other Fixed Object
72 Other Highway Structure
73 Ground
99 Unknown

Remarks

This report is based on the officer's investigation of this collision. This report may contain the opinion of the officer.

City of Norman, OK

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

Master

File Number: SC-1112-3

File ID:	SC-1112-3	**Type:**	Special Claim	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 23	**In Control:**	City Council
Department:	Legal Department	**Cost:**	$7,162.33	**File Created:**	08/16/2011
File Name:	Special Claim Sandy Logan			**Final Action:**	

Title: SPECIAL CLAIM NO. SC-1112-3: A CLAIM FOR PARTIAL PAYMENT IN THE REDUCED AMOUNT OF $7,162.33 SUBMITTED BY SANDY LOGAN FOR COSTS INCURRED WHEN A SANITATION VEHICLE STRUCK HER PARKED CAR AT 2500 MCGEE DRIVE.

ACTION NEEDED: Motion to approve or reject Special Claim No. SC-1112-2; and, if approved, direct partial payment in the reduced amount of $7,162.33 contingent upon obtaining a Release and Covenant Not to Sue from Sandy Logan.

ACTION TAKEN: _____

Notes:

Agenda Date: 08/23/2011

Agenda Number: 23

Attachments: Special Claim Logan, Memo Logan, Accident Report Logan

Project Manager: Jeanne Snider, Assistant City Attorney

Entered by: jayme.rowe@normanok.gov

Effective Date:

History of Legislative File

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

Text of Legislative File SC-1112-3

Body

BACKGROUND: A claim has been filed by Sandy Logan for damages to her vehicle in the amount of $6,724.83, lost wages in the amount of $256 and towing charges in the amount of $437.50 due to an incident which occurred on July 28, 2011 when Ms. Logan's vehicle was struck by a City of Norman sanitation truck. Ms. Logan has also advised that a supplemental tort claim will be filed for her rental car expense during the repair process.

DISCUSSION: This incident was investigated by Gary L. Seal, Utilities Supervisor. According to his investigation, the sanitation truck was stopped on Rolling Hills Street. However, the parking brake of the sanitation truck failed to engage causing the truck to roll down the hill and strike Ms. Logan's parked, unoccupied vehicle.

As indicated above, there appears to be possible negligence on the part of the City in this matter and, consequently, potential liability on the City. The amount of $7,162.33 claimed by Ms. Logan for repairs to her vehicle and towing expense appears to be reasonable.

RECOMMENDATION: Based upon the above and foregoing, it is the recommendation of the City Attorney's Office that the claim of Sandy Logan in the amount of $7,162.33, as above set forth, be approved.

CITY OF NORMAN
POST OFFICE BOX 370
NORMAN, OKLAHOMA 73070

FILED IN THE OFFICE OF THE CITY CLERK ON 8/5/11

NOTICE OF TORT CLAIM

CLAIMANT: Sandy Logan DATE: 7-28-11

ADDRESS: 12611 N. C.R. 3232 CITY Paoli

STATE: Ok ZIP: 73074 PHONE: ~~(H)~~ cell 405-414-3560 (W) 405-321-5022

DATE OF INCIDENT: 7-28-11

LOCATION OF INCIDENT: at my place of work on Rolling Hills Street

STATEMENT OF CIRCUMSTANCES / REASONS YOU BELIEVE CITY IS LIABLE:

While parked at my place of work a City of Norman trash truck rolled down the hill and crashed into my truck pushing me into a co-workers car causing multiple damages to my vehicle.

* Rental Car Expenses to be turned in at later date *

(use additional pages if necessary)

MONETARY STATEMENT: List of expenses claimed for payment:

Time off work	$		$ 256.00
Tow Truck	$		$ 437.50
Auto Repair	$		$ 6,724.83

TOTAL AMOUNT CLAIMED: $ 7,418.33

NAME AND ADDRESS OF INSURANCE COMPANY: State Farm

Coreen Ave. Purcell, Ok AGENT: Karen Bollenbach

THIS FORM MUST BE SIGNED AND RETURNED WITH ALL REQUESTED INFORMATION IN ORDER TO BE PROCESSED.

I SWEAR AND/OR AFFIRM THE INFORMATION PROVIDED ABOVE IS TRUE AND CORRECT.

Sandy Logan
CLAIMANT'S SIGNATURE

INVOICE

July 28, 2011

Justa Rockn Towing
25939 SH 59
Wayne, Ok. 73095

405-449-3693
405-406-8049

Sandy Logan

12611 n cr 3232
Paoli OK 73074

Phone 405-414-3560

Description	Supplies / Parts	Amount
Blue Nissian Frontier	Hook up charge	$175.00
With side and rear damage	Mileage 42 miles @ 6.25	$262.50
	Subtotal	$437.50
	Shipping	$0.00
	Tax Rate	0.00%
	Total Tax	$0.00
	TOTAL	$437.50

$ PAID

Check # 6625
8-3-11

BOB MOORE OF NORMAN

Federal ID: 562662912

2505 W MAIN ST, NORMAN, OK 73069
Phone: (405) 217-1288
FAX: (405) 573-6790

Preliminary Estimate

Customer: LOGAN, SANDY

Written By: BRENT SOUTHARD

Insured:	LOGAN, SANDY	Policy #:		Claim #:	
Type of Loss:		Date of Loss:		Days to Repair:	0
Point of Impact:					

Owner:
LOGAN, SANDY
(405) 414-3560 Evening

Inspection Location:
BOB MOORE OF NORMAN
2505 W MAIN ST
NORMAN, OK 73069
Repair Facility
(405) 217-1288 Day

Insurance Company:

VEHICLE

Year:	2007	Body Style:	4D SHORT	VIN:	1N6AD07UX7C437611	Mileage In:	
Make:	NISS	Engine:	6-4.0L-FI	License:		Mileage Out:	
Model:	FRONTIER 4X2 CREW CAB SE	Production Date:		State:		Vehicle Out:	
Color:	Int:	Condition:		Job #:			

4 Wheel Disc Brakes	Bucket Seats	FM Radio	Rear Step Bumper
6 Speed Transmission	CD Player	Intermittent Wipers	Search/Seek
Air Conditioning	Clear Coat Paint	Passenger Air Bag	Stereo
Aluminum/Alloy Wheels	Cloth Seats	Power Brakes	Tilt Wheel
AM Radio	Console/Storage	Power Steering	
Anti-Lock Brakes (4)	Driver Air Bag	Privacy Glass	
Bedliner (Spray On)	Dual Mirrors	Rear Defogger	

Customer: LOGAN, SANDY

Vehicle: 2007 NISS FRONTIER 4X2 CREW CAB SE 4D SHORT 6-4.0L-FI

	Line		Operation	Description	Qty	Extended Price $		Labor	Paint
	1	#		POSSIBLE HIDDEN DAMAGE	1				
	2			REAR BUMPER					
	3		Repl	Bumper assy primed	1	621.05		1.7	2.0
	4			Add for Clear Coat					0.8
	5		Repl	Step cover lower	1	41.57		Incl.	
	6		Repl	Step cover upper	1	55.98		Incl.	
	7			REAR LAMPS					
	8		Repl	RT Combo lamp assy	1	118.35		Incl.	
	9		Repl	LT Combo lamp assy	1	118.35		0.3	
	10			PICK UP BOX					
	11		R&I	R&I box assy				2.5	
	12		Repl	RT Side panel assy w/util. bed	1	787.02		8.0	4.0
	13			Add for Inside					1.5
	14		Repl	Rail cover	1	85.00		0.5	
	15		Repl	Channel	1	88.25		0.2	
	16		Repl	Rail cover	1	85.00		0.5	
	17		Repl	Emblem	1	30.22		0.2	
	18		Repl	Nameplate "FRONTIER"	1	33.00		0.2	
	19		Repl	Label "SE"	1	21.90		0.2	
	20	#	Subl	SPRAY IN BED LINER	1	425.00	X		
	21	#	Subl	STRIP OLD BEDLINER FOR REPLACE	1	200.00	X		
	22	*	Rpr	Tail gate w/util. bed				8.0	2.1
	23			Overlap Major Adj. Panel					-0.4
	24		R&I	Handle				0.5	
	25	*	R&I	Inner panel				0.5	
	26		Repl	LT Hinge half inner	1	29.02		0.1	
	27		Repl	RT Hinge half inner	1	29.02		0.1	
	28		Repl	RT Hinge half ring	1	3.09			
	29		Repl	LT Hinge half ring	1	3.09			
	30		Repl	RT Mud guard	1	12.58		0.2	
	31	*	Rpr	LT Side panel assy w/util. bed				10.0	2.9
	32			Overlap Major Adj. Panel					-0.4
	33			CAB					
	34	*	Rpr	RT Uniside panel				4.0	3.0
	35			Overlap Major Adj. Panel					-0.4
	36			REAR DOOR					
	37	*	Rpr	RT Outer panel				0.5	2.2
	38			Overlap Major Adj. Panel					-0.4
	39		R&I	RT Belt molding				0.3	
N	40	*	R&I	RT Body side mldg				0.6	
	41		R&I	RT Moveable glass Nissan				0.5	
	42	*	Rpr	RT Handle, outside w/body color avalanche				0.5	0.4
	43			Overlap Minor Panel					-0.2

Customer: LOGAN, SANDY

Vehicle: 2007 NISS FRONTIER 4X2 CREW CAB SE 4D SHORT 6-4.0L-FI

44			Clear Coat					2.5
45		R&I	RT R&I trim panel				0.4	
46	#		4 WHEEL ALIGNMENT	1	89.95			
47	#		HAZ WASTE	1	5.00	X		
48	#		COV CAR	1	10.00			
49	#		CORROSION PROTECTION	1	10.00			
			SUBTOTALS		**2,902.44**		**40.5**	**19.6**

NOTES

Line 40: CLEAN AND RETAPE

ESTIMATE TOTALS

Category	Basis		Rate	Cost $
Parts				2,272.44
Body Labor	40.5 hrs	@	$ 45.00 /hr	1,822.50
Paint Labor	19.6 hrs	@	$ 45.00 /hr	882.00
Paint Supplies	20.5 hrs	@	$ 36.00 /hr	738.00
Body Supplies	40.5 hrs	@	$ 3.00 /hr	121.50
Miscellaneous				630.00
Subtotal				6,466.44
Sales Tax	$ 3,131.94	@	8.2500 %	258.39
Grand Total				**6,724.83**
Deductible				0.00
CUSTOMER PAY				**0.00**
INSURANCE PAY				**6,724.83**

All damages parts replaced become property of Bob Moore Collision Centers for further inspection by insurance companies.

Signed_____.

Date_____.

WARNING : ANY PERSON WHO KNOWINGLY, AND WITH INTENT TO INJURE, DEFRAUD OR DECEIVE ANY INSURER, MAKES ANY CLAIM FOR THE PROCEEDS OF AN INSURANCE POLICY CONTAINING ANY FALSE, INCOMPLETE OR MISLEADING INFORMATION IS GUILTY OF A FELONY.

office memorandum

DATE: August 5, 2011

TO: Ken Komiske, Director of Utilities
Jeff Bryant, City Attorney

FROM: Brenda Hall, City Clerk BH

SUBJECT: Claim from Sandy Logan

I am in receipt of a claim from Ms. Sandy Logan in the amount of $7,418.33 for damages to her parked vehicle, tow truck fees, and lost wages as a result of being struck by a Sanitation truck. Ms. Logan states her vehicle was parked at her workplace located at 2500 S. McGee Drive and a City of Norman Sanitation truck, located on Rolling Hills Street, rolled down the street colliding into her vehicle, causing her vehicle to collide into her co-workers vehicle. Ms. Logan claims she is unable to drive her vehicle because the impact caused multiple damages and she has rented a car. Ms. Logan indicated she will submit a claim for rental car expenses at a later date.

Ken, I would appreciate your checking with your staff regarding verification of the problem. Please report your findings by written memorandum to me with a copy to Jeff.

Jeff, if it is determined the City has liability in this matter, please signify by writing a report of your recommendations in order that we may schedule this claim as an agenda item.

BH:kjc
attachments

COMPLETE

[DO NOT WRITE IN THIS SPACE]

Pg 1 of 8

	Y	N
Incident Report		X
Investigation Completed	X	
Investigation Made at Scene	X	
Photographs		X
Revised		X
Fatality		X
Hit and Run		X

OFFICIAL OKLAHOMA TRAFFIC COLLISION REPORT

(1) Reporting Agency: NORMAN POLICE DEPT
Case Number (Agency Use): 2011-069649
Motor Vehicles Involved: 03 | Number Injured: 00 | Number Killed: 00

(2) Date of Collision (mm/dd/yyyy): 07/28/2011 | Time: 1336 | County Number and Name: 14 CLEVELAND | Nearest City or Town Number and Name: In [X] Near [ ] 20 NORMAN

(3) Distance from Nearest City or Town Limits: Mi. [ ] Ft. [ ] N [ ] S [ ] | Mi. [ ] Ft. [ ] E [ ] W [ ] | Control # | Int ID | Location | East Grid | North Grid | Administrative

(4) Street, Road or Highway: ROLLING HILLS ST | Distance from: At [ ] 0145 Mi. [ ] Ft. [X] N [ ] S [ ] E [ ] W [X] of | (Nearest) Intersecting Street, Road or Highway: MCGEE DR

Unit 01

(5) Unit: 01 | Occupants: 00 | Type: D | Hit & Run: [ ] CMV: [ ] | Last Name: WOOLINGTON | First: PERRY | Middle: MICHAEL | Date of Birth (mm/dd/yyyy): [redacted] | Sex: M

(6) Address: 110 MOOREHEAD CT | City: WASHINGTON | State: OK | Zip: 73093 | Telephone (Use Area Code): 4057660225

(7) Driver License Number: [redacted] | State: OK | Class: B | Endorsement(s): | Restriction(s): 1 | Inj. Sev.: 1 | Type of Injury: 0 | Drv./Ped. Cond.: 01 | OP Use: 00

(8) Ejected: 1 | Extricated: 1 | Test: 5 | (% BAC): 0. | Transported by: | To Medical Facility: | License Plate Number: [redacted] | State: OK | Month: 12 | Year: 2011 | Air Bag: 1

(9) VIN: 1HTWGAZR65S162975 | Vehicle Year: 2003 | Color: GRN | 2nd Color: 0 | Make: INTE | Model: 7460 | Veh. Conf.: 24 | Extent of Damage: 2

(10) Insurance Verification: 4 | Insurance Company Name: CITY OF NORMAN | Policy Number: | Insurance Telephone (Use Area Code):

(11) Vehicle Removed by: Driver: CITY OF NORMAN WRECKER | Owner's Last Name: CITY OF NORMAN | First: | Middle Initial: | Same as Driver: [ ]

(12) Owner's Address: 201 W GRAY | City: NORMAN | State: OK | Zip: 73069 | Oversized Load: 0 | Towed Veh. Type: 00 | Rolled [ ] Burned [ ] | Phone present [ ] Phone in use [ ]

(13) Citation Number: | Statute/Ordinance Number: | Citation Number: | Statute/Ordinance Number:

CX16649-11

Unit 02

(14) Unit: 02 | Occupants: 00 | Type: D | Hit & Run: [ ] CMV: [ ] | Last Name: LOGAN | First: SANDRA | Middle: DIAN | Date of Birth (mm/dd/yyyy): [redacted] | Sex:

(15) Address: 12611 N COUNTY RD 3232 | City: PAOLI | State: OK | Zip: 73074 | Telephone (Use Area Code): 4054143560

(16) Driver License Number: [redacted] | State: OK | Class: D | Endorsement(s): M | Restriction(s): | Inj. Sev.: 0 | Type of Injury: 0 | Drv./Ped. Cond.: 01 | OP Use: 00

(17) Ejected: 1 | Extricated: 1 | Test: 5 | (% BAC): 0. | Transported by: | To Medical Facility: | License Plate Number: [redacted] | State: OK | Month: 07 | Year: 2012 | Air Bag: 1

(18) VIN: 1N6AD07WX7C437611 | Vehicle Year: 2007 | Color: BLU | 2nd Color: 0 | Make: NISS | Model: FRON | Veh. Conf.: 04 | Extent of Damage: 4

(19) Insurance Verification: 2 | Insurance Company Name: STATE FARM | Policy Number: [redacted] | Insurance Telephone (Use Area Code): 4055275591

(20) Vehicle Removed by: Driver: REMAINED AT SCENE | Owner's Last Name: | First: | Middle Initial: | Same as Driver: [X]

(21) Owner's Address: | City: | State: | Zip: | Oversized Load: 0 | Towed Veh. Type: 00 | Rolled [ ] Burned [ ] | Phone present [ ] Phone in use [ ]

(22) Citation Number: | Statute/Ordinance Number: | Citation Number: | Statute/Ordinance Number:

(23) Investigating Officer: GARNAND | Badge Number: 0712 | Troop/Div.: | Reviewed by (Init.): AA | Reviewer Badge Number: 9711 | Date of Report (mm/dd/yyyy): 07/28/2011

EC16649-11

Unit Type: 0 Driver, P Pedestrian, X Pedestrian Conveyance, B Bicyclist, Z Other Cyclist, C Parked Car, A Animal, T Train

Injury Severity: 0 N/A, 1 No Injury, 2 Possible, 3 Non-incapacitating, 4 Incapacitating, 5 Fatal, 9 Unknown

Type of Injury: 0 N/A, 1 Head, 2 Trunk - External, 3 Trunk - Internal, 4 Arms, 5 Legs, 9 Unknown

Driver/Pedestrian Condition: 00 Not Applicable, 01 Apparently Normal, 02 Drinking - Ability Impaired, 03 Odor of Alcohol/ Beverage, 04 Illegal Drugs, 05 Under the Influence of Medications, 06 Very Tired, 07 Sleepy, 08 Ill (Sick), 09 Dizzy/Faint, 10 Emotional, 11 Other, 99 Unknown

Occupant Protection (OP) In Use: 00 Not Applicable, 01 None Used, 02 Lap Belt Only, 03 Shoulder Belt Only, 04 Shoulder and Lap Belt, 05 Child Restraint Type Unknown, 06 Restraint Used - Type Unknown, 07 Helmet, 08 Child Restraint - Forward Facing, 09 Child Restraint - Rear Facing, 10 Booster Seat, 11 Other, 99 Unknown

Air Bag Deployed: 0 Not Applicable, 1 Not Deployed, 2 Deployed - Front, 3 Deployed - Side, 4 Deployed - Other (knee, air belt, etc.), 5 Deployed - Combination, 9 Deployment Unknown

Ejected: 0 Not Applicable, 1 Not Ejected, 2 Ejected, Partially, 3 Ejected, Totally, 9 Unknown

Extricated: 0 N/A, 1 No, 2 Yes

Chemical Test: 0 N/A, 1 Blood, 2 Breath, 3 Blood/Breath, 4 Test Refused, 5 None Given, 6 Other

Extent of Damage: 0 N/A, 1 None, 2 Minor, 3 Functional, 4 Disabling, 9 Unknown

Insurance Verification: 0 N/A, 1 No, 2 Owner, 3 Operator, 4 Exempt

Oversized Load: 0 N/A, N Not Permitted, P Permitted

Towed Vehicle Type: 00 N/A, 01 Boat Trailer, 02 House Trailer, 03 Farm Trailer, 04 Horse Trailer, 05 Another Vehicle, 06 Utility Trailer, 07 Homemade Trailer, 08 Box Trailer, 09 Stock Trailer, 10 Camping Trailer, 11 Combination, 12 Other, 99 Unknown

WARNING - STATE LAW Use of contents for commercial solicitation is unlawful

DPS: 0192-01 [illegible] 0107

23-7

Case Number 201109649

(24) Unit — Injured / Witness — Passenger / Prop. Owner — Pos in Veh. — Last Name: MCPHEETERS — First: CHRISTOPHER — Middle Initial: S — Date of Birth (mm/dd/yyyy): [redacted] — Sex

(25) Address — Same as Driver — City: BETHANY — State: OK — Zip: 73008 — Telephone (Use Area Code): 4055513004

(26) Injury Severity / Type — OP Use — Air Bag Ejected — Extricated — Transported by — To Medical Facility — Property Type

(27) Unit — Injured / Witness — Passenger / Prop. Owner — Pos in Veh. — Last Name — First — Middle Initial — Date of Birth (mm/dd/yyyy) — Sex

(28) Address — Same as Driver — City — State — Zip — Telephone (Use Area Code)

(29) Injury Severity / Type — OP Use — Air Bag Ejected — Extricated — Transported by — To Medical Facility — Property Type

(30) Unit [redacted] — Witness — Prop. Owner — Last Name — First — Middle Initial — Date of Birth (mm/dd/yyyy) — Sex

(31) Address — Same as Driver — City — State — Zip — Telephone (Use Area Code)

(32) Injury Severity / Type — OP Use — Air Bag Ejected — Extricated — Transported by — To Medical Facility — Property Type [redacted]

(33) Unit — Injured / Witness — Passenger / Prop. Owner — Pos in Veh. — Last Name [redacted] — Middle Initial — Date of Birth (mm/dd/yyyy) — Sex

(34) Address — Same as Driver — City — State — Zip — Telephone (Use Area Code)

(35) Injury Severity / Type — OP Use — Air Bag Ejected — Extricated — Transported by — To Medical Facility — Property Type

Complete information below if this vehicle is being used for COMMERCE/BUSINESS and has a GVWR/GCWR IN EXCESS OF 10,000 LBS., or has a HAZMAT PLACARD, or is a BUS WITH SEATING FOR NINE OR MORE INCLUDING THE DRIVER

(36) Unit — Carrier Name — Address

(37) City — State — Zip — GVWR / GCWR — 0 - 10K lbs. / 10,001 - 26K lbs. / 26K+ lbs. — Axle Qty. — Cargo Body — Vehicle Use: Interstate Commerce / Intrastate Commerce / Other Non-Commercial / Government

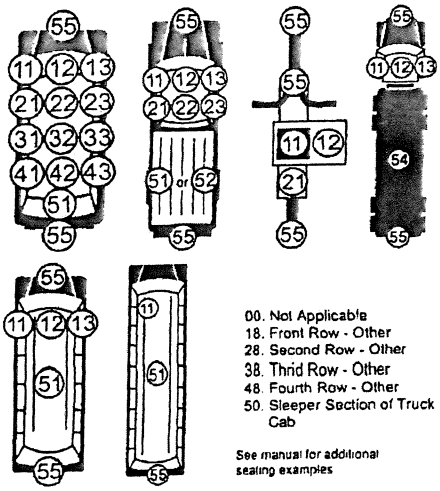
(38) U.S. DOT Number [redacted] — NASI Report Number: OK — Placard Number — Haz. Mat. Class — Haz. Mat. Involved (Yes / No) — Haz. Mat. Release (Yes / No)

(39) Unit — Carrier Name — Address

(40) City — State — Zip — GVWR / GCWR — 0 - 10K lbs. / 10,001 - 26K lbs. / 26K+ lbs. — Axle [redacted] — Cargo Body — Vehicle Use: Interstate Commerce / Intrastate Commerce / Other Non-Commercial / Government

(41) U.S. DOT Number — NASI Report Number: OK — Placard Number — Haz. Mat. Class — Haz. Mat. Involved (Yes / No) — Haz. Mat. Release (Yes / No)

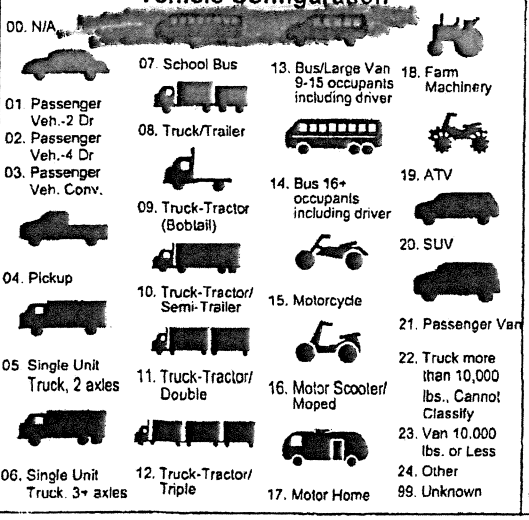
Position in Vehicle



00. Not Applicable
18. Front Row - Other
28. Second Row - Other
38. Thrid Row - Other
48. Fourth Row - Other
50. Sleeper Section of Truck Cab

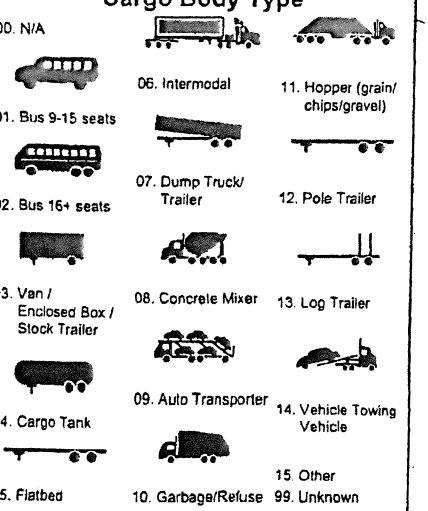
See manual for additional seating examples

Vehicle Configuration



00. N/A
01. Passenger Veh.-2 Dr
02. Passenger Veh.-4 Dr
03. Passenger Veh. Conv.
04. Pickup
05. Single Unit Truck, 2 axles
06. Single Unit Truck, 3+ axles
07. School Bus
08. Truck/Trailer
09. Truck-Tractor (Bobtail)
10. Truck-Tractor/ Semi-Trailer
11. Truck-Tractor/ Double
12. Truck-Tractor/ Triple
13. Bus/Large Van 9-15 occupants including driver
14. Bus 16+ occupants including driver
15. Motorcycle
16. Motor Scooter/ Moped
17. Motor Home
18. Farm Machinery
19. ATV
20. SUV
21. Passenger Van
22. Truck more than 10,000 lbs., Cannot Classify
23. Van 10,000 lbs. or Less
24. Other
99. Unknown

Cargo Body Type



00. N/A
01. Bus 9-15 seats
02. Bus 16+ seats
03. Van / Enclosed Box / Stock Trailer
04. Cargo Tank
05. Flatbed
06. Intermodal
07. Dump Truck/ Trailer
08. Concrete Mixer
09. Auto Transporter
10. Garbage/Refuse
11. Hopper (grain/ chips/gravel)
12. Pole Trailer
13. Log Trailer
14. Vehicle Towing Vehicle
15. Other
99. Unknown

Case Number 2011-09649

OFFICIAL OKLAHOMA TRAFFIC COLLISION REPORT

	Unit	Total Lanes in Roadway	Legal Speed	Pedestrian / Pedalcyclist Only: Actions Prior to Collision	Location at Time of Collision	Safety Equip.	Unit Number of Vehicle Striking
This unit will correspond to 'Unit 1'	01	02	25				
This unit will correspond to 'Unit 2'	02	02	25				

Was the collision in or near a construction, maintenance or utility work zone? (If yes, complete this section) Yes ☐ No ☑

Type of Work Zone
1 Lane Closure
2 Lane Shift/Crossover
3 Work on Shoulder or Median
4 Intermittent or Moving Work
9 Unknown

Location of the Work Zone Collision
1 Before the First Work Zone Warning Sign
2 Advance Warning Area
3 Transition Area
4 Activity Area
5 Termination Area
9 Unknown

Workers Present Yes ☐ No ☐ Unknown ☐

Light [1]
1 Daylight
2 Dark-Not Lighted
3 Dark-Lighted
4 Dawn
5 Dusk
6 Dark-Unknown Lighting
7 Other
9 Unknown

Weather [6]
01 Clear
02 Fog/Smog/Smoke
03 Cloudy
04 Rain
05 Snow
06 Sleet/Hail (Freezing Rain/Drizzle)
07 Severe Crosswind
08 Blowing Snow
09 Blowing Sand, Soil, Dirt
10 Other
99 Unknown

Locality [2]
1 Residential
2 Business
3 Industrial
4 School
5 Not Built-up
6 Mixed Use
7 Other
9 Unknown

Type of Intersection [0]
0 Not an Intersection
2 Y-Intersection
3 T-Intersection
4 Four-Way Intersection
5 Five-Point or More
6 Intersection as Part of Interchange
7 Traffic Circle
8 Roundabout
9 Unknown

Incident Type [00]
00 Not an Incident
51 Private Property
52 Deliberate Intent
53 Medical Condition
54 Legal Intervention
55 Suicide
57 Drowning
58 Other

Location of First Harmful Event [07]
01 On Roadway
02 Shoulder
03 Median
04 Roadside
05 Gore
06 Separator
07 Parking Lane/Zone
08 Off Roadway, Location Unknown
09 Outside Right-of Way
10 Other
99 Unknown

What Vehicle Was Going to Do Unit 1 [12] Unit 2 [13]
00 Not Applicable
01 Go Ahead
02 Turn Left
03 Turn Right
04 Make "U" Turn
05 Stop
06 Slow for Cause
07 Start from Park/Stop
08 Change Lanes
09 Overtake
10 Pass
11 Back
12 Remain Stopped
13 Remain Parked
14 Enter/Merge in Traffic
15 Negotiate a Curve
16 Park
17 Other
99 Unknown

What Vehicle Did Unit 1 [07] Unit 2 [13]
00 Not Applicable
01 Went Ahead
02 Turned Left
03 Turned Right
04 Entered "U" Turn
05 Stopped
06 Slowed
07 Started From Park/Stop
08 Entered Other Lane
09 Overtaking
10 Passing
11 Backed
12 Remained Stopped
13 Remained Parked
14 Entered/Merged
15 Departed Rdwy-Right
16 Departed Rdwy-Left
17 Swerved Right
18 Swerved Left
19 Parked
20 Other
99 Unknown

Visibility Obscured by Unit 1 [00] Unit 2 [00]
00 Not Applicable
01 Trees
02 Embankment
03 Building
04 Signs
05 Parked Vehicles
06 High Weeds
07 Fences
08 Shrubbery
09 Ice, Snow or Frost on Windows
10 Smoke
11 Fog
12 Dust
13 Rain
14 Sun
15 Other
99 Unknown

Driver Distracted by Unit 1 [0] Unit 2 [0]
0 Not Applicable/None
1 Electronic Communication Devices
2 Other Electronic Device
3 Other Inside Vehicle
4 Other Outside Vehicle
9 Unknown

Underride/ Override Unit 1 [ ] Unit 2 [ ]
0 Not Applicable
1 No Underride or Override
2 Underride, Compartment Intrusion
3 Underride, No Compartment Intrusion
4 Underride, Compartment Intrusion Unknown
5 Override, Motor Vehicle in Transport
6 Override, Other Motor Vehicle
9 Unknown

Traffic Control Unit 1 [06] Unit 2 [06]
00 No Control
01 Stop Sign
02 Traffic Signal
03 Flashing Traffic Signal
04 School Zone Signs
05 Yield Sign
06 Warning Sign
07 Railroad Advance Warning Sign
08 Railroad Cross Bucks
09 Railroad Gates
10 Railroad Signal
11 No Passing Zone
12 Person (including flagger, law enforcement, crossing guard, etc.)
13 Abnormal Control
14 Other
99 Unknown

Road Surface Conditions Unit 1 [01] Unit 2 [01]
01 Dry
02 Wet
03 Ice/Frost
04 Snow
05 Mud, Dirt, Gravel
06 Slush
07 Water (standing, moving)
08 Sand
09 Oil
10 Other
99 Unknown

Road Character

Grade Unit 1 [4] Unit 2 [4]
1 Level
2 Hillcrest
3 Uphill
4 Downhill
5 Sag (bottom)

Road Alignment Unit 1 [2] Unit 2 [2]
1 Straight
2 Curve - Left
3 Curve - Right

Road Surface Type Unit 1 [2] Unit 2 [2]
1 Concrete
2 Asphalt
3 Gravel
4 Dirt
5 Brick
6 Other
9 Unknown

Trafficway Unit 1 [2] Unit 2 [8]
0 Not Applicable
1 One Way
2 Two-Way - Not Divided
3 Two-Way - Divided
4 Two-Way - Divided - Positive Median Barrier
5 Turn Lane
6 Ramp / Loop
7 Driveway
8 Alley / Parking Lot
9 Unknown

Vehicle Removal Unit 1 [2] Unit 2 [3]
0 Not Applicable
1 Towed Due to Vehicle Damage
2 Towed For Reasons Other Than Damage
3 Remained at Scene
4 Driven from Scene
9 Unknown

Vehicle Condition Unit 1 [02] Unit 2 [01]
00 Not Applicable
01 Apparently Normal
02 Brakes
03 Headlights
04 Steering
05 Tail Lights
06 Brake Lights
07 Tires/Wheels
08 Suspension
09 Signal lights
10 Windows
11 Truck Coupling/Trailer Hitch/Safety Chains
12 Mirrors 15 Other
13 Wipers 99 Unknown
14 Power Train

Special Function of Vehicle Unit 1 [12] Unit 2 [06]
00 Not Applicable
01 School Bus
02 Transit Bus
03 Intercity Bus
04 Charter Bus
05 Other Bus
06 Military
07 OHP
08 Other Police
09 Other Law Enforcement
10 Ambulance
11 Fire Truck
12 Public Owned Vehicle
13 Highway Equipment
14 Special Mobilized Machine
15 Other 99 Unknown

Emergency Vehicle Responding to an Emergency Unit 1 [0] Unit 2 [0]
0 N/A 2 No
1 Yes 9 Unknown

Unsafe / Unlawful Contributing Factors Unit 1 [47] Unit 2 [98]

FAILED TO YIELD
01 From Stop Sign
02 From Yield Sign
03 Private Drive
04 County Road at Through Highway
05 From Signal Light
06 From Alley
07 To Pedestrian
08 To Vehicle on Right
09 To Vehicle in Intersection
10 To Emergency Vehicles
12 Other

FOLLOWED TOO CLOSELY
13 Human Element
14 Traffic Condition
15 Weather Condition

UNSAFE SPEED
16 Driver's Ability (Aged)
17 Inexperienced Driver - Young
18 Exceeding Legal Limit
19 For Traffic Conditions
20 For Type of Roadway (Gravel, Dirt, etc.)
21 For Ice or Snow on Roadway
22 Rain or Wet Roadway
23 Wind
24 Other Weather Conditions
25 Vehicle Condition
26 View Obstruction
27 On Curve/Turn
28 Impeding Traffic
29 Other

IMPROPER TURN
30 From Wrong Lane
31 From Direct Course
32 Right
33 Left
34 Turn About/U-Turn
35 To Enter Private Drive
36 In Front of Oncoming Traffic
37 Other
38 **CHANGED LANES UNSAFELY**
39 **STOPPED IN TRAFFIC LANE**

FAILED TO STOP
40 For Stop Sign
41 For Traffic Signal
42 For School Bus
43 For Railroad Gates/ Signal
44 For Officer/Flagman
45 At Sidewalk/Stopline
46 Other

UNSAFE VEHICLE
47 Brakes
48 Steering
49 Tires
50 Suspension
51 Headlights
52 Tail Lights
53 Stop Lights
54 Wheel
55 Exhaust System
56 Windshield Wipers
57 Other Mechanical Defects

LEFT OF CENTER
58 In Meeting
59 No Passing Zone (Unmarked)
60 Marked Zone
61 Other

IMPROPER OVERTAKING
62 In Marked Zone
63 On Hill/Curve
64 At Intersection
65 Without Sufficient Clearance
66 Other

IMPROPER PARKING
67 On Roadway
68 Where Prohibited
69 Other

INATTENTION
70 Distracted by Passenger in Vehicle
71 Other Distraction Inside Vehicle
72 Distraction From Outside Vehicle
73 Other

WRONG WAY
74 On One Way
75 On Exit Ramp
76 On Entrance Ramp
77 Other

IMPROPER START FROM
78 Parked Position
79 Other
80 **ALCOHOL-DUI/DWI**
81 **DRUG-DUI**

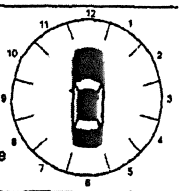
OTHER IMPROPER ACT/ MOVEMENT
82 Failed to Signal
83 Disregarded Warning Signal
84 Improper Use of Lane
85 Improper Backing
86 Apparently Sleepy
87 Failed to Secure Load
88 Other/Unknown

UNKN./NO IMPROPER ACT
89 Deer in Roadway
90 Animal in Roadway
91 Domestic Animal in Rdwy
92 Avoiding Other Vehicle
93 Avoiding Pedestrian
94 Object/Debris in Roadway
95 Defect in Roadway
96 Abnormal Traffic Control
97 Improper Bicyclist Action
98 **NO IMPROPER ACTION BY DRIVER**
99 **PEDESTRIAN ACTION**

Point of First Contact on Vehicle Unit 1 [12] Unit 2 [04]

Most Damaged Area Unit 1 [12] Unit 2 [04]

00 Not Applicable 14 Undercarriage
13 Top 99 Unknown



Case Number: 2011-09649

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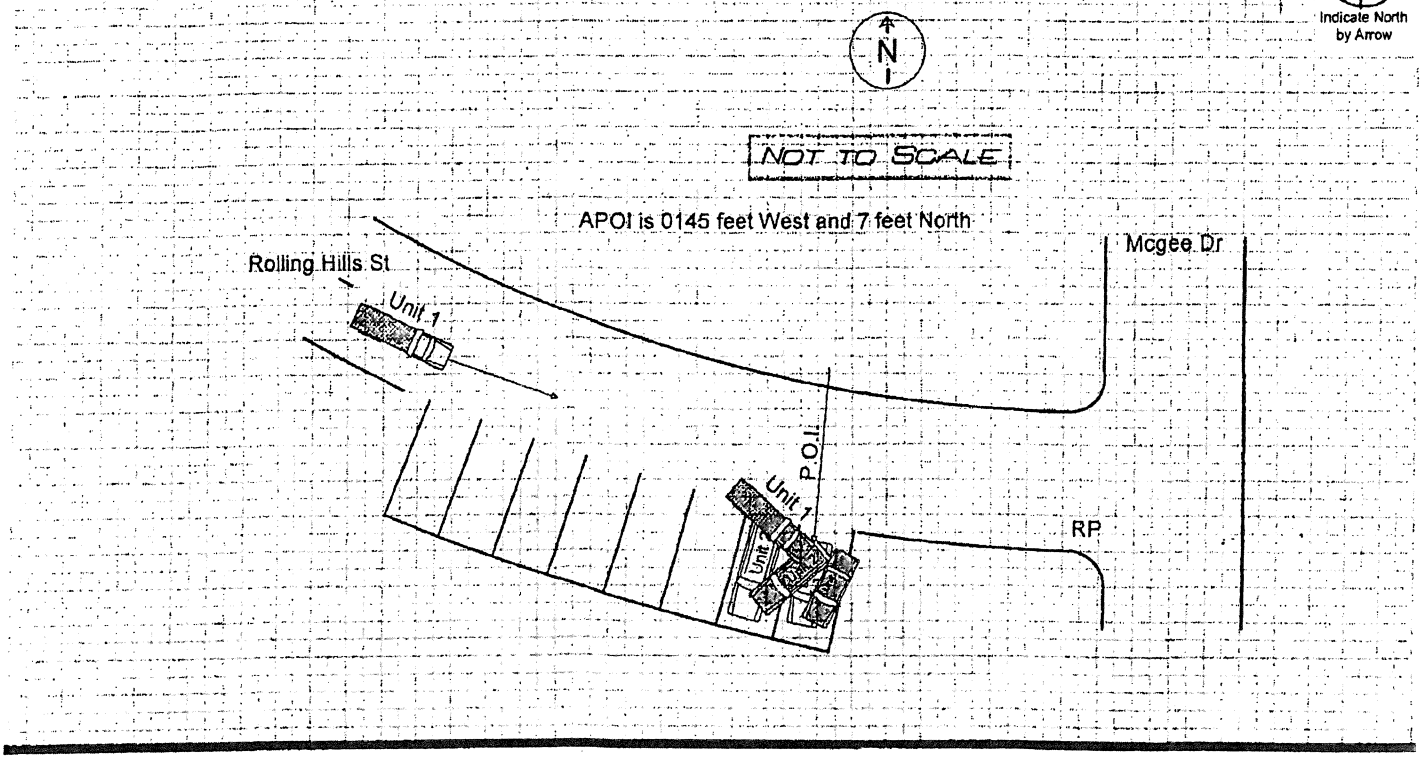
Latitude | Longitude | Railroad Crossing Number | Roadway Orientation

Unit Number 01 NE SW E | Unit Number 02 NE SW S

Indicate North by Arrow



COLLISION EVENTS

Unit	First Event	Second Event	Third Event	Fourth Event	Most Harmful Event
01	15	35	00	00	35
02	34	35	00	00	34

First Harmful Event for the Entire Collision: 34

00 Not Applicable
10 Overturn/Rollover
11 Fire/Explosion
12 Immersion
13 Jackknife
14 Cargo/Equipment Loss or Shift
15 Equipment Failure (Blown Tire, Brake Failure, etc.)
16 Separation of Units
17 Departed Road Right
18 Departed Road Left
19 Cross Median/Centerline
20 Downhill Runaway
21 Fell/Jumped From Motor Vehicle
22 Thrown Or Falling Object
23 Other Non-Collision

PERSON, MOTOR VEHICLE, OR NON-FIXED OBJECT:

30 Pedestrian
31 Pedal Cycle
32 Railway Vehicle (train, engine)
33 Animal
34 Motor Vehicle in Transport
35 Parked Motor Vehicle
36 Struck by Falling, Shifting Cargo or Anything Set in Motion by Motor Vehicle
37 Work Zone/Maintenance Equipment
38 Other Non-Fixed Object

FIXED OBJECT:

40 Barrier (Cable)
41 Barrier (Concrete)
42 Barrier (Other)
43 Fence Pole
44 Fence
45 Traffic Signal Support
46 Traffic Sign Support
47 Utility Pole/Light Support
48 Other Post/Pole/Support
49 Guardrail/Guardrail Face
50 Guardrail End
51 Culvert
52 Curb
53 Island
54 Sand Barrels
55 Impact Attenuator/ Crash Cushion
56 Pavement Drop-Off
57 Ditch
58 Embankment
59 Tree (Standing)
60 Dividing Strip
61 Reteining Wall
62 Bridge Abutment
63 Bridge Pier or Support
64 Bridge Rail
65 Bridge Post
66 Bridge Curb
67 Bridge Super Structure (Beams)
68 Bridge Overhead Structure
69 Delineator
70 Mailbox
71 Other Fixed Object
72 Other Highway Structure
73 Ground
99 Unknown

Remarks

THE DRIVER OF UNIT ONE PARKED THE TRASH TRUCK AND WAS OUTSIDE BEHIND THE VEHICLE WHEN THE EMERGENCY BRAKE WENT OUT. THE VEHICLE ROLLED DOWN THE HILL HITTING TWO PARKED CARS. UNIT TWO AND UNIT THREE. WERE PARKED AND UNOCCUPIED THE CITY WRECKER DRIVER AND I VERIFIED THE EMERGENCY PARKING BRAKES WERE NOT WORKING. UNIT TWO'S FAMILY BROUGHT A TRAILER TO REMOVE THE VEHICLE.

This report is based on the officer's investigation of this collision. This report may contain the opinion of the officer.

DPS: 0192-0[illegible]23-100107

DO NOT WRITE IN THIS SPACE

OFFICIAL OKLAHOMA TRAFFIC COLLISION REPORT

	Y	N		Y	N
Incident Report		X	Pg 5 of 8		
Investigation Completed	X		Revised		X
Investigation Made at Scene	X		Fatality		X
Photographs		X	Hit and Run		X

(1) Reporting Agency: NORMAN POLICE DEPT — Case Number (Agency Use): 2011-096449 — Motor Vehicles Involved: 03 — Number Injured: 00 — Number Killed: 00

(2) Date of Collision (mm/dd/yyyy): [redacted]8/2011 — Time: 1336 — County Number and Name: 14 CLEVELAND — Nearest City or Town Number and Name: In [X] Near [ ] 20 NORMAN

(3) Distance from Nearest City or Town-Limits: Mi. [ ] Ft. [ ] N [ ] S [ ] — Mi. [ ] Ft. [ ] E [ ] W [ ] — Control # — Int ID — Location — East Grid — North Grid — Administrative

(4) Street, Road or Highway: ROLLING HILLS ST — Distance from: At [ ] 01 45 Mi [ ] Ft [X] N [ ] S [ ] E [ ] W [X] of — (Nearest) Intersecting Street, Road or Highway: WILEE DR

Unit 03

(5) Unit: 03 — Occupants: 00 — Type: D — Hit & Run [ ] — CMV [ ] — Last Name: WADE — First: LACEY — Middle: GEORGIA — Date of Birth (mm/dd/yyyy): [redacted] — Sex: F

(6) Address: 812 WINTER PARK — City: BLANCHARD — State: OK — Zip: 73010 — Telephone (Use Area Code): 4054853021

(7) Driver License Number: [redacted] — State: OK — Class: D — Endorsement(s): — Restriction(s): — Inj. Sev.: 0 — Type of Injury: 0 — Drv./Ped. Cond.: 01 — OP Use: 00

(8) Air Bag: 1 — Ejected: 1 — Extricated: 1 — Test: 5 — (% BAC): 0. — Transported by: — To Medical Facility: — License Plate Number: [redacted] — State: OK — Month: 04 — Year: 2012

(9) VIN: [redacted] — Vehicle Year: 2009 — Color: WHT — 2nd Color: — Make: CHEV — Model: MALI — Veh. Conf.: 02 — Extent of Damage: 4

(10) Insurance Verification: 2 — Insurance Company Name: FARMER'S — Policy Number: [redacted] — Insurance Telephone (Use Area Code): 4055277899

(11) Vehicle Removed by: Driver [ ] QUALITY — Owner's Last Name: Same as Driver [X] — First: — Middle Initial:

(12) Owner's Address: — City: — State: — Zip: — Towed Veh. Type: Oversized Load [0] — [00] — Rolled [ ] Phone present [ ] Burned [ ] Phone in use [ ]

(13) Citation Number: — Statute/Ordinance Number: — Citation Number: — Statute/Ordinance Number:

Unit

(14) Unit: — Occupants: — Type: — Hit & Run [ ] — CMV [ ] — Last Name: — First: — Middle: — Date of Birth (mm/dd/yyyy): — Sex:

(15) Address: — City: — State: — Zip: — Telephone (Use Area Code):

(16) Driver License Number: — State: — Class: — Endorsement(s): — Restriction(s): — Inj. Sev.: — Type of Injury: — Drv./Ped. Cond.: — OP Use:

(17) Air Bag: — Ejected: — Extricated: — Test: — (% BAC): 0. — Transported by: — To Medical Facility: — License Plate Number: — State: — Month: — Year:

(18) VIN: — Vehicle Year: — Color: — 2nd Color: — Make: — Model: — Veh. Conf.: — Extent of Damage:

(19) Insurance Verification: — Insurance Company Name: — Policy Number: — Insurance Telephone (Use Area Code):

(20) Vehicle Removed by: Driver [ ] — Owner's Last Name: Same as Driver [ ] — First: — Middle Initial:

(21) Owner's Address: — City: — State: — Zip: — Towed Veh. Type: Oversized Load: — Rolled [ ] Phone present [ ] Burned [ ] Phone in use [ ]

(22) Citation Number: — Statute/Ordinance Number: — Citation Number: — Statute/Ordinance Number:

(23) Investigating Officer: GARNAND — Badge Number: 0712 — Troop/Div.: — Reviewed by (Init.): — Reviewer Badge Number: — Date of Report (mm/dd/yyyy): 07282011

Unit Type: D Driver; P Pedestrian; X Pedestrian Conveyance; B Bicyclist; Z Other Cyclist; C Parked Car; A Animal; T Train

Injury Severity: 0 N/A; 1 No Injury; 2 Possible; 3 Non-incapacitating; 4 Incapacitating; 5 Fatal; 9 Unknown

Type of Injury: 0 N/A; 1 Head; 2 Trunk - External; 3 Trunk - Internal; 4 Arms; 5 Legs; 9 Unknown

Driver/Pedestrian Condition: 00 Not Applicable; 01 Apparently Normal; 02 Drinking - Ability Impaired; 03 Odor of Alcohol Beverage; 04 Illegal Drugs; 05 Under the Influence of Medications; 06 Very Tired; 07 Sleepy; 08 Ill (Sick); 09 Dizzy/Faint; 10 Emotional; 11 Other; 99 Unknown

Occupant Protection (OP) In Use: 00 Not Applicable; 01 None Used; 02 Lap Belt Only; 03 Shoulder Belt Only; 04 Shoulder and Lap Belt; 05 Child Restraint Type Unknown; 06 Restraint Used - Type Unknown; 07 Helmet; 08 Child Restraint - Forward Facing; 09 Child Restraint - Rear Facing; 10 Booster Seat; 11 Other; 99 Unknown

Air Bag Deployed: 0 Not Applicable; 1 Not Deployed; 2 Deployed - Front; 3 Deployed - Side; 4 Deployed - Other (knee, air belt, etc.); 5 Deployed - Combination; 9 Deployment Unknown

Ejected: 0 Not Applicable; 1 Not Ejected; 2 Ejected, Partially; 3 Ejected, Totally; 9 Unknown

Extricated: 0 N/A; 1 No; 2 Yes

Chemical Test: 0 N/A; 1 Blood; 2 Breath; 3 Blood/Breath; 4 Test Refused; 5 None Given; 6 Other

Extent of Damage: 0 N/A; 1 None; 2 Minor; 3 Functional; 4 Disabling; 9 Unknown

Insurance Verification: 0 N/A; 1 No; 2 Owner; 3 Operator; 4 Exempt

Oversized Load: 0 N/A; N Not Permitted; P Permitted

Towed Vehicle Type: 00 N/A; 01 Boat Trailer; 02 House Trailer; 03 Farm Trailer; 04 Horse Trailer; 05 Another Vehicle; 06 Utility Trailer; 07 Homemade Trailer; 08 Box Trailer; 09 Stock Trailer; 10 Camping Trailer; 11 Combination; 12 Other; 99 Unknown

WARNING - STATE LAW Use of contents for commercial solicitation is unlawful

Case Number 2011-09649

(24) Unit | Injured | Witness | Passenger | Prop. Owner | Pos in Veh. | Last Name | First | Middle Initial | Date of Birth (mm/dd/yyyy) | Sex

(25) Address | Same as Driver | City | State | Zip | Telephone (Use Area Code)

(26) Injury Severity / Type | OP Use | Air Bag Ejected | Extricated | Transported by | To Medical Facility | Property Type

(27) Unit | Injured | Witness | Passenger | Prop. Owner | Pos in Veh. | Last Name | First | Middle Initial | Date of Birth (mm/dd/yyyy)

(28) Address | Same as Driver | City | State | Zip | Telephone (Use Area Code)

(29) Injury Severity / Type | OP Use | Air Bag Ejected | Extricated | Transported by | To Medical Facility | Property Type

(30) Unit | Witness | Prop. Owner | Pos in Veh. | Last Name | First | Middle Initial | Date of Birth (mm/dd/yyyy) | Sex

(31) Address | Same as Driver | City | State | Zip | Telephone (Use Area Code)

(32) Injury Severity / Type | OP Use | Air Bag Ejected | Extricated | Transported by | To Medical Facility

(33) Unit | Injured | Witness | Passenger | Prop. Owner | Pos in Veh. | Last Name | First | Middle Initial | Date of Birth (mm/dd/yyyy) | Sex

(34) Address | Same as Driver | City | State

(35) Injury Severity / Type | OP Use | Air Bag Ejected | Extricated | Transported by | To Medical Facility | Property Type

Complete information below if this vehicle is being used for COMMERCE/BUSINESS and has a GVWR/GCWR IN EXCESS OF 10,000 LBS., or has a HAZMAT PLACARD, or is a BUS WITH SEATING FOR NINE OR MORE INCLUDING THE DRIVER.

(36) Unit | Carrier Name | Address

(37) City | State | Zip | GVWR | GCWR | 0 - 10K lbs. | 10,001 - 26K lbs. | 26K+ lbs. | Axle Qty. | Cargo Body | Vehicle Use: Interstate Commerce, Intrastate Commerce, Other Non-Commercial, Government

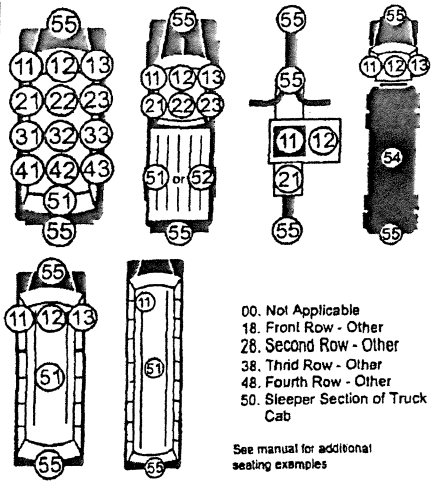
(38) U.S. DOT Number | NASI Report Number OK | Placard Number | Haz. Mat. Class | Haz. Mat. Involved Yes/No | Haz. Mat. Release Yes/No

(39) Unit | Carrier Name | Address

(40) City | State | Zip | GVWR | GCWR | 0 - 10K lbs | 10,001 - 26K lbs | 26K+ lbs. | Axle Qty. | Cargo Body | Vehicle Use: Interstate Commerce, Intrastate Commerce, Other Non-Commercial, Government

(41) U.S. DOT Number | NASI Report Number OK | Placard Number | Haz. Mat. Class | Haz. Mat. Involved Yes/No | Haz. Mat. Release Yes/No

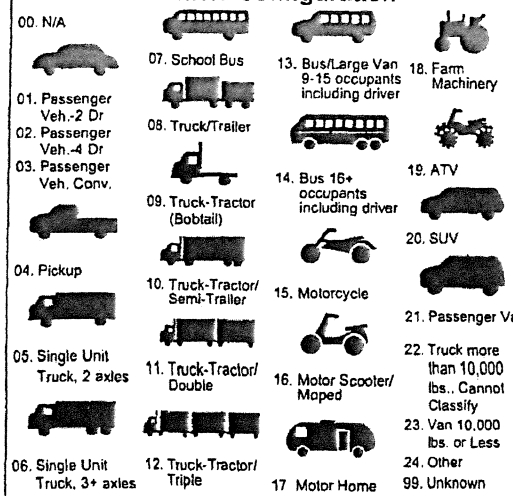
Position in Vehicle



00. Not Applicable
18. Front Row - Other
28. Second Row - Other
38. Third Row - Other
48. Fourth Row - Other
50. Sleeper Section of Truck Cab

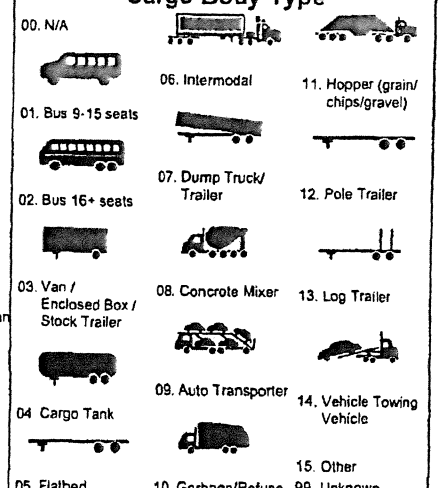
See manual for additional seating examples

Vehicle Configuration



00. N/A
01. Passenger Veh.-2 Dr
02. Passenger Veh.-4 Dr
03. Passenger Veh. Conv.
04. Pickup
05. Single Unit Truck, 2 axles
06. Single Unit Truck, 3+ axles
07. School Bus
08. Truck/Trailer
09. Truck-Tractor (Bobtail)
10. Truck-Tractor/ Semi-Trailer
11. Truck-Tractor/ Double
12. Truck-Tractor/ Triple
13. Bus/Large Van 9-15 occupants including driver
14. Bus 16+ occupants including driver
15. Motorcycle
16. Motor Scooter/ Moped
17. Motor Home
18. Farm Machinery
19. ATV
20. SUV
21. Passenger Van
22. Truck more than 10,000 lbs., Cannot Classify
23. Van 10,000 lbs. or Less
24. Other
99. Unknown

Cargo Body Type



00. N/A
01. Bus 9-15 seats
02. Bus 16+ seats
03. Van / Enclosed Box / Stock Trailer
04. Cargo Tank
05. Flatbed
06. Intermodal
07. Dump Truck/ Trailer
08. Concrete Mixer
09. Auto Transporter
10. Garbage/Refuse
11. Hopper (grain/ chips/gravel)
12. Pole Trailer
13. Log Trailer
14. Vehicle Towing Vehicle
15. Other
99. Unknown

Case Number 2011-09649

OFFICIAL OKLAHOMA TRAFFIC COLLISION REPORT

Unit	Total Lanes In Roadway	Legal Speed	Pedestrian / Pedalcyclist Only: Actions Prior to Collision	Location at Time of Collision	Safety Equip.	Unit Number of Vehicle Striking
This unit will correspond to 'Unit 1' 03	08	25				
This unit will correspond to 'Unit 2'						

Was the collision in or near a construction, maintenance or utility work zone? (If yes, complete this section) Yes ☐ No ☒

Type of Work Zone
1 Lane Closure
2 Lane Shift/Crossover
3 Work on Shoulder or Median
4 Intermittent or Moving Work
9 Unknown

Location of the Work Zone Collision
1 Before the First Work Zone Warning Sign
2 Advance Warning Area
3 Transition Area
4 Activity Area
5 Termination Area
9 Unknown

Workers Present Yes ☐ No ☐ Unknown ☐

Light 1
1 Daylight
2 Dark-Not Lighted
3 Dark-Lighted
4 Dawn
5 Dusk
6 Dark-Unknown Lighting
7 Other
9 Unknown

Weather 01
01 Clear
02 Fog/Smog/Smoke
03 Cloudy
04 Rain
05 Snow
06 Sleet/Hail (Freezing Rain/Drizzle)
07 Severe Crosswind
08 Blowing Snow
09 Blowing Sand, Soil, Dirt
10 Other
99 Unknown

Locality 2
1 Residential
2 Business
3 Industrial
4 School
5 Not Built-up
6 Mixed Use
7 Other
9 Unknown

Type of Intersection 0
0 Not an Intersection
2 Y-Intersection
3 T-Intersection
4 Four-Way Intersection
5 Five-Point or More
6 Intersection as Part of Interchange
7 Traffic Circle
8 Roundabout
9 Unknown

Incident Type 00
00 Not an Incident
51 Private Property
52 Deliberate Intent
53 Medical Condition
54 Legal Intervention
55 Suicide
57 Drowning
58 Other

Location of First Harmful Event 07
01 On Roadway
02 Shoulder
03 Median
04 Roadside
05 Gore
06 Separator
07 Parking Lane/Zone
08 Off Roadway, Location Unknown
09 Outside Right-of Way
10 Other
99 Unknown

What Vehicle Was Going to Do Unit 1: 13 Unit 2:
00 Not Applicable
01 Go Ahead
02 Turn Left
03 Turn Right
04 Make "U" Turn
05 Stop
06 Slow for Cause
07 Start from Park/Stop
08 Change Lanes
09 Overtake
10 Pass
11 Back
12 Remain Stopped
13 Remain Parked
14 Enter/Merge in Traffic
15 Negotiate a Curve
16 Park
17 Other
99 Unknown

What Vehicle Did Unit 1: 13 Unit 2:
00 Not Applicable
01 Went Ahead
02 Turned Left
03 Turned Right
04 Entered "U" Turn
05 Stopped
06 Slowed
07 Started From Park/Stop
08 Entered Other Lane
09 Overtaking
10 Passing
11 Backed
12 Remained Stopped
13 Remained Parked
14 Entered/Merged
15 Departed Rdwy-Right
16 Departed Rdwy-Left
17 Swerved Right
18 Swerved Left
19 Parked
20 Other
99 Unknown

Visibility Obscured by Unit 1: 06 Unit 2:
00 Not Applicable
01 Trees
02 Embankment
03 Building
04 Signs
05 Parked Vehicles
06 High Weeds
07 Fences
08 Shrubbery
09 Ice, Snow or Frost on Windows
10 Smoke
11 Fog
12 Dust
13 Rain
14 Sun
15 Other
99 Unknown

Driver Distracted by Unit 1: 0 Unit 2:
0 Not Applicable/None
1 Electronic Communication Devices
2 Other Electronic Device
3 Other Inside Vehicle
4 Other Outside Vehicle
9 Unknown

Underride/ Override Unit 1: Unit 2:
0 Not Applicable
1 No Underride or Override
2 Underride, Compartment Intrusion
3 Underride, No Compartment Intrusion
4 Underride, Compartment Intrusion Unknown
5 Override, Motor Vehicle in Transport
6 Override, Other Motor Vehicle
9 Unknown

Traffic Control Unit 1: 06 Unit 2:
00 No Control
01 Stop Sign
02 Traffic Signal
03 Flashing Traffic Signal
04 School Zone Signs
05 Yield Sign
06 Warning Sign
07 Railroad Advance Warning Sign
08 Railroad Cross Bucks
09 Railroad Gates
10 Railroad Signal
11 No Passing Zone
12 Person (including flagger, law enforcement, crossing guard, etc.)
13 Abnormal Control
14 Other
99 Unknown

Road Surface Conditions Unit 1: 01 Unit 2:
01 Dry
02 Wet
03 Ice/Frost
04 Snow
05 Mud, Dirt, Gravel
06 Slush
07 Water (standing, moving)
08 Sand
09 Oil
10 Other
99 Unknown

Road Character

Grade Unit 1: 4 Unit 2:
1 Level
2 Hillcrest
3 Uphill
4 Downhill
5 Sag (bottom)

Road Alignment Unit 1: 2 Unit 2:
1 Straight
2 Curve - Left
3 Curve - Right

Road Surface Type Unit 1: 2 Unit 2:
1 Concrete
2 Asphalt
3 Gravel
4 Dirt
5 Brick
6 Other
9 Unknown

Trafficway Unit 1: 2 Unit 2:
0 Not Applicable
1 One Way
2 Two-Way - Not Divided
3 Two-Way - Divided
4 Two-Way - Divided - Positive Median Barrier
5 Turn Lane
6 Ramp / Loop
7 Driveway
8 Alley / Parking Lot
9 Unknown

Vehicle Removal Unit 1: 1 Unit 2:
0 Not Applicable
1 Towed Due to Vehicle Damage
2 Towed For Reasons Other Than Damage
3 Remained at Scene
4 Driven from Scene
9 Unknown

Vehicle Condition Unit 1: 01 Unit 2:
00 Not Applicable
01 Apparently Normal
02 Brakes
03 Headlights
04 Steering
05 Tail Lights
06 Brake Lights
07 Tires/Wheels
08 Suspension
09 Signal lights
10 Windows
11 Truck Coupling/Trailer Hitch/Safety Chains
12 Mirrors 15 Other
13 Wipers 99 Unknown
14 Power Train

Special Function of Vehicle Unit 1: 00 Unit 2:
00 Not Applicable
01 School Bus
02 Transit Bus
03 Intercity Bus
04 Charter Bus
05 Other Bus
06 Military
07 OHP
08 Other Police
09 Other Law Enforcement
10 Ambulance
11 Fire Truck
12 Public Owned Vehicle
13 Highway Equipment
14 Special Mobilized Machine
15 Other 99 Unknown

Emergency Vehicle Responding to an Emergency Unit 1: 0 Unit 2:
0 N/A 2 No
1 Yes 9 Unknown

Unsafe / Unlawful Contributing Factors Unit 1: 98 Unit 2:

FAILED TO YIELD
01 From Stop Sign
02 From Yield Sign
03 Private Drive
04 County Road at Through Highway
05 From Signal Light
06 From Alley
07 To Pedestrian
08 To Vehicle on Right
09 To Vehicle in Intersection
10 To Emergency Vehicles
12 Other

FOLLOWED TOO CLOSELY
13 Human Element
14 Traffic Condition
15 Weather Condition

UNSAFE SPEED
16 Driver's Ability (Aged)
17 Inexperienced Driver - Young
18 Exceeding Legal Limit
19 For Traffic Conditions
20 For Type of Roadway (Gravel, Dirt, etc.)
21 For Ice or Snow on Roadway
22 Rain or Wet Roadway
23 Wind
24 Other Weather Conditions
25 Vehicle Condition
26 View Obstruction
27 On Curve/Turn
28 Impeding Traffic
29 Other

IMPROPER TURN
30 From Wrong Lane
31 From Direct Course
32 Right
33 Left
34 Turn About/U-Turn
35 To Enter Private Drive
36 In Front of Oncoming Traffic
37 Other
38 CHANGED LANES UNSAFELY
39 STOPPED IN TRAFFIC LANE

FAILED TO STOP
40 For Stop Sign
41 For Traffic Signal
42 For School Bus
43 For Railroad Gates/ Signal
44 For Officer/Flagman
45 At Sidewalk/Stopline
46 Other

UNSAFE VEHICLE
47 Brakes
48 Steering
49 Tires
50 Suspension
51 Headlights
52 Tail Lights
53 Stop Lights
54 Wheel
55 Exhaust System
56 Windshield Wipers
57 Other Mechanical Defects

LEFT OF CENTER
58 In Meeting
59 No Passing Zone (Unmarked)
60 Marked Zone
61 Other

IMPROPER OVERTAKING
62 In Marked Zone
63 On Hill/Curve
64 At Intersection
65 Without Sufficient Clearance
66 Other

IMPROPER PARKING
67 On Roadway
68 Where Prohibited
69 Other

INATTENTION
70 Distracted by Passenger in Vehicle
71 Other Distraction Inside Vehicle
72 Distraction From Outside Vehicle
73 Other

WRONG WAY
74 On One Way
75 On Exit Ramp
76 On Entrance Ramp
77 Other

IMPROPER START FROM
78 Parked Position
79 Other

80 ALCOHOL-DUI/DWI
81 DRUG-DUI

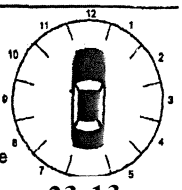
OTHER IMPROPER ACT/ MOVEMENT
82 Failed to Signal
83 Disregarded Warning Signal
84 Improper Use of Lane
85 Improper Backing
86 Apparently Sleepy
87 Failed to Secure Load
88 Other/Unknown

UNKN./NO IMPROPER ACT
89 Deer in Roadway
90 Animal in Roadway
91 Domestic Animal in Rdwy
92 Avoiding Other Vehicle
93 Avoiding Pedestrian
94 Object/Debris in Roadway
95 Defect in Roadway
96 Abnormal Traffic Control
97 Improper Bicyclist Action
98 NO IMPROPER ACTION BY DRIVER
99 PEDESTRIAN ACTION

Point of First Contact on Vehicle Unit 1: 04 Unit 2:

Most Damaged Area Unit 1: 04 Unit 2:

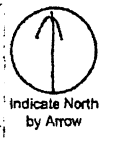
00 Not Applicable 14 Undercarriage
13 Top 99 Unknown



Case Number 2011-09649

Latitude ____.____ N Longitude ____.____ W Railroad Crossing Number

Roadway Orientation — Unit Number 07 NE SW S; Unit Number NE SW



COLLISION EVENTS

	Unit	First Event	Second Event	Third Event	Fourth Event	Most Harmful Event	First Harmful Event for the Entire Collision
	07	36	52	00	00	52	31

00 Not Applicable
10 Overturn/Rollover
11 Fire/Explosion
12 Immersion
13 Jackknife
14 Cargo/Equipment Loss or Shift
15 Equipment Failure (Blown Tire, Brake Failure, etc.)
16 Separation of Units
17 Departed Road Right
18 Departed Road Left
19 Cross Median/Centerline
20 Downhill Runaway
21 Fell/Jumped From Motor Vehicle
22 Thrown Or Falling Object
23 Other Non-Collision

PERSON, MOTOR VEHICLE, OR NON-FIXED OBJECT:

30 Pedestrian
31 Pedal Cycle
32 Railway Vehicle (train, engine)
33 Animal
34 Motor Vehicle in Transport
35 Parked Motor Vehicle
36 Struck by Falling, Shifting Cargo or Anything Set in Motion by Motor Vehicle
37 Work Zone/Maintenance Equipment
38 Other Non-Fixed Object

FIXED OBJECT:

40 Barrier (Cable)
41 Barrier (Concrete)
42 Barrier (Other)
43 Fence Pole
44 Fence
45 Traffic Signal Support
46 Traffic Sign Support
47 Utility Pole/Light Support
48 Other Post/Pole/Support
49 Guardrail/Guardrail Face
50 Guardrail End
51 Culvert
52 Curb
53 Island
54 Sand Barrels
55 Impact Attenuator/ Crash Cushion
56 Pavement Drop-Off
57 Ditch
58 Embankment
59 Tree (Standing)
60 Dividing Strip
61 Retaining Wall
62 Bridge Abutment
63 Bridge Pier or Support
64 Bridge Rail
65 Bridge Post
66 Bridge Curb
67 Bridge Super Structure (Beams)
68 Bridge Overhead Structure
69 Delineator
70 Mailbox
71 Other Fixed Object
72 Other Highway Structure
73 Ground
99 Unknown

Remarks

This report is based on the officer's investigation of this collision. This report may contain the opinion of the officer.

DPS: 0192-0423-14 0107

office memorandum

Date: August 10, 2011

To: Brenda Hall, City Clerk

From: Gary L. Seal, Utilities Supervisor

Subject: Claim from Sandy Logan

In response to the claim submitted by Sandy Logan in the amount of $7,418.33, for damages to her parked vehicle at 2500 S. McGee Dr. After investigation at the accident scene, it was determined the Sanitation truck stopped on Rolling Hills St, then rolled down the hill when the parking brake failed to engage, which resulted in the damage to the parked vehicles.

GS:jm

cy Ken Komiske, Utilities Director
Jeff Brant, City Attorney
File

City of Norman, OK

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

Master

File Number: K-0809-165 Amend 1

File ID:	K-0809-165 Amend 1	**Type:**	Contract	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 24	**In Control:**	City Council
Department:	Public Works Department	**Cost:**	$48,440.00	**File Created:**	08/12/2011
File Name:	Amend 1 K-0809-45 Franklin Rd Bridge Project			**Final Action:**	

Title: AMENDMENT NO. ONE TO CONTRACT NO. K-0809-165: BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND CP&Y, INC., INCREASING THE CONTRACT AMOUNT BY $48,440 TO PROVIDE ADDITIONAL ENGINEERING SERVICES FOR THE FRANKLIN ROAD BRIDGE PROJECT OVER LITTLE RIVER LOCATED ONE-HALF MILE WEST OF 12TH AVENUE N. W.

ACTION NEEDED: Motion to approve or reject Amendment No. One to Contract No. K-0809-165 with CP&Y, Inc., increasing the contract amount by $48,440; and, if approved, authorize the execution thereof.

ACTION TAKEN: _____

Notes:

Agenda Date: 08/23/2011

Agenda Number: 24

Attachments: Amend 1 K-0809-165, Engr Rpt Bridge Alternatives, Franklin Rd Bridge Location Map, Requisition

Project Manager: John Clink, Capital Projects Engineer

Entered by: pam.jones@normanok.gov

Effective Date:

History of Legislative File

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

Text of Legislative File K-0809-165 Amend 1

Body

BACKGROUND:

On January 27, 2009, the Norman City Council approved programming Resolution No. R-0809-99 requesting federal funds to replace the Franklin Road Bridge over Little River and to construct roadway approaches. The Resolution states the City's commitment to adhere to the terms and conditions of a federally funded project. Through the Association of Central Oklahoma Governments

(ACOG), the Oklahoma Department of Transportation (ODOT) agrees to provide 80% of the project funding and to administer the construction with a 20% matching share from the City of Norman. In order to receive federal funding, the City of Norman is required to enter into an agreement with ODOT to complete the design, acquire all necessary rights-of-way and relocate utilities and encroachments, at the City's cost. On June 23, 2009, Council approved Contract K-0809-165 with CP&Y, Inc., a local design firm, for the engineering services to complete the Franklin Road Bridge Project. The amount of that contract is $245,880.

DISCUSSION: The bridge is being replaced because it is "hydraulically deficient". In other words, storm water has frequently inundated the bridge over the past few years causing City forces to close the road for hours, or sometimes days, until the water recedes. Currently, the bridge on Franklin Road over Little River is a triple cell (13'-17'-13') x 12' tall concrete box culvert. The river channel on either side of the bridge is approximately 60 feet wide with a riparian buffer that varies from 100 to 250 feet in width.

CP&Y's current contract is for the design of a single 3-span bridge over the Little River channel. This scope of work was developed by city staff in 2009 based upon the best available information at that time.

The first step in the design process is to complete a detailed hydraulic analysis of the channel. This analysis is used to size the length of the structure. In most cases, the analysis concludes that a single bridge structure can be constructed to satisfy the hydraulic design requirements. On occasion, the analysis may recommend a second overflow structure as a more economical way of satisfying the hydraulic requirements of the project, which is the case for the Franklin Road bridge project.

Upon completion of the hydraulic analysis, CP&Y submitted an Engineering Design Report that proposes four different design alternatives for replacing the existing bridge. These alternatives provide overtopping protection for the 100-year storm for the roadway and the bridge with at least one foot of freeboard (additional capacity) underneath the bridge. The cost estimates include the cost for the right-of-way, construction of the roadway and bridge, and a 30% contingency. A brief description of each alternative and the associated cost is given below:

Alternative 1

This alternative studied spanning Little River and as much of the 100-year flood plain, as necessary, to avoid increasing the base flood elevation (BFE). This alternative does not make any modifications to Little River nor does it include an overflow channel excavation. The structure required is an eight span bridge with an overall length of 600 feet. The estimated cost of this option is $4,450,000.

Alternative 2

This alternative studied widening 600 lineal feet of the existing Little River channel by 90 feet at a depth of five feet. The bridge structure required with the widening of the river channel is a six span bridge with an overall length of 300 feet. This alternative is expected to include a significant environmental impact since the excavation will remove a portion of the riparian buffer and excavate below the assumed ordinary high water mark. This alternative caused the BFE upstream of the bridge to increase by 0.17 feet which is a violation of the City's flood plain ordinance. The estimated cost of this option is $2,860,000, which does not include the cost of remediating the environmental impact.

Alternative 3

This alternative proposes two 3-span bridge structures. The first bridge, with a length of 110-feet, will cross the existing river channel. The second bridge, with a length of 150-feet, will cross a proposed relief channel located east of the existing river channel. The proposed relief channel is 690 feet long with a top width of 120-feet. The relief channel is located outside of the riparian buffer and it does not affect the existing river channel. This alternative does not increase the BFE. The environmental impact of this option is minimal, the same as Alternative 1. The estimated cost of this option is $3,070,000.

Alternative 4

This alternative consists of the same dual bridge design as Alternative 3. The difference between this alternative and Alternative 3 is the relief channel ties into the existing Little River channel at the upstream and downstream end. Tying into the Little River channel would create a significant environmental impact, similar to Alternative 2, since the excavation will remove a portion of the riparian buffer and excavation is below the assumed ordinary high water mark. The estimated cost of this option is $3,260,000, which does not include the cost of remediating the environmental impact.

The preferred alternative based on CP&Y's hydraulic modeling and preliminary cost estimates is Alternative 3. This alternative is the least expensive of the four, meets the City's design requirements for bridges, minimizes the environmental impact and provides the most cost effective design. It also requires the design of a second bridge structure which was not included in the original design contract.

The attached amendment to the contract includes the additional engineering services necessary for the design of Alternative 3, which includes the design of the relief channel and the second bridge. Staff has held extensive negotiations with the consultant for the additional design work and believes an equitable settlement has been reached for all parties involved at a cost of $48,440. The additional fee includes $10,500 for the geotechnical study needed for the second bridge and $37,940 for the structural design of the bridge and the corresponding construction plan revisions. This amendment increases the contract amount by approximately 20% over the original contract amount for a total contract value of $294,320. If approved, the cost of engineering services will be approximately 6.8 % of the estimated cost of the project.

Funds for this work have been appropriated and are available in the Capital Fund, Franklin Road Bridge located ½ mile west of 12th Avenue NW, Design (Account No. 050-9352-431.62-01), Project No. TR0063.

Implementation of the Franklin Road Bridge Replacement project requires federal funds in order to cover approximately $2,560,000 of the construction cost. On January 27, 2009, City Council adopted Resolution No. R-0809-99 requesting these funds. Staff submitted a formal application for inclusion of the project in the Federal Fiscal Year 2012-2013 regional transportation improvement plan in December of 2010. The project did not score high enough to make the list in part because of its "readiness" status, which has a direct impact on the overall project score. Staff plans to resubmit the project again in December 2011 as part of the Federal Fiscal Year 2013-2017 request. Significant milestones have already been reached (e.g., plan submission, environmental clearance) which will

result in a much higher score than the score obtained during the previous submittal.

RECOMMENDATION: Staff recommends approval of Amendment No.1 to Contract No. K-0809-165, between the City of Norman and CP&Y, Inc. for the additional engineering services for the of Franklin Road Bridge Project located ½ mile west of 12th Avenue NW over Little River in the amount of $48,440.

AMENDMENT NO. 1 TO CONTRACT NO. K-0809-165 AGREEMENT FOR PROFESSIONAL SERVICES BETWEEN CITY OF NORMAN AND ENGINEER

This is an agreement made as of the _____ day of _____, 2010 between the City of Norman (OWNER) and CP&Y, Inc. (ENGINEER) amending the Original Contract No. K-0809-165 dated June 23, 2009 between 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.

1. GENERAL

1.1. The hydrologic and hydraulic analysis of the Little River floodplain at the Franklin Road crossing provided several alternatives of bridge structure lengths and span configurations. The selected alternative agreed upon by the CONSULTANT and the OWNER consisted of two three-span structures – one spanning Little River (Bridge "A") and the other spanning an Overflow Channel (Bridge "B").

1.2. The Scope of Services was based on replacing the existing RCB culvert with a single three-span, prestressed concrete beam structure utilizing ODOT Bridge Standards for the majority of bridge elements, including the deck, beams, bearings, abutments, pier caps, expansion joints, and approach slabs (Sect. 1.1.11).

1.3. Additional design work above and beyond what is provided in the ODOT Standards for the above mentioned bridge elements will be handled by an addendum to the original contract (Sect. 1.2.3). ODOT Standards are provided for bridge structures with a 40 ft. clear roadway width.

2. BRIDGE DESIGN

2.1. The CONSULTANT shall provide the engineering and technical services required for the additional structure, Bridge "B", as stated above.

2.2. The CONSULTANT shall provide the design and detailing necessary to adapt the 40 ft. clear roadway section provided by the ODOT Standards to the 48 ft. clear roadway width required along Franklin Road.

2.2.1. Additional engineering design and detailing is required to verify or adjust the following design values provided by the ODOT Standards:

2.2.1.1. Overhang deck reinforcing at parapet
2.2.1.2. Prestress concrete beam stresses due to adjusted beam spacing
2.2.1.3. Abutment reinforcing and pile stresses due to adjusted beam spacing
2.2.1.4. Pier cap reinforcing due to adjusted beam spacing
2.2.1.5. Bearing pad sizes and thicknesses due to adjusted beam spacing

2.2.1.6. Quantities for all items listed above

2.2.2. Additional plan sheets are necessary for details to supplement ODOT Standards

2.3. The CONSULTANT shall provide the engineering and technical services required for the Overflow Channel design, including the sizing of the outfall structure connecting to Little River.

3. GEOTECHNICAL SERVICES

3.1. Provide four (4) additional structural borings to be located at the overflow bridge structure. In three (3) of the borings, overburden soils will be sampled and tested.

3.2. One (1) additional day of traffic control is required.

3.3. Additional analysis and report preparation.

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. For additional services described herein, the CONSULTANT shall be paid a lump sum fee of forty-eight thousand four hundred forty dollars ($48,440.00).

2. Design Fee Summary

Bridge Design	$37,940.00
Geotechnical Investigation	$10,500.00
Total	$48,440.00

3. The attached Exhibit A1 contains a breakdown of the additional Bridge Design man hour estimates required above and beyond the estimated hours in the original contract.

4. All other requirements of the ENGINEER included in the Original Contract shall remain in effect for the purposes of this agreement.

This Amendment No. 1 is subject to all terms, covenants, and conditions not inconsistent herewith contained in the Original Contract No. K-0809-165 dated June 23, 2009 which terms, covenants, and conditions are hereby reaffirmed and ratified.

IN WITNESS WHEREOF. OWNER and ENGINEER have executed this agreement.

DATED this _____ day of _____, 2010.

CITY OF NORMAN	CP&Y, INC.
Owner	Engineer
By: _____	By: _____
Name: _____	Name: Arnold Cohen
Title: _____	Title: President
Date: _____	Date: 11/17/10
ATTEST:	ATTEST:
_____ City Clerk	_____ Secretary

APPROVED as to form and legality this _____ day of _____, 2010.

_____ City Attorney

CONTRACT NUMBER:
WORK AUTHORIZATION #
CHIANG PATEL & YERBY, INC.

City of Norman
Contract No. K-0809-165 AMENDMENT
Franklin Road over Little River
Cleveland County, OK

Bridge Design Fee Proposal - Bridge B

EXHIBIT A1
AMENDMENT NO.1 HOURS

CP&Y, Inc.
1000 W. Wilshire Blvd., Suite 224
Oklahoma City, OK 73116

Task Description	No. Shts	Project Manager	Senior Engineer	Design Engineer	Design Technician	Admin / Clerical	Totals	
		$175.00	$150.00	$110.00	$100.00	$55.00	Hours	Cost
2.3 BRIDGE DESIGN								
2.3.1 Preliminary Analysis		0	0	4	0	0	4	$ 440.00
2.3.1.1 Compute Preliminary Geometrics				4				
2.3.1.2 Perform Preliminary Structural Design								
2.3.1.3 Evaluate Bridge Options (Incl. Cost Estimate)								
2.3.1.4 Provide Bridge Information to Preliminary Engineering Report								
2.3.2 Prepare Preliminary Bridge Plans		2	4	4	8	0	18	$ 2,190.00
2.3.2.1 Update Preliminary Geometrics / Structural Design								
2.3.2.2 Draft Preliminary Bridge Plans		0	0	2	8	0		
2.3.2.2.1 Draft Prelim General Plan & Elevation				2	8			
2.3.2.2.2 Draft Prelim Typical Section								
2.3.2.3 Perform Prelim. Plan QC Review		2	4					
2.3.2.4 Prepare Prelim Cost Estimate				2				
2.3.3 Attend Plan-In-Hand							0	$ -
2.3.4 Generate Bridge Boring Requirements					2		2	$ 200.00
2.3.5 Prepare Bridge Structural Design		0	44	34	0	0	78	$ 10,340.00
2.3.5.1 Perform Structural Design of Components		0	28	34	0	0		
2.3.5.1.1 Design Superstructure			4	4				
2.3.5.1.2 Design Abutment				4				
2.3.5.1.3 Design Piers			16	24				
2.3.5.1.4 Design Misc. Components (Bearings, Joints, Etc.)			4					
2.3.5.1.5 Design Foundations			4	2				
2.3.5.2 Perform Structural Design Check of Components		0	16	0	0	0		
2.3.5.2.1 Check Superstructure			4					
2.3.5.2.2 Check Abutment			2					
2.3.5.2.3 Check Piers			8					
2.3.5.2.4 Check Misc. Components (Bearings, Joints, Etc.)			2					
2.3.5.2.5 Check Foundations								

CONTRACT NUMBER:
WORK AUTHORIZATION #
CHIANG PATEL & YERBY, INC.

City of Norman
Contract No. K-0809-165 AMENDMENT
Franklin Road over Little River
Cleveland County, OK

Bridge Design Fee Proposal - Bridge B

EXHIBIT A1

AMENDMENT NO.1 HOURS

CP&Y, Inc.
1000 W. Wilshire Blvd., Suite 224
Oklahoma City, OK 73116

Task Description	No. Shts	Project Manager	Senior Engineer	Design Engineer	Design Technician	Admin / Clerical	Totals	
		$175.00	$150.00	$110.00	$100.00	$55.00	Hours	Cost
2.3.6 Prepare Final Bridge Plans		6	16	48	142	0	212	$ 22,930.00
2.3.6.1 Compute Final Bridge Geometry		0	2	4	6	0		
2.3.6.1.1 Compute Final Overall Geometry			1	2	4			
2.3.6.1.2 Compute Final Component Geometry			1	2	2			
2.3.6.2 Prepare Final Bridge Detail Sheets		6	4	34	108	0		
2.3.6.2.1 Finalize General Plan & Elevation Sheet	1	4	2	2	12			
2.3.6.2.2 Prepare Foundation Report Sheet(s)	1				4			
2.3.6.2.3 Prepare Substructure Layout Sheet	1			2	8			
2.3.6.2.4 Prepare Abutment and Wingwall Detail Sheet(s)	2			4	12			
2.3.6.2.5 Prepare Pier Detail Sheet(s)	2			8	20			
2.3.6.2.6 Prepare Superstructure Detail Sheet(s)	1	2		8	16			
2.3.6.2.7 Prepare Beam Detail Sheet(s)	1			4	16			
2.3.6.2.8 Prepare Bearing Assembly Detail Sheet(s)				2	4			
2.3.6.2.9 Prepare Approach Slab Detail Sheet(s)			2	4	16			
2.3.6.2.10 Prepare Riprap Detail Sheet	1							
2.3.6.3 Compute Quantities				4	16			
2.3.6.4 Prepare Bridge General Notes Sheet	1			1	4			
2.3.6.5 Prepare Bridge Summary of Quantities Sheet	1			1	4			
2.3.6.6 Prepare Bridge Special Provisions								
2.3.6.7 Perform Bridge Plans QC Review			8	2	4			
2.3.6.8 Prepare Final Bridge Construction Estimate			2	2				
2.3.7 Attend Final Plan Review							0	$ -
2.3.8 Revise Plans Per Comments			2		4		6	$ 700.00
2.3.10 Provide Construction Adminstration Services			2	4	4		10	$ 1,140.00
Sub-Total Hours		8	68	94	160	0	330	
Sub-Total Cost		$ 1,400.00	$ 10,200.00	$ 10,340.00	$ 16,000.00	$ -		**$ 37,940.00**

PURCHASE REQUISITION NBR: 0000190369

STATUS: DIVISION APPROVAL
REQUISITION BY: JCLINK REASON: AMENDMENT NO.1 TO CONTRACT K-0809-165 DATE: 8/12/11

SHIP TO LOCATION: PUB WKS- ENGINEERING SUGGESTED VENDOR: 2652 CHIANG, PATEL AND YERBY INC DELIVER BY DATE: 8/12/11

LINE NBR	DESCRIPTION	QUANTITY	UOM	UNIT COST	EXTEND COST	VENDOR PART NUMBER
1	AMENDMENT NO 1 TO CONTRACT K-0809-165 COMMODITY: CONSULTING SERVICES SUBCOMMOD: ENGINEERING CONSULTING	48440.00	EA	1.0000	48440.00	

REQUISITION TOTAL: 48440.00

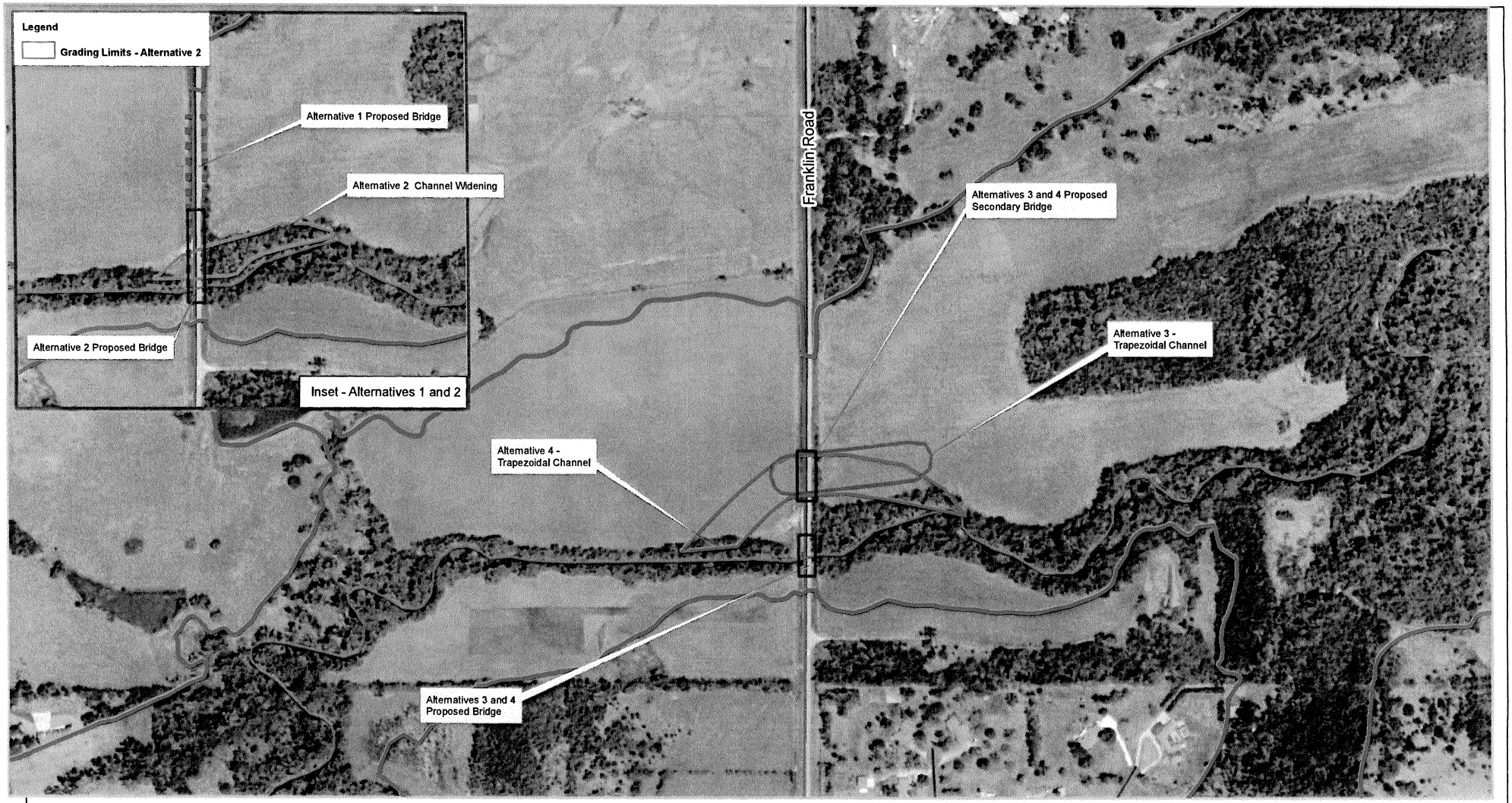
A C C O U N T I N F O R M A T I O N

LINE #	ACCOUNT		PROJECT	%	AMOUNT
1	05093524316201	Capital Projects Design	TR0063 Bridge:Franklin Wof 12 NW	100.00	48440.00
					48440.00

REQUISITION IS IN THE CURRENT FISCAL YEAR.

REQUISITION COMMENTS:

CONTINGENT ON COUNCIL APPROVAL ON 8-23-11



CLEVELAND COUNTY, OKLAHOMA

Legend

- Little River
- 100-yr Floodplain
- Grading Limits - Alternative 3
- Grading Limits - Alternative 4

N E S W

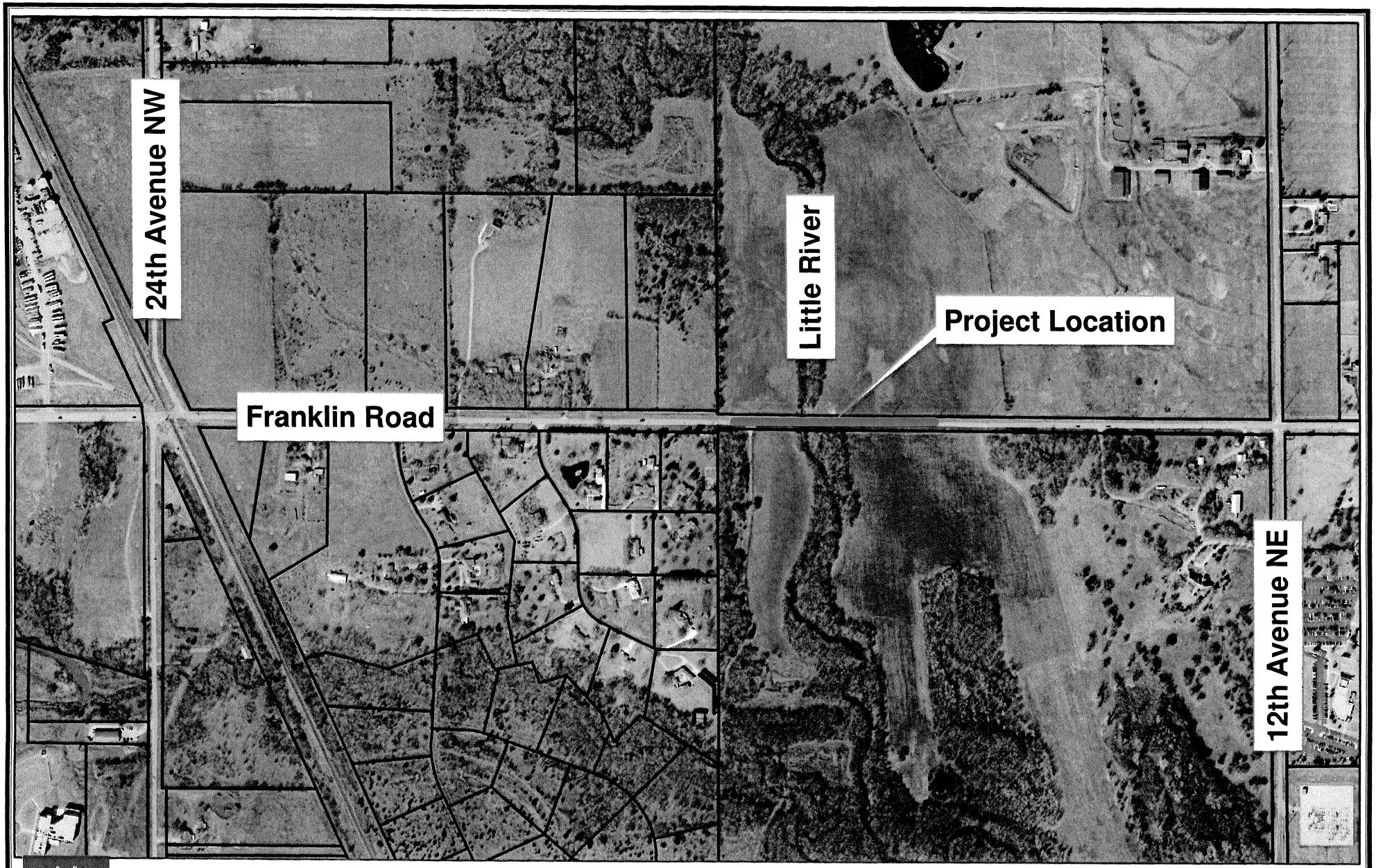
Franklin Road Bridge Replacement
Franklin Road at Little River
Norman, Oklahoma

0 150 300
Feet
1 inch equals 300 feet

FIGURE 1

Bridge Alternatives

CP&Y, Inc., November 2009



Franklin Road Bridge Replacement Project

24-8

PURCHASE REQUISITION NBR: 0000190369

STATUS: DIVISION APPROVAL

REQUISITION BY: JCLINK
REASON: AMENDMENT NO.1 TO CONTRACT K-0809-165
DATE: 8/12/11

SHIP TO LOCATION: PUB WKS- ENGINEERING
SUGGESTED VENDOR: 2652 CHIANG, PATEL AND YERBY INC
DELIVER BY DATE: 8/12/11

LINE NBR	DESCRIPTION	QUANTITY	UOM	UNIT COST	EXTEND COST	VENDOR PART NUMBER
1	AMENDMENT NO 1 TO CONTRACT K-0809-165 COMMODITY: CONSULTING SERVICES SUBCOMMOD: ENGINEERING CONSULTING	48440.00	EA	1.0000	48440.00	

REQUISITION TOTAL: 48440.00

ACCOUNT INFORMATION

LINE #	ACCOUNT		PROJECT	%	AMOUNT
1	05093524316201	Capital Projects Design	TR0063 Bridge:Franklin Wof 12 NW	100.00	48440.00
					48440.00

REQUISITION IS IN THE CURRENT FISCAL YEAR.

REQUISITION COMMENTS:

CONTINGENT ON COUNCIL APPROVAL ON 8-23-11

City of Norman, OK

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

Master

File Number: K-1011-45 FINAL

File ID:	K-1011-45 FINAL	**Type:**	Contract	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 25	**In Control:**	City Council
Department:	Parks and Recreation Department	**Cost:**		**File Created:**	08/08/2011
File Name:	Final Acceptance K-1011-45			**Final Action:**	08/23/2011

Title: CONSIDERATION OF FINAL ACCEPTANCE OF CONTRACT NO. K-1011-45 BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND DOWNEY CONSTRUCTION COMPANY FOR THE REAVES PARK PARKING LOT EXPANSION PROJECT.

ACTION NEEDED: Motion to accept or reject the project; and, if accepted, direct final payment in the amount of $2,193 to Downey Construction Company.

ACTION TAKEN: _____

Notes:

Agenda Date: 08/23/2011

Agenda Number: 25

Attachments: Close-Reaves Parking - PO Attachment.tiff

Project Manager: James Briggs, Park Planner

Entered by: suzanne.terry@normanok.gov

Effective Date:

History of Legislative File

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

Text of Legislative File K-1011-45 FINAL

Body

BACKGROUND: During the FYE 2010 Capital Budget process, City Council approved funding for the Reaves Park Parking Lot Expansion Project. This project included installation of drainage pipe, covering the drainage ditch in Reaves Park and installing additional parking over the covered drainage area. The additional parking would accommodate overflowing parking during the softball season and special events such as the Medieval Fair and the Norman Day celebration.

DISCUSSION: On 31 May 2011, City Council approved Contract No. K-1011-45 with Downey Construction Company for the installation of the additional parking lot, in the amount of $43,860. On 18 July 2011, staff inspected the project, found it to be complete per specifications and recommended authorizing final payment. On 25 July 2011, a partial payment was made.

RECOMMENDATION: It is recommended that City Council accept this project as complete and authorize final payment to Downey Construction Company in the amount of $2,193. Funds are available for this project in Reaves Park Parking Lot Expansion Project (050-9205-452.6101-PR 0115).

PURCHASE ORDER

The City of NORMAN

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

P.O. #: 201918
DATE: 05/20/11

VENDOR #
949

DOWNEY CONSTRUCTION COMPANY
2700 EAST TECUMSEH ROAD
NORMAN, OK 73071

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

DELIVER BY:	SHIP VIA:	F.O.B.	TERMS
05/19/11	BEST WAY	DESTINATION	NET/30

CONFIRM BY

FREIGHT

ACCOUNT NO.	REQUISITIONED BY	REQ. NO.	REQ. DATE
05092054526101	TERRY-FOSTER	186740	05/19/11

LINE#	QUANTITY	UOM	ITEM NO. AND DESCRIPTION	UNIT COST	EXTENDED COST
1	43860.00	EA	REAVES PARK PARKING LOT EXPANSION PROJECT CITY COUNCIL ACCT#050-9205-452.6101-PR0115 VENDOR ITEM NO.- COUNCIL 5.31.11	1.0000	43860.00

SUB-TOTAL	43860.00
TOTAL	43860.00

7.25.11 Receipted Inv. #1086 — 41,667.00

Balance # 2,193.00

Contract #K-1011-45

City of Norman, OK

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

Master

File Number: K-1112-08

File ID:	K-1112-08	**Type:**	Contract	**Status:**	Consent Item
Version:	1	**Reference:**	Item 26	**In Control:**	City Council
Department:	Finance Department	**Cost:**	$4,500.00	**File Created:**	06/28/2011
File Name:	K-1011-08 89'er Day Parade Committee			**Final Action:**	

Title: CONTRACT NO. K-1112-8: A CONTRACT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND THE 89ER DAY PARADE COMMITTEE IN THE AMOUNT OF $4,500 FOR COSTS ASSOCIATED WITH THE 89'ER DAY PARADE TO BE HELD APRIL 21, 2012.

ACTION NEEDED: Motion to approve or reject Contract No. K-1112-8 with the 89'er Day Parade Committee in the amount of $4,500; and, if approved, authorize the execution thereof.

ACTION TAKEN: _____

Notes:

Agenda Date: 08/23/2011

Agenda Number: 26

Attachments: 89er Day Parade Request Letter, K-1112-8

Project Manager: Clint Mercer, Chief Accountant

Entered by: clint.mercer@normanok.gov

Effective Date:

History of Legislative File

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

Text of Legislative File K-1112-08

Body

BACKGROUND: During the budgeting process a number of requests for funding assistance from nonprofit agencies are specifically reviewed, discussed and approved by Council. Pursuant to those discussions, funding agreements were prepared and submitted to the various agencies for their execution. One of those agencies is the 89er Day Parade Committee. The 89er Day Parade will take place on April 21, 2012, and their funding agreement is now returned to Council for its approval.

DESCRIPTION: The agreement which comes before Council at this time is the same basic form agreement for all agencies. The agreement is specific in that it lists the services which the agency is to perform. Highlights of the funding agreement include a reporting procedure by the agency to the Council of expenditures of the funds. There is a requirement in each agreement that a representative of the City be allowed to serve as an *ex officio* member of the board of the organization if the City so desires. The agreement also provides for cancellation by either party and specifically provides for cancellation and return of any unexpended funds should the agency fail to use the funds for the purpose for which they are intended or should the agency be dissolved or cease to exist any time during the contract period.

In addition, the contract is for a one-year period only. The contract does not automatically roll over and the funding request will be subject to Council's review as a part of next year's budget should the agency submit another request for funding. Funding for this year's contract is budgeted in Contributions-Organizations (010-1001-411.47-41).

RECOMMENDATION: Based upon the above, it is Staff's recommendation that the funding agreement with the 89er Day Parade Committee be approved. Should you have any questions or comments, please let me know.

'89er Day Parade

Committee:

Al Loeffelholz
Bob Thompson
Charles R. Hollingsworth
David Donaldson
David Teuscher
Don Mayes
Fred Queen
Jennifer Tregarthen
John Marsh
Joyce Coleson
Karin Ford
Lillian Guess
Lori Thrower
Mark A. Ledbetter
Mary Bess Gamel
Mary Jo Tinsley
Michelle Linnemann
Mike Pullin
Richard L. Reynolds
Sandy Dunaway
Sean M. Crandall
Wanda Danley

Committee Co-Chairs:

Charles R. Hollingsworth
Sean M. Crandall

June 29, 2011

Brenda Hall
City of Norman
City Clerk
Norman, Ok

Dear Brenda,

Thank you so much for the work you do in favor of the '89er Day Parade and Festival Committee.

This letter is to inform you that our committee has begun meeting and if convenient for you and the City of Norman is ready to receive the $4,500 approved by the City of Norman for FYE 2012.

You may mail the check to me at the following address: '89er Day Parade, C/O Charles R. Hollingsworth, 200 East Main, Norman, Ok 73072.

If any of the paper work is not in complete compliance, please do not hesitate to contact me.

Sincerely,

Charles R. Hollingsworth
for the committee

Contract #K-1112-08

FUND DISBURSEMENT AGREEMENT

This agreement is made and entered into on the _____ day of _____, 2011, by and between the City of Norman, Oklahoma, a municipal corporation, party of the first part and hereinafter referred to as "City" and

89ER DAY PARADE COMMITTEE

(Name of Organization)

party of the second part, and hereinafter referred to as "the Organization", witnesseth:

A. That in consideration for the performance by the organization of the covenants and agreements as specified herein, the City, covenants and agrees:

1. To disperse to the Organization a sum not to exceed $4,500.00 for the purpose of promoting, encouraging, and providing services for the 89er Day Parade to be held in the City of Norman. Said funds shall be used for this purpose and for no other purpose.

2. It is the intent of the City that the amount of funds dispersed be used as provided in the request attached hereto marked Exhibit "A" and made a part hereof.

B. That in consideration for the performance of the covenants and agreements of the City as stated herein, the Organization covenants and agrees:

1. To expend funds granted by the City for the purpose as listed above.

2. Allow a representative of the City to hold an ex-officio position on the Organization's Board of Directors if requested by the City.

3. To provide a written annual report on the activities of the Organization to the City, said report to be sent to the attention of the Norman City Clerk.

C. It is further understood and agreed by both parties:

1. In the event the Organization is dissolved all such funds not yet expended for the purposes provided herein shall immediately revert back to the City and the Organization shall immediately deliver such unexpended funds to the City.

2. In the event the Organization should mishandle the expenditure of funds as provided herein, such action will be considered a breech of this agreement, and any unexpended funds as provided by this agreement, from the date of notice by the City, shall immediately revert back to the City and the Organization shall immediately deliver such unexpended funds to the City.

3. This agreement may be canceled by either party upon the giving of fourteen (14) days written notice of cancellation to the other. Upon cancellation any unexpended funds as provided by this agreement, from the date of notice of cancellation, shall immediately revert back to the City, and the Organization shall immediately deliver such unexpended funds to the City.

D. It is further understood and agreed by both parties that the Organization and any employee of the Organization is a separate entity from the City and the Organization and its employees are responsible for its actions and that the Organization agrees to indemnify and save harmless the

City from all fines, suits, proceedings, claims, demands, action, loss, and expense from liability of any kind whatsoever (including but not limited to attorney fees for costs incurred in litigation) and from any person whomsoever asserting the same arising or growing out of or in any way connected with the Organization's management, operation and services.

E. There are no other terms, either express or implied, than those expressly stated herein.

F. In witness hereof, the parties hereto have executed this agreement on the day first above written.

89er Day Parade Committee

Charles R. Hollingsworth, Co-Chair

Sean Crandall, Co-Chair

Approved as to form and legality by the office of the City Attorney this 5th day of August, 2011.

Office of the City Attorney

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

MAYOR

ATTEST:

CITY CLERK

City of Norman, OK

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

Master

File Number: K-1112-15

File ID:	K-1112-15	**Type:**	Contract	**Status:**	ATS Paused
Version:	1	**Reference:**	Item No. 27	**In Control:**	City Council
Department:	Public Works Department	**Cost:**	$180,254.00	**File Created:**	07/28/2011
File Name:	K-1112-15 - 3M COMPANY			**Final Action:**	

Title: CONTRACT NO. K-1112-15: A CONTRACT BY AND BETWEEN THE CITY OF NORMAN AND 3M COMPANY IN THE AMOUNT OF $180,254 FOR ENGINEERING SERVICES FOR TRAFFIC SIGN INVENTORY, MANAGEMENT, AND ASSESSMENT SERVICES FOR THE TRAFFIC CONTROL DIVISION AND BUDGET APPROPRIATION.

ACTION NEEDED: Motion to approve or reject Contract No. K-1112-15 with 3M Company in the amount of $180,254; and, if approved, authorize the execution thereof; the appropriation of $100,254 from the General Fund (010-0000-253.20-00) to Telecommunication Equip/Computer Software (010-5023-429.53-04).

ACTION TAKEN: _____

Notes:

Agenda Date: 08/23/2011

Agenda Number: 27

Attachments: Summary of Budget Requirements (Council - Aug 9, 2011), K-1112-15

Project Manager: David Riesland, Assistant Traffic Engineer

Entered by: julie.shelton@normanok.gov

Effective Date:

History of Legislative File

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

Text of Legislative File K-1112-15

Body

BACKGROUND:

The City of Norman currently has approximately 35,000 traffic signs in service. These include our

regulatory (STOP, YIELD, etc.), warning (generally all the yellow signs with a black legend), and guide signs (directional signs, street name signs, etc.).

The current method utilized by City staff to manage the inventory of traffic signs involves a series of cards with the information contained on each sign recorded on the card. This system does not keep track of the sign condition or allow the City to be proactive in the management of its sign assets. An inventory of our street signs is necessary to be able to track maintenance activities and to be able to schedule and budget for periodic replacement of signs to make sure they are in good condition and in keeping with all relevant Federal guidelines in terms of the message, the sign material, etc. Based on our past practices as they relate to sign maintenance, staff does not expect this project to generate a recommendation that all signs require immediate replacement. Rather, we expect this project to generate a comprehensive and systematic approach for the eventual replacement or up-grading of our signs.

The signs installed within the City of Norman are subject to the criteria contained within the current edition of the *Manual on Uniform Traffic Control Devices* (MUTCD). The MUTCD has been adopted for many years as part of the City of Norman Code of Ordinances, the Oklahoma State Statutes and federal law. Current language in the 2009 Edition of the MUTCD guided the development of the Request for Proposal (RFP) for Inventory, Management and Assessment of our signs. The Federal Highway Administration, through the MUTCD, has initiated a nationwide safety effort to ensure that all regulatory, warning and guide signs as well as object markers show the same shape and color by both day and night. This effort, which cannot be satisfied with street lighting, will reduce potential liability for all jurisdictions. Following is an excerpt from Section 2A.08.02 in the MUTCD:

> "Public agencies or officials having jurisdiction shall use an assessment or management method that is designed to maintain sign retroreflectivity at or above the minimum levels in Table 2A-3."

Staff conducted a brief survey of neighboring cities and found that the vast majority have an existing sign inventory and use the expected sign life to satisfy the management portion of the Federal mandate. Without an inventory, we cannot do this. In order to become compliant with the MUTCD, the City of Norman requires assistance with the development of an inventory of existing signs that can be utilized as a management tool for the signs we currently maintain. The MUTCD provides a compliance date of January 22, 2012, to have an inventory and assessment plan in place. The other element of this project is the assessment. Specifically, the City of Norman is seeking both a daytime and a nighttime assessment of our existing signs as to their condition and their retroreflectivity. Finally, as part of the future management of our sign assets, the City of Norman is asking as part of this project, that the selected firm host the data in a web accessible format that eliminates the need for the City to maintain current software versions.

The study area includes all public rights-of-way consisting of nearly 515 urban roadway miles and nearly 230 rural roadway miles. All of the rural mileage is on two-lane roadways. Approximately 88 percent of the urban mileage is on two-lane roadways with the balance comprising three-lane, four-lane, and five-lane roadways.

DISCUSSION: The Public Works Department received five proposals for the Traffic Sign Inventory, Management and Assessment project. A Selection Committee was formed consisting of Gary Jennings-Traffic Control Supervisor, Angelo Lombardo-City Traffic Engineer, David Riesland-Assistant Traffic Engineer, and two private citizens. Mr. Dan Cary serves as the Safety and Emergency Management Director for Cleveland County and Mr. Marty Jackson serves as the Supervisor of Roads and Hauling for the University of Oklahoma. Each proposal was scored independently by each member on a point scale as defined in the RFP. The proposals were reviewed, and the top three candidates, Cobb Engineering/Lemke Surveying, DTS/Wilson Company, and the 3M Company were interviewed on May 24, 2011. At the end of the process, the committee selected the 3M Company as the most qualified firm because of their experience and approach to the project. The 3M Company has performed similar inventory and assessment projects across the country including Glendale (CA), a Tennessee Delta Grant project, Southgate (CA), and the Maryland State Highway Administration.

Staff negotiated a $180,254 contract fee with the 3M Company to provide the previously mentioned services (see contract in Attachment No. 1). The City has a portion of this money available in three separate areas. In FYE 2011, $15,000 was set aside for the purchase of a retroreflectometer for use with traffic sign assessments in Account No. 010-5023-429.51-05. A balance of $3,500 remains in this account that can be reappropriated for this project. In addition, $20,550 was set aside for the purchase of software for the traffic sign inventory in Account No. 010-5023-429.53-04. A balance of $20,046 remains in this account that can be reappropriated for this project. These FYE 2011 funds that were not spent were returned to Fund Balance at the end of the fiscal year. Finally, $80,000 has been set aside in the FYE 2012 budget in Account No. 010-5023-429.53-04 expressly for this project. In total, $103,546 is available between the FYE 2011 and FYE 2012 budgets to apply to this project. To fulfill the remainder of the contract amount, an appropriation in the amount of $76,708 is requested from the General Fund (010-0000-353.20-00) to Telecommunications Equip/Computer Software (010-5023-429.53-04).

If approved, the collection and assessment efforts will be completed by December 2011 (ahead of the MUTCD compliance date). At that point, the database of all City of Norman signs will be available for staff to maintain and update as new signs are added or replaced. The 3M Company will continue to host the data for two years following completion of the inventory and assessment. Annual hosting will be available to the City of Norman following the completion of the initial two years of hosting.

Under contract to the City, the 3M Company will provide full "turn-key" services to inspect, record, and inventory all City-owned traffic signs within the Norman city limits. The 3M Company will use a web-based upgradeable electronic sign management database to document and track sign inventory and maintenance requirements.

Elements of the project include:

- A comprehensive inventory and condition assessment of each sign included within the City of Norman border limits will be conducted and inventory data will be collected.
- Assessments will include street name, regulatory, warning and guide signs as well as associated appurtenances and hardware.
- GPS technology will be used to determine location data for each sign and structure

supplemented with data on size, type and condition.

- A digital photograph or similar visual recording of all signs and associated appurtenances and hardware must be produced by the contractor and included in the database system provided by the contractor.
- Develop an interactive project management tracking tool using GIS technology. It will include a database to document inventory and inspection data and will allow City of Norman personnel to track progress under this contract.
- A final deliverable will be a comprehensive sign inventory database, delivered in web-based format, for use as an asset management database for tracking sign installation and maintenance activities.
- The database will be accessible, by use of an interactive password system, to individuals designated by the City of Norman.
- Use a web-based project management tracking tool for the duration of the project that will allow City of Norman personnel to track project status during the work.
- The final version of the database will be a comprehensive Street Sign Inventory database, for use as an asset management database, for all new guide signs and traffic signs within the City of Norman. The web-based data must be accessible from any computer with internet capabilities.
- The database must be returned to the City of Norman should the hosting capability of the contractor become compromised for any reason.
- Provide the City of Norman with ongoing technical support and database maintenance.

RECOMMENDATION: There are a number of actions required for this project to move forward. In order to do this, staff offers the following recommendations:

1. Staff recommends the appropriation of $100,254 (including the $3,500 and $20,046 remaining in FYE 2011 funds not spent as mentioned above) from Fund Balance (010-0000-253.20.00) to Telecommunications Equip/Computer Software (010-5023-429.53-01).

Staff recommends approval of Contract No. K-1112-15 with the 3M Company in the amount of $180,254, for traffic sign inventory, management and assessment services within the City of Norman

(Please see Attachment A- Summary of Budget Requirements)

Traffic Sign Management, Inventory and Assessment Services
Summary of Budget Requirements
City Council – August 9, 2011

Budget Year	Action	Amount
FYE 2011	Reappropriate $3,500 (Acct. No. 010-5023-429.51.05) and $20,046 (Acct. No. 010-5023-429.53-04)	$23,546
FYE 2012	Encumber $80,000 (Acct. No. 010-5023-429.53-04)	$80,000
FYE 2012	Appropriation of $76,708 from the General Fund (Account No. 010-0000-253.20-00) to Telecommunication Equip/Computer Software (Account No. 010-5023-429.53-04)	$76,708
Total		$180,254

CONTRACT AGREEMENT

TERMS AND CONDITIONS
Between
The City of Norman, Oklahoma
And
The 3M Company
Contract No. K-1112-15

Traffic Sign Inventory, Management and Assessment Services

THIS CONTRACTUAL AGREEMENT, made this ____ day of _____ 2011, by and between the City of Norman, Oklahoma, (hereinafter referred to as the "City"), and the 3M Company (hereinafter referred to as "3M or "Contractor") (both parties collectively referred to herein as the "Parties").

WITNESSETH THAT:

WHEREAS, the City desires to engage the Contractor to render certain services relating to; and

WHEREAS, the Contractor represents that it is qualified and able to provide the professional services and deliver the requested materials to the City as described in Attachment A – Scope of Work, and in compliance with the General Terms and Conditions as stated herein (the "Agreement" or the "Contract").

AGREEMENT

In consideration of the mutual terms and conditions set forth herein, it is hereby voluntarily agreed to by the Parties as follows:

Section 1. SCOPE OF CONTRACTUAL AGREEMENT:

The Contractor will provide sign management services to include the inventory, catalog and assessment services of existing traffic signs within the City of Norman, Oklahoma. These services are more fully described in the Scope of Services document which is attached to this Agreement as Exhibit A.

Section 2. CONTRACT NOTICE TO PROCEED:

The Contractor shall begin the project within seven (7) business days of receipt of written authorization to proceed from the City. The project shall be completed within 100 working days from the date of the kick-off meeting or when the aerial maps and centerline data are received by 3M, whichever is later.

Section 3. CONTRACTOR'S COMPENSATION:

The fee for completion of the project, exclusive of any modifications to the services as stated herein or Project Task Orders shall be exactly **$180,254.00** (the "Project Fee"). The fee is inclusive of the Products and Services identified herein and listed in Attachment B - Pricing.

The Project Fee includes all applicable Federal, State and local taxes and duties including, but not limited to, sales, use and value-added taxes, arising out of or relating to Contractor's performance of this Agreement.

Unless otherwise noted in this Agreement, the City shall pay within thirty (30) days of receipt all payment claims submitted by the Contractor, meeting all of the above requirements, and not formally disputed by the City. All payment claims not paid within sixty (60) days or disputed by the City may be considered overdue by the Contractor and shall bear a monthly charge of 1% on the unpaid amount until paid.

Section 4. KEY PERSONNEL

For purposes of this Section, "Key Personnel" are defined as those individuals who are mutually recognized by City and Contractor as essential to the successful completion and execution of the Agreement.

During the Term of the Agreement, Contractor shall not, without consultation with the City, remove any key personnel from the Project or reassign such individual except (i) for a bona fide promotion or resignation, or, (ii) if Contractor or the City reasonably determines that the individual has failed to adequately perform his or her duties; or, (iii) incapacitation; or (iv) if the function or position is no longer required under the provisions of this Agreement.

If any one of Contractor's Key Personnel is reassigned, becomes incapacitated, or ceases to be employed by Contractor and therefore becomes unable to perform the assigned functions or responsibilities, Contractor shall promptly replace such person with another qualified person after consultation with the City, which shall not be unreasonably withheld. In any such event, Contractor shall provide reasonable notice to the City, taking into account the status of the Project and the schedule pertaining thereto. At the beginning of each new phase, if any, or at the milestone for a deliverable, if any, the parties shall agree on any modifications to Contractor's key personnel as set forth in this Agreement, taking into account career development, the best interests of the Project and other similar issues.

The City reserves the right to direct the removal of any individual assigned to this Agreement for material cause.

Section 5. 3M ASSET MANAGEMENT SYSTEM

The 3M Asset Management System (the "AMS Service") is a web browser-based service accessed via the Internet enabling the uploading, mapping, viewing, storage and downloading of GIS data and related sign inventory information. During the term of this Agreement, The City may access and use the AMS Service for The City's own internal business use for the sole purpose of creating, managing and maintaining sign inventories in The City's jurisdiction.

5.1 The City is solely responsible for obtaining and maintaining, at its own cost and expense, an Internet connection suitable for the purpose of accessing and using the AMS Service.

5.2 3M will provide The City with usernames and passwords for use by The City's employees in accessing the AMS Service. The City shall be responsible for maintaining the confidentiality of such usernames and passwords, and shall be responsible for all access to the AMS Service all use of the AMS Service thereby.

5.3 FAST Software.

5.3.1 License. Certain functions of the AMS Service require use of the 3M Field Assessment Status Tool software ("FAST Software"). The Equipment will be provided pre-installed with FAST Software. 3M grants The City a non-exclusive, non-transferable, limited license to use FAST Software only on the Equipment for the limited purposes set forth herein. This license pertains to the Software in object code form only. Licensee has no right or license to the Software in source code form, and Licensee shall not reverse engineer, decompile, disassemble or otherwise attempt to gain access to the Software. All rights to the Software not expressly granted to Licensee in this Agreement are reserved to 3M.

5.3.2 Use Restrictions. The City shall use the Software for its internal, business purposes in connection with the AMS Service only, and shall not sell, rent, lend, lease, sublicense, or distribute the FAST Software, or modify or create derivative works thereof. Licensee may make a single copy of the Software for archival purposes only.

5.4 Ownership & Copyright. The City acknowledges that the AMS Service, the FAST Software and all rights thereto are the sole and exclusive property of 3M and its licensors, and that The City has no right, title or interest therein except as expressly provided in this Agreement.

5.5 Warranty. 3M warrants its Sign Management System web-based database for the entire length of the contract with the City of Norman. The FAST Tool hardware is warranted for 90 days from receipt of tool but the FAST Tool software is warranted for the length of the contract. 3M's sole liability and Licensee's exclusive remedy for deficiencies in the software that cause failures of the described functions will be to correct the deficiencies with revised software to be provided free of charge.

5.6 DISCLAIMER OF WARRANTIES. 3M DISCLAIMS ALL OTHER WARRANTIES, EXPRESS OR IMPLIED, REGARDING THE SOFTWARE INCLUDING BUT NOT LIMITED TO THE WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE. THE SOFTWARE IS NOT WARRANTIED TO BE ERROR-FREE OR TO RUN UNINTERRUPTED. LICENSEE ASSUMES ANY AND ALL RISK REGARDING ITS USE OF THE SOFTWARE.

5.7 LIMITATION OF LIABILITY. 3M WILL NOT BE LIABLE FOR ANY SPECIAL, INCIDENTAL, INDIRECT, OR CONSEQUENTIAL DAMAGES (INCLUDING, WITHOUT LIMITATION, DAMAGES FOR PERSONAL INJURY, LOSS OF BUSINESS PROFITS, BUSINESS INTERRUPTION, LOSS OF DATA OR ANY OTHER PECUNIARY LOSS) ARISING OUT OF THE USE OF OR INABILITY TO USE THE SOFTWARE, EVEN IF 3M HAS BEEN ADVISED OF THE POSSIBILITY OF SUCH DAMAGES. IN ANY CASE, THE ENTIRE LIABILITY OF 3M UNDER THIS AGREEMENT, OR OTHERWISE ARISING FROM THE SOFTWARE AND LICENSEE'S USE THEREOF, SHALL BE LIMITED TO THE AMOUNT ACTUALLY PAID BY LICENSEE FOR THE SOFTWARE.

Section 6. INSPECTION AND ACCEPTANCE

3M will permit The City's Representative, or a duly authorized representative, to inspect and audit all services, material and other data and records directly connected with this Agreement. City will provide advance written notice of intent to audit and access will be granted at mutually convenient times. Any audit or inspection will be subject to 3M's facility safety and security requirements. The representative shall be required to sign a 3M confidential nondisclosure agreement as will be mutually negotiated between the Parties.

6.1 Subject to the confidentiality requirements of Section 14 of this Agreement, 3M will permit the City to conduct any test, inspect and audit all services, material and other data and records directly connected with this Agreement.

6.2 3M shall maintain project records and other evidence pertaining to the costs incurred in accordance with all City document retention regulations. The records and documents subject to audit do not include the disclosure of 3M's costs, processes or any other proprietary information. These records and any and all copies remain the property of 3M. Subject to the confidentiality requirements of Section 14 of this Agreement, 3M shall make the records available to the City at 3M's office, at reasonable times, for the Term of this Agreement and for a relevant period of time after the expiration or termination of the Prime Contract.

Section 7. STANDARD OF CARE

Contractor will strive to perform services under this Agreement in a manner consistent with that standard of care and skill ordinarily exercised by members of the profession currently practicing in the same locality under similar conditions. No other representation, express or implied, and no warranty or guarantee is included or intended in this Agreement or in any report, opinion, document, or otherwise.

3M shall use reasonable care to reflect requirements of all applicable laws, rules or regulations of which 3M has knowledge or about which are in effect on the date of the Prime Agreement. 3M intends to render the services under this agreement in accordance with generally accepted professional standards but makes no other warranty either express or implied.

Section 8. CHANGES AND CHANGE ORDER PROCESS

8.1 Either Party may issue a written request (a "Change Request") to the other setting out any addition, removal, amendment or variation to the description, scope or delivery of 3M Software or 3M services to be provided under this Agreement, including but not limited to changes to requirements or specifications regarding the functionality or performance of the 3M Software or changes specifically required by new or amended State laws or regulations (a "Change").

8.2 Until such time as a Change Request is executed by the parties, The City and 3M shall continue to perform their respective pre-existing obligations as set forth under the Subcontract as if no Change Request had been made, but neither party shall be required to perform any work related to a Change Request, or incur any additional costs, or be obliged to pay any additional charges related to a Change Request.

Section 9. TERMINATION:

9.1. The City may at any time and without cause, upon thirty (30) days Notice to Contractor, terminate all or a portion of the Contract. Rights and obligations of the parties which may have accrued or arisen to the time of termination shall not be affected thereby. Contractor shall be paid for all work delivered and accepted in accordance with the Contract. If Contractor is not at fault of the termination, it shall also be entitled to its cost of any work actually performed although not yet completed or delivered up until the time of termination along with reasonable costs of terminating the work plus overhead and a reasonable profit. Within thirty (30) days from receipt of termination notice, Contractor will provide the City with their data in MicroSoft Excel, Access or Shapefile format.

9.2. Upon default by either Party of any material term, condition, covenant or agreement to the contract, and upon mutual failure to cure such default within thirty (30) days of written notice thereof, either party may terminate all or a portion of this Contract. Contractor shall be paid for all work delivered to and accepted by the City prior to the termination. Deemed acts of default by either Party shall include but are not be limited to any of the following: one entity ceasing to carry on its business in the ordinary course; insolvency or bankruptcy of any party; an order of receivership, or for the liquidation of either party; or, the appointment of a Custodian, Receiver or Manager or similar person/entity for any party.

9.3 If Contractor decides to no longer support the Traffic System Inventory and Management System it delivered to the City, the Contractor will provide the City with their data in MicroSoft Excel, Access or Shapefile format within thirty (30) days of written notice to the City stating Contractor's intent to no longer continue support of system.

Section 10. FORCE MAJEURE / EXCUSABLE DELAYS:

Except for payment obligations, a Party hereto shall not be in default under the Contract from any failure to perform hereunder if such failure arises from causes beyond the control of and without the fault or negligence of such party. Such causes include but are not limited to: acts of God or of the public enemy; acts of Government in either its sovereign or contractual capacity (including but not limited to export/import control); fire; flood; strike; epidemic; quarantine restrictions; or unusually severe weather. The affected party shall immediately give notice to the other, including all relevant information available, that any such actual or potential cause threatens to delay the timely performance of the Contract.

Section 11. COMPLIANCE WITH LAW:

Contractor shall comply with federal, state, or municipal laws and regulations.

Section 12. LIABILITY AND INDEMNIFICATION:

12.1. Contractor shall indemnify and hold harmless the City from and against all manner of third party actions, proceedings, claims, costs, damages, and expenses whatsoever which may be brought or made against, (collectively, "Third Party Claims") to the extent such Third Party Claims are for (i) personal injury damages, including death; or (ii) damages to real property or tangible personal property (excluding data), and further provided the foregoing Third Party Claims are caused by the negligent or willful or malicious acts or omissions of the Contractor, its employees, or its lower-tier Subcontractors acting under the Contractor's reasonable control in performance of their respective obligations under this Agreement.

12.2. In no event shall Contractor be liable for loss of profits, loss of revenue, special, indirect, or consequential damages.

12.3. Notwithstanding any other provisions of this Contract, Contractor's liability under this contract shall be limited to the lesser of the amount paid under this Contract or one million dollars ($1,000,000.00) unless it be shown Contractor acted willfully, recklessly, grossly negligent or wantonly.

12.4 Intellectual Property Infringement Indemnity. 3M shall indemnify The City and, at 3M's own expense, 3M shall defend any suit brought against The City for infringement of United States intellectual property rights to include patents, trademark, trade secret, or copyrights, protected by state or federal law to the extent that the claim of infringement is alleged to relate to or arise from 3M's, The City's use of any 3M Software provided by 3M under this Agreement (an "Infringement Claim").

12.4.1 Exclusions from 3M's Obligations. 3M's obligations under Section 12.4 shall not apply to the extent a claim arises from (i) The City's unlicensed or unauthorized modification of the 3M Software; (ii) The City's failure to use corrections or enhancements delivered by 3M that are designed to avoid the infringement; (iii) The City's use of the 3M Software in combination

with any product or information not owned, developed, delivered or recommended by 3M; or, (iv) any modification of the Source Code that is not expressly authorized by 3M.

12.5 Indemnification Process. In the event that a Third Party Claim or Infringement Claim is brought against a party entitled to indemnification under Sections 12.1 or 12.4 above, the City shall give written notice promptly after City has knowledge of the claim. The City's failure to give notice as required by the previous sentence will not relieve the Contractor of its indemnification obligations except to The Contractor shall control the defense of any indemnified claim. The City shall cooperate in the defense of indemnified claims. The City may participate in such defense through its own legal counsel at its own cost and expense. The Contractor shall not settle any indemnified claim without the prior written consent of the City, to the extent that the City has responsibility or liability for any portion of such settlement. Consent shall not be unreasonably withheld, denied, or delayed.

Section 13. INSURANCE:

Contractor shall maintain in force during the term of this Contract insurance with the following minimum limits:

General Liability:	$1,000,000
Automobile Liability:	$1,000,000
Worker's Compensation:	as required in any jurisdiction in which work is to be performed.

Within ten days of the execution of the Contract, the Contractor shall provide the City with a certificate of insurance:

a. Showing evidence of the above coverage;

b. Showing the City as an Additional Insured;

c. Providing for a minimum of thirty (30) days prior written notice to the City of any cancellation or material alteration to any coverage.

Section 14. CONFIDENTIAL INFORMATION:

3M Confidential Information means information or tangible materials, whether or not designated by 3M as confidential, pertaining to: (i) general business information regarding the Project, technical information regarding 3M Traffic Safety Systems ("TSS") products (ii) any other aspects of 3M's business relating to products, including without limitation marketing, sales, customers and non-public financial data; (iii) 3M Systems, Access Codes, and Passwords; and (iv) the terms of this Agreement and the Parties' relationship.

The City will: (a) keep all 3M Confidential Information confidential; (b) use 3M Confidential Information only as necessary to perform The City's obligations under this Agreement; and (c) assure that its employees, agents abide by these confidentiality obligations. If the City receives

any tangible materials constituting 3M Confidential Information, then The City will not analyze those materials without 3M's prior written consent in each instance and The City will return those to 3M, on 3M's request or at the Term's end. 3M Confidential Information does not include information that is: (x) available to the public without fault of The City; (y) known to The City prior to its receipt from 3M as evidenced by The City's written records; or (z) available to The City from another source without breach of any agreement or violation of law. If required by judicial or administrative process to disclose 3M Confidential Information, The City agrees to promptly give 3M notice, allow 3M reasonable time to oppose such process, and seek to have the third party treat the information confidentially to the extent legally permissible.

Section 15. DISPUTES:

In the event of a dispute arising out of or relating to this Contract, the parties shall attempt to settle the matter amicably as follows: (a) by good faith negotiations conducted within ten (10) days of a request for such negotiations; (b) if those negotiations are unsuccessful, by non-binding mediation within thirty (30) days of a request for mediation at a location acceptable to both parties using a neutral mediator having experience with the industry in accordance with the rules of the American Arbitration Association's Commercial Mediation Procedures (with costs of the mediator shared equally); or (c) as a last resort if mediation is unsuccessful, by litigation. This Section 15 will not preclude either party from taking other action if it is necessary to prevent immediate, irreparable harm to that party's interests. Pending final resolution of a dispute pursuant to this Section 15, the City shall continue to make timely payments of undisputed amounts owed to 3M in accordance with Section 3 and 3M will continue to perform its undisputed obligations under this Agreement.

Section 16. WAIVER:

Waiver by either party of the strict performance of any term, condition, covenant, or agreement in the Contract shall not, in and of itself, constitute a waiver of or abrogate such term, condition, covenant or agreement, nor be a waiver of any subsequent breach of same, or of any other term, condition, covenant or agreement.

Section 17. HEADINGS:

Headings to any of the provisions of the Contract are for convenience only and shall not have the effect of binding, modifying, amending, or altering any provision of the Contract.

Section 18. SEVERABILITY:

If any provision of the Contract is held to be invalid in whole or in part, the remainder of the Contract or of such provision, as the case may be, and the application thereof, shall not be affected thereby.

Section 19. LAW OF CONTRACT:

The laws of the State of Oklahoma shall govern the legal obligations of the parties and the interpretation of the Contract.

Section 20. REPRESENTATIVES, SUCCESSORS AND ASSIGNS:

Each and every provision contained in this Contract on the part of either party shall apply to and inure to the benefit of and bind their respective legal representatives, successors and assigns.

Section 21. TAXES/DUTY:

Unless expressly included herein, prices for goods and services are exclusive of all sales, use and like taxes, value, value added, or business transfer taxes, customs or import/export duties and excise taxes; and any such taxes or duties required by law shall be paid by the City.

Section 22. PUBLICITY:

The parties shall coordinate with and obtain prior written approval from one another for any news release, public announcement, advertisement or other form of publicity regarding this Agreement. In no event shall either party use a proprietary mark belonging to the other party without having first received the prior written approval of the other party.

Section 23. ENTIRETY OF CONTRACT:

The terms and conditions of the Contractual Agreement and any document specifically incorporated therein by reference, if any, constitute the entire Contractual Agreement between the parties. No prior communications, whether written or oral, nor any course of prior dealings between the parties shall be read into such Contractual Agreement for purposes of construction, interpretation or any other purpose whatsoever.

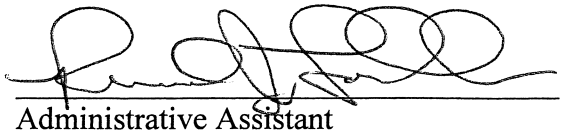
Section 24. COUNTERPARTS

This Contract may be signed in counterparts with the compilation of all applicable signatures constituting a valid, binding and original copy of the Contract.

IN WITNESS WHEREOF, City of Norman and 3M have executed this Agreement.

DATED this _____ day of _____2011.

ACCEPTED AND AGREED:

CITY OF NORMAN, OKLAHOMA	**3M COMPANY**
Signature:_____	Signature:
Name:_____	Name: Daniel F. Moran
Title:_____	Title: Customer Service Supervisor
Date: _____	Date: July 26, 2011
Attest:	Attest: 
_____ City Clerk	_____ Administrative Assistant

Approved as to form and legality this 16th day of August 2011

_____ City Attorney

Attachment A – Scope of Work

The City of Norman has jurisdiction over signage on approximately 515 urban roadway miles and nearly 230 rural roadway miles – 745 total centerline miles. Based on this number of centerline miles, the estimated number of traffic signs within the City is approximately 32,780. This number was used for pricing purposes.

Scope of Work

The scope of work includes all traffic signs located within the City of Norman's jurisdiction right-of-way. The proposed 3M™ Sign Management System includes:

- Collection of the following attributes:
  - **GPS Longitude and Latitude (+/- 3 meter)** on the axis parallel to the roadway and ensuring correctness in both sequential order and position relative to the road
  - **GPS Date** -- date the GPS Coordinates were captured
  - **Post ID Unique Identifier** -- Each post location will be assigned a numeric identification
  - **Sign Type** -- MUTCD designation or custom designation for specialized signs
  - **Post Type** -- Square-tube, round, u-channel, etc.
  - **Sign Photo** -- Digital image of each sign will be linked to the data set and geo referenced for location
  - **Sign panel size** -- Estimated based on current the City of Norman's standards
  - **Each sign will be rated for physical condition** -- corresponding to visual standards agreed upon by the City of Norman and 3M
  - **Each sign will be assessed for nighttime reflectivity and assigned a condition rating** -- using FHWA Comparison Panel Method
  - **Location** -- Street, cross street, corner quadrant (NW, NE, SW, SE, etc.)

- Post-processing of all data captured
- Development of web-based database
- Uploading the data to web-base database
- Two (2) FAST tools and software for the City's use to track and record changes to the web-base database as signs are upgraded or maintained
- Initial training on the use of the website and FAST tools
- Includes eight (8) hours of phone support, after initial training, for the use of the website and FAST tool
- One (1) year hosting and maintenance on web-based database and FAST tools
- One (1) 3M provided daytime assessment on the City's estimated 32,780 traffic signs
- One (1) 3M provided nighttime assessment on the estimated 32,780 traffic signs for compliance with FHWA minimums

To implement the above system, the City of Norman will need to provide the following information:

- Accurate GIS centerline, parcel data, and digital aerial photos
- Designated contact to resolve issues with non-standard MUTCD codes

Attachment B – Pricing

Enclosed please find a draft Professional Services Agreement, Price Proposal and Software License Agreement for the 3M™ Sign Management System as described in our written response to the City of Norman's Traffic Sign Inventory, Management and Assessment Services Request for Proposal.

The below pricing proposal reflects pricing for the services described in our written response to the City of Norman's Traffic Sign Inventory, Management and Assessment Services Request for Proposal. Pricing is valid for 90 days. Actual centerline mile quantity and number of signs may vary based on actual inventory data. If the actual quantity of assets varies from these prices "(Variance"), the lump sum price quote will be increased commensurate with the Variance. The Parties will multiply a calculated unit price by the Variance to increase the lump sum price. The unit price will be calculated by dividing the new lump sum price by the actual number of assets. Any calculated increase or decrease will be allocated evenly to the lump sum payments for Year 2 and Year 3 listed below.

3M is offering the City of Norman pay-over-time financing option to help with any budget constraints the City may have with regards to this proposal. The proposed three (3) year pay-over-time option is shown below.

Item	Description	Unit	Pricing
1	**3M™ Sign Management System which includes all the following:** Data Capture, Post-Processing of Data, Initial Daytime and Nighttime Assessments, Two (2) FAST tools, Development of a Web-based Sign Inventory Database, Uploading of all Data to the Web-based Database, Initial Training on the Web-based Database and FAST tools, All FAST tool Software, Licensing and Support/Training for one (1) year, Three (3) years of Web-based Database hosting and support.		
	Year 1	Lump Sum	**$103,546.00**
	Year 2	Lump Sum	**$ 38,354.00**
	Year 3	Lump Sum	**$ 38,354.00**
2	**Additional FAST tools** *(price for additional FAST tools above the two (2) included in the pricing of* ***Items 1*** *above.)*	Each	**$ 1,500.00**
3	**Annual Hosting and Maintenance Fees FAST tools** *(after third (3rd) year, as the first three (3)*	Per	**$ 3,000.00**

	years are included in the price of Item 1 above)	Year	

Pricing Notes:

Item 1 – 3M™ Sign Management System: This price is based on an estimate of 32,780 traffic signs over 745 centerline miles of roadways and includes the following: Data Capture, Post-Processing of Data, Initial Daytime and Nighttime Assessments, Two (2) FAST tools, Development of a Web-based Sign Inventory Database, Uploading of all Data to the Web-based Database, Initial Training on the Web-based Database and FAST tools, All FAST tool Software, Licensing and Support/Training for three (3) years and Three (3) years of Web-based Database hosting and support.

Actual centerline mile quantity and number of signs may vary based on actual inventory data. If the actual quantity of assets varies from these prices "(Variance"), the lump sum price quote will be increased or decreased commensurate with the Variance. The Parties will multiply a calculated unit price by the Variance to increase the lump sum price. The unit price will be calculated by dividing the new lump sum price by the actual number of assets. Any calculated increase or decrease will be allocated evenly to the lump sum payments for Year 2 and Year 3 listed above.

Any and all quantities and pricing that appear herein are strictly estimates used for budgeting purposes only and are not to be implied nor inferred as being guarantees. 3M shall be obligated to supply only the actual quantity during the term of executed contract and pricing may vary.

Item 2 – Additional FAST Tools (Field Asset Status Tools): This price includes the hardware and software for each additional 3M™ FAST tool purchased by the City of Norman above the initial two (2) FAST tools included in the lump sum pricing of **Item 1** above. Pricing is valid for one (1) year from date of signed contract.

Item 3 – Annual Hosting and Maintenance Fees: An annual hosting and maintenance fee is charged based on the number of FAST tools purchased by the City of Norman. The fee for the first three (3) years is included in the lump sum pricing of **Item 1** above. The annual maintenance fee shown is for two (2) FAST tools after the third year of the contract. This fee will change if the City were to purchase additional FAST tools. Pricing is valid for four (4) years from date of 3M™ Sign Management System is delivered to the City of Norman.

City of Norman, OK

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

Master

File Number: K-1112-18

File ID:	K-1112-18	**Type:**	Contract	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 28	**In Control:**	City Council
Department:	Planning and Community Development Department	**Cost:**	$2,000.00	**File Created:**	08/05/2011
File Name:	K-1112-18 Metro Fair Housing CDBG			**Final Action:**	

Title: CONTRACT NO. K-1112-18: BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND THE METROPOLITAN FAIR HOUSING COUNCIL, INC., IN THE AMOUNT OF $20,000 AS AGREED UPON UNDER THE 37TH YEAR CDBG PROGRAM.

ACTION NEEDED: Motion to approve or reject Contract No. K-1112-18 with the Metropolitan Fair Housing Council, Inc.; and, if approved, authorize execution of the contract and direct payment in the amount of $20,000.

ACTION TAKEN: _____

Notes:

Agenda Date: 08/23/2011

Agenda Number: 28

Attachments: K-1112-18 Meto Fair Housing, Agency Info 7-1-11, PR Metro Fair Housing

Project Manager: Linda Price, Revitalization Manager

Entered by: Ellen.Usry@NormanOK.gov

Effective Date:

History of Legislative File

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

Text of Legislative File K-1112-18

Contract No. K-1112-18

This Agreement, made and entered into this, **23rd day of August, 2011** by and between the **City of Norman, Oklahoma**, a municipal corporation, hereinafter referred to as "City" and **Metropolitan Fair Housing Council, Inc.**, hereinafter referred to as "Agency."

WHEREAS, the City has received grant funds from the U.S. Department of Housing and Urban Development in conjunction with the Community Development Block Grant Program under Grant Number B-11-MC-40-0002, a portion of which are to be distributed to Agency for the uses provided herein;

Further, whereas Agency agrees, upon receipt of a portion of said funds, to provide for activities to serve no fewer than clients.

For and in consideration of the activities agreed to be performed herein, by Agency, City agrees to distribute to Agency as its portion of the funds received, the total sum of $20,000. Said funds to be distributed by City to Agency pursuant to the terms and conditions of Grant Number B-11-MC-40-0002 by and between the U.S. Department of Housing and Urban Development and the City for the funding period of July 1, 2011, through June 30, 2012.

Agency further agrees that the above-mentioned activities will be completed by and that all necessary information and activities will be completed by Agency and reported to City no later than June 15, 2012.

As further consideration for the disbursement of said funds by City to Agency, Agency agrees to abide by all the terms and conditions of the Community Development Block Grant Program and the OMB Circular A-122 entitled Cost Principles for Non-Profit Organizations to use funds distributed pursuant to this contract to improve the quality of services to program participants. Particular attention should be paid to purchasing and record-keeping requirements.

It is further understood by and between the parties hereto that all the provisions of the Community Development Block Grant Program Contract described above are incorporated herein by reference and made a part of this contract and specifically that all provisions regarding modification, termination, and/or suspension of said Community Development Block Grant Program Contract are applicable hereto.

Budget

Fair Housing Services	$20,000
Total Budget	$20,000

General Provisions -- Records & Reports:

Agency shall maintain financial records documenting actual expenditures related to CDBG activities performed under this contract. Records must also be maintained by Agency documenting all activities required under this contract. These records shall be kept for a period of five (5) years after completion of this Contract.

Agency will submit a monthly report to the Community Development Division detailing all activities performed with the use of City of Norman CDBG funds including the number of clients served, their income levels, and household/racial characteristics. These reports shall be submitted covering the period July 1, 2011, through June 30, 2012. Each monthly report shall be due on or before the 5th of each month covering the prior month. The City will provide to Agency reporting forms to be used with payment requests.

Agency will make all required records available for inspection by the City of Norman Community Development Division for monitoring purposes.

Agency shall ensure recognition of the role of the grantor Agency in providing services through this contract. All activities, facilities and items utilized pursuant to this contract shall be prominently labeled as to funding source. In addition, Agency will include a reference to the support provided herein in all publications made possible with funds made available under this contract.

Program Income:

Program income generated by Agency from the use of City of Norman CDBG funds shall be recorded. Agency may retain program income and expend it only on those activities noted in this contract. Any program income on hand when this contract expires, or received after the contract expiration, shall be paid to the City of Norman; or if a subsequent contract is executed, shall be applied to the terms of the subsequent contract. (In accordance with 24 CFR 570.504(c).)

Uniform Administrative Requirement:

Agency shall carry out all activities in compliance with all Federal laws and regulations described in Sub-part & of 24 CPR Part 560 except 570.604. Agency does not assume responsibility of 24 CFR Part 52.

Suspension and Termination:

In accordance with 24 CFR 85.43, suspension or termination may occur if Agency materially fails to comply with any term of the award, and the award may be terminated for convenience in accordance with 24 CFR 85.44.

Reversion of Assets:

Upon expiration of this contract Agency shall transfer to the City of Norman any CDBG funds on hand at the time of expiration and any accounts receivable attributable to the use of City of Norman CDBG funds. Any real property under Agency control that was acquired or improved in whole or in part with City of Norman CDBG funds in excess of $25,000 must either:

> *"Be used to meet one of the national objectives in 570.208 until five years after expiration of this contract; or disposed of in a manner that results in the City of Norman being reimbursed in the amount of the current fair market value of the property less any portion of the value attributable to expenditures of non-City of Norman CDBG funds for acquisition of or improvements to, the property. (Reimbursement is not required five years front date of expiration of this contract.)"*

Payment:

Agency agrees to submit an invoice which reflects the direct costs under this Contract. The City will make payments from these invoices. Each invoice in excess of $12,500 must be accompanied by a notarized affidavit provided by the City. The City will provide to Agency invoices to be used with payment requests.

This contract made and entered into by and between the parties the day and year first above written and shall be binding upon the successors and assigns thereof.

Metropolitan Fair Housing Council, Inc.

President

Attest:

Secretary

Subscribed and sworn to before me this 26th day of July, 2011

LORENA MACHADO NOTARY # 08009078 EXP. 09/16/12 PUBLIC STATE OF OKLAHOMA

Notary Public

My Commission expires: Sept. 16, 2012

The City of Norman, Oklahoma

Cindy Rosenthal, Mayor

Attest:

Brenda Hall, City Clerk

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

City Attorney's Office

Agency	Purpose	Resolution Number	Contract Number	Account #	Tax ID #	Contract Amount	Contact	Title	Address	Zip	Phone
Metropolitan Fair Housing Council, Inc.	Fair Housing Services		K-1112-18	021-4071-463.40-09 021-4073-463.40-09	73-1067333	$10,000 $10,000	Mary Dulan	Executive Director	1500 NE 4th Street, Ste 204 Oklahoma City, OK 73117	73117	232-3247
Community After School Program, Inc.	Scholarships		K-1112-19	021-4071-463.47-70	73-0960925	$3,230.00	Terri Craig	Executive Director	1023 N. Flood	73069	366-5970
Central Oklahoma Community Action Agency, Inc.	Purchase of supplies for Food Closet, Rehabilitation for Transitional Housing Units, RSVP	R-1112-16	K-1112-20	021-4071-463.47-71	73-1068862	$23,384.00	Lisa Sydnor	Executive Director	PO Box 486	74802	
Health for Friends, Inc.	Dental Clinic	R-1112-17	K-1112-21	021-4071-463.47-72	73-1261816	$10,095.00	Brian Karnes	Executive Director	PO Box 1224	73070	329-4558
Progressive Independence, Inc.	Durable Medical Equipment Loan Library and/or Opening Doors Fund	R-1112-18	K-1112-22	021-4071-463.47-73	73-1311897	$5,653.00	Jeffery Hughes	Executive Director	121 N. Porter	73071	321-3203
Habitat for Humanity	Acquisition of Property		K-1112-23	021-4071-463.47-74	73-1422362	$14,000.00	Tracy Curtis	Director of Operations	PO Box 1005	73070	360-7868
Salvation Army, A Georgia Corporation	Equipment	R-1112-19	K-1112-24	021-4071-463.47-78	73-0579266	$2,423.00	Major Margaret Kennell	Officer in Charge	PO Box 1092	73070	364-9910
Food and Shelter for Friends, Inc.	Utilities and maintenance		K-1112-25	021-4071-463.47-77	73-1222111	$12,491.00	April Dosier	Executive Director	PO Box 5537	73070	360-4954
Metro Transit Norman	Transportation Services for low and moderate income citizens of Norman		K-1112-26	021-4071-463.47-79	73-730163K	$25,000.00	Douglas Myers	Administrator, Transit Services	731 Elm Ave.	73019	325-2278
Aging Services of Cleveland County, Inc.	Congregate Meal Program		K-1112-27	021-4071-463.47-80	73-1326994	$8,077.00	Kathleen Wilson	Executive Director	1179 East Main	73071	321-3200
Full Circle Senior Adult Day Center, Inc.	Equipment	R-1112-20	K-1112-28	021-4071-463.47-82	73-1489367	$2,423.00	Tammy Vaughn	Executive Director	1304 E. Lindsey Plaza Drive	73071	447-2955
Community Services Building, Inc.	Mechanical Rehabilitation	R-1112-21	K-1112-29	021-4071-463.47-83	73-1476711	$25,000.00	Christi Moore	Executive Director	1183 E. Main	73071	701-2001
Bethesda, Inc.	Equipment	R-1112-22	K-1112-30	021-4071-463.47-84	73-1170216	$2,423.00	Kay Christiansen	Executive Director	1181 East Main	73071	364-0333
Meals on Wheels of Norman, Inc.	Scholarships		K-1112-31	021-4071-463.47-85	73-0931924	$12,115.00	Lynn Haynes	Executive Director	PO Box 1371	73070	321-7272
Thunderbird Clubhouse, Inc.	Rehabilitation of Permanent Suportive Housing Unit	R-1112-23	K-1112-32	021-4071-463.47-88	73-1425145	$4,414.00	Pam Sanford	Executive Director	PO Box 1666	73070	321-7331
United Way of Norman, Inc.	ABC 123 School Supply Program	R-1112-24	K-1112-33	021-4071-463.47-89	73-0668684	$4,038.00	Kristin Collins	President	2424 Springer Drive, Suite 304	73069	364-3800
Among Friends Activity Center, Inc.	Meal Program		K-1112-34	021-4071-463.47-90	48-1298795	$2,220.00	Cathe Fox	Executive Director	4101 Heritage Place Drive	73072	701-2121
Center for Children and Families, Inc.	Neighborhood Centers Kennedy Summer Youth Enrichment Program		K-1112-35	021-4071-463.47-93	73-0933253	$4,846.00	Katie Fitzgerald	Executive Director	1151 East Main	73070	364-1420
Bridges, Inc.	Life Skills Program and Computer Services		K-1112-36	021-4071-463.47-95	73-1466304	$1,615.00	Debra Krittenbrink	Executive Director	1670 N. Stubbeman	73069	579-9280
Big Brothers and Big Sisters of Oklahoma, Cleveland County	Application Expenses		K-1112-37	021-4071-463.47-96	73-1226237	$2,625.00	Emily Fryar	Interim Director	1155 East Main	73071	364-3722
East Main Place, Inc	Utilities and maintenance		K-1112-38	021-4071-463.47-76	73-1641654	$8,884.00	Virginia Corson	Executive Director	1100 East Main	73071	447-4663
Women's Resource Center, Inc.	Equipment	R-1112-25	K-1112-39	021-4071-463.47-75	51-0217710	$4,038.00	JoAnn Smith	Executive Director	PO Box 5089	73070	364-9424
Norman Affordable Housing Corporation	CHDO		K-1112-40	021-4073-463.47-98		$79,140.00	Karen Canavan	Executive Director	700 N. Berry Road	73069	329-0933

PURCHASE REQUISITION NBR: 0000190293

STATUS: DIVISION APPROVAL

REQUISITION BY: JMCCART REASON: CDBG GRANT DATE: 8/11/11

SHIP TO LOCATION: COMMUNITY DEVELOPMENT SUGGESTED VENDOR: 1250 METROPOLITAN FAIR HOUSING COUN DELIVER BY DATE: 8/11/11

LINE NBR	DESCRIPTION	QUANTITY	UOM	UNIT COST	EXTEND COST	VENDOR PART NUMBER
1	CDBG GRANT COMMODITY: GRANTS SUBCOMMOD: CDBG	10000.00	DOL	1.0000	10000.00	
2	CDBG GRANT COMMODITY: GRANTS SUBCOMMOD: CDBG	10000.00	DOL	1.0000	10000.00	

REQUISITION TOTAL: 20000.00

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

LINE #	ACCOUNT		PROJECT	%	AMOUNT
1	02140714634009	Professional Services Consultant-Other		100.00	10000.00
2	02140734634009	Professional Services Consultant-Other		100.00	10000.00
					20000.00

REQUISITION IS IN THE CURRENT FISCAL YEAR.

City of Norman, OK

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

Master

File Number: K-1112-19

File ID:	K-1112-19	**Type:**	Contract	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 19	**In Control:**	City Council
Department:	Planning and Community Development Department	**Cost:**		**File Created:**	08/02/2011
File Name:	K-1112-19 CDBG Community After School			**Final Action:**	

Title: CONTRACT NO. K-1112-19: BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND COMMUNITY AFTER SCHOOL PROGRAM, INC., IN THE AMOUNT OF $3,230 AS AGREED UPON UNDER THE 37TH YEAR CDBG PROGRAM.

ACTION NEEDED: Motion to approve or reject Contract No. K-1112-19 with Community After School Program, Inc.; and, if approved, authorize execution of the contract and direct payment in the amount of $3,230.

ACTION TAKEN: _____

Notes:

Agenda Date: 08/23/2011

Agenda Number: 29

Attachments: K-1112-19 Comm After School, Agency Info 7-1-11, PR Comm After School

Project Manager: Linda Price, Revitalization Manager

Entered by: linda.price@normanok.gov

Effective Date:

History of Legislative File

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

Text of Legislative File K-1112-19

Body

BACKGROUND: Proposals for funding are presented to the Policy Committee by non-profit agencies to meet the needs of low-to-moderate income citizens of Norman in addition to project proposals generated at two neighborhood meetings held each year in each of the five target neighborhoods. The target neighborhoods are qualified for participation on the basis of the percentage of low and moderate income residents.

The budget was developed over a series of six meetings of the Community Development Block Grant Policy Committee. This committee consists of thirty-two members that are appointed by the mayor as designated in the Citizen Participation Plan and ten that are elected as representatives from the five target neighborhoods. The proposed budget was unanimously recommended by the Policy Committee on June 8, 2011.

On June 14, 2011, Council approved the CDBG and HOME Program budgets in the amount of $1,305,376. The funding for the Programs is provided by the U.S. Department of Housing and Urban Development (HUD).

The proposed budget included funds for social service and rehabilitation activities for non-profit agencies as well as property acquisition for a designated Community Housing Development Organization (CHDO), and fair housing services.

DISCUSSION: The proposed contracts represent a total of $169,994 for rehabilitation and social services for non-profit agencies, $79,140 for CHDO activities, and $20,000 for fair housing activities that are a required part of the CDBG and HOME Programs.

The designation of a CHDO is a requirement of the HOME program to further develop affordable housing within Norman. The funds will be utilized to purchase one or more properties and utilized as rental housing that is affordable to low-to-moderate income households. The specific site for acquisition will be determined at a later date.

The Community After School Program, Inc. provides before and after school care for elementary school children at each of Norman's elementary schools. The contract is for scholarships for low-income students.

The proposed resolutions provide for the conveyance of sales tax exemption for work and materials purchased in conjunction with the contracts for the CDBG projects. The contracts and resolutions have been developed in conjunction with all City of Norman and HUD requirements.

RECOMMENDATION: Staff has reviewed the proposed contracts and resolutions and recommends approval. Funds are available in the Community Development Fund in the accounts listed.

Contract No. K-1112-19

This Agreement, made and entered into this, **23rd day of August, 2011** by and between the **City of Norman, Oklahoma**, a municipal corporation, hereinafter referred to as "City" and **Community After School Program, Inc.**, hereinafter referred to as "Agency."

WHEREAS, the City has received grant funds from the U.S. Department of Housing and Urban Development in conjunction with the Community Development Block Grant Program under Grant Number B-11-MC-40-0002, a portion of which are to be distributed to Agency for the uses provided herein;

Further, whereas Agency agrees, upon receipt of a portion of said funds, to provide for activities to serve no fewer than 30 clients.

For and in consideration of the activities agreed to be performed herein, by Agency, City agrees to distribute to Agency as its portion of the funds received, the total sum of $3,230. Said funds to be distributed by City to Agency pursuant to the terms and conditions of Grant Number B-11-MC-40-0002 by and between the U.S. Department of Housing and Urban Development and the City for the funding period of July 1, 2011, through June 30, 2012.

Agency further agrees that the above-mentioned activities will be completed by and that all necessary information and activities will be completed by Agency and reported to City no later than June 15, 2012.

As further consideration for the disbursement of said funds by City to Agency, Agency agrees to abide by all the terms and conditions of the Community Development Block Grant Program and the OMB Circular A-122 entitled Cost Principles for Non-Profit Organizations to use funds distributed pursuant to this contract to improve the quality of services to program participants. Particular attention should be paid to purchasing and record-keeping requirements.

It is further understood by and between the parties hereto that all the provisions of the Community Development Block Grant Program Contract described above are incorporated herein by reference and made a part of this contract and specifically that all provisions regarding modification, termination, and/or suspension of said Community Development Block Grant Program Contract are applicable hereto.

Budget

Scholarships	$3,230
Total Budget	$3,230

General Provisions -- Records & Reports:

Agency shall maintain financial records documenting actual expenditures related to CDBG activities performed under this contract. Records must also be maintained by Agency documenting all activities required under this contract. These records shall be kept for a period of five (5) years after completion of this Contract.

Agency will submit a monthly report to the Community Development Division detailing all activities performed with the use of City of Norman CDBG funds including the number of clients served, their income levels, and household/racial characteristics. These reports shall be submitted covering the period July 1, 2011, through June 30, 2012. Each monthly report shall be due on or before the 5th of each month covering the prior month. The City will provide to Agency reporting forms to be used with payment requests.

Agency will make all required records available for inspection by the City of Norman Community Development Division for monitoring purposes.

Agency shall ensure recognition of the role of the grantor Agency in providing services through this contract. All activities, facilities and items utilized pursuant to this contract shall be prominently labeled as to funding source. In addition, Agency will include a reference to the support provided herein in all publications made possible with funds made available under this contract.

Program Income:

Program income generated by Agency from the use of City of Norman CDBG funds shall be recorded. Agency may retain program income and expend it only on those activities noted in this contract. Any program income on hand when this contract expires, or received after the contract expiration, shall be paid to the City of Norman; or if a subsequent contract is executed, shall be applied to the terms of the subsequent contract. (In accordance with 24 CFR 570.504(c).)

Uniform Administrative Requirement:

Agency shall carry out all activities in compliance with all Federal laws and regulations described in Sub-part & of 24 CPR Part 560 except 570.604. Agency does not assume responsibility of 24 CFR Part 52.

Suspension and Termination:

In accordance with 24 CFR 85.43, suspension or termination may occur if Agency materially fails to comply with any term of the award, and the award may be terminated for convenience in accordance with 24 CFR 85.44.

Reversion of Assets:

Upon expiration of this contract Agency shall transfer to the City of Norman any CDBG funds on hand at the time of expiration and any accounts receivable attributable to the use of City of Norman CDBG funds. Any real property under Agency control that was acquired or improved in whole or in part with City of Norman CDBG funds in excess of $25,000 must either:

> *"Be used to meet one of the national objectives in 570.208 until five years after expiration of this contract; or disposed of in a manner that results in the City of Norman being reimbursed in the amount of the current fair market value of the property less any portion of the value attributable to expenditures of non-City of Norman CDBG funds for acquisition of or improvements to, the property. (Reimbursement is not required five years front date of expiration of this contract.)"*

Payment:

Agency agrees to submit an invoice which reflects the direct costs under this Contract. The City will make payments from these invoices. Each invoice in excess of $12,500 must be accompanied by a notarized affidavit provided by the City. The City will provide to Agency invoices to be used with payment requests.

This contract made and entered into by and between the parties the day and year first above written and shall be binding upon the successors and assigns thereof.

Contract No. K-1112-19

Community After School Program, Inc.

Amber Bui
President

Attest:

Charlie Mason
Secretary

Subscribed and sworn to before me this 28 day of July, 2011.

NOTARY PUBLIC IN AND FOR STATE OF OKLAHOMA
OFFICIAL SEAL
Brenda Birdsong
Commission # 08007890
Expires August 1, 2012

Brenda Birdsong
Notary Public

My Commission expires: 8-1-12

The City of Norman, Oklahoma

Cindy Rosenthal, Mayor

Attest:

Brenda Hall, City Clerk

Approved as to form and legality this 16th day of August, 2011.

Y. B. Messner
City Attorney's Office

Agency	Purpose	Resolution Number	Contract Number	Account #	Tax ID #	Contract Amount	Contact	Title	Address	Zip	Phone
Metropolitan Fair Housing Council, Inc.	Fair Housing Services		K-1112-18	021-4071-463.40-09 021-4073-463.40-09	73-1067333	$10,000 $10,000	Mary Dulan	Executive Director	1500 NE 4th Street, Ste 204 Oklahoma City, OK 73117	73117	232-3247
Community After School Program, Inc.	Scholarships		K-1112-19	021-4071-463.47-70	73-0960925	$3,230.00	Terri Craig	Executive Director	1023 N. Flood	73069	366-5970
Central Oklahoma Community Action Agency, Inc.	Purchase of supplies for Food Closet, Rehabilitation for Transitional Housing Units, RSVP	R-1112-16	K-1112-20	021-4071-463.47-71	73-1068862	$23,384.00	Lisa Sydnor	Executive Director	PO Box 486	74802	
Health for Friends, Inc.	Dental Clinic	R-1112-17	K-1112-21	021-4071-463.47-72	73-1261816	$10,095.00	Brian Karnes	Executive Director	PO Box 1224	73070	329-4558
Progressive Independence, Inc.	Durable Medical Equipment Loan Library and/or Opening Doors Fund	R-1112-18	K-1112-22	021-4071-463.47-73	73-1311897	$5,653.00	Jeffery Hughes	Executive Director	121 N. Porter	73071	321-3203
Habitat for Humanity	Acquisition of Property		K-1112-23	021-4071-463.47-74	73-1422362	$14,000.00	Tracy Curtis	Director of Operations	PO Box 1005	73070	360-7868
Salvation Army, A Georgia Corporation	Equipment	R-1112-19	K-1112-24	021-4071-463.47-78	73-0579266	$2,423.00	Major Margaret Kennell	Officer in Charge	PO Box 1092	73070	364-9910
Food and Shelter for Friends, Inc.	Utilities and maintenance		K-1112-25	021-4071-463.47-77	73-1222111	$12,491.00	April Dosier	Executive Director	PO Box 5537	73070	360-4954
Metro Transit Norman	Transportation Services for low and moderate income citizens of Norman		K-1112-26	021-4071-463.47-79	73-730163K	$25,000.00	Douglas Myers	Administrator, Transit Services	731 Elm Ave.	73019	325-2278
Aging Services of Cleveland County, Inc.	Congregate Meal Program		K-1112-27	021-4071-463.47-80	73-1326994	$8,077.00	Kathleen Wilson	Executive Director	1179 East Main	73071	321-3200
Full Circle Senior Adult Day Center, Inc.	Equipment	R-1112-20	K-1112-28	021-4071-463.47-82	73-1489367	$2,423.00	Tammy Vaughn	Executive Director	1304 E. Lindsey Plaza Drive	73071	447-2955
Community Services Building, Inc.	Mechanical Rehabilitation	R-1112-21	K-1112-29	021-4071-463.47-83	73-1476711	$25,000.00	Christi Moore	Executive Director	1183 E. Main	73071	701-2001
Bethesda, Inc.	Equipment	R-1112-22	K-1112-30	021-4071-463.47-84	73-1170216	$2,423.00	Kay Christiansen	Executive Director	1181 East Main	73071	364-0333
Meals on Wheels of Norman, Inc.	Scholarships		K-1112-31	021-4071-463.47-85	73-0931924	$12,115.00	Lynn Haynes	Executive Director	PO Box 1371	73070	321-7272
Thunderbird Clubhouse, Inc.	Rehabilitation of Permanent Suportive Housing Unit	R-1112-23	K-1112-32	021-4071-463.47-88	73-1425145	$4,414.00	Pam Sanford	Executive Director	PO Box 1666	73070	321-7331
United Way of Norman, Inc.	ABC 123 School Supply Program	R-1112-24	K-1112-33	021-4071-463.47-89	73-0668684	$4,038.00	Kristin Collins	President	2424 Springer Drive, Suite 304	73069	364-3800
Among Friends Activity Center, Inc.	Meal Program		K-1112-34	021-4071-463.47-90	48-1298795	$2,220.00	Cathe Fox	Executive Director	4101 Heritage Place Drive	73072	701-2121
Center for Children and Families, Inc.	Neighborhood Centers Kennedy Summer Youth Enrichment Program		K-1112-35	021-4071-463.47-93	73-0933253	$4,846.00	Katie Fitzgerald	Executive Director	1151 East Main	73070	364-1420
Bridges, Inc.	Life Skills Program and Computer Services		K-1112-36	021-4071-463.47-95	73-1466304	$1,615.00	Debra Krittenbrink	Executive Director	1670 N. Stubbeman	73069	579-9280
Big Brothers and Big Sisters of Oklahoma, Cleveland County	Application Expenses		K-1112-37	021-4071-463.47-96	73-1226237	$2,625.00	Emily Fryar	Interim Director	1155 East Main	73071	364-3722
East Main Place, Inc	Utilities and maintenance		K-1112-38	021-4071-463.47-76	73-1641654	$8,884.00	Virginia Corson	Executive Director	1100 East Main	73071	447-4663
Women's Resource Center, Inc.	Equipment	R-1112-25	K-1112-39	021-4071-463.47-75	51-0217710	$4,038.00	JoAnn Smith	Executive Director	PO Box 5089	73070	364-9424
Norman Affordable Housing Corporation	CHDO		K-1112-40	021-4073-463.47-98		$79,140.00	Karen Canavan	Executive Director	700 N. Berry Road	73069	329-0933

PURCHASE REQUISITION NBR: 0000189874

STATUS: ALL ITEMS ON ORDER
REQUISITION BY: JMCCART REASON: CDBG GRANT DATE: 8/02/11

SHIP TO LOCATION: COMMUNITY DEVELOPMENT SUGGESTED VENDOR: 471 COMMUNITY AFTER SCHOOL PROGRAM DELIVER BY DATE: 8/02/11

1	CDBG GRANT COMMODITY: GRANTS SUBCOMMOD: CDBG	3230.00	DOL	1.0000	3230.00

REQUISITION TOTAL: 3230.00

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

LINE #	ACCOUNT		PROJECT	%	AMOUNT
1	02140714634770	Miscellaneous Services After School Programs		100.00	3230.00
					3230.00

REQUISITION IS IN THE CURRENT FISCAL YEAR.

CDBG GRANT

City of Norman, OK

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

Master

File Number: K-1112-20

File ID:	K-1112-20	**Type:**	Contract	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 30	**In Control:**	City Council
Department:	Planning and Community Development Department	**Cost:**	$23,384.00	**File Created:**	08/05/2011
File Name:	K-1112-20 COCAC			**Final Action:**	

Title: CONTRACT NO. K-1112-20: BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND CENTRAL OKLAHOMA COMMUNITY ACTION AGENCY, INC., IN THE AMOUNT OF $23,384 AS AGREED UPON UNDER THE 37TH YEAR CDBG PROGRAM AND ADOPTION OF RESOLUTION NO. R-1112-16.

ACTION NEEDED: Motion to approve or reject Contract No. K-1112-20 with Central Oklahoma Community Action Agency, Inc.; and, if approved, authorize execution of the contract, adopt Resolution No. R-1112-16, and direct payment in the amount of $23,384.

ACTION TAKEN: _____

Notes:

Agenda Date: 08/23/2011

Agenda Number: 30

Attachments: K-1112-20 COCAA, Agency Info 7-1-11, R-1112-16, Pr COCCA

Project Manager: Linda Price, Revitalization Manager

Entered by: Ellen.Usry@NormanOK.gov

Effective Date:

History of Legislative File

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

Text of Legislative File K-1112-20

Body

BACKGROUND: Proposals for funding are presented to the Policy Committee by non-profit agencies to meet the needs of low-to-moderate income citizens of Norman in addition to project proposals generated at two neighborhood meetings held each year in each of the five

target neighborhoods. The target neighborhoods are qualified for participation on the basis of the percentage of low and moderate income residents.

The budget was developed over a series of six meetings of the Community Development Block Grant Policy Committee. This committee consists of thirty-two members that are appointed by the mayor as designated in the Citizen Participation Plan and ten that are elected as representatives from the five target neighborhoods. The proposed budget was unanimously recommended by the Policy Committee on June 8, 2011.

On June 14, 2011, Council approved the CDBG and HOME Program budgets in the amount of $1,305,376. The funding for the Programs is provided by the U.S. Department of Housing and Urban Development (HUD).

The proposed budget included funds for social service and rehabilitation activities for non-profit agencies as well as property acquisition for a designated Community Housing Development Organization (CHDO), and fair housing services.

DISCUSSION: The proposed contracts represent a total of $169,994 for rehabilitation and social services for non-profit agencies, $79,140 for CHDO activities, and $20,000 for fair housing activities that are a required part of the CDBG and HOME Programs.

The designation of a CHDO is a requirement of the HOME program to further develop affordable housing within Norman. The funds will be utilized to purchase one or more properties and utilized as rental housing that is affordable to low-to-moderate income households. The specific site for acquisition will be determined at a later date.

Central Oklahoma Community Action Agency, Inc. is a non-profit that provides a variety of programs for low to moderate income people. The contract is for purchase of supplies for a food closet, rehabilitation of transitional housing units for homeless families, and mileage reimbursement for RSVP volunteers to drive elderly persons to doctor appointments.

The proposed resolutions provide for the conveyance of sales tax exemption for work and materials purchased in conjunction with the contracts for the CDBG projects. The contracts and resolutions have been developed in conjunction with all City of Norman and HUD requirements.

RECOMMENDATION: Staff has reviewed the proposed contracts and resolutions and recommends approval. Funds are available in the Community Development Fund in the accounts listed.

Contract No. K-1112-20

This Agreement, made and entered into this, **23rd day of August, 2011** by and between the **City of Norman, Oklahoma**, a municipal corporation, hereinafter referred to as "City" and **Central Oklahoma Community Action Agency, Inc.**, hereinafter referred to as "Agency."

WHEREAS, the City has received grant funds from the U.S. Department of Housing and Urban Development in conjunction with the Community Development Block Grant Program under Grant Number B-11-MC-40-0002, a portion of which are to be distributed to Agency for the uses provided herein;

Further, whereas Agency agrees, upon receipt of a portion of said funds, to provide for activities to serve no fewer than 325 clients.

For and in consideration of the activities agreed to be performed herein, by Agency, City agrees to distribute to Agency as its portion of the funds received, the total sum of $28,384. Said funds to be distributed by City to Agency pursuant to the terms and conditions of Grant Number B-11-MC-40-0002 by and between the U.S. Department of Housing and Urban Development and the City for the funding period of July 1, 2011, through June 30, 2012.

Agency further agrees that the above-mentioned activities will be completed by and that all necessary information and activities will be completed by Agency and reported to City no later than June 15, 2012.

As further consideration for the disbursement of said funds by City to Agency, Agency agrees to abide by all the terms and conditions of the Community Development Block Grant Program and the OMB Circular A-122 entitled Cost Principles for Non-Profit Organizations to use funds distributed pursuant to this contract to improve the quality of services to program participants. Particular attention should be paid to purchasing and record-keeping requirements.

It is further understood by and between the parties hereto that all the provisions of the Community Development Block Grant Program Contract described above are incorporated herein by reference and made a part of this contract and specifically that all provisions regarding modification, termination, and/or suspension of said Community Development Block Grant Program Contract are applicable hereto.

Budget

Purchase of supplies for Food Closet ($8,077), Rehabilitation for Transitional Housing Units ($19,500), RSVP ($807)		$28,384
	Total Budget	$28,384

General Provisions -- Records & Reports:

Agency shall maintain financial records documenting actual expenditures related to CDBG activities performed under this contract. Records must also be maintained by Agency documenting all activities required under this contract. These records shall be kept for a period of five (5) years after completion of this Contract.

Agency will submit a monthly report to the Community Development Division detailing all activities performed with the use of City of Norman CDBG funds including the number of clients served, their income levels, and household/racial characteristics. These reports shall be submitted covering the period July 1, 2011, through June 30, 2012. Each monthly report shall be due on or before the 5th of each month covering the prior month. The City will provide to Agency reporting forms to be used with payment requests.

Agency will make all required records available for inspection by the City of Norman Community Development Division for monitoring purposes.

Agency shall ensure recognition of the role of the grantor Agency in providing services through this contract. All activities, facilities and items utilized pursuant to this contract shall be prominently labeled as to funding source. In addition, Agency will include a reference to the support provided herein in all publications made possible with funds made available under this contract.

Program Income:

Program income generated by Agency from the use of City of Norman CDBG funds shall be recorded. Agency may retain program income and expend it only on those activities noted in this contract. Any program income on hand when this contract expires, or received after the contract expiration, shall be paid to the City of Norman; or if a subsequent contract is executed, shall be applied to the terms of the subsequent contract. (In accordance with 24 CFR 570.504(c).)

Uniform Administrative Requirement:

Agency shall carry out all activities in compliance with all Federal laws and regulations described in Sub-part & of 24 CPR Part 560 except 570.604. Agency does not assume responsibility of 24 CFR Part 52.

Suspension and Termination:

In accordance with 24 CFR 85.43, suspension or termination may occur if Agency materially fails to comply with any term of the award, and the award may be terminated for convenience in accordance with 24 CFR 85.44.

Reversion of Assets:

Upon expiration of this contract Agency shall transfer to the City of Norman any CDBG funds on hand at the time of expiration and any accounts receivable attributable to the use of City of Norman CDBG funds. Any real property under Agency control that was acquired or improved in whole or in part with City of Norman CDBG funds in excess of $25,000 must either:

> *"Be used to meet one of the national objectives in 570.208 until five years after expiration of this contract; or disposed of in a manner that results in the City of Norman being reimbursed in the amount of the current fair market value of the property less any portion of the value attributable to expenditures of non-City of Norman CDBG funds for acquisition of or improvements to, the property. (Reimbursement is not required five years front date of expiration of this contract.)"*

Payment:

Agency agrees to submit an invoice which reflects the direct costs under this Contract. The City will make payments from these invoices. Each invoice in excess of $12,500 must be accompanied by a notarized affidavit provided by the City. The City will provide to Agency invoices to be used with payment requests.

This contract made and entered into by and between the parties the day and year first above written and shall be binding upon the successors and assigns thereof.

Central Oklahoma Community Action Agency, Inc.

President

Attest:

Secretary

Subscribed and sworn to before me this 26 day of July, 2011.

TWILA ALLEN NOTARY PUBLIC IN AND FOR STATE OF OKLAHOMA #08003114 • September 3, 2012

Notary Public

My Commission expires: Sept 3, 2012

The City of Norman, Oklahoma

Cindy Rosenthal, Mayor

Attest:

Brenda Hall, City Clerk

Approved as to form and legality this 16th day of August, 2011.

City Attorney's Office

Agency	Purpose	Resolution Number	Contract Number	Account #	Tax ID #	Contract Amount	Contact	Title	Address	Zip	Phone
Metropolitan Fair Housing Council, Inc.	Fair Housing Services		K-1112-18	021-4071-463.40-09 021-4073-463.40-09	73-1067333	$10,000 $10,000	Mary Dulan	Executive Director	1500 NE 4th Street, Ste 204 Oklahoma City, OK 73117	73117	232-3247
Community After School Program, Inc.	Scholarships		K-1112-19	021-4071-463.47-70	73-0960925	$3,230.00	Terri Craig	Executive Director	1023 N. Flood	73069	366-5970
Central Oklahoma Community Action Agency, Inc.	Purchase of supplies for Food Closet, Rehabilitation for Transitional Housing Units, RSVP	R-1112-16	K-1112-20	021-4071-463.47-71	73-1068862	$23,384.00	Lisa Sydnor	Executive Director	PO Box 486	74802	
Health for Friends, Inc.	Dental Clinic	R-1112-17	K-1112-21	021-4071-463.47-72	73-1261816	$10,095.00	Brian Karnes	Executive Director	PO Box 1224	73070	329-4558
Progressive Independence, Inc.	Durable Medical Equipment Loan Library and/or Opening Doors Fund	R-1112-18	K-1112-22	021-4071-463.47-73	73-1311897	$5,653.00	Jeffery Hughes	Executive Director	121 N. Porter	73071	321-3203
Habitat for Humanity	Acquisition of Property		K-1112-23	021-4071-463.47-74	73-1422362	$14,000.00	Tracy Curtis	Director of Operations	PO Box 1005	73070	360-7868
Salvation Army, A Georgia Corporation	Equipment	R-1112-19	K-1112-24	021-4071-463.47-78	73-0579266	$2,423.00	Major Margaret Kennell	Officer in Charge	PO Box 1092	73070	364-9910
Food and Shelter for Friends, Inc.	Utilities and maintenance		K-1112-25	021-4071-463.47-77	73-1222111	$12,491.00	April Dosier	Executive Director	PO Box 5537	73070	360-4954
Metro Transit Norman	Transportation Services for low and moderate income citizens of Norman		K-1112-26	021-4071-463.47-79	73-730163K	$25,000.00	Douglas Myers	Administrator, Transit Services	731 Elm Ave.	73019	325-2278
Aging Services of Cleveland County, Inc.	Congregate Meal Program		K-1112-27	021-4071-463.47-80	73-1326994	$8,077.00	Kathleen Wilson	Executive Director	1179 East Main	73071	321-3200
Full Circle Senior Adult Day Center, Inc.	Equipment	R-1112-20	K-1112-28	021-4071-463.47-82	73-1489367	$2,423.00	Tammy Vaughn	Executive Director	1304 E. Lindsey Plaza Drive	73071	447-2955
Community Services Building, Inc.	Mechanical Rehabilitation	R-1112-21	K-1112-29	021-4071-463.47-83	73-1476711	$25,000.00	Christi Moore	Executive Director	1183 E. Main	73071	701-2001
Bethesda, Inc.	Equipment	R-1112-22	K-1112-30	021-4071-463.47-84	73-1170216	$2,423.00	Kay Christiansen	Executive Director	1181 East Main	73071	364-0333
Meals on Wheels of Norman, Inc.	Scholarships		K-1112-31	021-4071-463.47-85	73-0931924	$12,115.00	Lynn Haynes	Executive Director	PO Box 1371	73070	321-7272
Thunderbird Clubhouse, Inc.	Rehabilitation of Permanent Suportive Housing Unit	R-1112-23	K-1112-32	021-4071-463.47-88	73-1425145	$4,414.00	Pam Sanford	Executive Director	PO Box 1666	73070	321-7331
United Way of Norman, Inc.	ABC 123 School Supply Program	R-1112-24	K-1112-33	021-4071-463.47-89	73-0668684	$4,038.00	Kristin Collins	President	2424 Springer Drive, Suite 304	73069	364-3800
Among Friends Activity Center, Inc.	Meal Program		K-1112-34	021-4071-463.47-90	48-1298795	$2,220.00	Cathe Fox	Executive Director	4101 Heritage Place Drive	73072	701-2121
Center for Children and Families, Inc.	Neighborhood Centers Kennedy Summer Youth Enrichment Program		K-1112-35	021-4071-463.47-93	73-0933253	$4,846.00	Katie Fitzgerald	Executive Director	1151 East Main	73070	364-1420
Bridges, Inc.	Life Skills Program and Computer Services		K-1112-36	021-4071-463.47-95	73-1466304	$1,615.00	Debra Krittenbrink	Executive Director	1670 N. Stubbeman	73069	579-9280
Big Brothers and Big Sisters of Oklahoma, Cleveland County	Application Expenses		K-1112-37	021-4071-463.47-96	73-1226237	$2,625.00	Emily Fryar	Interim Director	1155 East Main	73071	364-3722
East Main Place, Inc	Utilities and maintenance		K-1112-38	021-4071-463.47-76	73-1641654	$8,884.00	Virginia Corson	Executive Director	1100 East Main	73071	447-4663
Women's Resource Center, Inc.	Equipment	R-1112-25	K-1112-39	021-4071-463.47-75	51-0217710	$4,038.00	JoAnn Smith	Executive Director	PO Box 5089	73070	364-9424
Norman Affordable Housing Corporation	CHDO		K-1112-40	021-4073-463.47-98		$79,140.00	Karen Canavan	Executive Director	700 N. Berry Road	73069	329-0933

Resolution

R-1112-16

A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AUTHORIZING CENTRAL OKLAHOMA COMMUNITY ACTION AGENCY, INC., AS PROJECT AGENT FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) AS PART OF THE CDBG 37TH YEAR PROGRAM.

§ 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 for $23,384 with Central Oklahoma Community Action Agency, Inc., for the FY 11-12 CDBG 37th Year Program; and

§ 2. WHEREAS, the City of Norman, Oklahoma, in compliance with State law, desires to confer on Central Oklahoma Community Action Agency, 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 Oklahoma Community Action Agency, Inc., to purchase materials which are, in fact, incorporated in, and used for the FY 11-12 CDBG 37th Year Program; and

§ 3. WHEREAS, this limited agent status is conferred with the express understanding Central Oklahoma Community Action Agency, 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 23rd day of August, 2011, did authorize Central Oklahoma Community Action Agency, Inc., who is involved with the FY 11-12 CDBG 37th Year Program, 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 FY 11-12 CDBG 37th Year Program.

PASSED AND ADOPTED THIS 23rd day of August, 2011.

_____
Mayor

ATTEST:

_____
City Clerk

PURCHASE REQUISITION NBR: 0000189881

STATUS: ALL ITEMS ON ORDER
REQUISITION BY: JMCCART REASON: CDBG GRANT DATE: 8/02/11

SHIP TO LOCATION: COMMUNITY DEVELOPMENT SUGGESTED VENDOR: 360 CENTRAL OKLAHOMA COMMUNITY DELIVER BY DATE: 8/02/11

1	CDBG GRANT COMMODITY: GRANTS SUBCOMMOD: CDBG	28384.00	DOL	1.0000	28384.00

REQUISITION TOTAL: 28384.00

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

LINE #	ACCOUNT		PROJECT	%	AMOUNT
1	02140714634771	Miscellaneous Services COCAA		100.00	28384.00
					28384.00

REQUISITION IS IN THE CURRENT FISCAL YEAR.

CDBG GRANT

City of Norman, OK

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

Master

File Number: K-1112-21

File ID:	K-1112-21	**Type:**	Contract	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 31	**In Control:**	City Council
Department:	Planning and Community Development Department	**Cost:**	$10,095.00	**File Created:**	08/05/2011
File Name:	K-1112-21 HFF			**Final Action:**	

Title: CONTRACT NO. K-1112-21: BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND HEALTH FOR FRIENDS, INC., IN THE AMOUNT OF $10,095 AS AGREED UPON UNDER THE 37TH YEAR CDBG PROGRAM AND ADOPTION OF RESOLUTION NO. R-1112-17.

ACTION NEEDED: Motion to approve or reject Contract No. K-1112-21 with Health for Friends, Inc.; and, if approved, authorize execution of the contract, adopt Resolution No. R-1112-17, and direct payment in the amount of $10,095.

ACTION TAKEN: _____

Notes:

Agenda Date: 08/23/2011

Agenda Number: 31

Attachments: K-1112-21 HFF, Agency Info 7-1-11, R-1112-17, PR HFF

Project Manager: Linda Price, Revitalization Manager

Entered by: Ellen.Usry@NormanOK.gov

Effective Date:

History of Legislative File

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

Text of Legislative File K-1112-21

Body

BACKGROUND: Proposals for funding are presented to the Policy Committee by non-profit agencies to meet the needs of low-to-moderate income citizens of Norman in addition to project proposals generated at two neighborhood meetings held each year in each of the five target neighborhoods. The target neighborhoods are qualified for participation on the basis of

the percentage of low and moderate income residents.

The budget was developed over a series of six meetings of the Community Development Block Grant Policy Committee. This committee consists of thirty-two members that are appointed by the mayor as designated in the Citizen Participation Plan and ten that are elected as representatives from the five target neighborhoods. The proposed budget was unanimously recommended by the Policy Committee on June 8, 2011.

On June 14, 2011, Council approved the CDBG and HOME Program budgets in the amount of $1,305,376. The funding for the Programs is provided by the U.S. Department of Housing and Urban Development (HUD).

The proposed budget included funds for social service and rehabilitation activities for non-profit agencies as well as property acquisition for a designated Community Housing Development Organization (CHDO), and fair housing services.

DISCUSSION: The proposed contracts represent a total of $169,994 for rehabilitation and social services for non-profit agencies, $79,140 for CHDO activities, and $20,000 for fair housing activities that are a required part of the CDBG and HOME Programs.

The designation of a CHDO is a requirement of the HOME program to further develop affordable housing within Norman. The funds will be utilized to purchase one or more properties and utilized as rental housing that is affordable to low-to-moderate income households. The specific site for acquisition will be determined at a later date.

Health for Friends, Inc. is a non-profit that provides medical assistance to low to moderate income families. The contract is to assist with the dental clinic.

The proposed resolutions provide for the conveyance of sales tax exemption for work and materials purchased in conjunction with the contracts for the CDBG projects. The contracts and resolutions have been developed in conjunction with all City of Norman and HUD requirements.

RECOMMENDATION: Staff has reviewed the proposed contracts and resolutions and recommends approval. Funds are available in the Community Development Fund in the accounts listed.

Contract No. K-1112-21

This Agreement, made and entered into this, **23rd day of August, 2011** by and between the **City of Norman, Oklahoma**, a municipal corporation, hereinafter referred to as "City" and **Health for Friends, Inc.**, hereinafter referred to as "Agency."

WHEREAS, the City has received grant funds from the U.S. Department of Housing and Urban Development in conjunction with the Community Development Block Grant Program under Grant Number B-11-MC-40-0002, a portion of which are to be distributed to Agency for the uses provided herein;

Further, whereas Agency agrees, upon receipt of a portion of said funds, to provide for activities to serve no fewer than 9000 clients.

For and in consideration of the activities agreed to be performed herein, by Agency, City agrees to distribute to Agency as its portion of the funds received, the total sum of $10,095. Said funds to be distributed by City to Agency pursuant to the terms and conditions of Grant Number B-11-MC-40-0002 by and between the U.S. Department of Housing and Urban Development and the City for the funding period of July 1, 2011, through June 30, 2012.

Agency further agrees that the above-mentioned activities will be completed by and that all necessary information and activities will be completed by Agency and reported to City no later than June 15, 2012.

As further consideration for the disbursement of said funds by City to Agency, Agency agrees to abide by all the terms and conditions of the Community Development Block Grant Program and the OMB Circular A-122 entitled Cost Principles for Non-Profit Organizations to use funds distributed pursuant to this contract to improve the quality of services to program participants. Particular attention should be paid to purchasing and record-keeping requirements.

It is further understood by and between the parties hereto that all the provisions of the Community Development Block Grant Program Contract described above are incorporated herein by reference and made a part of this contract and specifically that all provisions regarding modification, termination, and/or suspension of said Community Development Block Grant Program Contract are applicable hereto.

Budget

Dental Clinic		$10,095
	Total Budget	$10,095

General Provisions -- Records & Reports:

Agency shall maintain financial records documenting actual expenditures related to CDBG activities performed under this contract. Records must also be maintained by Agency documenting all activities required under this contract. These records shall be kept for a period of five (5) years after completion of this Contract.

Agency will submit a monthly report to the Community Development Division detailing all activities performed with the use of City of Norman CDBG funds including the number of clients served, their income levels, and household/racial characteristics. These reports shall be submitted covering the period July 1, 2011, through June 30, 2012. Each monthly report shall be due on or before the 5th of each month covering the prior month. The City will provide to Agency reporting forms to be used with payment requests.

Agency will make all required records available for inspection by the City of Norman Community Development Division for monitoring purposes.

Agency shall ensure recognition of the role of the grantor Agency in providing services through this contract. All activities, facilities and items utilized pursuant to this contract shall be prominently labeled as to funding source. In addition, Agency will include a reference to the support provided herein in all publications made possible with funds made available under this contract.

Program Income:

Program income generated by Agency from the use of City of Norman CDBG funds shall be recorded. Agency may retain program income and expend it only on those activities noted in this contract. Any program income on hand when this contract expires, or received after the contract expiration, shall be paid to the City of Norman; or if a subsequent contract is executed, shall be applied to the terms of the subsequent contract. (In accordance with 24 CFR 570.504(c).)

Uniform Administrative Requirement:

Agency shall carry out all activities in compliance with all Federal laws and regulations described in Sub-part & of 24 CPR Part 560 except 570.604. Agency does not assume responsibility of 24 CFR Part 52.

Suspension and Termination:

In accordance with 24 CFR 85.43, suspension or termination may occur if Agency materially fails to comply with any term of the award, and the award may be terminated for convenience in accordance with 24 CFR 85.44.

Reversion of Assets:

Upon expiration of this contract Agency shall transfer to the City of Norman any CDBG funds on hand at the time of expiration and any accounts receivable attributable to the use of City of Norman CDBG funds. Any real property under Agency control that was acquired or improved in whole or in part with City of Norman CDBG funds in excess of $25,000 must either:

> *"Be used to meet one of the national objectives in 570.208 until five years after expiration of this contract; or disposed of in a manner that results in the City of Norman being reimbursed in the amount of the current fair market value of the property less any portion of the value attributable to expenditures of non-City of Norman CDBG funds for acquisition of or improvements to, the property. (Reimbursement is not required five years front date of expiration of this contract.)"*

Payment:

Agency agrees to submit an invoice which reflects the direct costs under this Contract. The City will make payments from these invoices. Each invoice in excess of $12,500 must be accompanied by a notarized affidavit provided by the City. The City will provide to Agency invoices to be used with payment requests.

This contract made and entered into by and between the parties the day and year first above written and shall be binding upon the successors and assigns thereof.

Health for Friends, Inc.

President

Attest:

Secretary

Subscribed and sworn to before me this 25 day of JULY, 2011.

NOTARY PUBLIC SEAL STATE OF OKLAHOMA
OFFICIAL SEAL
B. THOR HENSON
Commission # 10008473
Expires October 8, 2014

Notary Public

My Commission expires:_____

The City of Norman, Oklahoma

Cindy Rosenthal, Mayor

Attest:

Brenda Hall, City Clerk

Approved as to form and legality this 16th day of August, 2011.

City Attorney's Office

Agency	Purpose	Resolution Number	Contract Number	Account #	Tax ID #	Contract Amount	Contact	Title	Address	Zip	Phone
Metropolitan Fair Housing Council, Inc.	Fair Housing Services		K-1112-18	021-4071-463.40-09 021-4073-463.40-09	73-1067333	$10,000 $10,000	Mary Dulan	Executive Director	1500 NE 4th Street, Ste 204 Oklahoma City, OK 73117	73117	232-3247
Community After School Program, Inc.	Scholarships		K-1112-19	021-4071-463.47-70	73-0960925	$3,230.00	Terri Craig	Executive Director	1023 N. Flood	73069	366-5970
Central Oklahoma Community Action Agency, Inc.	Purchase of supplies for Food Closet, Rehabilitation for Transitional Housing Units, RSVP	R-1112-16	K-1112-20	021-4071-463.47-71	73-1068862	$23,384.00	Lisa Sydnor	Executive Director	PO Box 486	74802	
Health for Friends, Inc.	Dental Clinic	R-1112-17	K-1112-21	021-4071-463.47-72	73-1261816	$10,095.00	Brian Karnes	Executive Director	PO Box 1224	73070	329-4558
Progressive Independence, Inc.	Durable Medical Equipment Loan Library and/or Opening Doors Fund	R-1112-18	K-1112-22	021-4071-463.47-73	73-1311897	$5,653.00	Jeffery Hughes	Executive Director	121 N. Porter	73071	321-3203
Habitat for Humanity	Acquisition of Property		K-1112-23	021-4071-463.47-74	73-1422362	$14,000.00	Tracy Curtis	Director of Operations	PO Box 1005	73070	360-7868
Salvation Army, A Georgia Corporation	Equipment	R-1112-19	K-1112-24	021-4071-463.47-78	73-0579266	$2,423.00	Major Margaret Kennell	Officer in Charge	PO Box 1092	73070	364-9910
Food and Shelter for Friends, Inc.	Utilities and maintenance		K-1112-25	021-4071-463.47-77	73-1222111	$12,491.00	April Dosier	Executive Director	PO Box 5537	73070	360-4954
Metro Transit Norman	Transportation Services for low and moderate income citizens of Norman		K-1112-26	021-4071-463.47-79	73-730163K	$25,000.00	Douglas Myers	Administrator, Transit Services	731 Elm Ave.	73019	325-2278
Aging Services of Cleveland County, Inc.	Congregate Meal Program		K-1112-27	021-4071-463.47-80	73-1326994	$8,077.00	Kathleen Wilson	Executive Director	1179 East Main	73071	321-3200
Full Circle Senior Adult Day Center, Inc.	Equipment	R-1112-20	K-1112-28	021-4071-463.47-82	73-1489367	$2,423.00	Tammy Vaughn	Executive Director	1304 E. Lindsey Plaza Drive	73071	447-2955
Community Services Building, Inc.	Mechanical Rehabilitation	R-1112-21	K-1112-29	021-4071-463.47-83	73-1476711	$25,000.00	Christi Moore	Executive Director	1183 E. Main	73071	701-2001
Bethesda, Inc.	Equipment	R-1112-22	K-1112-30	021-4071-463.47-84	73-1170216	$2,423.00	Kay Christiansen	Executive Director	1181 East Main	73071	364-0333
Meals on Wheels of Norman, Inc.	Scholarships		K-1112-31	021-4071-463.47-85	73-0931924	$12,115.00	Lynn Haynes	Executive Director	PO Box 1371	73070	321-7272
Thunderbird Clubhouse, Inc.	Rehabilitation of Permanent Suportive Housing Unit	R-1112-23	K-1112-32	021-4071-463.47-88	73-1425145	$4,414.00	Pam Sanford	Executive Director	PO Box 1666	73070	321-7331
United Way of Norman, Inc.	ABC 123 School Supply Program	R-1112-24	K-1112-33	021-4071-463.47-89	73-0668684	$4,038.00	Kristin Collins	President	2424 Springer Drive, Suite 304	73069	364-3800
Among Friends Activity Center, Inc.	Meal Program		K-1112-34	021-4071-463.47-90	48-1298795	$2,220.00	Cathe Fox	Executive Director	4101 Heritage Place Drive	73072	701-2121
Center for Children and Families, Inc.	Neighborhood Centers Kennedy Summer Youth Enrichment Program		K-1112-35	021-4071-463.47-93	73-0933253	$4,846.00	Katie Fitzgerald	Executive Director	1151 East Main	73070	364-1420
Bridges, Inc.	Life Skills Program and Computer Services		K-1112-36	021-4071-463.47-95	73-1466304	$1,615.00	Debra Krittenbrink	Executive Director	1670 N. Stubbeman	73069	579-9280
Big Brothers and Big Sisters of Oklahoma, Cleveland County	Application Expenses		K-1112-37	021-4071-463.47-96	73-1226237	$2,625.00	Emily Fryar	Interim Director	1155 East Main	73071	364-3722
East Main Place, Inc	Utilities and maintenance		K-1112-38	021-4071-463.47-76	73-1641654	$8,884.00	Virginia Corson	Executive Director	1100 East Main	73071	447-4663
Women's Resource Center, Inc.	Equipment	R-1112-25	K-1112-39	021-4071-463.47-75	51-0217710	$4,038.00	JoAnn Smith	Executive Director	PO Box 5089	73070	364-9424
Norman Affordable Housing Corporation	CHDO		K-1112-40	021-4073-463.47-98		$79,140.00	Karen Canavan	Executive Director	700 N. Berry Road	73069	329-0933

Resolution

R-1112-17

A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AUTHORIZING HEALTH FOR FRIENDS, INC., AS PROJECT AGENT FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) AS PART OF THE CDBG 37TH YEAR PROGRAM.

§ 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 for $10,095 with Health for Friends, Inc., for the FY 11-12 CDBG 37th Year Program; and

§ 2. WHEREAS, the City of Norman, Oklahoma, in compliance with State law, desires to confer on Health for Friends, 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, Health for Friends, Inc., to purchase materials which are, in fact, incorporated in, and used for the FY 11-12 CDBG 37th Year Program; and

§ 3. WHEREAS, this limited agent status is conferred with the express understanding Health for Friends, 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 23rd day of August, 2011, did authorize Health for Friends, Inc., who is involved with the FY 11-12 CDBG 37th Year Program, 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 FY 11-12 CDBG 37th Year Program.

PASSED AND ADOPTED THIS 23rd day of August, 2011.

_____
Mayor

ATTEST:

_____
City Clerk

PURCHASE REQUISITION NBR: 0000189883

STATUS: ALL ITEMS ON ORDER

REQUISITION BY: JMCCART REASON: CDBG GRANT DATE: 8/02/11

SHIP TO LOCATION: COMMUNITY DEVELOPMENT SUGGESTED VENDOR: 896 HEALTH FOR FRIENDS INC DELIVER BY DATE: 8/02/11

1	CDBG GRANT COMMODITY: GRANTS SUBCOMMOD: CDBG	10095.00	DOL	1.0000	10095.00

REQUISITION TOTAL: 10095.00

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

LINE #	ACCOUNT		PROJECT	%	AMOUNT
1	02140714634772	Miscellaneous Services Health for Friends		100.00	10095.00
					10095.00

REQUISITION IS IN THE CURRENT FISCAL YEAR.

CDBG GRANT

City of Norman, OK

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

Master

File Number: K-1112-22

File ID:	K-1112-22	**Type:**	Contract	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 32	**In Control:**	City Council
Department:	Planning and Community Development Department	**Cost:**	$5,653.00	**File Created:**	08/05/2011
File Name:	K-1112-22 Progressive Independence			**Final Action:**	

Title: CONTRACT NO. K-1112-22: BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND PROGRESSIVE INDEPENDENCE, INC., IN THE AMOUNT OF $5,653 AS AGREED UPON UNDER THE 37TH YEAR CDBG PROGRAM AND ADOPTION OF RESOLUTION NO. R-1112-18.

ACTION NEEDED: Motion to approve or reject Contract No. K-1112-22 with Progressive Independence, Inc.; and, if approved, authorize execution of the contract, adopt Resolution No. R-1112-18, and direct payment in the amount of $5,653.

ACTION TAKEN: _____

Notes:

Agenda Date: 08/23/2011

Agenda Number: 32

Attachments: K-1112-22 Progressive Independence, Agency Info
7-1-11, R-1112-18, PR Progressive

Project Manager: Linda Price, Revitalization Manager

Entered by: Ellen.Usry@NormanOK.gov

Effective Date:

History of Legislative File

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

Text of Legislative File K-1112-22

Body

BACKGROUND: Proposals for funding are presented to the Policy Committee by non-profit agencies to meet the needs of low-to-moderate income citizens of Norman in addition to project proposals generated at two neighborhood meetings held each year in each of the five

target neighborhoods. The target neighborhoods are qualified for participation on the basis of the percentage of low and moderate income residents.

The budget was developed over a series of six meetings of the Community Development Block Grant Policy Committee. This committee consists of thirty-two members that are appointed by the mayor as designated in the Citizen Participation Plan and ten that are elected as representatives from the five target neighborhoods. The proposed budget was unanimously recommended by the Policy Committee on June 8, 2011.

On June 14, 2011, Council approved the CDBG and HOME Program budgets in the amount of $1,305,376. The funding for the Programs is provided by the U.S. Department of Housing and Urban Development (HUD).

The proposed budget included funds for social service and rehabilitation activities for non-profit agencies as well as property acquisition for a designated Community Housing Development Organization (CHDO), and fair housing services.

DISCUSSION: The proposed contracts represent a total of $169,994 for rehabilitation and social services for non-profit agencies, $79,140 for CHDO activities, and $20,000 for fair housing activities that are a required part of the CDBG and HOME Programs.

The designation of a CHDO is a requirement of the HOME program to further develop affordable housing within Norman. The funds will be utilized to purchase one or more properties and utilized as rental housing that is affordable to low-to-moderate income households. The specific site for acquisition will be determined at a later date.

Progressive Independence, Inc. is a Norman non-profit that works with people with disabilities. The contract is for the purchase of durable medical equipment for a loan library and funding to assist with the Opening Doors project that assists people leaving nursing facilities into permanent supportive housing.

The proposed resolutions provide for the conveyance of sales tax exemption for work and materials purchased in conjunction with the contracts for the CDBG projects. The contracts and resolutions have been developed in conjunction with all City of Norman and HUD requirements.

RECOMMENDATION: Staff has reviewed the proposed contracts and resolutions and recommends approval. Funds are available in the Community Development Fund in the accounts listed.

Contract No. K-1112-22

This Agreement, made and entered into this, **23rd day of August, 2011** by and between the **City of Norman, Oklahoma**, a municipal corporation, hereinafter referred to as "City" and **Progressive Independence, Inc.**, hereinafter referred to as "Agency."

WHEREAS, the City has received grant funds from the U.S. Department of Housing and Urban Development in conjunction with the Community Development Block Grant Program under Grant Number B-11-MC-40-0002, a portion of which are to be distributed to Agency for the uses provided herein;

Further, whereas Agency agrees, upon receipt of a portion of said funds, to provide for activities to serve no fewer than 150 clients.

For and in consideration of the activities agreed to be performed herein, by Agency, City agrees to distribute to Agency as its portion of the funds received, the total sum of $5,653. Said funds to be distributed by City to Agency pursuant to the terms and conditions of Grant Number B-11-MC-40-0002 by and between the U.S. Department of Housing and Urban Development and the City for the funding period of July 1, 2011, through June 30, 2012.

Agency further agrees that the above-mentioned activities will be completed by and that all necessary information and activities will be completed by Agency and reported to City no later than June 15, 2012.

As further consideration for the disbursement of said funds by City to Agency, Agency agrees to abide by all the terms and conditions of the Community Development Block Grant Program and the OMB Circular A-122 entitled Cost Principles for Non-Profit Organizations to use funds distributed pursuant to this contract to improve the quality of services to program participants. Particular attention should be paid to purchasing and record-keeping requirements.

It is further understood by and between the parties hereto that all the provisions of the Community Development Block Grant Program Contract described above are incorporated herein by reference and made a part of this contract and specifically that all provisions regarding modification, termination, and/or suspension of said Community Development Block Grant Program Contract are applicable hereto.

Budget

Durable Medical Equipment Loan Library and/or Opening Doors Fund		$5,653
	Total Budget	$5,653

General Provisions -- Records & Reports:

Agency shall maintain financial records documenting actual expenditures related to CDBG activities performed under this contract. Records must also be maintained by Agency documenting all activities required under this contract. These records shall be kept for a period of five (5) years after completion of this Contract.

Agency will submit a monthly report to the Community Development Division detailing all activities performed with the use of City of Norman CDBG funds including the number of clients served, their income levels, and household/racial characteristics. These reports shall be submitted covering the period July 1, 2011, through June 30, 2012. Each monthly report shall be due on or before the 5th of each month covering the prior month. The City will provide to Agency reporting forms to be used with payment requests.

Agency will make all required records available for inspection by the City of Norman Community Development Division for monitoring purposes.

Agency shall ensure recognition of the role of the grantor Agency in providing services through this contract. All activities, facilities and items utilized pursuant to this contract shall be prominently labeled as to funding source. In addition, Agency will include a reference to the support provided herein in all publications made possible with funds made available under this contract.

Program Income:

Program income generated by Agency from the use of City of Norman CDBG funds shall be recorded. Agency may retain program income and expend it only on those activities noted in this contract. Any program income on hand when this contract expires, or received after the contract expiration, shall be paid to the City of Norman; or if a subsequent contract is executed, shall be applied to the terms of the subsequent contract. (In accordance with 24 CFR 570.504(c).)

Uniform Administrative Requirement:

Agency shall carry out all activities in compliance with all Federal laws and regulations described in Sub-part & of 24 CPR Part 560 except 570.604. Agency does not assume responsibility of 24 CFR Part 52.

Suspension and Termination:

In accordance with 24 CFR 85.43, suspension or termination may occur if Agency materially fails to comply with any term of the award, and the award may be terminated for convenience in accordance with 24 CFR 85.44.

Reversion of Assets:

Upon expiration of this contract Agency shall transfer to the City of Norman any CDBG funds on hand at the time of expiration and any accounts receivable attributable to the use of City of Norman CDBG funds. Any real property under Agency control that was acquired or improved in whole or in part with City of Norman CDBG funds in excess of $25,000 must either:

> *"Be used to meet one of the national objectives in 570.208 until five years after expiration of this contract; or disposed of in a manner that results in the City of Norman being reimbursed in the amount of the current fair market value of the property less any portion of the value attributable to expenditures of non-City of Norman CDBG funds for acquisition of or improvements to, the property. (Reimbursement is not required five years front date of expiration of this contract.)"*

Payment:

Agency agrees to submit an invoice which reflects the direct costs under this Contract. The City will make payments from these invoices. Each invoice in excess of $12,500 must be accompanied by a notarized affidavit provided by the City. The City will provide to Agency invoices to be used with payment requests.

This contract made and entered into by and between the parties the day and year first above written and shall be binding upon the successors and assigns thereof.

Progressive Independence, Inc.

Jeff Hughes

Subscribed and sworn to before me this 3 day of Aug, 2011.

JULIE COOK
NOTARY PUBLIC - STATE OF OKLAHOMA
MY COMMISSION EXPIRES SEPT. 28, 2012
COMMISSION # 00016405

Notary Public

My Commission expires: 9.28.12

The City of Norman, Oklahoma

Cindy Rosenthal, Mayor

Attest:

Brenda Hall, City Clerk

Approved as to form and legality this 16th day of August, 2011.

City Attorney's Office

Agency	Purpose	Resolution Number	Contract Number	Account #	Tax ID #	Contract Amount	Contact	Title	Address	Zip	Phone
Metropolitan Fair Housing Council, Inc.	Fair Housing Services		K-1112-18	021-4071-463.40-09 021-4073-463.40-09	73-1067333	$10,000 $10,000	Mary Dulan	Executive Director	1500 NE 4th Street, Ste 204 Oklahoma City, OK 73117	73117	232-3247
Community After School Program, Inc.	Scholarships		K-1112-19	021-4071-463.47-70	73-0960925	$3,230.00	Terri Craig	Executive Director	1023 N. Flood	73069	366-5970
Central Oklahoma Community Action Agency, Inc.	Purchase of supplies for Food Closet, Rehabilitation for Transitional Housing Units, RSVP	R-1112-16	K-1112-20	021-4071-463.47-71	73-1068862	$23,384.00	Lisa Sydnor	Executive Director	PO Box 486	74802	
Health for Friends, Inc.	Dental Clinic	R-1112-17	K-1112-21	021-4071-463.47-72	73-1261816	$10,095.00	Brian Karnes	Executive Director	PO Box 1224	73070	329-4558
Progressive Independence, Inc.	Durable Medical Equipment Loan Library and/or Opening Doors Fund	R-1112-18	K-1112-22	021-4071-463.47-73	73-1311897	$5,653.00	Jeffery Hughes	Executive Director	121 N. Porter	73071	321-3203
Habitat for Humanity	Acquisition of Property		K-1112-23	021-4071-463.47-74	73-1422362	$14,000.00	Tracy Curtis	Director of Operations	PO Box 1005	73070	360-7868
Salvation Army, A Georgia Corporation	Equipment	R-1112-19	K-1112-24	021-4071-463.47-78	73-0579266	$2,423.00	Major Margaret Kennell	Officer in Charge	PO Box 1092	73070	364-9910
Food and Shelter for Friends, Inc.	Utilities and maintenance		K-1112-25	021-4071-463.47-77	73-1222111	$12,491.00	April Dosier	Executive Director	PO Box 5537	73070	360-4954
Metro Transit Norman	Transportation Services for low and moderate income citizens of Norman		K-1112-26	021-4071-463.47-79	73-730163K	$25,000.00	Douglas Myers	Administrator, Transit Services	731 Elm Ave.	73019	325-2278
Aging Services of Cleveland County, Inc.	Congregate Meal Program		K-1112-27	021-4071-463.47-80	73-1326994	$8,077.00	Kathleen Wilson	Executive Director	1179 East Main	73071	321-3200
Full Circle Senior Adult Day Center, Inc.	Equipment	R-1112-20	K-1112-28	021-4071-463.47-82	73-1489367	$2,423.00	Tammy Vaughn	Executive Director	1304 E. Lindsey Plaza Drive	73071	447-2955
Community Services Building, Inc.	Mechanical Rehabilitation	R-1112-21	K-1112-29	021-4071-463.47-83	73-1476711	$25,000.00	Christi Moore	Executive Director	1183 E. Main	73071	701-2001
Bethesda, Inc.	Equipment	R-1112-22	K-1112-30	021-4071-463.47-84	73-1170216	$2,423.00	Kay Christiansen	Executive Director	1181 East Main	73071	364-0333
Meals on Wheels of Norman, Inc.	Scholarships		K-1112-31	021-4071-463.47-85	73-0931924	$12,115.00	Lynn Haynes	Executive Director	PO Box 1371	73070	321-7272
Thunderbird Clubhouse, Inc.	Rehabilitation of Permanent Suportive Housing Unit	R-1112-23	K-1112-32	021-4071-463.47-88	73-1425145	$4,414.00	Pam Sanford	Executive Director	PO Box 1666	73070	321-7331
United Way of Norman, Inc.	ABC 123 School Supply Program	R-1112-24	K-1112-33	021-4071-463.47-89	73-0668684	$4,038.00	Kristin Collins	President	2424 Springer Drive, Suite 304	73069	364-3800
Among Friends Activity Center, Inc.	Meal Program		K-1112-34	021-4071-463.47-90	48-1298795	$2,220.00	Cathe Fox	Executive Director	4101 Heritage Place Drive	73072	701-2121
Center for Children and Families, Inc.	Neighborhood Centers Kennedy Summer Youth Enrichment Program		K-1112-35	021-4071-463.47-93	73-0933253	$4,846.00	Katie Fitzgerald	Executive Director	1151 East Main	73070	364-1420
Bridges, Inc.	Life Skills Program and Computer Services		K-1112-36	021-4071-463.47-95	73-1466304	$1,615.00	Debra Krittenbrink	Executive Director	1670 N. Stubbeman	73069	579-9280
Big Brothers and Big Sisters of Oklahoma, Cleveland County	Application Expenses		K-1112-37	021-4071-463.47-96	73-1226237	$2,625.00	Emily Fryar	Interim Director	1155 East Main	73071	364-3722
East Main Place, Inc	Utilities and maintenance		K-1112-38	021-4071-463.47-76	73-1641654	$8,884.00	Virginia Corson	Executive Director	1100 East Main	73071	447-4663
Women's Resource Center, Inc.	Equipment	R-1112-25	K-1112-39	021-4071-463.47-75	51-0217710	$4,038.00	JoAnn Smith	Executive Director	PO Box 5089	73070	364-9424
Norman Affordable Housing Corporation	CHDO		K-1112-40	021-4073-463.47-98		$79,140.00	Karen Canavan	Executive Director	700 N. Berry Road	73069	329-0933

Resolution

R-1112-18

A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AUTHORIZING PROGRESSIVE INDEPENDENCE, INC., AS PROJECT AGENT FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) AS PART OF THE CDBG 37TH YEAR PROGRAM.

§ 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 for $5,653 with Progressive Independence, Inc., for the FY 11-12 CDBG 37th Year Program; and

§ 2. WHEREAS, the City of Norman, Oklahoma, in compliance with State law, desires to confer on Progressive Independence, 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, Progressive Independence, Inc., to purchase materials which are, in fact, incorporated in, and used for the FY 11-12 CDBG 37th Year Program; and

§ 3. WHEREAS, this limited agent status is conferred with the express understanding Progressive Independence, 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 23rd day of August, 2011, did authorize Progressive Independence, Inc., who is involved with the FY 11-12 CDBG 37th Year Program, 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 FY 11-12 CDBG 37th Year Program.

PASSED AND ADOPTED THIS 23rd day of August, 2011.

_____
Mayor

ATTEST:

_____
City Clerk

PURCHASE REQUISITION NBR: 0000189885

STATUS: ALL ITEMS ON ORDER

REQUISITION BY: JMCCART REASON: CDBG GRANT DATE: 8/02/11

SHIP TO LOCATION: COMMUNITY DEVELOPMENT SUGGESTED VENDOR: 1685 PROGRESSIVE INDEPENDENCE INC DELIVER BY DATE: 8/02/11

1	CDBG GRANT COMMODITY: GRANTS SUBCOMMOD: CDBG	5653.00	DOL	1.0000	5653.00

REQUISITION TOTAL: 5653.00

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

LINE #	ACCOUNT		PROJECT	%	AMOUNT
1	02140714634773	Miscellaneous Services Prog. Indep.		100.00	5653.00
					5653.00

REQUISITION IS IN THE CURRENT FISCAL YEAR.

CDBG GRANT

City of Norman, OK

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

Master

File Number: K-1112-23

File ID:	K-1112-23	**Type:**	Contract	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 33	**In Control:**	City Council
Department:	Planning and Community Development Department	**Cost:**	$14,000.00	**File Created:**	08/05/2011
File Name:	K-1112-23 HFH			**Final Action:**	

Title: CONTRACT NO. K-1112-23: BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND HABITAT FOR HUMANITY IN THE AMOUNT OF $14,000 AS AGREED UPON UNDER THE 37TH YEAR CDBG PROGRAM.

ACTION NEEDED: Motion to approve or reject Contract No. K-1112-23 with Habitat for Humanity; and, if approved, authorize execution of the contract and direct payment in the amount of $14,000.

ACTION TAKEN: _____

Notes:

Agenda Date: 08/23/2011

Agenda Number: 33

Attachments: K-1112-23 HFH, Agency Info 7-1-11, PR HFH

Project Manager: Linda Price, Revitalization Manager

Entered by: Ellen.Usry@NormanOK.gov

Effective Date:

History of Legislative File

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

Text of Legislative File K-1112-23

Body

BACKGROUND: Proposals for funding are presented to the Policy Committee by non-profit agencies to meet the needs of low-to-moderate income citizens of Norman in addition to project proposals generated at two neighborhood meetings held each year in each of the five target neighborhoods. The target neighborhoods are qualified for participation on the basis of the percentage of low and moderate income residents.

The budget was developed over a series of six meetings of the Community Development Block Grant Policy Committee. This committee consists of thirty-two members that are appointed by the mayor as designated in the Citizen Participation Plan and ten that are elected as representatives from the five target neighborhoods. The proposed budget was unanimously recommended by the Policy Committee on June 8, 2011.

On June 14, 2011, Council approved the CDBG and HOME Program budgets in the amount of $1,305,376. The funding for the Programs is provided by the U.S. Department of Housing and Urban Development (HUD).

The proposed budget included funds for social service and rehabilitation activities for non-profit agencies as well as property acquisition for a designated Community Housing Development Organization (CHDO), and fair housing services.

DISCUSSION: The proposed contracts represent a total of $169,994 for rehabilitation and social services for non-profit agencies, $79,140 for CHDO activities, and $20,000 for fair housing activities that are a required part of the CDBG and HOME Programs.

The designation of a CHDO is a requirement of the HOME program to further develop affordable housing within Norman. The funds will be utilized to purchase one or more properties and utilized as rental housing that is affordable to low-to-moderate income households. The specific site for acquisition will be determined at a later date.

Habitat for Humanity is a non-profit that provides affordable home ownership. The contract is for acquisition of land that will be used to build several affordable housing units.

The proposed resolutions provide for the conveyance of sales tax exemption for work and materials purchased in conjunction with the contracts for the CDBG projects. The contracts and resolutions have been developed in conjunction with all City of Norman and HUD requirements.

RECOMMENDATION: Staff has reviewed the proposed contracts and resolutions and recommends approval. Funds are available in the Community Development Fund in the accounts listed.

Contract No. K-1112-23

This Agreement, made and entered into this, **23rd day of August, 2011** by and between the **City of Norman, Oklahoma**, a municipal corporation, hereinafter referred to as "City" and **Habitat for Humanity**, hereinafter referred to as "Agency."

WHEREAS, the City has received grant funds from the U.S. Department of Housing and Urban Development in conjunction with the Community Development Block Grant Program under Grant Number B-11-MC-40-0002, a portion of which are to be distributed to Agency for the uses provided herein;

Further, whereas Agency agrees, upon receipt of a portion of said funds, to provide for activities to serve no fewer than 1 clients.

For and in consideration of the activities agreed to be performed herein, by Agency, City agrees to distribute to Agency as its portion of the funds received, the total sum of $14,000. Said funds to be distributed by City to Agency pursuant to the terms and conditions of Grant Number B-11-MC-40-0002 by and between the U.S. Department of Housing and Urban Development and the City for the funding period of July 1, 2011, through June 30, 2012.

Agency further agrees that the above-mentioned activities will be completed by and that all necessary information and activities will be completed by Agency and reported to City no later than June 15, 2012.

As further consideration for the disbursement of said funds by City to Agency, Agency agrees to abide by all the terms and conditions of the Community Development Block Grant Program and the OMB Circular A-122 entitled Cost Principles for Non-Profit Organizations to use funds distributed pursuant to this contract to improve the quality of services to program participants. Particular attention should be paid to purchasing and record-keeping requirements.

It is further understood by and between the parties hereto that all the provisions of the Community Development Block Grant Program Contract described above are incorporated herein by reference and made a part of this contract and specifically that all provisions regarding modification, termination, and/or suspension of said Community Development Block Grant Program Contract are applicable hereto.

Budget

Acquisition of Property	$14,000
Total Budget	$14,000

General Provisions -- Records & Reports:

Agency shall maintain financial records documenting actual expenditures related to CDBG activities performed under this contract. Records must also be maintained by Agency documenting all activities required under this contract. These records shall be kept for a period of five (5) years after completion of this Contract.

Agency will submit a monthly report to the Community Development Division detailing all activities performed with the use of City of Norman CDBG funds including the number of clients served, their income levels, and household/racial characteristics. These reports shall be submitted covering the period July 1, 2011, through June 30, 2012. Each monthly report shall be due on or before the 5th of each month covering the prior month. The City will provide to Agency reporting forms to be used with payment requests.

Agency will make all required records available for inspection by the City of Norman Community Development Division for monitoring purposes.

Agency shall ensure recognition of the role of the grantor Agency in providing services through this contract. All activities, facilities and items utilized pursuant to this contract shall be prominently labeled as to funding source. In addition, Agency will include a reference to the support provided herein in all publications made possible with funds made available under this contract.

Program Income:

Program income generated by Agency from the use of City of Norman CDBG funds shall be recorded. Agency may retain program income and expend it only on those activities noted in this contract. Any program income on hand when this contract expires, or received after the contract expiration, shall be paid to the City of Norman; or if a subsequent contract is executed, shall be applied to the terms of the subsequent contract. (In accordance with 24 CFR 570.504(c).)

Uniform Administrative Requirement:

Agency shall carry out all activities in compliance with all Federal laws and regulations described in Sub-part & of 24 CPR Part 560 except 570.604. Agency does not assume responsibility of 24 CFR Part 52.

Suspension and Termination:

In accordance with 24 CFR 85.43, suspension or termination may occur if Agency materially fails to comply with any term of the award, and the award may be terminated for convenience in accordance with 24 CFR 85.44.

Reversion of Assets:

Upon expiration of this contract Agency shall transfer to the City of Norman any CDBG funds on hand at the time of expiration and any accounts receivable attributable to the use of City of Norman CDBG funds. Any real property under Agency control that was acquired or improved in whole or in part with City of Norman CDBG funds in excess of $25,000 must either:

> *"Be used to meet one of the national objectives in 570.208 until five years after expiration of this contract; or disposed of in a manner that results in the City of Norman being reimbursed in the amount of the current fair market value of the property less any portion of the value attributable to expenditures of non-City of Norman CDBG funds for acquisition of or improvements to, the property. (Reimbursement is not required five years front date of expiration of this contract.)"*

Payment:

Agency agrees to submit an invoice which reflects the direct costs under this Contract. The City will make payments from these invoices. Each invoice in excess of $12,500 must be accompanied by a notarized affidavit provided by the City. The City will provide to Agency invoices to be used with payment requests.

This contract made and entered into by and between the parties the day and year first above written and shall be binding upon the successors and assigns thereof.

Habitat for Humanity

President

Attest:

Secretary

Subscribed and sworn to before me this 8 day of August, 2011.

JANET GILLIS
Notary Public in and for the
State of Oklahoma
Commission #04000861
My Commission expires 1/29/2012

Notary Public

My Commission expires: 1-29-2012

The City of Norman, Oklahoma

Cindy Rosenthal, Mayor

Attest:

Brenda Hall, City Clerk

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

City Attorney's Office

Agency	Purpose	Resolution Number	Contract Number	Account #	Tax ID #	Contract Amount	Contact	Title	Address	Zip	Phone
Metropolitan Fair Housing Council, Inc.	Fair Housing Services		K-1112-18	021-4071-463.40-09 021-4073-463.40-09	73-1067333	$10,000 $10,000	Mary Dulan	Executive Director	1500 NE 4th Street, Ste 204 Oklahoma City, OK 73117	73117	232-3247
Community After School Program, Inc.	Scholarships		K-1112-19	021-4071-463.47-70	73-0960925	$3,230.00	Terri Craig	Executive Director	1023 N. Flood	73069	366-5970
Central Oklahoma Community Action Agency, Inc.	Purchase of supplies for Food Closet, Rehabilitation for Transitional Housing Units, RSVP	R-1112-16	K-1112-20	021-4071-463.47-71	73-1068862	$23,384.00	Lisa Sydnor	Executive Director	PO Box 486	74802	
Health for Friends, Inc.	Dental Clinic	R-1112-17	K-1112-21	021-4071-463.47-72	73-1261816	$10,095.00	Brian Karnes	Executive Director	PO Box 1224	73070	329-4558
Progressive Independence, Inc.	Durable Medical Equipment Loan Library and/or Opening Doors Fund	R-1112-18	K-1112-22	021-4071-463.47-73	73-1311897	$5,653.00	Jeffery Hughes	Executive Director	121 N. Porter	73071	321-3203
Habitat for Humanity	Acquisition of Property		K-1112-23	021-4071-463.47-74	73-1422362	$14,000.00	Tracy Curtis	Director of Operations	PO Box 1005	73070	360-7868
Salvation Army, A Georgia Corporation	Equipment	R-1112-19	K-1112-24	021-4071-463.47-78	73-0579266	$2,423.00	Major Margaret Kennell	Officer in Charge	PO Box 1092	73070	364-9910
Food and Shelter for Friends, Inc.	Utilities and maintenance		K-1112-25	021-4071-463.47-77	73-1222111	$12,491.00	April Dosier	Executive Director	PO Box 5537	73070	360-4954
Metro Transit Norman	Transportation Services for low and moderate income citizens of Norman		K-1112-26	021-4071-463.47-79	73-730163K	$25,000.00	Douglas Myers	Administrator, Transit Services	731 Elm Ave.	73019	325-2278
Aging Services of Cleveland County, Inc.	Congregate Meal Program		K-1112-27	021-4071-463.47-80	73-1326994	$8,077.00	Kathleen Wilson	Executive Director	1179 East Main	73071	321-3200
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Community Services Building, Inc.	Mechanical Rehabilitation	R-1112-21	K-1112-29	021-4071-463.47-83	73-1476711	$25,000.00	Christi Moore	Executive Director	1183 E. Main	73071	701-2001
Bethesda, Inc.	Equipment	R-1112-22	K-1112-30	021-4071-463.47-84	73-1170216	$2,423.00	Kay Christiansen	Executive Director	1181 East Main	73071	364-0333
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Thunderbird Clubhouse, Inc.	Rehabilitation of Permanent Suportive Housing Unit	R-1112-23	K-1112-32	021-4071-463.47-88	73-1425145	$4,414.00	Pam Sanford	Executive Director	PO Box 1666	73070	321-7331
United Way of Norman, Inc.	ABC 123 School Supply Program	R-1112-24	K-1112-33	021-4071-463.47-89	73-0668684	$4,038.00	Kristin Collins	President	2424 Springer Drive, Suite 304	73069	364-3800
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Center for Children and Families, Inc.	Neighborhood Centers Kennedy Summer Youth Enrichment Program		K-1112-35	021-4071-463.47-93	73-0933253	$4,846.00	Katie Fitzgerald	Executive Director	1151 East Main	73070	364-1420
Bridges, Inc.	Life Skills Program and Computer Services		K-1112-36	021-4071-463.47-95	73-1466304	$1,615.00	Debra Krittenbrink	Executive Director	1670 N. Stubbeman	73069	579-9280
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Women's Resource Center, Inc.	Equipment	R-1112-25	K-1112-39	021-4071-463.47-75	51-0217710	$4,038.00	JoAnn Smith	Executive Director	PO Box 5089	73070	364-9424
Norman Affordable Housing Corporation	CHDO		K-1112-40	021-4073-463.47-98		$79,140.00	Karen Canavan	Executive Director	700 N. Berry Road	73069	329-0933

PURCHASE REQUISITION NBR: 0000189886

STATUS: ALL ITEMS ON ORDER

REQUISITION BY: JMCCART REASON: CDBG GRANT DATE: 8/02/11

SHIP TO LOCATION: COMMUNITY DEVELOPMENT SUGGESTED VENDOR: 3947 HABITAT FOR HUMANITY DELIVER BY DATE: 8/02/11

1	CDBG GRANT COMMODITY: GRANTS SUBCOMMOD: CDBG	14000.00	DOL	1.0000	14000.00

REQUISITION TOTAL: 14000.00

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

LINE #	ACCOUNT		PROJECT	%	AMOUNT
1	02140714634774	Miscellaneous Services Habitat for Humanity		100.00	14000.00
					14000.00

REQUISITION IS IN THE CURRENT FISCAL YEAR.

CDBG GRANT

City of Norman, OK

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

Master

File Number: K-1112-24

File ID:	K-1112-24	**Type:**	Contract	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 34	**In Control:**	City Council
Department:	Planning and Community Development Department	**Cost:**		**File Created:**	08/05/2011
File Name:	K-1112-24 Salvation Army			**Final Action:**	

Title: CONTRACT NO. K-1112-24: BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND THE SALVATION ARMY, A GEORGIA CORPORATION, IN THE AMOUNT OF $2,423 AS AGREED UPON UNDER THE 37TH YEAR CDBG PROGRAM AND ADOPTION OF RESOLUTION NO. R-1112-19.

ACTION NEEDED: Motion to approve or reject Contract No. K-1112-24 with the Salvation Army, a Georgia Corporation, and, if approved, authorize execution of the contract, adopt Resolution No. R-1112-19, and direct payment in the amount of $2,423.

ACTION TAKEN: _____

Notes:

Agenda Date: 08/23/2011

Agenda Number: 34

Attachments: K-1112-24 Salvation Army, Agency Info 7-1-11, R-1112-19, PR Salvation

Project Manager: Linda Price, Revitalization Manager

Entered by: Ellen.Usry@NormanOK.gov

Effective Date:

History of Legislative File

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

Text of Legislative File K-1112-24

Body

BACKGROUND: Proposals for funding are presented to the Policy Committee by non-profit agencies to meet the needs of low-to-moderate income citizens of Norman in addition to project proposals generated at two neighborhood meetings held each year in each of the five

target neighborhoods. The target neighborhoods are qualified for participation on the basis of the percentage of low and moderate income residents.

The budget was developed over a series of six meetings of the Community Development Block Grant Policy Committee. This committee consists of thirty-two members that are appointed by the mayor as designated in the Citizen Participation Plan and ten that are elected as representatives from the five target neighborhoods. The proposed budget was unanimously recommended by the Policy Committee on June 8, 2011.

On June 14, 2011, Council approved the CDBG and HOME Program budgets in the amount of $1,305,376. The funding for the Programs is provided by the U.S. Department of Housing and Urban Development (HUD).

The proposed budget included funds for social service and rehabilitation activities for non-profit agencies as well as property acquisition for a designated Community Housing Development Organization (CHDO), and fair housing services.

DISCUSSION: The proposed contracts represent a total of $169,994 for rehabilitation and social services for non-profit agencies, $79,140 for CHDO activities, and $20,000 for fair housing activities that are a required part of the CDBG and HOME Programs.

The designation of a CHDO is a requirement of the HOME program to further develop affordable housing within Norman. The funds will be utilized to purchase one or more properties and utilized as rental housing that is affordable to low-to-moderate income households. The specific site for acquisition will be determined at a later date.

The Salvation Army in Norman provides an emergency shelter for the homeless and a food pantry. The contract is for funding to purchase equipment for the shelter.

The proposed resolutions provide for the conveyance of sales tax exemption for work and materials purchased in conjunction with the contracts for the CDBG projects. The contracts and resolutions have been developed in conjunction with all City of Norman and HUD requirements.

RECOMMENDATION: Staff has reviewed the proposed contracts and resolutions and recommends approval. Funds are available in the Community Development Fund in the accounts listed.

Contract No. K-1112-24

This Agreement, made and entered into this, **23rd day of August, 2011** by and between the **City of Norman, Oklahoma**, a municipal corporation, hereinafter referred to as "City" and **Salvation Army, A Georgia Corporation**, hereinafter referred to as "Agency."

WHEREAS, the City has received grant funds from the U.S. Department of Housing and Urban Development in conjunction with the Community Development Block Grant Program under Grant Number B-11-MC-40-0002, a portion of which are to be distributed to Agency for the uses provided herein;

Further, whereas Agency agrees, upon receipt of a portion of said funds, to provide for activities to serve no fewer than 1000 clients.

For and in consideration of the activities agreed to be performed herein, by Agency, City agrees to distribute to Agency as its portion of the funds received, the total sum of $2423. Said funds to be distributed by City to Agency pursuant to the terms and conditions of Grant Number B-11-MC-40-0002 by and between the U.S. Department of Housing and Urban Development and the City for the funding period of July 1, 2011, through June 30, 2012.

Agency further agrees that the above-mentioned activities will be completed by and that all necessary information and activities will be completed by Agency and reported to City no later than June 15, 2012.

As further consideration for the disbursement of said funds by City to Agency, Agency agrees to abide by all the terms and conditions of the Community Development Block Grant Program and the OMB Circular A-122 entitled Cost Principles for Non-Profit Organizations to use funds distributed pursuant to this contract to improve the quality of services to program participants. Particular attention should be paid to purchasing and record-keeping requirements.

It is further understood by and between the parties hereto that all the provisions of the Community Development Block Grant Program Contract described above are incorporated herein by reference and made a part of this contract and specifically that all provisions regarding modification, termination, and/or suspension of said Community Development Block Grant Program Contract are applicable hereto.

Budget

Equipment	$2,423
Total Budget	$2,423

General Provisions -- Records & Reports:

Agency shall maintain financial records documenting actual expenditures related to CDBG activities performed under this contract. Records must also be maintained by Agency documenting all activities required under this contract. These records shall be kept for a period of five (5) years after completion of this Contract.

Agency will submit a monthly report to the Community Development Division detailing all activities performed with the use of City of Norman CDBG funds including the number of clients served, their income levels, and household/racial characteristics. These reports shall be submitted covering the period July 1, 2011, through June 30, 2012. Each monthly report shall be due on or before the 5th of each month covering the prior month. The City will provide to Agency reporting forms to be used with payment requests.

Agency will make all required records available for inspection by the City of Norman Community Development Division for monitoring purposes.as it relates to this program

Agency shall ensure recognition of the role of the grantor Agency in providing services through this contract. All activities, facilities and items utilized pursuant to this contract shall be prominently labeled as to funding source. In addition, Agency will include a reference to the support provided herein in all publications made possible with funds made available under this contract.

Program Income:

Program income generated by Agency from the use of City of Norman CDBG funds shall be recorded. Agency may retain program income and expend it only on those activities noted in this contract. Any program income on hand when this contract expires, or received after the contract expiration, shall be paid to the City of Norman; or if a subsequent contract is executed, shall be applied to the terms of the subsequent contract. (In accordance with 24 CFR 570.504(c).)

Uniform Administrative Requirement:

Agency shall carry out all activities in compliance with all Federal laws and regulations described in Sub-part & of 24 CPR Part 560 except 570.604. Agency does not assume responsibility of 24 CFR Part 52.

Suspension and Termination:

In accordance with 24 CFR 85.43, suspension or termination may occur if Agency materially fails to comply with any term of the award, and the award may be terminated for convenience in accordance with 24 CFR 85.44.

Reversion of Assets:

Upon expiration of this contract Agency shall transfer to the City of Norman any CDBG funds on hand at the time of expiration and any accounts receivable attributable to the use of City of Norman CDBG funds. Any real property under Agency control that was acquired or improved in whole or in part with City of Norman CDBG funds in excess of $25,000 must either:

> *"Be used to meet one of the national objectives in 570.208 until five years after expiration of this contract; or disposed of in a manner that results in the City of Norman being reimbursed in the amount of the current fair market value of the property less any portion of the value attributable to expenditures of non-City of Norman CDBG funds for acquisition of or improvements to, the property. (Reimbursement is not required five years front date of expiration of this contract.)"*

Payment:

Agency agrees to submit an invoice which reflects the direct costs under this Contract. The City will make payments from these invoices. Each invoice in excess of $12,500 must be accompanied by a notarized affidavit provided by the City. The City will provide to Agency invoices to be used with payment requests.

This contract made and entered into by and between the parties the day and year first above written and shall be binding upon the successors and assigns thereof.

Salvation Army, A Georgia Corporation

X _____
~~President~~ VICE PRESIDENT TERRY GRIFFIN

Attest:

_____
Secretary

KELLY GREEN NOTARY PUBLIC NEWTON COUNTY GEORGIA EXPIRES OCT. 6, 2014

Subscribed and sworn to before me this 3rd day of August, 2011.

_____
Notary Public

My Commission expires: _____

Notary Public, Newton County, Georgia
My Commission Expires Oct. 6, 2014

The City of Norman, Oklahoma

_____
Cindy Rosenthal, Mayor

Attest:

_____
Brenda Hall, City Clerk

Approved as to form and legality this 16th day of August, 2011.

_____
City Attorney's Office

Agency	Purpose	Resolution Number	Contract Number	Account #	Tax ID #	Contract Amount	Contact	Title	Address	Zip	Phone
Metropolitan Fair Housing Council, Inc.	Fair Housing Services		K-1112-18	021-4071-463.40-09 021-4073-463.40-09	73-1067333	$10,000 $10,000	Mary Dulan	Executive Director	1500 NE 4th Street, Ste 204 Oklahoma City, OK 73117	73117	232-3247
Community After School Program, Inc.	Scholarships		K-1112-19	021-4071-463.47-70	73-0960925	$3,230.00	Terri Craig	Executive Director	1023 N. Flood	73069	366-5970
Central Oklahoma Community Action Agency, Inc.	Purchase of supplies for Food Closet, Rehabilitation for Transitional Housing Units, RSVP	R-1112-16	K-1112-20	021-4071-463.47-71	73-1068862	$23,384.00	Lisa Sydnor	Executive Director	PO Box 486	74802	
Health for Friends, Inc.	Dental Clinic	R-1112-17	K-1112-21	021-4071-463.47-72	73-1261816	$10,095.00	Brian Karnes	Executive Director	PO Box 1224	73070	329-4558
Progressive Independence, Inc.	Durable Medical Equipment Loan Library and/or Opening Doors Fund	R-1112-18	K-1112-22	021-4071-463.47-73	73-1311897	$5,653.00	Jeffery Hughes	Executive Director	121 N. Porter	73071	321-3203
Habitat for Humanity	Acquisition of Property		K-1112-23	021-4071-463.47-74	73-1422362	$14,000.00	Tracy Curtis	Director of Operations	PO Box 1005	73070	360-7868
Salvation Army, A Georgia Corporation	Equipment	R-1112-19	K-1112-24	021-4071-463.47-78	73-0579266	$2,423.00	Major Margaret Kennell	Officer in Charge	PO Box 1092	73070	364-9910
Food and Shelter for Friends, Inc.	Utilities and maintenance		K-1112-25	021-4071-463.47-77	73-1222111	$12,491.00	April Dosier	Executive Director	PO Box 5537	73070	360-4954
Metro Transit Norman	Transportation Services for low and moderate income citizens of Norman		K-1112-26	021-4071-463.47-79	73-730163K	$25,000.00	Douglas Myers	Administrator, Transit Services	731 Elm Ave.	73019	325-2278
Aging Services of Cleveland County, Inc.	Congregate Meal Program		K-1112-27	021-4071-463.47-80	73-1326994	$8,077.00	Kathleen Wilson	Executive Director	1179 East Main	73071	321-3200
Full Circle Senior Adult Day Center, Inc.	Equipment	R-1112-20	K-1112-28	021-4071-463.47-82	73-1489367	$2,423.00	Tammy Vaughn	Executive Director	1304 E. Lindsey Plaza Drive	73071	447-2955
Community Services Building, Inc.	Mechanical Rehabilitation	R-1112-21	K-1112-29	021-4071-463.47-83	73-1476711	$25,000.00	Christi Moore	Executive Director	1183 E. Main	73071	701-2001
Bethesda, Inc.	Equipment	R-1112-22	K-1112-30	021-4071-463.47-84	73-1170216	$2,423.00	Kay Christiansen	Executive Director	1181 East Main	73071	364-0333
Meals on Wheels of Norman, Inc.	Scholarships		K-1112-31	021-4071-463.47-85	73-0931924	$12,115.00	Lynn Haynes	Executive Director	PO Box 1371	73070	321-7272
Thunderbird Clubhouse, Inc.	Rehabilitation of Permanent Suportive Housing Unit	R-1112-23	K-1112-32	021-4071-463.47-88	73-1425145	$4,414.00	Pam Sanford	Executive Director	PO Box 1666	73070	321-7331
United Way of Norman, Inc.	ABC 123 School Supply Program	R-1112-24	K-1112-33	021-4071-463.47-89	73-0668684	$4,038.00	Kristin Collins	President	2424 Springer Drive, Suite 304	73069	364-3800
Among Friends Activity Center, Inc.	Meal Program		K-1112-34	021-4071-463.47-90	48-1298795	$2,220.00	Cathe Fox	Executive Director	4101 Heritage Place Drive	73072	701-2121
Center for Children and Families, Inc.	Neighborhood Centers Kennedy Summer Youth Enrichment Program		K-1112-35	021-4071-463.47-93	73-0933253	$4,846.00	Katie Fitzgerald	Executive Director	1151 East Main	73070	364-1420
Bridges, Inc.	Life Skills Program and Computer Services		K-1112-36	021-4071-463.47-95	73-1466304	$1,615.00	Debra Krittenbrink	Executive Director	1670 N. Stubbeman	73069	579-9280
Big Brothers and Big Sisters of Oklahoma, Cleveland County	Application Expenses		K-1112-37	021-4071-463.47-96	73-1226237	$2,625.00	Emily Fryar	Interim Director	1155 East Main	73071	364-3722
East Main Place, Inc	Utilities and maintenance		K-1112-38	021-4071-463.47-76	73-1641654	$8,884.00	Virginia Corson	Executive Director	1100 East Main	73071	447-4663
Women's Resource Center, Inc.	Equipment	R-1112-25	K-1112-39	021-4071-463.47-75	51-0217710	$4,038.00	JoAnn Smith	Executive Director	PO Box 5089	73070	364-9424
Norman Affordable Housing Corporation	CHDO		K-1112-40	021-4073-463.47-98		$79,140.00	Karen Canavan	Executive Director	700 N. Berry Road	73069	329-0933

Resolution

R-1112-19

A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AUTHORIZING SALVATION ARMY, A GEORGIA CORPORATION, AS PROJECT AGENT FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) AS PART OF THE CDBG 37TH YEAR PROGRAM.

§ 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 for $2,423 with Salvation Army, a Georgia Corporation, for the FY 11-12 CDBG 37th Year Program; and

§ 2. WHEREAS, the City of Norman, Oklahoma, in compliance with State law, desires to confer on Salvation Army, a Georgia Corporation, 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, Salvation Army, a Georgia Corporation, to purchase materials which are, in fact, incorporated in, and used for the FY 11-12 CDBG 37th Year Program; and

§ 3. WHEREAS, this limited agent status is conferred with the express understanding Salvation Army, a Georgia Corporation, shall appoint employees and subcontractors as subagents who shall be authorized to make purchases on their behalf.

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

§ 4. That the City of Norman, Oklahoma, on the 23rd day of August, 2011, did authorize Salvation Army, a Georgia Corporation, who is involved with the FY 11-12 CDBG 37th Year Program, 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 FY 11-12 CDBG 37th Year Program.

PASSED AND ADOPTED THIS 23rd day of August, 2011.

_____
Mayor

ATTEST:

_____
City Clerk

PURCHASE REQUISITION NBR: 0000189890

STATUS: ALL ITEMS ON ORDER

REQUISITION BY: JMCCART REASON: CDBG GRANT DATE: 8/02/11

SHIP TO LOCATION: COMMUNITY DEVELOPMENT SUGGESTED VENDOR: 3459 SALVATION ARMY, THE DELIVER BY DATE: 8/02/11

1	CDBG GRANT COMMODITY: GRANTS SUBCOMMOD: CDBG	2423.00	DOL	1.0000	2423.00

REQUISITION TOTAL: 2423.00

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

LINE #	ACCOUNT		PROJECT	%	AMOUNT
1	02140714634778	Miscellaneous Services Salvation Army		100.00	2423.00
					2423.00

REQUISITION IS IN THE CURRENT FISCAL YEAR.

CDBG GRANT

City of Norman, OK

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

Master

File Number: K-1112-25

File ID:	K-1112-25	**Type:**	Contract	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 35	**In Control:**	City Council
Department:	Planning and Community Development Department	**Cost:**	$12,491.00	**File Created:**	08/05/2011
File Name:	K-1112-25 FSFF			**Final Action:**	

Title: CONTRACT NO. K-1112-25: BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND FOOD AND SHELTER FOR FRIENDS, INC., IN THE AMOUNT OF $12,491 AS AGREED UPON UNDER THE 37TH YEAR CDBG PROGRAM.

ACTION NEEDED: Motion to approve or reject Contract No. K-1112-25 with Food and Shelter for Friends, Inc.; and, if approved, authorize execution of the contract and direct payment in the amount of $12,491.

ACTION TAKEN: _____

Notes:

Agenda Date: 08/23/2011

Agenda Number: 35

Attachments: Agency Info 7-1-11, K-1112-25 FSFF, PR FSFF

Project Manager: Linda Price, Revitalization Manager

Entered by: Ellen.Usry@NormanOK.gov

Effective Date:

History of Legislative File

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

Text of Legislative File K-1112-25

Body

BACKGROUND: Proposals for funding are presented to the Policy Committee by non-profit agencies to meet the needs of low-to-moderate income citizens of Norman in addition to project proposals generated at two neighborhood meetings held each year in each of the five target neighborhoods. The target neighborhoods are qualified for participation on the basis of the percentage of low and moderate income residents.

The budget was developed over a series of six meetings of the Community Development Block Grant Policy Committee. This committee consists of thirty-two members that are appointed by the mayor as designated in the Citizen Participation Plan and ten that are elected as representatives from the five target neighborhoods. The proposed budget was unanimously recommended by the Policy Committee on June 8, 2011.

On June 14, 2011, Council approved the CDBG and HOME Program budgets in the amount of $1,305,376. The funding for the Programs is provided by the U.S. Department of Housing and Urban Development (HUD).

The proposed budget included funds for social service and rehabilitation activities for non-profit agencies as well as property acquisition for a designated Community Housing Development Organization (CHDO), and fair housing services.

DISCUSSION: The proposed contracts represent a total of $169,994 for rehabilitation and social services for non-profit agencies, $79,140 for CHDO activities, and $20,000 for fair housing activities that are a required part of the CDBG and HOME Programs.

The designation of a CHDO is a requirement of the HOME program to further develop affordable housing within Norman. The funds will be utilized to purchase one or more properties and utilized as rental housing that is affordable to low-to-moderate income households. The specific site for acquisition will be determined at a later date.

Food and Shelter, Inc. is a non-profit that provides transitional housing for homeless families and provides meals six days a week. The contract is for utilities and maintenance of the facility.

The proposed resolutions provide for the conveyance of sales tax exemption for work and materials purchased in conjunction with the contracts for the CDBG projects. The contracts and resolutions have been developed in conjunction with all City of Norman and HUD requirements.

RECOMMENDATION: Staff has reviewed the proposed contracts and resolutions and recommends approval. Funds are available in the Community Development Fund in the accounts listed.

Agency	Purpose	Resolution Number	Contract Number	Account #	Tax ID #	Contract Amount	Contact	Title	Address	Zip	Phone
Metropolitan Fair Housing Council, Inc.	Fair Housing Services		K-1112-18	021-4071-463.40-09 021-4073-463.40-09	73-1067333	$10,000 $10,000	Mary Dulan	Executive Director	1500 NE 4th Street, Ste 204 Oklahoma City, OK 73117	73117	232-3247
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Central Oklahoma Community Action Agency, Inc.	Purchase of supplies for Food Closet, Rehabilitation for Transitional Housing Units, RSVP	R-1112-16	K-1112-20	021-4071-463.47-71	73-1068862	$23,384.00	Lisa Sydnor	Executive Director	PO Box 486	74802	
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Salvation Army, A Georgia Corporation	Equipment	R-1112-19	K-1112-24	021-4071-463.47-78	73-0579266	$2,423.00	Major Margaret Kennell	Officer in Charge	PO Box 1092	73070	364-9910
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Metro Transit Norman	Transportation Services for low and moderate income citizens of Norman		K-1112-26	021-4071-463.47-79	73-730163K	$25,000.00	Douglas Myers	Administrator, Transit Services	731 Elm Ave.	73019	325-2278
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Thunderbird Clubhouse, Inc.	Rehabilitation of Permanent Suportive Housing Unit	R-1112-23	K-1112-32	021-4071-463.47-88	73-1425145	$4,414.00	Pam Sanford	Executive Director	PO Box 1666	73070	321-7331
United Way of Norman, Inc.	ABC 123 School Supply Program	R-1112-24	K-1112-33	021-4071-463.47-89	73-0668684	$4,038.00	Kristin Collins	President	2424 Springer Drive, Suite 304	73069	364-3800
Among Friends Activity Center, Inc.	Meal Program		K-1112-34	021-4071-463.47-90	48-1298795	$2,220.00	Cathe Fox	Executive Director	4101 Heritage Place Drive	73072	701-2121
Center for Children and Families, Inc.	Neighborhood Centers Kennedy Summer Youth Enrichment Program		K-1112-35	021-4071-463.47-93	73-0933253	$4,846.00	Katie Fitzgerald	Executive Director	1151 East Main	73070	364-1420
Bridges, Inc.	Life Skills Program and Computer Services		K-1112-36	021-4071-463.47-95	73-1466304	$1,615.00	Debra Krittenbrink	Executive Director	1670 N. Stubbeman	73069	579-9280
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Norman Affordable Housing Corporation	CHDO		K-1112-40	021-4073-463.47-98		$79,140.00	Karen Canavan	Executive Director	700 N. Berry Road	73069	329-0933

Contract No. K-1112-25

This Agreement, made and entered into this, **23rd day of August, 2011** by and between the **City of Norman, Oklahoma**, a municipal corporation, hereinafter referred to as "City" and **Food and Shelter for Friends, Inc.**, hereinafter referred to as "Agency."

WHEREAS, the City has received grant funds from the U.S. Department of Housing and Urban Development in conjunction with the Community Development Block Grant Program under Grant Number B-11-MC-40-0002, a portion of which are to be distributed to Agency for the uses provided herein;

Further, whereas Agency agrees, upon receipt of a portion of said funds, to provide for activities to serve no fewer than 20000 clients.

For and in consideration of the activities agreed to be performed herein, by Agency, City agrees to distribute to Agency as its portion of the funds received, the total sum of $12,491. Said funds to be distributed by City to Agency pursuant to the terms and conditions of Grant Number B-11-MC-40-0002 by and between the U.S. Department of Housing and Urban Development and the City for the funding period of July 1, 2011, through June 30, 2012.

Agency further agrees that the above-mentioned activities will be completed by and that all necessary information and activities will be completed by Agency and reported to City no later than June 15, 2012.

As further consideration for the disbursement of said funds by City to Agency, Agency agrees to abide by all the terms and conditions of the Community Development Block Grant Program and the OMB Circular A-122 entitled Cost Principles for Non-Profit Organizations to use funds distributed pursuant to this contract to improve the quality of services to program participants. Particular attention should be paid to purchasing and record-keeping requirements.

It is further understood by and between the parties hereto that all the provisions of the Community Development Block Grant Program Contract described above are incorporated herein by reference and made a part of this contract and specifically that all provisions regarding modification, termination, and/or suspension of said Community Development Block Grant Program Contract are applicable hereto.

Budget

Utilities and maintenance		$12,491
	Total Budget	$12,491

General Provisions -- Records & Reports:

Agency shall maintain financial records documenting actual expenditures related to CDBG activities performed under this contract. Records must also be maintained by Agency documenting all activities required under this contract. These records shall be kept for a period of five (5) years after completion of this Contract.

Agency will submit a monthly report to the Community Development Division detailing all activities performed with the use of City of Norman CDBG funds including the number of clients served, their income levels, and household/racial characteristics. These reports shall be submitted covering the period July 1, 2011, through June 30, 2012. Each monthly report shall be due on or before the 5th of each month covering the prior month. The City will provide to Agency reporting forms to be used with payment requests.

Agency will make all required records available for inspection by the City of Norman Community Development Division for monitoring purposes.

Agency shall ensure recognition of the role of the grantor Agency in providing services through this contract. All activities, facilities and items utilized pursuant to this contract shall be prominently labeled as to funding source. In addition, Agency will include a reference to the support provided herein in all publications made possible with funds made available under this contract.

Program Income:

Program income generated by Agency from the use of City of Norman CDBG funds shall be recorded. Agency may retain program income and expend it only on those activities noted in this contract. Any program income on hand when this contract expires, or received after the contract expiration, shall be paid to the City of Norman; or if a subsequent contract is executed, shall be applied to the terms of the subsequent contract. (In accordance with 24 CFR 570.504(c).)

Uniform Administrative Requirement:

Agency shall carry out all activities in compliance with all Federal laws and regulations described in Sub-part & of 24 CPR Part 560 except 570.604. Agency does not assume responsibility of 24 CFR Part 52.

Suspension and Termination:

In accordance with 24 CFR 85.43, suspension or termination may occur if Agency materially fails to comply with any term of the award, and the award may be terminated for convenience in accordance with 24 CFR 85.44.

Reversion of Assets:

Upon expiration of this contract Agency shall transfer to the City of Norman any CDBG funds on hand at the time of expiration and any accounts receivable attributable to the use of City of Norman CDBG funds. Any real property under Agency control that was acquired or improved in whole or in part with City of Norman CDBG funds in excess of $25,000 must either:

> *"Be used to meet one of the national objectives in 570.208 until five years after expiration of this contract; or disposed of in a manner that results in the City of Norman being reimbursed in the amount of the current fair market value of the property less any portion of the value attributable to expenditures of non-City of Norman CDBG funds for acquisition of or improvements to, the property. (Reimbursement is not required five years front date of expiration of this contract.)"*

Payment:

Agency agrees to submit an invoice which reflects the direct costs under this Contract. The City will make payments from these invoices. Each invoice in excess of $12,500 must be accompanied by a notarized affidavit provided by the City. The City will provide to Agency invoices to be used with payment requests.

This contract made and entered into by and between the parties the day and year first above written and shall be binding upon the successors and assigns thereof.

Food and Shelter for Friends, Inc.

President

Attest:

Secretary

Subscribed and sworn to before me this 2nd day of August, 2011.

NOTARY PUBLIC IN AND FOR STATE OF OKLAHOMA
OFFICIAL SEAL
Jamie Wright
Commission # 04004703
Expires May 24, 2012

Notary Public

My Commission expires: May 24, 2012

The City of Norman, Oklahoma

Cindy Rosenthal, Mayor

Attest:

Brenda Hall, City Clerk

Approved as to form and legality this 16th day of August, 2011.

City Attorney's Office

PURCHASE REQUISITION NBR: 0000189889

STATUS: ALL ITEMS ON ORDER

REQUISITION BY: JMCCART REASON: CDBG GRANT DATE: 8/02/11

SHIP TO LOCATION: COMMUNITY DEVELOPMENT SUGGESTED VENDOR: 751 FOOD AND SHELTER FOR FRIENDS DELIVER BY DATE: 8/02/11

1	CDBG GRANT COMMODITY: GRANTS SUBCOMMOD: CDBG	12491.00	DOL	1.0000	12491.00

REQUISITION TOTAL: 12491.00

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

LINE #	ACCOUNT		PROJECT	%	AMOUNT
1	02140714634777	Miscellaneous Services Food & Shelter		100.00	12491.00
					12491.00

REQUISITION IS IN THE CURRENT FISCAL YEAR.

CDBG GRANT

City of Norman, OK

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

Master

File Number: K-1112-26

File ID:	K-1112-26	**Type:**	Contract	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 36	**In Control:**	City Council
Department:	Planning and Community Development Department	**Cost:**	$25,000.00	**File Created:**	08/05/2011
File Name:	K-1112-36 CART			**Final Action:**	

Title: CONTRACT NO. K-1112-26: BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND UNIVERSITY OF OKLAHOMA (OU)/CART IN THE AMOUNT OF $25,000 AS AGREED UPON UNDER THE 37TH YEAR CDBG PROGRAM.

ACTION NEEDED: Motion to approve or reject Contract No. K-1112-26 with OU/CART; and, if approved, authorize execution of the contract and direct payment in the amount of $25,000.

ACTION TAKEN: _____

Notes:

Agenda Date: 08/23/2011

Agenda Number: 36

Attachments: K-1112-26 CART, Agency Info 7-1-11, PR CART

Project Manager: Linda Price, Revitalization Manager

Entered by: Ellen.Usry@NormanOK.gov

Effective Date:

History of Legislative File

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

Text of Legislative File K-1112-26

Body

BACKGROUND: Proposals for funding are presented to the Policy Committee by non-profit agencies to meet the needs of low-to-moderate income citizens of Norman in addition to project proposals generated at two neighborhood meetings held each year in each of the five target neighborhoods. The target neighborhoods are qualified for participation on the basis of the percentage of low and moderate income residents.

The budget was developed over a series of six meetings of the Community Development Block Grant Policy Committee. This committee consists of thirty-two members that are appointed by the mayor as designated in the Citizen Participation Plan and ten that are elected as representatives from the five target neighborhoods. The proposed budget was unanimously recommended by the Policy Committee on June 8, 2011.

On June 14, 2011, Council approved the CDBG and HOME Program budgets in the amount of $1,305,376. The funding for the Programs is provided by the U.S. Department of Housing and Urban Development (HUD).

The proposed budget included funds for social service and rehabilitation activities for non-profit agencies as well as property acquisition for a designated Community Housing Development Organization (CHDO), and fair housing services.

DISCUSSION: The proposed contracts represent a total of $169,994 for rehabilitation and social services for non-profit agencies, $79,140 for CHDO activities, and $20,000 for fair housing activities that are a required part of the CDBG and HOME Programs.

The designation of a CHDO is a requirement of the HOME program to further develop affordable housing within Norman. The funds will be utilized to purchase one or more properties and utilized as rental housing that is affordable to low-to-moderate income households. The specific site for acquisition will be determined at a later date.

OU/CART provides public bus transportation in Norman. The contract provides funding for bus passes for low and moderate income citizens of Norman.

The proposed resolutions provide for the conveyance of sales tax exemption for work and materials purchased in conjunction with the contracts for the CDBG projects. The contracts and resolutions have been developed in conjunction with all City of Norman and HUD requirements.

RECOMMENDATION: Staff has reviewed the proposed contracts and resolutions and recommends approval. Funds are available in the Community Development Fund in the accounts listed.

Contract No. K-1112-26

This Agreement, made and entered into this, **23rd day of August, 2011** by and between the **City of Norman, Oklahoma**, a municipal corporation, hereinafter referred to as "City" and **CART**, hereinafter referred to as "Agency."

WHEREAS, the City has received grant funds from the U.S. Department of Housing and Urban Development in conjunction with the Community Development Block Grant Program under Grant Number B-11-MC-40-0002, a portion of which are to be distributed to Agency for the uses provided herein;

Further, whereas Agency agrees, upon receipt of a portion of said funds, to provide for activities to serve no fewer than 1000 clients.

For and in consideration of the activities agreed to be performed herein, by Agency, City agrees to distribute to Agency as its portion of the funds received, the total sum of $25,000. Said funds to be distributed by City to Agency pursuant to the terms and conditions of Grant Number B-11-MC-40-0002 by and between the U.S. Department of Housing and Urban Development and the City for the funding period of July 1, 2011, through June 30, 2012.

Agency further agrees that the above-mentioned activities will be completed by and that all necessary information and activities will be completed by Agency and reported to City no later than June 15, 2012.

As further consideration for the disbursement of said funds by City to Agency, Agency agrees to abide by all the terms and conditions of the Community Development Block Grant Program and the OMB Circular A-122 entitled Cost Principles for Non-Profit Organizations to use funds distributed pursuant to this contract to improve the quality of services to program participants. Particular attention should be paid to purchasing and record-keeping requirements.

It is further understood by and between the parties hereto that all the provisions of the Community Development Block Grant Program Contract described above are incorporated herein by reference and made a part of this contract and specifically that all provisions regarding modification, termination, and/or suspension of said Community Development Block Grant Program Contract are applicable hereto.

Budget

Transportation Services for low and moderate income citizens of Norman		$25,000
	Total Budget	$25,000

General Provisions -- Records & Reports:

Agency shall maintain financial records documenting actual expenditures related to CDBG activities performed under this contract. Records must also be maintained by Agency documenting all activities required under this contract. These records shall be kept for a period of five (5) years after completion of this Contract.

Agency will submit a monthly report to the Community Development Division detailing all activities performed with the use of City of Norman CDBG funds including the number of clients served, their income levels, and household/racial characteristics. These reports shall be submitted covering the period July 1, 2011, through June 30, 2012. Each monthly report shall be due on or before the 5th of each month covering the prior month. The City will provide to Agency reporting forms to be used with payment requests.

Agency will make all required records available for inspection by the City of Norman Community Development Division for monitoring purposes.

Agency shall ensure recognition of the role of the grantor Agency in providing services through this contract. All activities, facilities and items utilized pursuant to this contract shall be prominently labeled as to funding source. In addition, Agency will include a reference to the support provided herein in all publications made possible with funds made available under this contract.

Program Income:

Program income generated by Agency from the use of City of Norman CDBG funds shall be recorded. Agency may retain program income and expend it only on those activities noted in this contract. Any program income on hand when this contract expires, or received after the contract expiration, shall be paid to the City of Norman; or if a subsequent contract is executed, shall be applied to the terms of the subsequent contract. (In accordance with 24 CFR 570.504(c).)

Uniform Administrative Requirement:

Agency shall carry out all activities in compliance with all Federal laws and regulations described in Sub-part & of 24 CPR Part 560 except 570.604. Agency does not assume responsibility of 24 CFR Part 52.

Suspension and Termination:

In accordance with 24 CFR 85.43, suspension or termination may occur if Agency materially fails to comply with any term of the award, and the award may be terminated for convenience in accordance with 24 CFR 85.44.

Reversion of Assets:

Upon expiration of this contract Agency shall transfer to the City of Norman any CDBG funds on hand at the time of expiration and any accounts receivable attributable to the use of City of Norman CDBG funds. Any real property under Agency control that was acquired or improved in whole or in part with City of Norman CDBG funds in excess of $25,000 must either:

> *"Be used to meet one of the national objectives in 570.208 until five years after expiration of this contract; or disposed of in a manner that results in the City of Norman being reimbursed in the amount of the current fair market value of the property less any portion of the value attributable to expenditures of non-City of Norman CDBG funds for acquisition of or improvements to, the property. (Reimbursement is not required five years front date of expiration of this contract.)"*

Payment:

Agency agrees to submit an invoice which reflects the direct costs under this Contract. The City will make payments from these invoices. Each invoice in excess of $12,500 must be accompanied by a notarized affidavit provided by the City. The City will provide to Agency invoices to be used with payment requests.

This contract made and entered into by and between the parties the day and year first above written and shall be binding upon the successors and assigns thereof.

CART

Douglas Myers, Director

Subscribed and sworn to before me this 26th day of July, 2011.

OFFICIAL SEAL
BETTY LOVE
Commission #10005322
Expires July 1, 2014

Notary Public

My Commission expires: 7/1/14

The City of Norman, Oklahoma

Cindy Rosenthal, Mayor

Attest:

Brenda Hall, City Clerk

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

City Attorney's Office

Agency	Purpose	Resolution Number	Contract Number	Account #	Tax ID #	Contract Amount	Contact	Title	Address	Zip	Phone
Metropolitan Fair Housing Council, Inc.	Fair Housing Services		K-1112-18	021-4071-463.40-09 021-4073-463.40-09	73-1067333	$10,000 $10,000	Mary Dulan	Executive Director	1500 NE 4th Street, Ste 204 Oklahoma City, OK 73117	73117	232-3247
Community After School Program, Inc.	Scholarships		K-1112-19	021-4071-463.47-70	73-0960925	$3,230.00	Terri Craig	Executive Director	1023 N. Flood	73069	366-5970
Central Oklahoma Community Action Agency, Inc.	Purchase of supplies for Food Closet, Rehabilitation for Transitional Housing Units, RSVP	R-1112-16	K-1112-20	021-4071-463.47-71	73-1068862	$23,384.00	Lisa Sydnor	Executive Director	PO Box 486	74802	
Health for Friends, Inc.	Dental Clinic	R-1112-17	K-1112-21	021-4071-463.47-72	73-1261816	$10,095.00	Brian Karnes	Executive Director	PO Box 1224	73070	329-4558
Progressive Independence, Inc.	Durable Medical Equipment Loan Library and/or Opening Doors Fund	R-1112-18	K-1112-22	021-4071-463.47-73	73-1311897	$5,653.00	Jeffery Hughes	Executive Director	121 N. Porter	73071	321-3203
Habitat for Humanity	Acquisition of Property		K-1112-23	021-4071-463.47-74	73-1422362	$14,000.00	Tracy Curtis	Director of Operations	PO Box 1005	73070	360-7868
Salvation Army, A Georgia Corporation	Equipment	R-1112-19	K-1112-24	021-4071-463.47-78	73-0579266	$2,423.00	Major Margaret Kennell	Officer in Charge	PO Box 1092	73070	364-9910
Food and Shelter for Friends, Inc.	Utilities and maintenance		K-1112-25	021-4071-463.47-77	73-1222111	$12,491.00	April Dosier	Executive Director	PO Box 5537	73070	360-4954
Metro Transit Norman	Transportation Services for low and moderate income citizens of Norman		K-1112-26	021-4071-463.47-79	73-730163K	$25,000.00	Douglas Myers	Administrator, Transit Services	731 Elm Ave.	73019	325-2278
Aging Services of Cleveland County, Inc.	Congregate Meal Program		K-1112-27	021-4071-463.47-80	73-1326994	$8,077.00	Kathleen Wilson	Executive Director	1179 East Main	73071	321-3200
Full Circle Senior Adult Day Center, Inc.	Equipment	R-1112-20	K-1112-28	021-4071-463.47-82	73-1489367	$2,423.00	Tammy Vaughn	Executive Director	1304 E. Lindsey Plaza Drive	73071	447-2955
Community Services Building, Inc.	Mechanical Rehabilitation	R-1112-21	K-1112-29	021-4071-463.47-83	73-1476711	$25,000.00	Christi Moore	Executive Director	1183 E. Main	73071	701-2001
Bethesda, Inc.	Equipment	R-1112-22	K-1112-30	021-4071-463.47-84	73-1170216	$2,423.00	Kay Christiansen	Executive Director	1181 East Main	73071	364-0333
Meals on Wheels of Norman, Inc.	Scholarships		K-1112-31	021-4071-463.47-85	73-0931924	$12,115.00	Lynn Haynes	Executive Director	PO Box 1371	73070	321-7272
Thunderbird Clubhouse, Inc.	Rehabilitation of Permanent Suportive Housing Unit	R-1112-23	K-1112-32	021-4071-463.47-88	73-1425145	$4,414.00	Pam Sanford	Executive Director	PO Box 1666	73070	321-7331
United Way of Norman, Inc.	ABC 123 School Supply Program	R-1112-24	K-1112-33	021-4071-463.47-89	73-0668684	$4,038.00	Kristin Collins	President	2424 Springer Drive, Suite 304	73069	364-3800
Among Friends Activity Center, Inc.	Meal Program		K-1112-34	021-4071-463.47-90	48-1298795	$2,220.00	Cathe Fox	Executive Director	4101 Heritage Place Drive	73072	701-2121
Center for Children and Families, Inc.	Neighborhood Centers Kennedy Summer Youth Enrichment Program		K-1112-35	021-4071-463.47-93	73-0933253	$4,846.00	Katie Fitzgerald	Executive Director	1151 East Main	73070	364-1420
Bridges, Inc.	Life Skills Program and Computer Services		K-1112-36	021-4071-463.47-95	73-1466304	$1,615.00	Debra Krittenbrink	Executive Director	1670 N. Stubbeman	73069	579-9280
Big Brothers and Big Sisters of Oklahoma, Cleveland County	Application Expenses		K-1112-37	021-4071-463.47-96	73-1226237	$2,625.00	Emily Fryar	Interim Director	1155 East Main	73071	364-3722
East Main Place, Inc	Utilities and maintenance		K-1112-38	021-4071-463.47-76	73-1641654	$8,884.00	Virginia Corson	Executive Director	1100 East Main	73071	447-4663
Women's Resource Center, Inc.	Equipment	R-1112-25	K-1112-39	021-4071-463.47-75	51-0217710	$4,038.00	JoAnn Smith	Executive Director	PO Box 5089	73070	364-9424
Norman Affordable Housing Corporation	CHDO		K-1112-40	021-4073-463.47-98		$79,140.00	Karen Canavan	Executive Director	700 N. Berry Road	73069	329-0933

PURCHASE REQUISITION NBR: 0000189891

STATUS: ALL ITEMS ON ORDER
REQUISITION BY: JMCCART REASON: CDBG GRANT DATE: 8/02/11

SHIP TO LOCATION: COMMUNITY DEVELOPMENT SUGGESTED VENDOR: 4684 CART DELIVER BY DATE: 8/02/11

1	CDBG GRANT COMMODITY: GRANTS SUBCOMMOD: CDBG	25000.00	DOL	1.0000	25000.00

REQUISITION TOTAL: 25000.00

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

LINE #	ACCOUNT		PROJECT	%	AMOUNT
1	02140714634779	Miscellaneous Services Transportation		100.00	25000.00
					25000.00

REQUISITION IS IN THE CURRENT FISCAL YEAR.

CDBG GRANT

City of Norman, OK

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

Master

File Number: K-1112-27

File ID:	K-1112-27	**Type:**	Contract	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 37	**In Control:**	City Council
Department:	Planning and Community Development Department	**Cost:**	$8,077.00	**File Created:**	08/05/2011
File Name:	K-1112-28 Aging Services			**Final Action:**	

Title: CONTRACT NO. K-1112-27: BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND AGING SERVICES OF CLEVELAND COUNTY, INC., IN THE AMOUNT OF $8,077 AS AGREED UPON UNDER THE 37TH YEAR CDBG PROGRAM.

ACTION NEEDED: Motion to approve or reject Contract No. K-1112-27 with Aging Services of Cleveland County, Inc.; and, if approved, authorize execution of the contract and direct payment in the amount of $8.077.

ACTION TAKEN: _____

Notes:

Agenda Date: 08/23/2011

Agenda Number: 37

Attachments: K-1112-27 Aging, Agency Info 7-1-11, PR Aging

Project Manager: Linda Price, Revitalization Manager

Entered by: Ellen.Usry@NormanOK.gov

Effective Date:

History of Legislative File

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

Text of Legislative File K-1112-27

Body

BACKGROUND: Proposals for funding are presented to the Policy Committee by non-profit agencies to meet the needs of low-to-moderate income citizens of Norman in addition to project proposals generated at two neighborhood meetings held each year in each of the five target neighborhoods. The target neighborhoods are qualified for participation on the basis of the percentage of low and moderate income residents.

The budget was developed over a series of six meetings of the Community Development Block Grant Policy Committee. This committee consists of thirty-two members that are appointed by the mayor as designated in the Citizen Participation Plan and ten that are elected as representatives from the five target neighborhoods. The proposed budget was unanimously recommended by the Policy Committee on June 8, 2011.

On June 14, 2011, Council approved the CDBG and HOME Program budgets in the amount of $1,305,376. The funding for the Programs is provided by the U.S. Department of Housing and Urban Development (HUD).

The proposed budget included funds for social service and rehabilitation activities for non-profit agencies as well as property acquisition for a designated Community Housing Development Organization (CHDO), and fair housing services.

DISCUSSION: The proposed contracts represent a total of $169,994 for rehabilitation and social services for non-profit agencies, $79,140 for CHDO activities, and $20,000 for fair housing activities that are a required part of the CDBG and HOME Programs.

The designation of a CHDO is a requirement of the HOME program to further develop affordable housing within Norman. The funds will be utilized to purchase one or more properties and utilized as rental housing that is affordable to low-to-moderate income households. The specific site for acquisition will be determined at a later date.

Aging Services of Cleveland County, Inc. is a non-profit agency that provides a variety of services to the elderly including the provision of congregate meals at several locations. The contract is to help with funding for the congregate meals program at Rose Rock Villa.

The proposed resolutions provide for the conveyance of sales tax exemption for work and materials purchased in conjunction with the contracts for the CDBG projects. The contracts and resolutions have been developed in conjunction with all City of Norman and HUD requirements.

RECOMMENDATION: Staff has reviewed the proposed contracts and resolutions and recommends approval. Funds are available in the Community Development Fund in the accounts listed.

Contract No. K-1112-27

This Agreement, made and entered into this, **23rd day of August, 2011** by and between the **City of Norman, Oklahoma**, a municipal corporation, hereinafter referred to as "City" and **Aging Services of Cleveland County, Inc.**, hereinafter referred to as "Agency."

WHEREAS, the City has received grant funds from the U.S. Department of Housing and Urban Development in conjunction with the Community Development Block Grant Program under Grant Number B-11-MC-40-0002, a portion of which are to be distributed to Agency for the uses provided herein;

Further, whereas Agency agrees, upon receipt of a portion of said funds, to provide for activities to serve no fewer than 2500 clients.

For and in consideration of the activities agreed to be performed herein, by Agency, City agrees to distribute to Agency as its portion of the funds received, the total sum of $8,077. Said funds to be distributed by City to Agency pursuant to the terms and conditions of Grant Number B-11-MC-40-0002 by and between the U.S. Department of Housing and Urban Development and the City for the funding period of July 1, 2011, through June 30, 2012.

Agency further agrees that the above-mentioned activities will be completed by and that all necessary information and activities will be completed by Agency and reported to City no later than June 15, 2012.

As further consideration for the disbursement of said funds by City to Agency, Agency agrees to abide by all the terms and conditions of the Community Development Block Grant Program and the OMB Circular A-122 entitled Cost Principles for Non-Profit Organizations to use funds distributed pursuant to this contract to improve the quality of services to program participants. Particular attention should be paid to purchasing and record-keeping requirements.

It is further understood by and between the parties hereto that all the provisions of the Community Development Block Grant Program Contract described above are incorporated herein by reference and made a part of this contract and specifically that all provisions regarding modification, termination, and/or suspension of said Community Development Block Grant Program Contract are applicable hereto.

Budget

Congregate Meal Program	$8,077
Total Budget	$8,077

General Provisions -- Records & Reports:

Agency shall maintain financial records documenting actual expenditures related to CDBG activities performed under this contract. Records must also be maintained by Agency documenting all activities required under this contract. These records shall be kept for a period of five (5) years after completion of this Contract.

Agency will submit a monthly report to the Community Development Division detailing all activities performed with the use of City of Norman CDBG funds including the number of clients served, their income levels, and household/racial characteristics. These reports shall be submitted covering the period July 1, 2011, through June 30, 2012. Each monthly report shall be due on or before the 5th of each month covering the prior month. The City will provide to Agency reporting forms to be used with payment requests.

Agency will make all required records available for inspection by the City of Norman Community Development Division for monitoring purposes.

Agency shall ensure recognition of the role of the grantor Agency in providing services through this contract. All activities, facilities and items utilized pursuant to this contract shall be prominently labeled as to funding source. In addition, Agency will include a reference to the support provided herein in all publications made possible with funds made available under this contract.

Program Income:

Program income generated by Agency from the use of City of Norman CDBG funds shall be recorded. Agency may retain program income and expend it only on those activities noted in this contract. Any program income on hand when this contract expires, or received after the contract expiration, shall be paid to the City of Norman; or if a subsequent contract is executed, shall be applied to the terms of the subsequent contract. (In accordance with 24 CFR 570.504(c).)

Uniform Administrative Requirement:

Agency shall carry out all activities in compliance with all Federal laws and regulations described in Sub-part & of 24 CPR Part 560 except 570.604. Agency does not assume responsibility of 24 CFR Part 52.

Suspension and Termination:

In accordance with 24 CFR 85.43, suspension or termination may occur if Agency materially fails to comply with any term of the award, and the award may be terminated for convenience in accordance with 24 CFR 85.44.

Reversion of Assets:

Upon expiration of this contract Agency shall transfer to the City of Norman any CDBG funds on hand at the time of expiration and any accounts receivable attributable to the use of City of Norman CDBG funds. Any real property under Agency control that was acquired or improved in whole or in part with City of Norman CDBG funds in excess of $25,000 must either:

> *"Be used to meet one of the national objectives in 570.208 until five years after expiration of this contract; or disposed of in a manner that results in the City of Norman being reimbursed in the amount of the current fair market value of the property less any portion of the value attributable to expenditures of non-City of Norman CDBG funds for acquisition of or improvements to, the property. (Reimbursement is not required five years front date of expiration of this contract.)"*

Payment:

Agency agrees to submit an invoice which reflects the direct costs under this Contract. The City will make payments from these invoices. Each invoice in excess of $12,500 must be accompanied by a notarized affidavit provided by the City. The City will provide to Agency invoices to be used with payment requests.

This contract made and entered into by and between the parties the day and year first above written and shall be binding upon the successors and assigns thereof.

Aging Services of Cleveland County, Inc.

President

Attest:

Secretary

Subscribed and sworn to before me this 1st day of August, 2011.

NOTARY PUBLIC IN AND FOR STATE OF OKLAHOMA
OFFICIAL SEAL
Jolana McCart
Commission # 99016313
Expires October 5, 2011

Notary Public

My Commission expires:_____

The City of Norman, Oklahoma

Cindy Rosenthal, Mayor

Attest:

Brenda Hall, City Clerk

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

City Attorney's Office

Agency	Purpose	Resolution Number	Contract Number	Account #	Tax ID #	Contract Amount	Contact	Title	Address	Zip	Phone
Metropolitan Fair Housing Council, Inc.	Fair Housing Services		K-1112-18	021-4071-463.40-09 021-4073-463.40-09	73-1067333	$10,000 $10,000	Mary Dulan	Executive Director	1500 NE 4th Street, Ste 204 Oklahoma City, OK 73117	73117	232-3247
Community After School Program, Inc.	Scholarships		K-1112-19	021-4071-463.47-70	73-0960925	$3,230.00	Terri Craig	Executive Director	1023 N. Flood	73069	366-5970
Central Oklahoma Community Action Agency, Inc.	Purchase of supplies for Food Closet, Rehabilitation for Transitional Housing Units, RSVP	R-1112-16	K-1112-20	021-4071-463.47-71	73-1068862	$23,384.00	Lisa Sydnor	Executive Director	PO Box 486	74802	
Health for Friends, Inc.	Dental Clinic	R-1112-17	K-1112-21	021-4071-463.47-72	73-1261816	$10,095.00	Brian Karnes	Executive Director	PO Box 1224	73070	329-4558
Progressive Independence, Inc.	Durable Medical Equipment Loan Library and/or Opening Doors Fund	R-1112-18	K-1112-22	021-4071-463.47-73	73-1311897	$5,653.00	Jeffery Hughes	Executive Director	121 N. Porter	73071	321-3203
Habitat for Humanity	Acquisition of Property		K-1112-23	021-4071-463.47-74	73-1422362	$14,000.00	Tracy Curtis	Director of Operations	PO Box 1005	73070	360-7868
Salvation Army, A Georgia Corporation	Equipment	R-1112-19	K-1112-24	021-4071-463.47-78	73-0579266	$2,423.00	Major Margaret Kennell	Officer in Charge	PO Box 1092	73070	364-9910
Food and Shelter for Friends, Inc.	Utilities and maintenance		K-1112-25	021-4071-463.47-77	73-1222111	$12,491.00	April Dosier	Executive Director	PO Box 5537	73070	360-4954
Metro Transit Norman	Transportation Services for low and moderate income citizens of Norman		K-1112-26	021-4071-463.47-79	73-730163K	$25,000.00	Douglas Myers	Administrator, Transit Services	731 Elm Ave.	73019	325-2278
Aging Services of Cleveland County, Inc.	Congregate Meal Program		K-1112-27	021-4071-463.47-80	73-1326994	$8,077.00	Kathleen Wilson	Executive Director	1179 East Main	73071	321-3200
Full Circle Senior Adult Day Center, Inc.	Equipment	R-1112-20	K-1112-28	021-4071-463.47-82	73-1489367	$2,423.00	Tammy Vaughn	Executive Director	1304 E. Lindsey Plaza Drive	73071	447-2955
Community Services Building, Inc.	Mechanical Rehabilitation	R-1112-21	K-1112-29	021-4071-463.47-83	73-1476711	$25,000.00	Christi Moore	Executive Director	1183 E. Main	73071	701-2001
Bethesda, Inc.	Equipment	R-1112-22	K-1112-30	021-4071-463.47-84	73-1170216	$2,423.00	Kay Christiansen	Executive Director	1181 East Main	73071	364-0333
Meals on Wheels of Norman, Inc.	Scholarships		K-1112-31	021-4071-463.47-85	73-0931924	$12,115.00	Lynn Haynes	Executive Director	PO Box 1371	73070	321-7272
Thunderbird Clubhouse, Inc.	Rehabilitation of Permanent Suportive Housing Unit	R-1112-23	K-1112-32	021-4071-463.47-88	73-1425145	$4,414.00	Pam Sanford	Executive Director	PO Box 1666	73070	321-7331
United Way of Norman, Inc.	ABC 123 School Supply Program	R-1112-24	K-1112-33	021-4071-463.47-89	73-0668684	$4,038.00	Kristin Collins	President	2424 Springer Drive, Suite 304	73069	364-3800
Among Friends Activity Center, Inc.	Meal Program		K-1112-34	021-4071-463.47-90	48-1298795	$2,220.00	Cathe Fox	Executive Director	4101 Heritage Place Drive	73072	701-2121
Center for Children and Families, Inc.	Neighborhood Centers Kennedy Summer Youth Enrichment Program		K-1112-35	021-4071-463.47-93	73-0933253	$4,846.00	Katie Fitzgerald	Executive Director	1151 East Main	73070	364-1420
Bridges, Inc.	Life Skills Program and Computer Services		K-1112-36	021-4071-463.47-95	73-1466304	$1,615.00	Debra Krittenbrink	Executive Director	1670 N. Stubbeman	73069	579-9280
Big Brothers and Big Sisters of Oklahoma, Cleveland County	Application Expenses		K-1112-37	021-4071-463.47-96	73-1226237	$2,625.00	Emily Fryar	Interim Director	1155 East Main	73071	364-3722
East Main Place, Inc	Utilities and maintenance		K-1112-38	021-4071-463.47-76	73-1641654	$8,884.00	Virginia Corson	Executive Director	1100 East Main	73071	447-4663
Women's Resource Center, Inc.	Equipment	R-1112-25	K-1112-39	021-4071-463.47-75	51-0217710	$4,038.00	JoAnn Smith	Executive Director	PO Box 5089	73070	364-9424
Norman Affordable Housing Corporation	CHDO		K-1112-40	021-4073-463.47-98		$79,140.00	Karen Canavan	Executive Director	700 N. Berry Road	73069	329-0933

PURCHASE REQUISITION NBR: 0000189892

STATUS: ALL ITEMS ON ORDER

REQUISITION BY: JMCCART REASON: CDBG GRANT DATE: 8/02/11

SHIP TO LOCATION: COMMUNITY DEVELOPMENT SUGGESTED VENDOR: 435 AGING SERVICES INC DELIVER BY DATE: 8/02/11

1	CDBG GRANT COMMODITY: GRANTS SUBCOMMOD: CDBG	8077.00	DOL	1.0000	8077.00

REQUISITION TOTAL: 8077.00

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

LINE #	ACCOUNT		PROJECT	%	AMOUNT
1	02140714634780	Miscellaneous Services Aging Services		100.00	8077.00
					8077.00

REQUISITION IS IN THE CURRENT FISCAL YEAR.

CDBG GRANT

City of Norman, OK

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

Master

File Number: K-1112-28

File ID:	K-1112-28	**Type:**	Contract	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 38	**In Control:**	City Council
Department:	Planning and Community Development Department	**Cost:**	$2,423.00	**File Created:**	08/05/2011
File Name:	K-1112-28 Full Circle			**Final Action:**	

Title: CONTRACT NO. K-1112-28: BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND FULL CIRCLE SENIOR ADULT DAY CENTER, INC., IN THE AMOUNT OF $2,423 AS AGREED UPON UNDER THE 37TH YEAR CDBG PROGRAM AND ADOPTION OF RESOLUTION NO. R-1112-20.

ACTION NEEDED: Motion to approve or reject Contract No. K-1112-28 with Full Circle Senior Adult Day Center, Inc.; and, if approved, authorize execution of the contract, adopt Resolution No. R-1112-20, and direct payment in the amount of $2,423.

ACTION TAKEN: _____

Notes:

Agenda Date: 08/23/2011

Agenda Number: 38

Attachments: Agency Info 7-1-11, K-1112-28, R-1112-20, PR Full Circle

Project Manager: Linda Price, Revitalization Manager

Entered by: Ellen.Usry@NormanOK.gov

Effective Date:

History of Legislative File

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

Text of Legislative File K-1112-28

Body

BACKGROUND: Proposals for funding are presented to the Policy Committee by non-profit agencies to meet the needs of low-to-moderate income citizens of Norman in addition to project proposals generated at two neighborhood meetings held each year in each of the five

target neighborhoods. The target neighborhoods are qualified for participation on the basis of the percentage of low and moderate income residents.

The budget was developed over a series of six meetings of the Community Development Block Grant Policy Committee. This committee consists of thirty-two members that are appointed by the mayor as designated in the Citizen Participation Plan and ten that are elected as representatives from the five target neighborhoods. The proposed budget was unanimously recommended by the Policy Committee on June 8, 2011.

On June 14, 2011, Council approved the CDBG and HOME Program budgets in the amount of $1,305,376. The funding for the Programs is provided by the U.S. Department of Housing and Urban Development (HUD).

The proposed budget included funds for social service and rehabilitation activities for non-profit agencies as well as property acquisition for a designated Community Housing Development Organization (CHDO), and fair housing services.

DISCUSSION: The proposed contracts represent a total of $169,994 for rehabilitation and social services for non-profit agencies, $79,140 for CHDO activities, and $20,000 for fair housing activities that are a required part of the CDBG and HOME Programs.

The designation of a CHDO is a requirement of the HOME program to further develop affordable housing within Norman. The funds will be utilized to purchase one or more properties and utilized as rental housing that is affordable to low-to-moderate income households. The specific site for acquisition will be determined at a later date.

Full Circle Senior Adult Day Center, Inc. is a non-profit that provides day time care to the elderly. The contract is for purchase of equipment.

The proposed resolutions provide for the conveyance of sales tax exemption for work and materials purchased in conjunction with the contracts for the CDBG projects. The contracts and resolutions have been developed in conjunction with all City of Norman and HUD requirements.

RECOMMENDATION: Staff has reviewed the proposed contracts and resolutions and recommends approval. Funds are available in the Community Development Fund in the accounts listed.

Agency	Purpose	Resolution Number	Contract Number	Account #	Tax ID #	Contract Amount	Contact	Title	Address	Zip	Phone
Metropolitan Fair Housing Council, Inc.	Fair Housing Services		K-1112-18	021-4071-463.40-09 021-4073-463.40-09	73-1067333	$10,000 $10,000	Mary Dulan	Executive Director	1500 NE 4th Street, Ste 204 Oklahoma City, OK 73117	73117	232-3247
Community After School Program, Inc.	Scholarships		K-1112-19	021-4071-463.47-70	73-0960925	$3,230.00	Terri Craig	Executive Director	1023 N. Flood	73069	366-5970
Central Oklahoma Community Action Agency, Inc.	Purchase of supplies for Food Closet, Rehabilitation for Transitional Housing Units, RSVP	R-1112-16	K-1112-20	021-4071-463.47-71	73-1068862	$23,384.00	Lisa Sydnor	Executive Director	PO Box 486	74802	
Health for Friends, Inc.	Dental Clinic	R-1112-17	K-1112-21	021-4071-463.47-72	73-1261816	$10,095.00	Brian Karnes	Executive Director	PO Box 1224	73070	329-4558
Progressive Independence, Inc.	Durable Medical Equipment Loan Library and/or Opening Doors Fund	R-1112-18	K-1112-22	021-4071-463.47-73	73-1311897	$5,653.00	Jeffery Hughes	Executive Director	121 N. Porter	73071	321-3203
Habitat for Humanity	Acquisition of Property		K-1112-23	021-4071-463.47-74	73-1422362	$14,000.00	Tracy Curtis	Director of Operations	PO Box 1005	73070	360-7868
Salvation Army, A Georgia Corporation	Equipment	R-1112-19	K-1112-24	021-4071-463.47-78	73-0579266	$2,423.00	Major Margaret Kennell	Officer in Charge	PO Box 1092	73070	364-9910
Food and Shelter for Friends, Inc.	Utilities and maintenance		K-1112-25	021-4071-463.47-77	73-1222111	$12,491.00	April Dosier	Executive Director	PO Box 5537	73070	360-4954
Metro Transit Norman	Transportation Services for low and moderate income citizens of Norman		K-1112-26	021-4071-463.47-79	73-730163K	$25,000.00	Douglas Myers	Administrator, Transit Services	731 Elm Ave.	73019	325-2278
Aging Services of Cleveland County, Inc.	Congregate Meal Program		K-1112-27	021-4071-463.47-80	73-1326994	$8,077.00	Kathleen Wilson	Executive Director	1179 East Main	73071	321-3200
Full Circle Senior Adult Day Center, Inc.	Equipment	R-1112-20	K-1112-28	021-4071-463.47-82	73-1489367	$2,423.00	Tammy Vaughn	Executive Director	1304 E. Lindsey Plaza Drive	73071	447-2955
Community Services Building, Inc.	Mechanical Rehabilitation	R-1112-21	K-1112-29	021-4071-463.47-83	73-1476711	$25,000.00	Christi Moore	Executive Director	1183 E. Main	73071	701-2001
Bethesda, Inc.	Equipment	R-1112-22	K-1112-30	021-4071-463.47-84	73-1170216	$2,423.00	Kay Christiansen	Executive Director	1181 East Main	73071	364-0333
Meals on Wheels of Norman, Inc.	Scholarships		K-1112-31	021-4071-463.47-85	73-0931924	$12,115.00	Lynn Haynes	Executive Director	PO Box 1371	73070	321-7272
Thunderbird Clubhouse, Inc.	Rehabilitation of Permanent Suportive Housing Unit	R-1112-23	K-1112-32	021-4071-463.47-88	73-1425145	$4,414.00	Pam Sanford	Executive Director	PO Box 1666	73070	321-7331
United Way of Norman, Inc.	ABC 123 School Supply Program	R-1112-24	K-1112-33	021-4071-463.47-89	73-0668684	$4,038.00	Kristin Collins	President	2424 Springer Drive, Suite 304	73069	364-3800
Among Friends Activity Center, Inc.	Meal Program		K-1112-34	021-4071-463.47-90	48-1298795	$2,220.00	Cathe Fox	Executive Director	4101 Heritage Place Drive	73072	701-2121
Center for Children and Families, Inc.	Neighborhood Centers Kennedy Summer Youth Enrichment Program		K-1112-35	021-4071-463.47-93	73-0933253	$4,846.00	Katie Fitzgerald	Executive Director	1151 East Main	73070	364-1420
Bridges, Inc.	Life Skills Program and Computer Services		K-1112-36	021-4071-463.47-95	73-1466304	$1,615.00	Debra Krittenbrink	Executive Director	1670 N. Stubbeman	73069	579-9280
Big Brothers and Big Sisters of Oklahoma, Cleveland County	Application Expenses		K-1112-37	021-4071-463.47-96	73-1226237	$2,625.00	Emily Fryar	Interim Director	1155 East Main	73071	364-3722
East Main Place, Inc	Utilities and maintenance		K-1112-38	021-4071-463.47-76	73-1641654	$8,884.00	Virginia Corson	Executive Director	1100 East Main	73071	447-4663
Women's Resource Center, Inc.	Equipment	R-1112-25	K-1112-39	021-4071-463.47-75	51-0217710	$4,038.00	JoAnn Smith	Executive Director	PO Box 5089	73070	364-9424
Norman Affordable Housing Corporation	CHDO		K-1112-40	021-4073-463.47-98		$79,140.00	Karen Canavan	Executive Director	700 N. Berry Road	73069	329-0933

Contract No. K-1112-28

This Agreement, made and entered into this, **23rd day of August, 2011** by and between the **City of Norman, Oklahoma**, a municipal corporation, hereinafter referred to as "City" and **Full Circle Senior Adult Day Center, Inc.**, hereinafter referred to as "Agency."

WHEREAS, the City has received grant funds from the U.S. Department of Housing and Urban Development in conjunction with the Community Development Block Grant Program under Grant Number B-11-MC-40-0002, a portion of which are to be distributed to Agency for the uses provided herein;

Further, whereas Agency agrees, upon receipt of a portion of said funds, to provide for activities to serve no fewer than 25 clients.

For and in consideration of the activities agreed to be performed herein, by Agency, City agrees to distribute to Agency as its portion of the funds received, the total sum of $2,423. Said funds to be distributed by City to Agency pursuant to the terms and conditions of Grant Number B-11-MC-40-0002 by and between the U.S. Department of Housing and Urban Development and the City for the funding period of July 1, 2011, through June 30, 2012.

Agency further agrees that the above-mentioned activities will be completed by and that all necessary information and activities will be completed by Agency and reported to City no later than June 15, 2012.

As further consideration for the disbursement of said funds by City to Agency, Agency agrees to abide by all the terms and conditions of the Community Development Block Grant Program and the OMB Circular A-122 entitled Cost Principles for Non-Profit Organizations to use funds distributed pursuant to this contract to improve the quality of services to program participants. Particular attention should be paid to purchasing and record-keeping requirements.

It is further understood by and between the parties hereto that all the provisions of the Community Development Block Grant Program Contract described above are incorporated herein by reference and made a part of this contract and specifically that all provisions regarding modification, termination, and/or suspension of said Community Development Block Grant Program Contract are applicable hereto.

Budget

Equipment	$2,423
Total Budget	$2,423

General Provisions -- Records & Reports:

Agency shall maintain financial records documenting actual expenditures related to CDBG activities performed under this contract. Records must also be maintained by Agency documenting all activities required under this contract. These records shall be kept for a period of five (5) years after completion of this Contract.

Agency will submit a monthly report to the Community Development Division detailing all activities performed with the use of City of Norman CDBG funds including the number of clients served, their income levels, and household/racial characteristics. These reports shall be submitted covering the period July 1, 2011, through June 30, 2012. Each monthly report shall be due on or before the 5th of each month covering the prior month. The City will provide to Agency reporting forms to be used with payment requests.

Agency will make all required records available for inspection by the City of Norman Community Development Division for monitoring purposes.

Agency shall ensure recognition of the role of the grantor Agency in providing services through this contract. All activities, facilities and items utilized pursuant to this contract shall be prominently labeled as to funding source. In addition, Agency will include a reference to the support provided herein in all publications made possible with funds made available under this contract.

Program Income:

Program income generated by Agency from the use of City of Norman CDBG funds shall be recorded. Agency may retain program income and expend it only on those activities noted in this contract. Any program income on hand when this contract expires, or received after the contract expiration, shall be paid to the City of Norman; or if a subsequent contract is executed, shall be applied to the terms of the subsequent contract. (In accordance with 24 CFR 570.504(c).)

Uniform Administrative Requirement:

Agency shall carry out all activities in compliance with all Federal laws and regulations described in Sub-part & of 24 CPR Part 560 except 570.604. Agency does not assume responsibility of 24 CFR Part 52.

Suspension and Termination:

In accordance with 24 CFR 85.43, suspension or termination may occur if Agency materially fails to comply with any term of the award, and the award may be terminated for convenience in accordance with 24 CFR 85.44.

Reversion of Assets:

Upon expiration of this contract Agency shall transfer to the City of Norman any CDBG funds on hand at the time of expiration and any accounts receivable attributable to the use of City of Norman CDBG funds. Any real property under Agency control that was acquired or improved in whole or in part with City of Norman CDBG funds in excess of $25,000 must either:

> *"Be used to meet one of the national objectives in 570.208 until five years after expiration of this contract; or disposed of in a manner that results in the City of Norman being reimbursed in the amount of the current fair market value of the property less any portion of the value attributable to expenditures of non-City of Norman CDBG funds for acquisition of or improvements to, the property. (Reimbursement is not required five years front date of expiration of this contract.)"*

Payment:

Agency agrees to submit an invoice which reflects the direct costs under this Contract. The City will make payments from these invoices. Each invoice in excess of $12,500 must be accompanied by a notarized affidavit provided by the City. The City will provide to Agency invoices to be used with payment requests.

This contract made and entered into by and between the parties the day and year first above written and shall be binding upon the successors and assigns thereof.

Full Circle Senior Adult Day Center, Inc.

President

Attest:

Secretary

Subscribed and sworn to before me this 5th day of August, 2011.

Notary Public

My Commission expires: July 18, 2014

The City of Norman, Oklahoma

Cindy Rosenthal, Mayor

Attest:

Brenda Hall, City Clerk

Approved as to form and legality this 16th day of August, 2011.

City Attorney's Office

Resolution

R-1112-20

A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AUTHORIZING FULL CIRCLE SENIOR ADULT DAY CENTER, INC., AS PROJECT AGENT FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) AS PART OF THE CDBG 37TH YEAR PROGRAM.

§ 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 for $2,423 with Full Circle Senior Adult Day Center, Inc., for the FY 11-12 CDBG 37th Year Program; and

§ 2. WHEREAS, the City of Norman, Oklahoma, in compliance with State law, desires to confer on Full Circle Senior Adult Day Center, 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, Full Circle Senior Adult Day Center, Inc., to purchase materials which are, in fact, incorporated in, and used for the FY 11-12 CDBG 37th Year Program; and

§ 3. WHEREAS, this limited agent status is conferred with the express understanding Full Circle Senior Adult Day Center, 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 23rd day of August, 2011, did authorize Full Circle Senior Adult Day Center, Inc., who is involved with the FY 11-12 CDBG 37th Year Program, 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 FY 11-12 CDBG 37th Year Program.

PASSED AND ADOPTED THIS 23rd day of August, 2011.

_____
Mayor

ATTEST:

_____
City Clerk

PURCHASE REQUISITION NBR: 0000189893

STATUS: ALL ITEMS ON ORDER

REQUISITION BY: JMCCART REASON: CDBG GRANT DATE: 8/02/11

SHIP TO LOCATION: COMMUNITY DEVELOPMENT SUGGESTED VENDOR: 6324 FULL CIRCLE SENIOR ADULT DAY DELIVER BY DATE: 8/02/11

1	CDBG GRANT COMMODITY: GRANTS SUBCOMMOD: CDBG	2423.00	DOL	1.0000	2423.00

REQUISITION TOTAL: 2423.00

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

LINE #	ACCOUNT		PROJECT	%	AMOUNT
1	02140714634782	Miscellaneous Services Full Circle		100.00	2423.00
					2423.00

REQUISITION IS IN THE CURRENT FISCAL YEAR.

CDBG GRANT

City of Norman, OK

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

Master

File Number: K-1112-29

File ID:	K-1112-29	**Type:**	Contract	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 39	**In Control:**	City Council
Department:	Planning and Community Development Department	**Cost:**	$25,000.00	**File Created:**	08/05/2011
File Name:	K-1112-29 CSBI			**Final Action:**	

Title: CONTRACT NO. K-1112-29: BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND COMMUNITY SERVICES BUILDING, INC., IN THE AMOUNT OF $25,000 AS AGREED UPON UNDER THE 37TH YEAR CDBG PROGRAM AND ADOPTION OF RESOLUTION NO. R-1112-21.

ACTION NEEDED: Motion to approve or reject Contract No. K-1112-29 with Community Services Building, Inc.; and, if approved, authorize execution of the contract, adopt Resolution No. R-1112-21, and direct payment in the amount of $25,000.

ACTION TAKEN: _____

Notes:

Agenda Date: 08/23/2011

Agenda Number: 39

Attachments: Agency Info 7-1-11, K-1112-29 CSBI, R-1112-21, PR CSBI

Project Manager: Linda Price, Revitalization Manager

Entered by: Ellen.Usry@NormanOK.gov

Effective Date:

History of Legislative File

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

Text of Legislative File K-1112-29

Body

BACKGROUND: Proposals for funding are presented to the Policy Committee by non-profit agencies to meet the needs of low-to-moderate income citizens of Norman in addition to project proposals generated at two neighborhood meetings held each year in each of the five

target neighborhoods. The target neighborhoods are qualified for participation on the basis of the percentage of low and moderate income residents.

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DISCUSSION: The proposed contracts represent a total of $169,994 for rehabilitation and social services for non-profit agencies, $79,140 for CHDO activities, and $20,000 for fair housing activities that are a required part of the CDBG and HOME Programs.

The designation of a CHDO is a requirement of the HOME program to further develop affordable housing within Norman. The funds will be utilized to purchase one or more properties and utilized as rental housing that is affordable to low-to-moderate income households. The specific site for acquisition will be determined at a later date.

The Community Services Building provides low-cost office space for non-profit agencies in Norman. The contract is for partial funding for rehabilitation of the mechanical system for the building.

The proposed resolutions provide for the conveyance of sales tax exemption for work and materials purchased in conjunction with the contracts for the CDBG projects. The contracts and resolutions have been developed in conjunction with all City of Norman and HUD requirements.

RECOMMENDATION: Staff has reviewed the proposed contracts and resolutions and recommends approval. Funds are available in the Community Development Fund in the accounts listed.

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Norman Affordable Housing Corporation	CHDO		K-1112-40	021-4073-463.47-98		$79,140.00	Karen Canavan	Executive Director	700 N. Berry Road	73069	329-0933

Contract No. K-1112-29

This Agreement, made and entered into this, **23rd day of August, 2011** by and between the **City of Norman, Oklahoma**, a municipal corporation, hereinafter referred to as "City" and **Community Services Building, Inc.**, hereinafter referred to as "Agency."

WHEREAS, the City has received grant funds from the U.S. Department of Housing and Urban Development in conjunction with the Community Development Block Grant Program under Grant Number B-11-MC-40-0002, a portion of which are to be distributed to Agency for the uses provided herein;

Further, whereas Agency agrees, upon receipt of a portion of said funds, to provide for activities to serve no fewer than 20000 clients.

For and in consideration of the activities agreed to be performed herein, by Agency, City agrees to distribute to Agency as its portion of the funds received, the total sum of $25,000. Said funds to be distributed by City to Agency pursuant to the terms and conditions of Grant Number B-11-MC-40-0002 by and between the U.S. Department of Housing and Urban Development and the City for the funding period of July 1, 2011, through June 30, 2012.

Agency further agrees that the above-mentioned activities will be completed by and that all necessary information and activities will be completed by Agency and reported to City no later than June 15, 2012.

As further consideration for the disbursement of said funds by City to Agency, Agency agrees to abide by all the terms and conditions of the Community Development Block Grant Program and the OMB Circular A-122 entitled Cost Principles for Non-Profit Organizations to use funds distributed pursuant to this contract to improve the quality of services to program participants. Particular attention should be paid to purchasing and record-keeping requirements.

It is further understood by and between the parties hereto that all the provisions of the Community Development Block Grant Program Contract described above are incorporated herein by reference and made a part of this contract and specifically that all provisions regarding modification, termination, and/or suspension of said Community Development Block Grant Program Contract are applicable hereto.

Budget

Mechanical Rehabilitation		$25,000
	Total Budget	$25,000

General Provisions -- Records & Reports:

Agency shall maintain financial records documenting actual expenditures related to CDBG activities performed under this contract. Records must also be maintained by Agency documenting all activities required under this contract. These records shall be kept for a period of five (5) years after completion of this Contract.

Agency will submit a monthly report to the Community Development Division detailing all activities performed with the use of City of Norman CDBG funds including the number of clients served, their income levels, and household/racial characteristics. These reports shall be submitted covering the period July 1, 2011, through June 30, 2012. Each monthly report shall be due on or before the 5th of each month covering the prior month. The City will provide to Agency reporting forms to be used with payment requests.

Agency will make all required records available for inspection by the City of Norman Community Development Division for monitoring purposes.

Agency shall ensure recognition of the role of the grantor Agency in providing services through this contract. All activities, facilities and items utilized pursuant to this contract shall be prominently labeled as to funding source. In addition, Agency will include a reference to the support provided herein in all publications made possible with funds made available under this contract.

Program Income:

Program income generated by Agency from the use of City of Norman CDBG funds shall be recorded. Agency may retain program income and expend it only on those activities noted in this contract. Any program income on hand when this contract expires, or received after the contract expiration, shall be paid to the City of Norman; or if a subsequent contract is executed, shall be applied to the terms of the subsequent contract. (In accordance with 24 CFR 570.504(c).)

Uniform Administrative Requirement:

Agency shall carry out all activities in compliance with all Federal laws and regulations described in Sub-part & of 24 CPR Part 560 except 570.604. Agency does not assume responsibility of 24 CFR Part 52.

Suspension and Termination:

In accordance with 24 CFR 85.43, suspension or termination may occur if Agency materially fails to comply with any term of the award, and the award may be terminated for convenience in accordance with 24 CFR 85.44.

Reversion of Assets:

Upon expiration of this contract Agency shall transfer to the City of Norman any CDBG funds on hand at the time of expiration and any accounts receivable attributable to the use of City of Norman CDBG funds. Any real property under Agency control that was acquired or improved in whole or in part with City of Norman CDBG funds in excess of $25,000 must either:

> *"Be used to meet one of the national objectives in 570.208 until five years after expiration of this contract; or disposed of in a manner that results in the City of Norman being reimbursed in the amount of the current fair market value of the property less any portion of the value attributable to expenditures of non-City of Norman CDBG funds for acquisition of or improvements to, the property. (Reimbursement is not required five years front date of expiration of this contract.)"*

Payment:

Agency agrees to submit an invoice which reflects the direct costs under this Contract. The City will make payments from these invoices. Each invoice in excess of $12,500 must be accompanied by a notarized affidavit provided by the City. The City will provide to Agency invoices to be used with payment requests.

This contract made and entered into by and between the parties the day and year first above written and shall be binding upon the successors and assigns thereof.

Community Services Building, Inc.

Gary Shockley
President

Attest:

Pamula Sharp
Secretary

Subscribed and sworn to before me this 27 day of July, 2011.

Pamula S. Jones
Notary Public

My Commission expires: OFFICIAL SEAL Pamula S. Jones Commission #07007912 Expires August 16, 2011

The City of Norman, Oklahoma

Cindy Rosenthal, Mayor

Attest:

Brenda Hall, City Clerk

Approved as to form and legality this 10th day of August, 2011.

City Attorney's Office

Resolution

R-1112-21

A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AUTHORIZING COMMUNITY SERVICES BUILDING, INC., AS PROJECT AGENT FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) AS PART OF THE CDBG 37TH YEAR PROGRAM.

§ 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 for $25,000 with Community Services Building, Inc., for the FY 11-12 CDBG 37th Year Program; and

§ 2. WHEREAS, the City of Norman, Oklahoma, in compliance with State law, desires to confer on Community Services Building, 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, Community Services Building, Inc., to purchase materials which are, in fact, incorporated in, and used for the FY 11-12 CDBG 37th Year Program; and

§ 3. WHEREAS, this limited agent status is conferred with the express understanding Community Services Building, 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 23rd day of August, 2011, did authorize Community Services Building, Inc., who is involved with the FY 11-12 CDBG 37th Year Program, 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 FY 11-12 CDBG 37th Year Program.

PASSED AND ADOPTED THIS 23rd day of August, 2011.

_____
Mayor

ATTEST:

_____
City Clerk

PURCHASE REQUISITION NBR: 0000189894

STATUS: ALL ITEMS ON ORDER

REQUISITION BY: JMCCART REASON: CDBG GRANT DATE: 8/02/11

SHIP TO LOCATION: COMMUNITY DEVELOPMENT SUGGESTED VENDOR: 6323 COMMUNITY SERVICES BUILIDNG IN DELIVER BY DATE: 8/02/11

1	CDBG GRANT COMMODITY: GRANTS SUBCOMMOD: CDBG	25000.00	DOL	1.0000	25000.00

REQUISITION TOTAL: 25000.00

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

LINE #	ACCOUNT		PROJECT	%	AMOUNT
1	02140714634783	Miscellaneous Services CSBI		100.00	25000.00
					25000.00

REQUISITION IS IN THE CURRENT FISCAL YEAR.

CDBG GRANT

City of Norman, OK

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

Master

File Number: K-1112-30

File ID:	K-1112-30	**Type:**	Contract	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 40	**In Control:**	City Council
Department:	Planning and Community Development Department	**Cost:**	$2,423.00	**File Created:**	08/05/2011
File Name:	K-111-30 Bethesda			**Final Action:**	

Title: CONTRACT NO. K-1112-30: BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND BETHESDA, INC., IN THE AMOUNT OF $2,423 AS AGREED UPON UNDER THE 37TH YEAR CDBG PROGRAM AND ADOPTION OF RESOLUTION NO. R-1112-22.

ACTION NEEDED: Motion to approve or reject Contract No. K-1112-30 with Bethesda, Inc.; and, if approved, authorize execution of the contract, adopt Resolution No. R-1112-22, and direct payment in the amount of $2,423.

ACTION TAKEN: _____

Notes:

Agenda Date: 08/23/2011

Agenda Number: 40

Attachments: K-1112-30 Bethesda, Agency Info 7-1-11, R-1112-22, PR Bethesda

Project Manager: Linda Price, Revitalization Manager

Entered by: Ellen.Usry@NormanOK.gov

Effective Date:

History of Legislative File

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

Text of Legislative File K-1112-30

Body

BACKGROUND: Proposals for funding are presented to the Policy Committee by non-profit agencies to meet the needs of low-to-moderate income citizens of Norman in addition to project proposals generated at two neighborhood meetings held each year in each of the five target neighborhoods. The target neighborhoods are qualified for participation on the basis of

the percentage of low and moderate income residents.

The budget was developed over a series of six meetings of the Community Development Block Grant Policy Committee. This committee consists of thirty-two members that are appointed by the mayor as designated in the Citizen Participation Plan and ten that are elected as representatives from the five target neighborhoods. The proposed budget was unanimously recommended by the Policy Committee on June 8, 2011.

On June 14, 2011, Council approved the CDBG and HOME Program budgets in the amount of $1,305,376. The funding for the Programs is provided by the U.S. Department of Housing and Urban Development (HUD).

The proposed budget included funds for social service and rehabilitation activities for non-profit agencies as well as property acquisition for a designated Community Housing Development Organization (CHDO), and fair housing services.

DISCUSSION: The proposed contracts represent a total of $169,994 for rehabilitation and social services for non-profit agencies, $79,140 for CHDO activities, and $20,000 for fair housing activities that are a required part of the CDBG and HOME Programs.

The designation of a CHDO is a requirement of the HOME program to further develop affordable housing within Norman. The funds will be utilized to purchase one or more properties and utilized as rental housing that is affordable to low-to-moderate income households. The specific site for acquisition will be determined at a later date.

Bethesda, Inc. is a non-profit that works with children who have been sexually abused. The contract is for purchase of equipment.

The proposed resolutions provide for the conveyance of sales tax exemption for work and materials purchased in conjunction with the contracts for the CDBG projects. The contracts and resolutions have been developed in conjunction with all City of Norman and HUD requirements.

RECOMMENDATION: Staff has reviewed the proposed contracts and resolutions and recommends approval. Funds are available in the Community Development Fund in the accounts listed.

Contract No. K-1112-30

This Agreement, made and entered into this, **23rd day of August, 2011** by and between the **City of Norman, Oklahoma**, a municipal corporation, hereinafter referred to as "City" and **Bethesda, Inc.**, hereinafter referred to as "Agency."

WHEREAS, the City has received grant funds from the U.S. Department of Housing and Urban Development in conjunction with the Community Development Block Grant Program under Grant Number B-11-MC-40-0002, a portion of which are to be distributed to Agency for the uses provided herein;

Further, whereas Agency agrees, upon receipt of a portion of said funds, to provide for activities to serve no fewer than 35 clients.

For and in consideration of the activities agreed to be performed herein, by Agency, City agrees to distribute to Agency as its portion of the funds received, the total sum of $2,423. Said funds to be distributed by City to Agency pursuant to the terms and conditions of Grant Number B-11-MC-40-0002 by and between the U.S. Department of Housing and Urban Development and the City for the funding period of July 1, 2011, through June 30, 2012.

Agency further agrees that the above-mentioned activities will be completed by and that all necessary information and activities will be completed by Agency and reported to City no later than June 15, 2012.

As further consideration for the disbursement of said funds by City to Agency, Agency agrees to abide by all the terms and conditions of the Community Development Block Grant Program and the OMB Circular A-122 entitled Cost Principles for Non-Profit Organizations to use funds distributed pursuant to this contract to improve the quality of services to program participants. Particular attention should be paid to purchasing and record-keeping requirements.

It is further understood by and between the parties hereto that all the provisions of the Community Development Block Grant Program Contract described above are incorporated herein by reference and made a part of this contract and specifically that all provisions regarding modification, termination, and/or suspension of said Community Development Block Grant Program Contract are applicable hereto.

Budget

Equipment	$2,423
Total Budget	$2,423

General Provisions -- Records & Reports:

Agency shall maintain financial records documenting actual expenditures related to CDBG activities performed under this contract. Records must also be maintained by Agency documenting all activities required under this contract. These records shall be kept for a period of five (5) years after completion of this Contract.

Agency will submit a monthly report to the Community Development Division detailing all activities performed with the use of City of Norman CDBG funds including the number of clients served, their income levels, and household/racial characteristics. These reports shall be submitted covering the period July 1, 2011, through June 30, 2012. Each monthly report shall be due on or before the 5th of each month covering the prior month. The City will provide to Agency reporting forms to be used with payment requests.

Agency will make all required records available for inspection by the City of Norman Community Development Division for monitoring purposes.

Agency shall ensure recognition of the role of the grantor Agency in providing services through this contract. All activities, facilities and items utilized pursuant to this contract shall be prominently labeled as to funding source. In addition, Agency will include a reference to the support provided herein in all publications made possible with funds made available under this contract.

Program Income:

Program income generated by Agency from the use of City of Norman CDBG funds shall be recorded. Agency may retain program income and expend it only on those activities noted in this contract. Any program income on hand when this contract expires, or received after the contract expiration, shall be paid to the City of Norman; or if a subsequent contract is executed, shall be applied to the terms of the subsequent contract. (In accordance with 24 CFR 570.504(c).)

Uniform Administrative Requirement:

Agency shall carry out all activities in compliance with all Federal laws and regulations described in Sub-part & of 24 CPR Part 560 except 570.604. Agency does not assume responsibility of 24 CFR Part 52.

Suspension and Termination:

In accordance with 24 CFR 85.43, suspension or termination may occur if Agency materially fails to comply with any term of the award, and the award may be terminated for convenience in accordance with 24 CFR 85.44.

Reversion of Assets:

Upon expiration of this contract Agency shall transfer to the City of Norman any CDBG funds on hand at the time of expiration and any accounts receivable attributable to the use of City of Norman CDBG funds. Any real property under Agency control that was acquired or improved in whole or in part with City of Norman CDBG funds in excess of $25,000 must either:

> *"Be used to meet one of the national objectives in 570.208 until five years after expiration of this contract; or disposed of in a manner that results in the City of Norman being reimbursed in the amount of the current fair market value of the property less any portion of the value attributable to expenditures of non-City of Norman CDBG funds for acquisition of or improvements to, the property. (Reimbursement is not required five years front date of expiration of this contract.)"*

Payment:

Agency agrees to submit an invoice which reflects the direct costs under this Contract. The City will make payments from these invoices. Each invoice in excess of $12,500 must be accompanied by a notarized affidavit provided by the City. The City will provide to Agency invoices to be used with payment requests.

This contract made and entered into by and between the parties the day and year first above written and shall be binding upon the successors and assigns thereof.

Bethesda, Inc.

Kay ~~Christensen~~ CHRISTIANSEN

Subscribed and sworn to before me this 2nd day of August, 2011.

NOTARY PUBLIC IN AND FOR STATE OF OKLAHOMA
OFFICIAL SEAL
Donna M. Greenway
Commission # 06006079
Expires June 21, 201

Notary Public

My Commission expires: 6/21/2014

The City of Norman, Oklahoma

Cindy Rosenthal, Mayor

Attest:

Brenda Hall, City Clerk

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

City Attorney's Office

Agency	Purpose	Resolution Number	Contract Number	Account #	Tax ID #	Contract Amount	Contact	Title	Address	Zip	Phone
Metropolitan Fair Housing Council, Inc.	Fair Housing Services		K-1112-18	021-4071-463.40-09 021-4073-463.40-09	73-1067333	$10,000 $10,000	Mary Dulan	Executive Director	1500 NE 4th Street, Ste 204 Oklahoma City, OK 73117	73117	232-3247
Community After School Program, Inc.	Scholarships		K-1112-19	021-4071-463.47-70	73-0960925	$3,230.00	Terri Craig	Executive Director	1023 N. Flood	73069	366-5970
Central Oklahoma Community Action Agency, Inc.	Purchase of supplies for Food Closet, Rehabilitation for Transitional Housing Units, RSVP	R-1112-16	K-1112-20	021-4071-463.47-71	73-1068862	$23,384.00	Lisa Sydnor	Executive Director	PO Box 486	74802	
Health for Friends, Inc.	Dental Clinic	R-1112-17	K-1112-21	021-4071-463.47-72	73-1261816	$10,095.00	Brian Karnes	Executive Director	PO Box 1224	73070	329-4558
Progressive Independence, Inc.	Durable Medical Equipment Loan Library and/or Opening Doors Fund	R-1112-18	K-1112-22	021-4071-463.47-73	73-1311897	$5,653.00	Jeffery Hughes	Executive Director	121 N. Porter	73071	321-3203
Habitat for Humanity	Acquisition of Property		K-1112-23	021-4071-463.47-74	73-1422362	$14,000.00	Tracy Curtis	Director of Operations	PO Box 1005	73070	360-7868
Salvation Army, A Georgia Corporation	Equipment	R-1112-19	K-1112-24	021-4071-463.47-78	73-0579266	$2,423.00	Major Margaret Kennell	Officer in Charge	PO Box 1092	73070	364-9910
Food and Shelter for Friends, Inc.	Utilities and maintenance		K-1112-25	021-4071-463.47-77	73-1222111	$12,491.00	April Dosier	Executive Director	PO Box 5537	73070	360-4954
Metro Transit Norman	Transportation Services for low and moderate income citizens of Norman		K-1112-26	021-4071-463.47-79	73-730163K	$25,000.00	Douglas Myers	Administrator, Transit Services	731 Elm Ave.	73019	325-2278
Aging Services of Cleveland County, Inc.	Congregate Meal Program		K-1112-27	021-4071-463.47-80	73-1326994	$8,077.00	Kathleen Wilson	Executive Director	1179 East Main	73071	321-3200
Full Circle Senior Adult Day Center, Inc.	Equipment	R-1112-20	K-1112-28	021-4071-463.47-82	73-1489367	$2,423.00	Tammy Vaughn	Executive Director	1304 E. Lindsey Plaza Drive	73071	447-2955
Community Services Building, Inc.	Mechanical Rehabilitation	R-1112-21	K-1112-29	021-4071-463.47-83	73-1476711	$25,000.00	Christi Moore	Executive Director	1183 E. Main	73071	701-2001
Bethesda, Inc.	Equipment	R-1112-22	K-1112-30	021-4071-463.47-84	73-1170216	$2,423.00	Kay Christiansen	Executive Director	1181 East Main	73071	364-0333
Meals on Wheels of Norman, Inc.	Scholarships		K-1112-31	021-4071-463.47-85	73-0931924	$12,115.00	Lynn Haynes	Executive Director	PO Box 1371	73070	321-7272
Thunderbird Clubhouse, Inc.	Rehabilitation of Permanent Suportive Housing Unit	R-1112-23	K-1112-32	021-4071-463.47-88	73-1425145	$4,414.00	Pam Sanford	Executive Director	PO Box 1666	73070	321-7331
United Way of Norman, Inc.	ABC 123 School Supply Program	R-1112-24	K-1112-33	021-4071-463.47-89	73-0668684	$4,038.00	Kristin Collins	President	2424 Springer Drive, Suite 304	73069	364-3800
Among Friends Activity Center, Inc.	Meal Program		K-1112-34	021-4071-463.47-90	48-1298795	$2,220.00	Cathe Fox	Executive Director	4101 Heritage Place Drive	73072	701-2121
Center for Children and Families, Inc.	Neighborhood Centers Kennedy Summer Youth Enrichment Program		K-1112-35	021-4071-463.47-93	73-0933253	$4,846.00	Katie Fitzgerald	Executive Director	1151 East Main	73070	364-1420
Bridges, Inc.	Life Skills Program and Computer Services		K-1112-36	021-4071-463.47-95	73-1466304	$1,615.00	Debra Krittenbrink	Executive Director	1670 N. Stubbeman	73069	579-9280
Big Brothers and Big Sisters of Oklahoma, Cleveland County	Application Expenses		K-1112-37	021-4071-463.47-96	73-1226237	$2,625.00	Emily Fryar	Interim Director	1155 East Main	73071	364-3722
East Main Place, Inc	Utilities and maintenance		K-1112-38	021-4071-463.47-76	73-1641654	$8,884.00	Virginia Corson	Executive Director	1100 East Main	73071	447-4663
Women's Resource Center, Inc.	Equipment	R-1112-25	K-1112-39	021-4071-463.47-75	51-0217710	$4,038.00	JoAnn Smith	Executive Director	PO Box 5089	73070	364-9424
Norman Affordable Housing Corporation	CHDO		K-1112-40	021-4073-463.47-98		$79,140.00	Karen Canavan	Executive Director	700 N. Berry Road	73069	329-0933

Resolution

R-1112-22

A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AUTHORIZING BETHESDA, INC., AS PROJECT AGENT FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) AS PART OF THE CDBG 37TH YEAR PROGRAM.

§ 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 for $2,423 with Bethesda, Inc., for the FY 11-12 CDBG 37th Year Program; and

§ 2. WHEREAS, the City of Norman, Oklahoma, in compliance with State law, desires to confer on Bethesda, 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, Bethesda, Inc., to purchase materials which are, in fact, incorporated in, and used for the FY 11-12 CDBG 37th Year Program; and

§ 3. WHEREAS, this limited agent status is conferred with the express understanding Bethesda, 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 23rd day of August, 2011, did authorize Bethesda, Inc., who is involved with the FY 11-12 CDBG 37th Year Program, 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 FY 11-12 CDBG 37th Year Program.

PASSED AND ADOPTED THIS 23rd day of August, 2011.

_____
Mayor

ATTEST:

_____
City Clerk

PURCHASE REQUISITION NBR: 0000189895

STATUS: ALL ITEMS ON ORDER

REQUISITION BY: JMCCART REASON: CDBG GRANT DATE: 8/02/11

SHIP TO LOCATION: COMMUNITY DEVELOPMENT SUGGESTED VENDOR: 4929 BETHESDA INC DELIVER BY DATE: 8/02/11

1	CDBG GRANT COMMODITY: GRANTS SUBCOMMOD: CDBG	2423.00	DOL	1.0000	2423.00

REQUISITION TOTAL: 2423.00

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

LINE #	ACCOUNT		PROJECT	%	AMOUNT
1	02140714634784	Miscellaneous Services Bethesda		100.00	2423.00
					2423.00

REQUISITION IS IN THE CURRENT FISCAL YEAR.

CDBG GRANT

City of Norman, OK

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

Master

File Number: K-1112-31

File ID:	K-1112-31	**Type:**	Contract	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 41	**In Control:**	City Council
Department:	Planning and Community Development Department	**Cost:**	$12,115.00	**File Created:**	08/05/2011
File Name:	K-1112-31 Meals on Wheels			**Final Action:**	

Title: CONTRACT NO. K-1112-31: BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND MEALS ON WHEELS OF NORMAN, INC., IN THE AMOUNT OF $12,115 AS AGREED UPON UNDER THE 37TH YEAR CDBG PROGRAM.

ACTION NEEDED: Motion to approve or reject Contract No. K-1112-31 with the Meals on Wheels of Norman, Inc.; and, if approved, authorize execution of the contract and direct payment in the amount of $12,115.

ACTION TAKEN: _____

Notes:

Agenda Date: 08/23/2011

Agenda Number: 41

Attachments: K-1112-31 MOW, Agency Info 7-1-11, PR MOW

Project Manager: Linda Price, Revitalization Manager

Entered by: Ellen.Usry@NormanOK.gov

Effective Date:

History of Legislative File

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

Text of Legislative File K-1112-31

Body

BACKGROUND: Proposals for funding are presented to the Policy Committee by non-profit agencies to meet the needs of low-to-moderate income citizens of Norman in addition to project proposals generated at two neighborhood meetings held each year in each of the five target neighborhoods. The target neighborhoods are qualified for participation on the basis of the percentage of low and moderate income residents.

The budget was developed over a series of six meetings of the Community Development Block Grant Policy Committee. This committee consists of thirty-two members that are appointed by the mayor as designated in the Citizen Participation Plan and ten that are elected as representatives from the five target neighborhoods. The proposed budget was unanimously recommended by the Policy Committee on June 8, 2011.

On June 14, 2011, Council approved the CDBG and HOME Program budgets in the amount of $1,305,376. The funding for the Programs is provided by the U.S. Department of Housing and Urban Development (HUD).

The proposed budget included funds for social service and rehabilitation activities for non-profit agencies as well as property acquisition for a designated Community Housing Development Organization (CHDO), and fair housing services.

DISCUSSION: The proposed contracts represent a total of $169,994 for rehabilitation and social services for non-profit agencies, $79,140 for CHDO activities, and $20,000 for fair housing activities that are a required part of the CDBG and HOME Programs.

The designation of a CHDO is a requirement of the HOME program to further develop affordable housing within Norman. The funds will be utilized to purchase one or more properties and utilized as rental housing that is affordable to low-to-moderate income households. The specific site for acquisition will be determined at a later date.

Meals on Wheels of Norman, Inc. is a non-profit that provides meals to the elderly and disabled in their homes. The contract is for scholarships for low-income clients.

The proposed resolutions provide for the conveyance of sales tax exemption for work and materials purchased in conjunction with the contracts for the CDBG projects. The contracts and resolutions have been developed in conjunction with all City of Norman and HUD requirements.

RECOMMENDATION: Staff has reviewed the proposed contracts and resolutions and recommends approval. Funds are available in the Community Development Fund in the accounts listed.

Contract No. K-1112-31

This Agreement, made and entered into this, **23rd day of August, 2011** by and between the **City of Norman, Oklahoma**, a municipal corporation, hereinafter referred to as "City" and **Meals on Wheels of Norman, Inc.**, hereinafter referred to as "Agency."

WHEREAS, the City has received grant funds from the U.S. Department of Housing and Urban Development in conjunction with the Community Development Block Grant Program under Grant Number B-11-MC-40-0002, a portion of which are to be distributed to Agency for the uses provided herein;

Further, whereas Agency agrees, upon receipt of a portion of said funds, to provide for activities to serve no fewer than 200 clients.

For and in consideration of the activities agreed to be performed herein, by Agency, City agrees to distribute to Agency as its portion of the funds received, the total sum of $12,115. Said funds to be distributed by City to Agency pursuant to the terms and conditions of Grant Number B-11-MC-40-0002 by and between the U.S. Department of Housing and Urban Development and the City for the funding period of July 1, 2011, through June 30, 2012.

Agency further agrees that the above-mentioned activities will be completed by and that all necessary information and activities will be completed by Agency and reported to City no later than June 15, 2012.

As further consideration for the disbursement of said funds by City to Agency, Agency agrees to abide by all the terms and conditions of the Community Development Block Grant Program and the OMB Circular A-122 entitled Cost Principles for Non-Profit Organizations to use funds distributed pursuant to this contract to improve the quality of services to program participants. Particular attention should be paid to purchasing and record-keeping requirements.

It is further understood by and between the parties hereto that all the provisions of the Community Development Block Grant Program Contract described above are incorporated herein by reference and made a part of this contract and specifically that all provisions regarding modification, termination, and/or suspension of said Community Development Block Grant Program Contract are applicable hereto.

Budget

Scholarships	$12,115
Total Budget	$12,115

General Provisions -- Records & Reports:

Agency shall maintain financial records documenting actual expenditures related to CDBG activities performed under this contract. Records must also be maintained by Agency documenting all activities required under this contract. These records shall be kept for a period of five (5) years after completion of this Contract.

Agency will submit a monthly report to the Community Development Division detailing all activities performed with the use of City of Norman CDBG funds including the number of clients served, their income levels, and household/racial characteristics. These reports shall be submitted covering the period July 1, 2011, through June 30, 2012. Each monthly report shall be due on or before the 5th of each month covering the prior month. The City will provide to Agency reporting forms to be used with payment requests.

Agency will make all required records available for inspection by the City of Norman Community Development Division for monitoring purposes.

Agency shall ensure recognition of the role of the grantor Agency in providing services through this contract. All activities, facilities and items utilized pursuant to this contract shall be prominently labeled as to funding source. In addition, Agency will include a reference to the support provided herein in all publications made possible with funds made available under this contract.

Program Income:

Program income generated by Agency from the use of City of Norman CDBG funds shall be recorded. Agency may retain program income and expend it only on those activities noted in this contract. Any program income on hand when this contract expires, or received after the contract expiration, shall be paid to the City of Norman; or if a subsequent contract is executed, shall be applied to the terms of the subsequent contract. (In accordance with 24 CFR 570.504(c).)

Uniform Administrative Requirement:

Agency shall carry out all activities in compliance with all Federal laws and regulations described in Sub-part & of 24 CPR Part 560 except 570.604. Agency does not assume responsibility of 24 CFR Part 52.

Suspension and Termination:

In accordance with 24 CFR 85.43, suspension or termination may occur if Agency materially fails to comply with any term of the award, and the award may be terminated for convenience in accordance with 24 CFR 85.44.

Reversion of Assets:

Upon expiration of this contract Agency shall transfer to the City of Norman any CDBG funds on hand at the time of expiration and any accounts receivable attributable to the use of City of Norman CDBG funds. Any real property under Agency control that was acquired or improved in whole or in part with City of Norman CDBG funds in excess of $25,000 must either:

> *"Be used to meet one of the national objectives in 570.208 until five years after expiration of this contract; or disposed of in a manner that results in the City of Norman being reimbursed in the amount of the current fair market value of the property less any portion of the value attributable to expenditures of non-City of Norman CDBG funds for acquisition of or improvements to, the property. (Reimbursement is not required five years front date of expiration of this contract.)"*

Payment:

Agency agrees to submit an invoice which reflects the direct costs under this Contract. The City will make payments from these invoices. Each invoice in excess of $12,500 must be accompanied by a notarized affidavit provided by the City. The City will provide to Agency invoices to be used with payment requests.

This contract made and entered into by and between the parties the day and year first above written and shall be binding upon the successors and assigns thereof.

Meals on Wheels of Norman, Inc.

President

Attest:

Secretary

REGINA GILBERT NOTARY # 08002279 EXP. 03/05/12 PUBLIC STATE OF OKLAHOMA

Subscribed and sworn to before me this 26th day of July, 2011.

Regina Gilbert
Notary Public

My Commission expires: March 5, 2012

The City of Norman, Oklahoma

Cindy Rosenthal, Mayor

Attest:

Brenda Hall, City Clerk

Approved as to form and legality this 16th day of August, 2011.

City Attorney's Office

Agency	Purpose	Resolution Number	Contract Number	Account #	Tax ID #	Contract Amount	Contact	Title	Address	Zip	Phone
Metropolitan Fair Housing Council, Inc.	Fair Housing Services		K-1112-18	021-4071-463.40-09 021-4073-463.40-09	73-1067333	$10,000 $10,000	Mary Dulan	Executive Director	1500 NE 4th Street, Ste 204 Oklahoma City, OK 73117	73117	232-3247
Community After School Program, Inc.	Scholarships		K-1112-19	021-4071-463.47-70	73-0960925	$3,230.00	Terri Craig	Executive Director	1023 N. Flood	73069	366-5970
Central Oklahoma Community Action Agency, Inc.	Purchase of supplies for Food Closet, Rehabilitation for Transitional Housing Units, RSVP	R-1112-16	K-1112-20	021-4071-463.47-71	73-1068862	$23,384.00	Lisa Sydnor	Executive Director	PO Box 486	74802	
Health for Friends, Inc.	Dental Clinic	R-1112-17	K-1112-21	021-4071-463.47-72	73-1261816	$10,095.00	Brian Karnes	Executive Director	PO Box 1224	73070	329-4558
Progressive Independence, Inc.	Durable Medical Equipment Loan Library and/or Opening Doors Fund	R-1112-18	K-1112-22	021-4071-463.47-73	73-1311897	$5,653.00	Jeffery Hughes	Executive Director	121 N. Porter	73071	321-3203
Habitat for Humanity	Acquisition of Property		K-1112-23	021-4071-463.47-74	73-1422362	$14,000.00	Tracy Curtis	Director of Operations	PO Box 1005	73070	360-7868
Salvation Army, A Georgia Corporation	Equipment	R-1112-19	K-1112-24	021-4071-463.47-78	73-0579266	$2,423.00	Major Margaret Kennell	Officer in Charge	PO Box 1092	73070	364-9910
Food and Shelter for Friends, Inc.	Utilities and maintenance		K-1112-25	021-4071-463.47-77	73-1222111	$12,491.00	April Dosier	Executive Director	PO Box 5537	73070	360-4954
Metro Transit Norman	Transportation Services for low and moderate income citizens of Norman		K-1112-26	021-4071-463.47-79	73-730163K	$25,000.00	Douglas Myers	Administrator, Transit Services	731 Elm Ave.	73019	325-2278
Aging Services of Cleveland County, Inc.	Congregate Meal Program		K-1112-27	021-4071-463.47-80	73-1326994	$8,077.00	Kathleen Wilson	Executive Director	1179 East Main	73071	321-3200
Full Circle Senior Adult Day Center, Inc.	Equipment	R-1112-20	K-1112-28	021-4071-463.47-82	73-1489367	$2,423.00	Tammy Vaughn	Executive Director	1304 E. Lindsey Plaza Drive	73071	447-2955
Community Services Building, Inc.	Mechanical Rehabilitation	R-1112-21	K-1112-29	021-4071-463.47-83	73-1476711	$25,000.00	Christi Moore	Executive Director	1183 E. Main	73071	701-2001
Bethesda, Inc.	Equipment	R-1112-22	K-1112-30	021-4071-463.47-84	73-1170216	$2,423.00	Kay Christiansen	Executive Director	1181 East Main	73071	364-0333
Meals on Wheels of Norman, Inc.	Scholarships		K-1112-31	021-4071-463.47-85	73-0931924	$12,115.00	Lynn Haynes	Executive Director	PO Box 1371	73070	321-7272
Thunderbird Clubhouse, Inc.	Rehabilitation of Permanent Suportive Housing Unit	R-1112-23	K-1112-32	021-4071-463.47-88	73-1425145	$4,414.00	Pam Sanford	Executive Director	PO Box 1666	73070	321-7331
United Way of Norman, Inc.	ABC 123 School Supply Program	R-1112-24	K-1112-33	021-4071-463.47-89	73-0668684	$4,038.00	Kristin Collins	President	2424 Springer Drive, Suite 304	73069	364-3800
Among Friends Activity Center, Inc.	Meal Program		K-1112-34	021-4071-463.47-90	48-1298795	$2,220.00	Cathe Fox	Executive Director	4101 Heritage Place Drive	73072	701-2121
Center for Children and Families, Inc.	Neighborhood Centers Kennedy Summer Youth Enrichment Program		K-1112-35	021-4071-463.47-93	73-0933253	$4,846.00	Katie Fitzgerald	Executive Director	1151 East Main	73070	364-1420
Bridges, Inc.	Life Skills Program and Computer Services		K-1112-36	021-4071-463.47-95	73-1466304	$1,615.00	Debra Krittenbrink	Executive Director	1670 N. Stubbeman	73069	579-9280
Big Brothers and Big Sisters of Oklahoma, Cleveland County	Application Expenses		K-1112-37	021-4071-463.47-96	73-1226237	$2,625.00	Emily Fryar	Interim Director	1155 East Main	73071	364-3722
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Women's Resource Center, Inc.	Equipment	R-1112-25	K-1112-39	021-4071-463.47-75	51-0217710	$4,038.00	JoAnn Smith	Executive Director	PO Box 5089	73070	364-9424
Norman Affordable Housing Corporation	CHDO		K-1112-40	021-4073-463.47-98		$79,140.00	Karen Canavan	Executive Director	700 N. Berry Road	73069	329-0933

PURCHASE REQUISITION NBR: 0000189896

STATUS: ALL ITEMS ON ORDER

REQUISITION BY: JMCCART REASON: CDBG GRANT DATE: 8/02/11

SHIP TO LOCATION: COMMUNITY DEVELOPMENT SUGGESTED VENDOR: 6445 MEALS ON WHEELS OF NORMAN INC DELIVER BY DATE: 8/02/11

1	CDBG GRANT COMMODITY: GRANTS SUBCOMMOD: CDBG	12115.00	DOL	1.0000	12115.00	

REQUISITION TOTAL: 12115.00

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

LINE #	ACCOUNT		PROJECT	%	AMOUNT
1	02140714634785	Miscellaneous Services Meals on Wheels		100.00	12115.00
					12115.00

REQUISITION IS IN THE CURRENT FISCAL YEAR.

CDBG GRANT

City of Norman, OK

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

Master

File Number: K-1112-32

File ID:	K-1112-32	**Type:**	Contract	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 42	**In Control:**	City Council
Department:	Planning and Community Development Department	**Cost:**	$4,414.00	**File Created:**	08/05/2011
File Name:	K-1112-32 Thunderbird			**Final Action:**	

Title: CONTRACT NO. K-1112-32: BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND THUNDERBIRD CLUBHOUSE, INC., IN THE AMOUNT OF $4,414 AS AGREED UPON UNDER THE 37TH YEAR CDBG PROGRAM AND ADOPTION OF RESOLUTION NO. R-1112-23.

ACTION NEEDED: Motion to approve or reject Contract No. K-1112-32 with Thunderbird Clubhouse, Inc.; and, if approved, authorize execution of the contract, adopt Resolution No. R-1112-23, and direct payment in the amount of $4,414.

ACTION TAKEN: _____

Notes:

Agenda Date: 08/23/2011

Agenda Number: 42

Attachments: K-1112-32 Thunderbird, Agency Info 7-1-11, R-1112-23, PR Thunderbird

Project Manager: Linda Price, Revitalization Manager

Entered by: Ellen.Usry@NormanOK.gov

Effective Date:

History of Legislative File

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

Text of Legislative File K-1112-32

Body

BACKGROUND: Proposals for funding are presented to the Policy Committee by non-profit agencies to meet the needs of low-to-moderate income citizens of Norman in addition to project proposals generated at two neighborhood meetings held each year in each of the five

target neighborhoods. The target neighborhoods are qualified for participation on the basis of the percentage of low and moderate income residents.

The budget was developed over a series of six meetings of the Community Development Block Grant Policy Committee. This committee consists of thirty-two members that are appointed by the mayor as designated in the Citizen Participation Plan and ten that are elected as representatives from the five target neighborhoods. The proposed budget was unanimously recommended by the Policy Committee on June 8, 2011.

On June 14, 2011, Council approved the CDBG and HOME Program budgets in the amount of $1,305,376. The funding for the Programs is provided by the U.S. Department of Housing and Urban Development (HUD).

The proposed budget included funds for social service and rehabilitation activities for non-profit agencies as well as property acquisition for a designated Community Housing Development Organization (CHDO), and fair housing services.

DISCUSSION: The proposed contracts represent a total of $169,994 for rehabilitation and social services for non-profit agencies, $79,140 for CHDO activities, and $20,000 for fair housing activities that are a required part of the CDBG and HOME Programs.

The designation of a CHDO is a requirement of the HOME program to further develop affordable housing within Norman. The funds will be utilized to purchase one or more properties and utilized as rental housing that is affordable to low-to-moderate income households. The specific site for acquisition will be determined at a later date.

Thunderbird Clubhouse is a non-profit that works with adults with persistent mental illness. The contract is for rehabilitation of a single-family permanent supportive housing unit that houses clients.

The proposed resolutions provide for the conveyance of sales tax exemption for work and materials purchased in conjunction with the contracts for the CDBG projects. The contracts and resolutions have been developed in conjunction with all City of Norman and HUD requirements.

RECOMMENDATION: Staff has reviewed the proposed contracts and resolutions and recommends approval. Funds are available in the Community Development Fund in the accounts listed.

Contract No. K-1112-32

This Agreement, made and entered into this, **23rd day of August, 2011** by and between the **City of Norman, Oklahoma**, a municipal corporation, hereinafter referred to as "City" and **Thunderbird Clubhouse, Inc.**, hereinafter referred to as "Agency."

WHEREAS, the City has received grant funds from the U.S. Department of Housing and Urban Development in conjunction with the Community Development Block Grant Program under Grant Number B-11-MC-40-0002, a portion of which are to be distributed to Agency for the uses provided herein;

Further, whereas Agency agrees, upon receipt of a portion of said funds, to provide for activities to serve no fewer than 75 clients.

For and in consideration of the activities agreed to be performed herein, by Agency, City agrees to distribute to Agency as its portion of the funds received, the total sum of $4414. Said funds to be distributed by City to Agency pursuant to the terms and conditions of Grant Number B-11-MC-40-0002 by and between the U.S. Department of Housing and Urban Development and the City for the funding period of July 1, 2011, through June 30, 2012.

Agency further agrees that the above-mentioned activities will be completed by and that all necessary information and activities will be completed by Agency and reported to City no later than June 15, 2012.

As further consideration for the disbursement of said funds by City to Agency, Agency agrees to abide by all the terms and conditions of the Community Development Block Grant Program and the OMB Circular A-122 entitled Cost Principles for Non-Profit Organizations to use funds distributed pursuant to this contract to improve the quality of services to program participants. Particular attention should be paid to purchasing and record-keeping requirements.

It is further understood by and between the parties hereto that all the provisions of the Community Development Block Grant Program Contract described above are incorporated herein by reference and made a part of this contract and specifically that all provisions regarding modification, termination, and/or suspension of said Community Development Block Grant Program Contract are applicable hereto.

Budget

Rehabilitation of Permanent Suportive Housing Unit		$4,414
	Total Budget	$4,414

General Provisions -- Records & Reports:

Agency shall maintain financial records documenting actual expenditures related to CDBG activities performed under this contract. Records must also be maintained by Agency documenting all activities required under this contract. These records shall be kept for a period of five (5) years after completion of this Contract.

Agency will submit a monthly report to the Community Development Division detailing all activities performed with the use of City of Norman CDBG funds including the number of clients served, their income levels, and household/racial characteristics. These reports shall be submitted covering the period July 1, 2011, through June 30, 2012. Each monthly report shall be due on or before the 5th of each month covering the prior month. The City will provide to Agency reporting forms to be used with payment requests.

Agency will make all required records available for inspection by the City of Norman Community Development Division for monitoring purposes.

Agency shall ensure recognition of the role of the grantor Agency in providing services through this contract. All activities, facilities and items utilized pursuant to this contract shall be prominently labeled as to funding source. In addition, Agency will include a reference to the support provided herein in all publications made possible with funds made available under this contract.

Program Income:

Program income generated by Agency from the use of City of Norman CDBG funds shall be recorded. Agency may retain program income and expend it only on those activities noted in this contract. Any program income on hand when this contract expires, or received after the contract expiration, shall be paid to the City of Norman; or if a subsequent contract is executed, shall be applied to the terms of the subsequent contract. (In accordance with 24 CFR 570.504(c).)

Uniform Administrative Requirement:

Agency shall carry out all activities in compliance with all Federal laws and regulations described in Sub-part & of 24 CPR Part 560 except 570.604. Agency does not assume responsibility of 24 CFR Part 52.

Suspension and Termination:

In accordance with 24 CFR 85.43, suspension or termination may occur if Agency materially fails to comply with any term of the award, and the award may be terminated for convenience in accordance with 24 CFR 85.44.

Reversion of Assets:

Upon expiration of this contract Agency shall transfer to the City of Norman any CDBG funds on hand at the time of expiration and any accounts receivable attributable to the use of City of Norman CDBG funds. Any real property under Agency control that was acquired or improved in whole or in part with City of Norman CDBG funds in excess of $25,000 must either:

> *"Be used to meet one of the national objectives in 570.208 until five years after expiration of this contract; or disposed of in a manner that results in the City of Norman being reimbursed in the amount of the current fair market value of the property less any portion of the value attributable to expenditures of non-City of Norman CDBG funds for acquisition of or improvements to, the property. (Reimbursement is not required five years front date of expiration of this contract.)"*

Payment:

Agency agrees to submit an invoice which reflects the direct costs under this Contract. The City will make payments from these invoices. Each invoice in excess of $12,500 must be accompanied by a notarized affidavit provided by the City. The City will provide to Agency invoices to be used with payment requests.

This contract made and entered into by and between the parties the day and year first above written and shall be binding upon the successors and assigns thereof.

Thunderbird Clubhouse, Inc.

President

Attest:

Secretary

Subscribed and sworn to before me this 5th day of August, 2011.

NOTARY PUBLIC IN AND FOR STATE OF OKLAHOMA
OFFICIAL SEAL
Lisa D. Krieg
Commission # 00010284
Expires July 3, 2012

Notary Public

My Commission expires: 7-3-2012

The City of Norman, Oklahoma

Cindy Rosenthal, Mayor

Attest:

Brenda Hall, City Clerk

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

City Attorney's Office

Agency	Purpose	Resolution Number	Contract Number	Account #	Tax ID #	Contract Amount	Contact	Title	Address	Zip	Phone
Metropolitan Fair Housing Council, Inc.	Fair Housing Services		K-1112-18	021-4071-463.40-09 021-4073-463.40-09	73-1067333	$10,000 $10,000	Mary Dulan	Executive Director	1500 NE 4th Street, Ste 204 Oklahoma City, OK 73117	73117	232-3247
Community After School Program, Inc.	Scholarships		K-1112-19	021-4071-463.47-70	73-0960925	$3,230.00	Terri Craig	Executive Director	1023 N. Flood	73069	366-5970
Central Oklahoma Community Action Agency, Inc.	Purchase of supplies for Food Closet, Rehabilitation for Transitional Housing Units, RSVP	R-1112-16	K-1112-20	021-4071-463.47-71	73-1068862	$23,384.00	Lisa Sydnor	Executive Director	PO Box 486	74802	
Health for Friends, Inc.	Dental Clinic	R-1112-17	K-1112-21	021-4071-463.47-72	73-1261816	$10,095.00	Brian Karnes	Executive Director	PO Box 1224	73070	329-4558
Progressive Independence, Inc.	Durable Medical Equipment Loan Library and/or Opening Doors Fund	R-1112-18	K-1112-22	021-4071-463.47-73	73-1311897	$5,653.00	Jeffery Hughes	Executive Director	121 N. Porter	73071	321-3203
Habitat for Humanity	Acquisition of Property		K-1112-23	021-4071-463.47-74	73-1422362	$14,000.00	Tracy Curtis	Director of Operations	PO Box 1005	73070	360-7868
Salvation Army, A Georgia Corporation	Equipment	R-1112-19	K-1112-24	021-4071-463.47-78	73-0579266	$2,423.00	Major Margaret Kennell	Officer in Charge	PO Box 1092	73070	364-9910
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Meals on Wheels of Norman, Inc.	Scholarships		K-1112-31	021-4071-463.47-85	73-0931924	$12,115.00	Lynn Haynes	Executive Director	PO Box 1371	73070	321-7272
Thunderbird Clubhouse, Inc.	Rehabilitation of Permanent Suportive Housing Unit	R-1112-23	K-1112-32	021-4071-463.47-88	73-1425145	$4,414.00	Pam Sanford	Executive Director	PO Box 1666	73070	321-7331
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Center for Children and Families, Inc.	Neighborhood Centers Kennedy Summer Youth Enrichment Program		K-1112-35	021-4071-463.47-93	73-0933253	$4,846.00	Katie Fitzgerald	Executive Director	1151 East Main	73070	364-1420
Bridges, Inc.	Life Skills Program and Computer Services		K-1112-36	021-4071-463.47-95	73-1466304	$1,615.00	Debra Krittenbrink	Executive Director	1670 N. Stubbeman	73069	579-9280
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Women's Resource Center, Inc.	Equipment	R-1112-25	K-1112-39	021-4071-463.47-75	51-0217710	$4,038.00	JoAnn Smith	Executive Director	PO Box 5089	73070	364-9424
Norman Affordable Housing Corporation	CHDO		K-1112-40	021-4073-463.47-98		$79,140.00	Karen Canavan	Executive Director	700 N. Berry Road	73069	329-0933

Resolution

R-1112-23

A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AUTHORIZING THUNDERBIRD CLUBHOUSE, INC., AS PROJECT AGENT FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) AS PART OF THE CDBG 37TH YEAR PROGRAM.

§ 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 for $4,414 with Thunderbird Clubhouse, Inc., for the FY 11-12 CDBG 37th Year Program; and

§ 2. WHEREAS, the City of Norman, Oklahoma, in compliance with State law, desires to confer on Thunderbird Clubhouse, 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, Thunderbird Clubhouse, Inc., to purchase materials which are, in fact, incorporated in, and used for the FY 11-12 CDBG 37th Year Program; and

§ 3. WHEREAS, this limited agent status is conferred with the express understanding Thunderbird Clubhouse, 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 23rd day of August, 2011, did authorize Thunderbird Clubhouse, Inc., who is involved with the FY 11-12 CDBG 37th Year Program, 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 FY 11-12 CDBG 37th Year Program.

PASSED AND ADOPTED THIS 23rd day of August, 2011.

_____
Mayor

ATTEST:

_____
City Clerk

PURCHASE REQUISITION NBR: 0000189897

STATUS: ALL ITEMS ON ORDER

REQUISITION BY: JMCCART REASON: CDBG GRANT DATE: 8/02/11

SHIP TO LOCATION: COMMUNITY DEVELOPMENT SUGGESTED VENDOR: 6825 THUNDERBIRD CLUBHOUSE BOARD IN DELIVER BY DATE: 8/02/11

1	CDBG GRANT COMMODITY: GRANTS SUBCOMMOD: CDBG	4414.00	DOL	1.0000	4414.00

REQUISITION TOTAL: 4414.00

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

LINE #	ACCOUNT		PROJECT	%	AMOUNT
1	02140714634788	Miscellaneous Services Thunderbird Clubhouse		100.00	4414.00
					4414.00

REQUISITION IS IN THE CURRENT FISCAL YEAR.

CDBG GRANT

City of Norman, OK

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

Master

File Number: K-1112-33

File ID:	K-1112-33	**Type:**	Contract	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 43	**In Control:**	City Council
Department:	City Council Planning and Community Development Committee	**Cost:**	$4,038.00	**File Created:**	08/05/2011
File Name:	K-1112-33 United Way CDBG			**Final Action:**	

Title: CONTRACT NO. K-1112-33: BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND UNITED WAY OF NORMAN, INC., IN THE AMOUNT OF $4,038 AS AGREED UPON UNDER THE 37TH YEAR CDBG PROGRAM AND ADOPTION OF RESOLUTION NO. R-1112-24.

ACTION NEEDED: Motion to approve or reject Contract No. K-1112-33 with United Way of Norman, Inc.; and, if approved, authorize execution of the contract, adopt Resolution No. R-1112-24, and direct payment in the amount of $4,038.

ACTION TAKEN: _____

Notes:

Agenda Date: 08/23/2011

Agenda Number: 43

Attachments: K-1112-33 United Way, Agency Info 7-1-11, R-1112-24, PR United Way

Project Manager: Linda Price, Revitalization Manager

Entered by: Ellen.Usry@NormanOK.gov

Effective Date:

History of Legislative File

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

Text of Legislative File K-1112-33

Body

BACKGROUND: Proposals for funding are presented to the Policy Committee by non-profit agencies to meet the needs of low-to-moderate income citizens of Norman in addition to project proposals generated at two neighborhood meetings held each year in each of the five

target neighborhoods. The target neighborhoods are qualified for participation on the basis of the percentage of low and moderate income residents.

The budget was developed over a series of six meetings of the Community Development Block Grant Policy Committee. This committee consists of thirty-two members that are appointed by the mayor as designated in the Citizen Participation Plan and ten that are elected as representatives from the five target neighborhoods. The proposed budget was unanimously recommended by the Policy Committee on June 8, 2011.

On June 14, 2011, Council approved the CDBG and HOME Program budgets in the amount of $1,305,376. The funding for the Programs is provided by the U.S. Department of Housing and Urban Development (HUD).

The proposed budget included funds for social service and rehabilitation activities for non-profit agencies as well as property acquisition for a designated Community Housing Development Organization (CHDO), and fair housing services.

DISCUSSION: The proposed contracts represent a total of $169,994 for rehabilitation and social services for non-profit agencies, $79,140 for CHDO activities, and $20,000 for fair housing activities that are a required part of the CDBG and HOME Programs.

The designation of a CHDO is a requirement of the HOME program to further develop affordable housing within Norman. The funds will be utilized to purchase one or more properties and utilized as rental housing that is affordable to low-to-moderate income households. The specific site for acquisition will be determined at a later date.

The United Way of Norman, Inc. has provided school supplies for lower income families for a number of years. The contract is for partial funding for purchase of those supplies.

The proposed resolutions provide for the conveyance of sales tax exemption for work and materials purchased in conjunction with the contracts for the CDBG projects. The contracts and resolutions have been developed in conjunction with all City of Norman and HUD requirements.

RECOMMENDATION: Staff has reviewed the proposed contracts and resolutions and recommends approval. Funds are available in the Community Development Fund in the accounts listed.

Contract No. K-1112-33

This Agreement, made and entered into this, **23rd day of August, 2011** by and between the **City of Norman, Oklahoma**, a municipal corporation, hereinafter referred to as "City" and **United Way of Norman, Inc.**, hereinafter referred to as "Agency."

WHEREAS, the City has received grant funds from the U.S. Department of Housing and Urban Development in conjunction with the Community Development Block Grant Program under Grant Number B-11-MC-40-0002, a portion of which are to be distributed to Agency for the uses provided herein;

Further, whereas Agency agrees, upon receipt of a portion of said funds, to provide for activities to serve no fewer than 40 clients.

For and in consideration of the activities agreed to be performed herein, by Agency, City agrees to distribute to Agency as its portion of the funds received, the total sum of $4,038. Said funds to be distributed by City to Agency pursuant to the terms and conditions of Grant Number B-11-MC-40-0002 by and between the U.S. Department of Housing and Urban Development and the City for the funding period of July 1, 2011, through June 30, 2012.

Agency further agrees that the above-mentioned activities will be completed by and that all necessary information and activities will be completed by Agency and reported to City no later than June 15, 2012.

As further consideration for the disbursement of said funds by City to Agency, Agency agrees to abide by all the terms and conditions of the Community Development Block Grant Program and the OMB Circular A-122 entitled Cost Principles for Non-Profit Organizations to use funds distributed pursuant to this contract to improve the quality of services to program participants. Particular attention should be paid to purchasing and record-keeping requirements.

It is further understood by and between the parties hereto that all the provisions of the Community Development Block Grant Program Contract described above are incorporated herein by reference and made a part of this contract and specifically that all provisions regarding modification, termination, and/or suspension of said Community Development Block Grant Program Contract are applicable hereto.

Budget

ABC 123 School Supply Program		$4,038
	Total Budget	$4,038

General Provisions -- Records & Reports:

Agency shall maintain financial records documenting actual expenditures related to CDBG activities performed under this contract. Records must also be maintained by Agency documenting all activities required under this contract. These records shall be kept for a period of five (5) years after completion of this Contract.

Agency will submit a monthly report to the Community Development Division detailing all activities performed with the use of City of Norman CDBG funds including the number of clients served, their income levels, and household/racial characteristics. These reports shall be submitted covering the period July 1, 2011, through June 30, 2012. Each monthly report shall be due on or before the 5th of each month covering the prior month. The City will provide to Agency reporting forms to be used with payment requests.

Agency will make all required records available for inspection by the City of Norman Community Development Division for monitoring purposes.

Agency shall ensure recognition of the role of the grantor Agency in providing services through this contract. All activities, facilities and items utilized pursuant to this contract shall be prominently labeled as to funding source. In addition, Agency will include a reference to the support provided herein in all publications made possible with funds made available under this contract.

Program Income:

Program income generated by Agency from the use of City of Norman CDBG funds shall be recorded. Agency may retain program income and expend it only on those activities noted in this contract. Any program income on hand when this contract expires, or received after the contract expiration, shall be paid to the City of Norman; or if a subsequent contract is executed, shall be applied to the terms of the subsequent contract. (In accordance with 24 CFR 570.504(c).)

Uniform Administrative Requirement:

Agency shall carry out all activities in compliance with all Federal laws and regulations described in Sub-part & of 24 CPR Part 560 except 570.604. Agency does not assume responsibility of 24 CFR Part 52.

Suspension and Termination:

In accordance with 24 CFR 85.43, suspension or termination may occur if Agency materially fails to comply with any term of the award, and the award may be terminated for convenience in accordance with 24 CFR 85.44.

Reversion of Assets:

Upon expiration of this contract Agency shall transfer to the City of Norman any CDBG funds on hand at the time of expiration and any accounts receivable attributable to the use of City of Norman CDBG funds. Any real property under Agency control that was acquired or improved in whole or in part with City of Norman CDBG funds in excess of $25,000 must either:

> *"Be used to meet one of the national objectives in 570.208 until five years after expiration of this contract; or disposed of in a manner that results in the City of Norman being reimbursed in the amount of the current fair market value of the property less any portion of the value attributable to expenditures of non-City of Norman CDBG funds for acquisition of or improvements to, the property. (Reimbursement is not required five years front date of expiration of this contract.)"*

Payment:

Agency agrees to submit an invoice which reflects the direct costs under this Contract. The City will make payments from these invoices. Each invoice in excess of $12,500 must be accompanied by a notarized affidavit provided by the City. The City will provide to Agency invoices to be used with payment requests.

This contract made and entered into by and between the parties the day and year first above written and shall be binding upon the successors and assigns thereof.

United Way of Norman, Inc.

Kristin Collins

Subscribed and sworn to before me this 28 day of July 2011, 2011.

NOTARY PUBLIC IN AND FOR STATE OF OKLAHOMA
OFFICIAL SEAL
Lisa D. Krieg
Commission # 00010284
Expires July 3, 2012

Notary Public

My Commission expires: 7-3-2012

The City of Norman, Oklahoma

Cindy Rosenthal, Mayor

Attest:

Brenda Hall, City Clerk

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

City Attorney's Office

Agency	Purpose	Resolution Number	Contract Number	Account #	Tax ID #	Contract Amount	Contact	Title	Address	Zip	Phone
Metropolitan Fair Housing Council, Inc.	Fair Housing Services		K-1112-18	021-4071-463.40-09 021-4073-463.40-09	73-1067333	$10,000 $10,000	Mary Dulan	Executive Director	1500 NE 4th Street, Ste 204 Oklahoma City, OK 73117	73117	232-3247
Community After School Program, Inc.	Scholarships		K-1112-19	021-4071-463.47-70	73-0960925	$3,230.00	Terri Craig	Executive Director	1023 N. Flood	73069	366-5970
Central Oklahoma Community Action Agency, Inc.	Purchase of supplies for Food Closet, Rehabilitation for Transitional Housing Units, RSVP	R-1112-16	K-1112-20	021-4071-463.47-71	73-1068862	$23,384.00	Lisa Sydnor	Executive Director	PO Box 486	74802	
Health for Friends, Inc.	Dental Clinic	R-1112-17	K-1112-21	021-4071-463.47-72	73-1261816	$10,095.00	Brian Karnes	Executive Director	PO Box 1224	73070	329-4558
Progressive Independence, Inc.	Durable Medical Equipment Loan Library and/or Opening Doors Fund	R-1112-18	K-1112-22	021-4071-463.47-73	73-1311897	$5,653.00	Jeffery Hughes	Executive Director	121 N. Porter	73071	321-3203
Habitat for Humanity	Acquisition of Property		K-1112-23	021-4071-463.47-74	73-1422362	$14,000.00	Tracy Curtis	Director of Operations	PO Box 1005	73070	360-7868
Salvation Army, A Georgia Corporation	Equipment	R-1112-19	K-1112-24	021-4071-463.47-78	73-0579266	$2,423.00	Major Margaret Kennell	Officer in Charge	PO Box 1092	73070	364-9910
Food and Shelter for Friends, Inc.	Utilities and maintenance		K-1112-25	021-4071-463.47-77	73-1222111	$12,491.00	April Dosier	Executive Director	PO Box 5537	73070	360-4954
Metro Transit Norman	Transportation Services for low and moderate income citizens of Norman		K-1112-26	021-4071-463.47-79	73-730163K	$25,000.00	Douglas Myers	Administrator, Transit Services	731 Elm Ave.	73019	325-2278
Aging Services of Cleveland County, Inc.	Congregate Meal Program		K-1112-27	021-4071-463.47-80	73-1326994	$8,077.00	Kathleen Wilson	Executive Director	1179 East Main	73071	321-3200
Full Circle Senior Adult Day Center, Inc.	Equipment	R-1112-20	K-1112-28	021-4071-463.47-82	73-1489367	$2,423.00	Tammy Vaughn	Executive Director	1304 E. Lindsey Plaza Drive	73071	447-2955
Community Services Building, Inc.	Mechanical Rehabilitation	R-1112-21	K-1112-29	021-4071-463.47-83	73-1476711	$25,000.00	Christi Moore	Executive Director	1183 E. Main	73071	701-2001
Bethesda, Inc.	Equipment	R-1112-22	K-1112-30	021-4071-463.47-84	73-1170216	$2,423.00	Kay Christiansen	Executive Director	1181 East Main	73071	364-0333
Meals on Wheels of Norman, Inc.	Scholarships		K-1112-31	021-4071-463.47-85	73-0931924	$12,115.00	Lynn Haynes	Executive Director	PO Box 1371	73070	321-7272
Thunderbird Clubhouse, Inc.	Rehabilitation of Permanent Suportive Housing Unit	R-1112-23	K-1112-32	021-4071-463.47-88	73-1425145	$4,414.00	Pam Sanford	Executive Director	PO Box 1666	73070	321-7331
United Way of Norman, Inc.	ABC 123 School Supply Program	R-1112-24	K-1112-33	021-4071-463.47-89	73-0668684	$4,038.00	Kristin Collins	President	2424 Springer Drive, Suite 304	73069	364-3800
Among Friends Activity Center, Inc.	Meal Program		K-1112-34	021-4071-463.47-90	48-1298795	$2,220.00	Cathe Fox	Executive Director	4101 Heritage Place Drive	73072	701-2121
Center for Children and Families, Inc.	Neighborhood Centers Kennedy Summer Youth Enrichment Program		K-1112-35	021-4071-463.47-93	73-0933253	$4,846.00	Katie Fitzgerald	Executive Director	1151 East Main	73070	364-1420
Bridges, Inc.	Life Skills Program and Computer Services		K-1112-36	021-4071-463.47-95	73-1466304	$1,615.00	Debra Krittenbrink	Executive Director	1670 N. Stubbeman	73069	579-9280
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Women's Resource Center, Inc.	Equipment	R-1112-25	K-1112-39	021-4071-463.47-75	51-0217710	$4,038.00	JoAnn Smith	Executive Director	PO Box 5089	73070	364-9424
Norman Affordable Housing Corporation	CHDO		K-1112-40	021-4073-463.47-98		$79,140.00	Karen Canavan	Executive Director	700 N. Berry Road	73069	329-0933

Resolution

R-1112-24

A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AUTHORIZING UNITED WAY OF NORMAN, INC., AS PROJECT AGENT FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) AS PART OF THE CDBG 37TH YEAR PROGRAM.

§ 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 for $4,038 with United Way of Norman, Inc., for the FY 11-12 CDBG 37th Year Program; and

§ 2. WHEREAS, the City of Norman, Oklahoma, in compliance with State law, desires to confer on United Way of Norman, 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, United Way of Norman, Inc., to purchase materials which are, in fact, incorporated in, and used for the FY 11-12 CDBG 37th Year Program; and

§ 3. WHEREAS, this limited agent status is conferred with the express understanding United Way of Norman, 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 23rd day of August, 2011, did authorize United Way of Norman, Inc., who is involved with the FY 11-12 CDBG 37th Year Program, 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 FY 11-12 CDBG 37th Year Program.

PASSED AND ADOPTED THIS 23rd day of August, 2011.

_____
Mayor

ATTEST:

_____
City Clerk

PURCHASE REQUISITION NBR: 0000189898

REQUISITION BY: JMCCART

STATUS: ALL ITEMS ON ORDER
REASON: CDBG GRANT

DATE: 8/02/11

SHIP TO LOCATION: COMMUNITY DEVELOPMENT

SUGGESTED VENDOR: 2132 UNITED WAY INCORPORATED

DELIVER BY DATE: 8/02/11

1	CDBG GRANT COMMODITY: GRANTS SUBCOMMOD: CDBG	4038.00	DOL	1.0000	4038.00

REQUISITION TOTAL: 4038.00

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

LINE #	ACCOUNT		PROJECT	%	AMOUNT
1	02140714634789	Miscellaneous Services Helpline		100.00	4038.00
					4038.00

REQUISITION IS IN THE CURRENT FISCAL YEAR.

CDBG GRANT

City of Norman, OK

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

Master

File Number: K-1112-34

File ID:	K-1112-34	**Type:**	Contract	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 44	**In Control:**	City Council
Department:	Planning and Community Development Department	**Cost:**	$2,220.00	**File Created:**	08/05/2011
File Name:	K-1112-34 Among Friends			**Final Action:**	

Title: CONTRACT NO. K-1112-34: BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND AMONG FRIENDS ACTIVITY CENTER, INC., IN THE AMOUNT OF $2,220 AS AGREED UPON UNDER THE 37TH YEAR CDBG PROGRAM.

ACTION NEEDED: Motion to approve or reject Contract No. K-1112-34 with Among Friends Activity Center, Inc.; and, if approved, authorize execution of the contract and direct payment in the amount of $2,220.

ACTION TAKEN: _____

Notes:

Agenda Date: 08/23/2011

Agenda Number: 44

Attachments: K-1112-34 Among Friends, Agency Info 7-1-11, PR Among Friends

Project Manager: Linda Price, Revitalization Manager

Entered by: Ellen.Usry@NormanOK.gov

Effective Date:

History of Legislative File

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

Text of Legislative File K-1112-34

Body

BACKGROUND: Proposals for funding are presented to the Policy Committee by non-profit agencies to meet the needs of low-to-moderate income citizens of Norman in addition to project proposals generated at two neighborhood meetings held each year in each of the five target neighborhoods. The target neighborhoods are qualified for participation on the basis of the percentage of low and moderate income residents.

The budget was developed over a series of six meetings of the Community Development Block Grant Policy Committee. This committee consists of thirty-two members that are appointed by the mayor as designated in the Citizen Participation Plan and ten that are elected as representatives from the five target neighborhoods. The proposed budget was unanimously recommended by the Policy Committee on June 8, 2011.

On June 14, 2011, Council approved the CDBG and HOME Program budgets in the amount of $1,305,376. The funding for the Programs is provided by the U.S. Department of Housing and Urban Development (HUD).

The proposed budget included funds for social service and rehabilitation activities for non-profit agencies as well as property acquisition for a designated Community Housing Development Organization (CHDO), and fair housing services.

DISCUSSION: The proposed contracts represent a total of $169,994 for rehabilitation and social services for non-profit agencies, $79,140 for CHDO activities, and $20,000 for fair housing activities that are a required part of the CDBG and HOME Programs.

The designation of a CHDO is a requirement of the HOME program to further develop affordable housing within Norman. The funds will be utilized to purchase one or more properties and utilized as rental housing that is affordable to low-to-moderate income households. The specific site for acquisition will be determined at a later date.

Among Friends Activity Center, Inc. is a non-profit that works with adults with special needs and disabilities. The contract is for the meal program that is provided at the center.

The proposed resolutions provide for the conveyance of sales tax exemption for work and materials purchased in conjunction with the contracts for the CDBG projects. The contracts and resolutions have been developed in conjunction with all City of Norman and HUD requirements.

RECOMMENDATION: Staff has reviewed the proposed contracts and resolutions and recommends approval. Funds are available in the Community Development Fund in the accounts listed.

Contract No. K-1112-34

This Agreement, made and entered into this, **23rd day of August, 2011** by and between the **City of Norman, Oklahoma**, a municipal corporation, hereinafter referred to as "City" and **Among Friends Activity Center, Inc.**, hereinafter referred to as "Agency."

WHEREAS, the City has received grant funds from the U.S. Department of Housing and Urban Development in conjunction with the Community Development Block Grant Program under Grant Number B-11-MC-40-0002, a portion of which are to be distributed to Agency for the uses provided herein;

Further, whereas Agency agrees, upon receipt of a portion of said funds, to provide for activities to serve no fewer than 20 clients.

For and in consideration of the activities agreed to be performed herein, by Agency, City agrees to distribute to Agency as its portion of the funds received, the total sum of $2,220. Said funds to be distributed by City to Agency pursuant to the terms and conditions of Grant Number B-11-MC-40-0002 by and between the U.S. Department of Housing and Urban Development and the City for the funding period of July 1, 2011, through June 30, 2012.

Agency further agrees that the above-mentioned activities will be completed by and that all necessary information and activities will be completed by Agency and reported to City no later than June 15, 2012.

As further consideration for the disbursement of said funds by City to Agency, Agency agrees to abide by all the terms and conditions of the Community Development Block Grant Program and the OMB Circular A-122 entitled Cost Principles for Non-Profit Organizations to use funds distributed pursuant to this contract to improve the quality of services to program participants. Particular attention should be paid to purchasing and record-keeping requirements.

It is further understood by and between the parties hereto that all the provisions of the Community Development Block Grant Program Contract described above are incorporated herein by reference and made a part of this contract and specifically that all provisions regarding modification, termination, and/or suspension of said Community Development Block Grant Program Contract are applicable hereto.

Budget

Meal Program	$2,220
Total Budget	$2,220

General Provisions -- Records & Reports:

Agency shall maintain financial records documenting actual expenditures related to CDBG activities performed under this contract. Records must also be maintained by Agency documenting all activities required under this contract. These records shall be kept for a period of five (5) years after completion of this Contract.

Agency will submit a monthly report to the Community Development Division detailing all activities performed with the use of City of Norman CDBG funds including the number of clients served, their income levels, and household/racial characteristics. These reports shall be submitted covering the period July 1, 2011, through June 30, 2012. Each monthly report shall be due on or before the 5th of each month covering the prior month. The City will provide to Agency reporting forms to be used with payment requests.

Agency will make all required records available for inspection by the City of Norman Community Development Division for monitoring purposes.

Agency shall ensure recognition of the role of the grantor Agency in providing services through this contract. All activities, facilities and items utilized pursuant to this contract shall be prominently labeled as to funding source. In addition, Agency will include a reference to the support provided herein in all publications made possible with funds made available under this contract.

Program Income:

Program income generated by Agency from the use of City of Norman CDBG funds shall be recorded. Agency may retain program income and expend it only on those activities noted in this contract. Any program income on hand when this contract expires, or received after the contract expiration, shall be paid to the City of Norman; or if a subsequent contract is executed, shall be applied to the terms of the subsequent contract. (In accordance with 24 CFR 570.504(c).)

Uniform Administrative Requirement:

Agency shall carry out all activities in compliance with all Federal laws and regulations described in Sub-part & of 24 CPR Part 560 except 570.604. Agency does not assume responsibility of 24 CFR Part 52.

Suspension and Termination:

In accordance with 24 CFR 85.43, suspension or termination may occur if Agency materially fails to comply with any term of the award, and the award may be terminated for convenience in accordance with 24 CFR 85.44.

Reversion of Assets:

Upon expiration of this contract Agency shall transfer to the City of Norman any CDBG funds on hand at the time of expiration and any accounts receivable attributable to the use of City of Norman CDBG funds. Any real property under Agency control that was acquired or improved in whole or in part with City of Norman CDBG funds in excess of $25,000 must either:

> *"Be used to meet one of the national objectives in 570.208 until five years after expiration of this contract; or disposed of in a manner that results in the City of Norman being reimbursed in the amount of the current fair market value of the property less any portion of the value attributable to expenditures of non-City of Norman CDBG funds for acquisition of or improvements to, the property. (Reimbursement is not required five years front date of expiration of this contract.)"*

Payment:

Agency agrees to submit an invoice which reflects the direct costs under this Contract. The City will make payments from these invoices. Each invoice in excess of $12,500 must be accompanied by a notarized affidavit provided by the City. The City will provide to Agency invoices to be used with payment requests.

This contract made and entered into by and between the parties the day and year first above written and shall be binding upon the successors and assigns thereof.

Among Friends Activity Center, Inc.

Linda Gail Ray
President

Attest:

Toni R. Williams, LPT
Secretary

NOTARY PUBLIC OFFICIAL SEAL Doris M. An... Commission # ... Expires January ...

Subscribed and sworn to before me this 3rd day of August, 2011.

Doris M. Anderson
Notary Public

My Commission expires: 1/9/2012

The City of Norman, Oklahoma

Cindy Rosenthal, Mayor

Attest:

Brenda Hall, City Clerk

Approved as to form and legality this 16th day of August, 2011.

City Attorney's Office

Agency	Purpose	Resolution Number	Contract Number	Account #	Tax ID #	Contract Amount	Contact	Title	Address	Zip	Phone
Metropolitan Fair Housing Council, Inc.	Fair Housing Services		K-1112-18	021-4071-463.40-09 021-4073-463.40-09	73-1067333	$10,000 $10,000	Mary Dulan	Executive Director	1500 NE 4th Street, Ste 204 Oklahoma City, OK 73117	73117	232-3247
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Norman Affordable Housing Corporation	CHDO		K-1112-40	021-4073-463.47-98		$79,140.00	Karen Canavan	Executive Director	700 N. Berry Road	73069	329-0933

PURCHASE REQUISITION NBR: 0000189899

REQUISITION BY: JMCCART

STATUS: ALL ITEMS ON ORDER
REASON: CDBG GRANT

DATE: 8/02/11

SHIP TO LOCATION: COMMUNITY DEVELOPMENT

SUGGESTED VENDOR: 8032 AMONG FRIENDS ACTIVITY CENTER

DELIVER BY DATE: 8/02/11

1	CDBG GRANT COMMODITY: GRANTS SUBCOMMOD: CDBG	2220.00	DOL	1.0000	2220.00

REQUISITION TOTAL: 2220.00

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

LINE #	ACCOUNT		PROJECT	%	AMOUNT
1	02140714634790	Miscellaneous Services Among Friends		100.00	2220.00
					2220.00

REQUISITION IS IN THE CURRENT FISCAL YEAR.

CDBG GRANT

City of Norman, OK

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

Master

File Number: K-1112-35

File ID:	K-1112-35	**Type:**	Contract	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 45	**In Control:**	City Council
Department:	Planning and Community Development Department	**Cost:**	$4,846.00	**File Created:**	08/05/2011
File Name:	K-1112-35 CCFI			**Final Action:**	

Title: CONTRACT NO. K-1112-35: BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND CENTER FOR CHILDREN AND FAMILIES, INC., IN THE AMOUNT OF $4,846 AS AGREED UPON UNDER THE 37TH YEAR CDBG PROGRAM.

ACTION NEEDED: Motion to approve or reject Contract No. K-1112-35 with the Center for Children and Families, Inc.; and, if approved, authorize execution of the contract and direct payment in the amount of $4,846.

ACTION TAKEN: _____

Notes:

Agenda Date: 08/23/2011

Agenda Number: 45

Attachments: K-1112-35 CCFI, Agency Info 7-1-11, PR CCFI

Project Manager: Linda Price, Revitalization Manager

Entered by: Ellen.Usry@NormanOK.gov

Effective Date:

History of Legislative File

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

Text of Legislative File K-1112-35

Body

BACKGROUND: Proposals for funding are presented to the Policy Committee by non-profit agencies to meet the needs of low-to-moderate income citizens of Norman in addition to project proposals generated at two neighborhood meetings held each year in each of the five target neighborhoods. The target neighborhoods are qualified for participation on the basis of the percentage of low and moderate income residents.

The budget was developed over a series of six meetings of the Community Development Block Grant Policy Committee. This committee consists of thirty-two members that are appointed by the mayor as designated in the Citizen Participation Plan and ten that are elected as representatives from the five target neighborhoods. The proposed budget was unanimously recommended by the Policy Committee on June 8, 2011.

On June 14, 2011, Council approved the CDBG and HOME Program budgets in the amount of $1,305,376. The funding for the Programs is provided by the U.S. Department of Housing and Urban Development (HUD).

The proposed budget included funds for social service and rehabilitation activities for non-profit agencies as well as property acquisition for a designated Community Housing Development Organization (CHDO), and fair housing services.

DISCUSSION: The proposed contracts represent a total of $169,994 for rehabilitation and social services for non-profit agencies, $79,140 for CHDO activities, and $20,000 for fair housing activities that are a required part of the CDBG and HOME Programs.

The designation of a CHDO is a requirement of the HOME program to further develop affordable housing within Norman. The funds will be utilized to purchase one or more properties and utilized as rental housing that is affordable to low-to-moderate income households. The specific site for acquisition will be determined at a later date.

Center for Children and Families, Inc. is a non-profit that provides a variety of services and programs. The contract is for partial funding of the neighborhood center at Kennedy Elementary School.

The proposed resolutions provide for the conveyance of sales tax exemption for work and materials purchased in conjunction with the contracts for the CDBG projects. The contracts and resolutions have been developed in conjunction with all City of Norman and HUD requirements.

RECOMMENDATION: Staff has reviewed the proposed contracts and resolutions and recommends approval. Funds are available in the Community Development Fund in the accounts listed.

Contract No. K-1112-35

This Agreement, made and entered into this, **23rd day of August, 2011** by and between the **City of Norman, Oklahoma**, a municipal corporation, hereinafter referred to as "City" and **Center for Children and Families, Inc.**, hereinafter referred to as "Agency."

WHEREAS, the City has received grant funds from the U.S. Department of Housing and Urban Development in conjunction with the Community Development Block Grant Program under Grant Number B-11-MC-40-0002, a portion of which are to be distributed to Agency for the uses provided herein;

Further, whereas Agency agrees, upon receipt of a portion of said funds, to provide for activities to serve no fewer than 25 clients.

For and in consideration of the activities agreed to be performed herein, by Agency, City agrees to distribute to Agency as its portion of the funds received, the total sum of $4,846. Said funds to be distributed by City to Agency pursuant to the terms and conditions of Grant Number B-11-MC-40-0002 by and between the U.S. Department of Housing and Urban Development and the City for the funding period of July 1, 2011, through June 30, 2012.

Agency further agrees that the above-mentioned activities will be completed by and that all necessary information and activities will be completed by Agency and reported to City no later than June 15, 2012.

As further consideration for the disbursement of said funds by City to Agency, Agency agrees to abide by all the terms and conditions of the Community Development Block Grant Program and the OMB Circular A-122 entitled Cost Principles for Non-Profit Organizations to use funds distributed pursuant to this contract to improve the quality of services to program participants. Particular attention should be paid to purchasing and record-keeping requirements.

It is further understood by and between the parties hereto that all the provisions of the Community Development Block Grant Program Contract described above are incorporated herein by reference and made a part of this contract and specifically that all provisions regarding modification, termination, and/or suspension of said Community Development Block Grant Program Contract are applicable hereto.

Budget

Kennedy and Wilson Neighborhood Centers		$4,846
	Total Budget	$4,846

General Provisions -- Records & Reports:

Agency shall maintain financial records documenting actual expenditures related to CDBG activities performed under this contract. Records must also be maintained by Agency documenting all activities required under this contract. These records shall be kept for a period of five (5) years after completion of this Contract.

Agency will submit a monthly report to the Community Development Division detailing all activities performed with the use of City of Norman CDBG funds including the number of clients served, their income levels, and household/racial characteristics. These reports shall be submitted covering the period July 1, 2011, through June 30, 2012. Each monthly report shall be due on or before the 5th of each month covering the prior month. The City will provide to Agency reporting forms to be used with payment requests.

Agency will make all required records available for inspection by the City of Norman Community Development Division for monitoring purposes.

Agency shall ensure recognition of the role of the grantor Agency in providing services through this contract. All activities, facilities and items utilized pursuant to this contract shall be prominently labeled as to funding source. In addition, Agency will include a reference to the support provided herein in all publications made possible with funds made available under this contract.

Program Income:

Program income generated by Agency from the use of City of Norman CDBG funds shall be recorded. Agency may retain program income and expend it only on those activities noted in this contract. Any program income on hand when this contract expires, or received after the contract expiration, shall be paid to the City of Norman; or if a subsequent contract is executed, shall be applied to the terms of the subsequent contract. (In accordance with 24 CFR 570.504(c).)

Uniform Administrative Requirement:

Agency shall carry out all activities in compliance with all Federal laws and regulations described in Sub-part & of 24 CPR Part 560 except 570.604. Agency does not assume responsibility of 24 CFR Part 52.

Suspension and Termination:

In accordance with 24 CFR 85.43, suspension or termination may occur if Agency materially fails to comply with any term of the award, and the award may be terminated for convenience in accordance with 24 CFR 85.44.

Reversion of Assets:

Upon expiration of this contract Agency shall transfer to the City of Norman any CDBG funds on hand at the time of expiration and any accounts receivable attributable to the use of City of Norman CDBG funds. Any real property under Agency control that was acquired or improved in whole or in part with City of Norman CDBG funds in excess of $25,000 must either:

> *"Be used to meet one of the national objectives in 570.208 until five years after expiration of this contract; or disposed of in a manner that results in the City of Norman being reimbursed in the amount of the current fair market value of the property less any portion of the value attributable to expenditures of non-City of Norman CDBG funds for acquisition of or improvements to, the property. (Reimbursement is not required five years front date of expiration of this contract.)"*

Payment:

Agency agrees to submit an invoice which reflects the direct costs under this Contract. The City will make payments from these invoices. Each invoice in excess of $12,500 must be accompanied by a notarized affidavit provided by the City. The City will provide to Agency invoices to be used with payment requests.

This contract made and entered into by and between the parties the day and year first above written and shall be binding upon the successors and assigns thereof.

Center for Children and Families, Inc.

Jennifer Newell
President

Attest:

Francine M. Lisy
Secretary

Subscribed and sworn to before me this 3 day of August, 2011.

Katherine Keith #02008170
Notary Public

My Commission expires: May 09, 2014

The City of Norman, Oklahoma

Cindy Rosenthal, Mayor

Attest:

Brenda Hall, City Clerk

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

City Attorney's Office

Agency	Purpose	Resolution Number	Contract Number	Account #	Tax ID #	Contract Amount	Contact	Title	Address	Zip	Phone
Metropolitan Fair Housing Council, Inc.	Fair Housing Services		K-1112-18	021-4071-463.40-09 021-4073-463.40-09	73-1067333	$10,000 $10,000	Mary Dulan	Executive Director	1500 NE 4th Street, Ste 204 Oklahoma City, OK 73117	73117	232-3247
Community After School Program, Inc.	Scholarships		K-1112-19	021-4071-463.47-70	73-0960925	$3,230.00	Terri Craig	Executive Director	1023 N. Flood	73069	366-5970
Central Oklahoma Community Action Agency, Inc.	Purchase of supplies for Food Closet, Rehabilitation for Transitional Housing Units, RSVP	R-1112-16	K-1112-20	021-4071-463.47-71	73-1068862	$23,384.00	Lisa Sydnor	Executive Director	PO Box 486	74802	
Health for Friends, Inc.	Dental Clinic	R-1112-17	K-1112-21	021-4071-463.47-72	73-1261816	$10,095.00	Brian Karnes	Executive Director	PO Box 1224	73070	329-4558
Progressive Independence, Inc.	Durable Medical Equipment Loan Library and/or Opening Doors Fund	R-1112-18	K-1112-22	021-4071-463.47-73	73-1311897	$5,653.00	Jeffery Hughes	Executive Director	121 N. Porter	73071	321-3203
Habitat for Humanity	Acquisition of Property		K-1112-23	021-4071-463.47-74	73-1422362	$14,000.00	Tracy Curtis	Director of Operations	PO Box 1005	73070	360-7868
Salvation Army, A Georgia Corporation	Equipment	R-1112-19	K-1112-24	021-4071-463.47-78	73-0579266	$2,423.00	Major Margaret Kennell	Officer in Charge	PO Box 1092	73070	364-9910
Food and Shelter for Friends, Inc.	Utilities and maintenance		K-1112-25	021-4071-463.47-77	73-1222111	$12,491.00	April Dosier	Executive Director	PO Box 5537	73070	360-4954
Metro Transit Norman	Transportation Services for low and moderate income citizens of Norman		K-1112-26	021-4071-463.47-79	73-730163K	$25,000.00	Douglas Myers	Administrator, Transit Services	731 Elm Ave.	73019	325-2278
Aging Services of Cleveland County, Inc.	Congregate Meal Program		K-1112-27	021-4071-463.47-80	73-1326994	$8,077.00	Kathleen Wilson	Executive Director	1179 East Main	73071	321-3200
Full Circle Senior Adult Day Center, Inc.	Equipment	R-1112-20	K-1112-28	021-4071-463.47-82	73-1489367	$2,423.00	Tammy Vaughn	Executive Director	1304 E. Lindsey Plaza Drive	73071	447-2955
Community Services Building, Inc.	Mechanical Rehabilitation	R-1112-21	K-1112-29	021-4071-463.47-83	73-1476711	$25,000.00	Christi Moore	Executive Director	1183 E. Main	73071	701-2001
Bethesda, Inc.	Equipment	R-1112-22	K-1112-30	021-4071-463.47-84	73-1170216	$2,423.00	Kay Christiansen	Executive Director	1181 East Main	73071	364-0333
Meals on Wheels of Norman, Inc.	Scholarships		K-1112-31	021-4071-463.47-85	73-0931924	$12,115.00	Lynn Haynes	Executive Director	PO Box 1371	73070	321-7272
Thunderbird Clubhouse, Inc.	Rehabilitation of Permanent Suportive Housing Unit	R-1112-23	K-1112-32	021-4071-463.47-88	73-1425145	$4,414.00	Pam Sanford	Executive Director	PO Box 1666	73070	321-7331
United Way of Norman, Inc.	ABC 123 School Supply Program	R-1112-24	K-1112-33	021-4071-463.47-89	73-0668684	$4,038.00	Kristin Collins	President	2424 Springer Drive, Suite 304	73069	364-3800
Among Friends Activity Center, Inc.	Meal Program		K-1112-34	021-4071-463.47-90	48-1298795	$2,220.00	Cathe Fox	Executive Director	4101 Heritage Place Drive	73072	701-2121
Center for Children and Families, Inc.	Neighborhood Centers Kennedy Summer Youth Enrichment Program		K-1112-35	021-4071-463.47-93	73-0933253	$4,846.00	Katie Fitzgerald	Executive Director	1151 East Main	73070	364-1420
Bridges, Inc.	Life Skills Program and Computer Services		K-1112-36	021-4071-463.47-95	73-1466304	$1,615.00	Debra Krittenbrink	Executive Director	1670 N. Stubbeman	73069	579-9280
Big Brothers and Big Sisters of Oklahoma, Cleveland County	Application Expenses		K-1112-37	021-4071-463.47-96	73-1226237	$2,625.00	Emily Fryar	Interim Director	1155 East Main	73071	364-3722
East Main Place, Inc	Utilities and maintenance		K-1112-38	021-4071-463.47-76	73-1641654	$8,884.00	Virginia Corson	Executive Director	1100 East Main	73071	447-4663
Women's Resource Center, Inc.	Equipment	R-1112-25	K-1112-39	021-4071-463.47-75	51-0217710	$4,038.00	JoAnn Smith	Executive Director	PO Box 5089	73070	364-9424
Norman Affordable Housing Corporation	CHDO		K-1112-40	021-4073-463.47-98		$79,140.00	Karen Canavan	Executive Director	700 N. Berry Road	73069	329-0933

PURCHASE REQUISITION NBR: 0000189900

STATUS: ALL ITEMS ON ORDER

REQUISITION BY: JMCCART REASON: CDBG GRANT DATE: 8/02/11

SHIP TO LOCATION: COMMUNITY DEVELOPMENT SUGGESTED VENDOR: 1335 CENTER FOR CHILDREN & FAMILIES DELIVER BY DATE: 8/02/11

1	CDBG GRANT COMMODITY: GRANTS SUBCOMMOD: CDBG	4846.00	DOL	1.0000	4846.00

REQUISITION TOTAL: 4846.00

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

LINE #	ACCOUNT		PROJECT	%	AMOUNT
1	02140714634793	Miscellaneous Services CCFI		100.00	4846.00
					4846.00

REQUISITION IS IN THE CURRENT FISCAL YEAR.

CDBG GRANT

City of Norman, OK

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

Master

File Number: K-1112-36

File ID:	K-1112-36	**Type:**	Contract	**Status:**	Consent Item
Version:	1	**Reference:**	item No. 46	**In Control:**	City Council
Department:	Planning and Community Development Department	**Cost:**	$1,615.00	**File Created:**	08/05/2011
File Name:	K-1112-36 Bridges			**Final Action:**	

Title: CONTRACT NO. K-1112-36: BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND BRIDGES, INC., IN THE AMOUNT OF $1,615 AS AGREED UPON UNDER THE 37TH YEAR CDBG PROGRAM.

ACTION NEEDED: Motion to approve or reject Contract No. K-1112-36 with Bridges, Inc.; and, if approved, authorize execution of the contract and direct payment in the amount of $1,615.

ACTION TAKEN: _____

Notes:

Agenda Date: 08/23/2011

Agenda Number: 46

Attachments: K-1112-36 Bridges, Agency Info 7-1-11, PR Bridges

Project Manager: Linda Price, Revitalization Manager

Entered by: Ellen.Usry@NormanOK.gov

Effective Date:

History of Legislative File

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

Text of Legislative File K-1112-36

Body

BACKGROUND: Proposals for funding are presented to the Policy Committee by non-profit agencies to meet the needs of low-to-moderate income citizens of Norman in addition to project proposals generated at two neighborhood meetings held each year in each of the five target neighborhoods. The target neighborhoods are qualified for participation on the basis of the percentage of low and moderate income residents.

The budget was developed over a series of six meetings of the Community Development Block Grant Policy Committee. This committee consists of thirty-two members that are appointed by the mayor as designated in the Citizen Participation Plan and ten that are elected as representatives from the five target neighborhoods. The proposed budget was unanimously recommended by the Policy Committee on June 8, 2011.

On June 14, 2011, Council approved the CDBG and HOME Program budgets in the amount of $1,305,376. The funding for the Programs is provided by the U.S. Department of Housing and Urban Development (HUD).

The proposed budget included funds for social service and rehabilitation activities for non-profit agencies as well as property acquisition for a designated Community Housing Development Organization (CHDO), and fair housing services.

DISCUSSION: The proposed contracts represent a total of $169,994 for rehabilitation and social services for non-profit agencies, $79,140 for CHDO activities, and $20,000 for fair housing activities that are a required part of the CDBG and HOME Programs.

The designation of a CHDO is a requirement of the HOME program to further develop affordable housing within Norman. The funds will be utilized to purchase one or more properties and utilized as rental housing that is affordable to low-to-moderate income households. The specific site for acquisition will be determined at a later date.

Bridges, Inc. is a non-profit that works with high school students who are living on their own due to a family crisis. The contract is for a life skills program and computer services.

The proposed resolutions provide for the conveyance of sales tax exemption for work and materials purchased in conjunction with the contracts for the CDBG projects. The contracts and resolutions have been developed in conjunction with all City of Norman and HUD requirements.

RECOMMENDATION: Staff has reviewed the proposed contracts and resolutions and recommends approval. Funds are available in the Community Development Fund in the accounts listed.

Contract No. K-1112-36

This Agreement, made and entered into this, **23rd day of August, 2011** by and between the **City of Norman, Oklahoma**, a municipal corporation, hereinafter referred to as "City" and **Bridges, Inc.**, hereinafter referred to as "Agency."

WHEREAS, the City has received grant funds from the U.S. Department of Housing and Urban Development in conjunction with the Community Development Block Grant Program under Grant Number B-11-MC-40-0002, a portion of which are to be distributed to Agency for the uses provided herein;

Further, whereas Agency agrees, upon receipt of a portion of said funds, to provide for activities to serve no fewer than 25 clients.

For and in consideration of the activities agreed to be performed herein, by Agency, City agrees to distribute to Agency as its portion of the funds received, the total sum of $1,615. Said funds to be distributed by City to Agency pursuant to the terms and conditions of Grant Number B-11-MC-40-0002 by and between the U.S. Department of Housing and Urban Development and the City for the funding period of July 1, 2011, through June 30, 2012.

Agency further agrees that the above-mentioned activities will be completed by and that all necessary information and activities will be completed by Agency and reported to City no later than June 15, 2012.

As further consideration for the disbursement of said funds by City to Agency, Agency agrees to abide by all the terms and conditions of the Community Development Block Grant Program and the OMB Circular A-122 entitled Cost Principles for Non-Profit Organizations to use funds distributed pursuant to this contract to improve the quality of services to program participants. Particular attention should be paid to purchasing and record-keeping requirements.

It is further understood by and between the parties hereto that all the provisions of the Community Development Block Grant Program Contract described above are incorporated herein by reference and made a part of this contract and specifically that all provisions regarding modification, termination, and/or suspension of said Community Development Block Grant Program Contract are applicable hereto.

Budget

Life Skills Program and Computer Services	$1,615
Total Budget	$1,615

General Provisions -- Records & Reports:

Agency shall maintain financial records documenting actual expenditures related to CDBG activities performed under this contract. Records must also be maintained by Agency documenting all activities required under this contract. These records shall be kept for a period of five (5) years after completion of this Contract.

Agency will submit a monthly report to the Community Development Division detailing all activities performed with the use of City of Norman CDBG funds including the number of clients served, their income levels, and household/racial characteristics. These reports shall be submitted covering the period July 1, 2011, through June 30, 2012. Each monthly report shall be due on or before the 5th of each month covering the prior month. The City will provide to Agency reporting forms to be used with payment requests.

Agency will make all required records available for inspection by the City of Norman Community Development Division for monitoring purposes.

Agency shall ensure recognition of the role of the grantor Agency in providing services through this contract. All activities, facilities and items utilized pursuant to this contract shall be prominently labeled as to funding source. In addition, Agency will include a reference to the support provided herein in all publications made possible with funds made available under this contract.

Program Income:

Program income generated by Agency from the use of City of Norman CDBG funds shall be recorded. Agency may retain program income and expend it only on those activities noted in this contract. Any program income on hand when this contract expires, or received after the contract expiration, shall be paid to the City of Norman; or if a subsequent contract is executed, shall be applied to the terms of the subsequent contract. (In accordance with 24 CFR 570.504(c).)

Uniform Administrative Requirement:

Agency shall carry out all activities in compliance with all Federal laws and regulations described in Sub-part & of 24 CPR Part 560 except 570.604. Agency does not assume responsibility of 24 CFR Part 52.

Suspension and Termination:

In accordance with 24 CFR 85.43, suspension or termination may occur if Agency materially fails to comply with any term of the award, and the award may be terminated for convenience in accordance with 24 CFR 85.44.

Reversion of Assets:

Upon expiration of this contract Agency shall transfer to the City of Norman any CDBG funds on hand at the time of expiration and any accounts receivable attributable to the use of City of Norman CDBG funds. Any real property under Agency control that was acquired or improved in whole or in part with City of Norman CDBG funds in excess of $25,000 must either:

> *"Be used to meet one of the national objectives in 570.208 until five years after expiration of this contract; or disposed of in a manner that results in the City of Norman being reimbursed in the amount of the current fair market value of the property less any portion of the value attributable to expenditures of non-City of Norman CDBG funds for acquisition of or improvements to, the property. (Reimbursement is not required five years front date of expiration of this contract.)"*

Payment:

Agency agrees to submit an invoice which reflects the direct costs under this Contract. The City will make payments from these invoices. Each invoice in excess of $12,500 must be accompanied by a notarized affidavit provided by the City. The City will provide to Agency invoices to be used with payment requests.

This contract made and entered into by and between the parties the day and year first above written and shall be binding upon the successors and assigns thereof.

Bridges, Inc.

Jeanette Capshaw
President

Attest:

Secretary

JENNIFER ANDERSON NOTARY 11005595 EXP. 6/21/15 PUBLIC STATE OF OKLAHOMA

Subscribed and sworn to before me this 5th day of August, 2011.

Jennifer Anderson
Notary Public

My Commission expires: 6/21/15

The City of Norman, Oklahoma

Cindy Rosenthal, Mayor

Attest:

Brenda Hall, City Clerk

Approved as to form and legality this 16th day of August, 2011.

City Attorney's Office

Agency	Purpose	Resolution Number	Contract Number	Account #	Tax ID #	Contract Amount	Contact	Title	Address	Zip	Phone
Metropolitan Fair Housing Council, Inc.	Fair Housing Services		K-1112-18	021-4071-463.40-09 021-4073-463.40-09	73-1067333	$10,000 $10,000	Mary Dulan	Executive Director	1500 NE 4th Street, Ste 204 Oklahoma City, OK 73117	73117	232-3247
Community After School Program, Inc.	Scholarships		K-1112-19	021-4071-463.47-70	73-0960925	$3,230.00	Terri Craig	Executive Director	1023 N. Flood	73069	366-5970
Central Oklahoma Community Action Agency, Inc.	Purchase of supplies for Food Closet, Rehabilitation for Transitional Housing Units, RSVP	R-1112-16	K-1112-20	021-4071-463.47-71	73-1068862	$23,384.00	Lisa Sydnor	Executive Director	PO Box 486	74802	
Health for Friends, Inc.	Dental Clinic	R-1112-17	K-1112-21	021-4071-463.47-72	73-1261816	$10,095.00	Brian Karnes	Executive Director	PO Box 1224	73070	329-4558
Progressive Independence, Inc.	Durable Medical Equipment Loan Library and/or Opening Doors Fund	R-1112-18	K-1112-22	021-4071-463.47-73	73-1311897	$5,653.00	Jeffery Hughes	Executive Director	121 N. Porter	73071	321-3203
Habitat for Humanity	Acquisition of Property		K-1112-23	021-4071-463.47-74	73-1422362	$14,000.00	Tracy Curtis	Director of Operations	PO Box 1005	73070	360-7868
Salvation Army, A Georgia Corporation	Equipment	R-1112-19	K-1112-24	021-4071-463.47-78	73-0579266	$2,423.00	Major Margaret Kennell	Officer in Charge	PO Box 1092	73070	364-9910
Food and Shelter for Friends, Inc.	Utilities and maintenance		K-1112-25	021-4071-463.47-77	73-1222111	$12,491.00	April Dosier	Executive Director	PO Box 5537	73070	360-4954
Metro Transit Norman	Transportation Services for low and moderate income citizens of Norman		K-1112-26	021-4071-463.47-79	73-730163K	$25,000.00	Douglas Myers	Administrator, Transit Services	731 Elm Ave.	73019	325-2278
Aging Services of Cleveland County, Inc.	Congregate Meal Program		K-1112-27	021-4071-463.47-80	73-1326994	$8,077.00	Kathleen Wilson	Executive Director	1179 East Main	73071	321-3200
Full Circle Senior Adult Day Center, Inc.	Equipment	R-1112-20	K-1112-28	021-4071-463.47-82	73-1489367	$2,423.00	Tammy Vaughn	Executive Director	1304 E. Lindsey Plaza Drive	73071	447-2955
Community Services Building, Inc.	Mechanical Rehabilitation	R-1112-21	K-1112-29	021-4071-463.47-83	73-1476711	$25,000.00	Christi Moore	Executive Director	1183 E. Main	73071	701-2001
Bethesda, Inc.	Equipment	R-1112-22	K-1112-30	021-4071-463.47-84	73-1170216	$2,423.00	Kay Christiansen	Executive Director	1181 East Main	73071	364-0333
Meals on Wheels of Norman, Inc.	Scholarships		K-1112-31	021-4071-463.47-85	73-0931924	$12,115.00	Lynn Haynes	Executive Director	PO Box 1371	73070	321-7272
Thunderbird Clubhouse, Inc.	Rehabilitation of Permanent Suportive Housing Unit	R-1112-23	K-1112-32	021-4071-463.47-88	73-1425145	$4,414.00	Pam Sanford	Executive Director	PO Box 1666	73070	321-7331
United Way of Norman, Inc.	ABC 123 School Supply Program	R-1112-24	K-1112-33	021-4071-463.47-89	73-0668684	$4,038.00	Kristin Collins	President	2424 Springer Drive, Suite 304	73069	364-3800
Among Friends Activity Center, Inc.	Meal Program		K-1112-34	021-4071-463.47-90	48-1298795	$2,220.00	Cathe Fox	Executive Director	4101 Heritage Place Drive	73072	701-2121
Center for Children and Families, Inc.	Neighborhood Centers Kennedy Summer Youth Enrichment Program		K-1112-35	021-4071-463.47-93	73-0933253	$4,846.00	Katie Fitzgerald	Executive Director	1151 East Main	73070	364-1420
Bridges, Inc.	Life Skills Program and Computer Services		K-1112-36	021-4071-463.47-95	73-1466304	$1,615.00	Debra Krittenbrink	Executive Director	1670 N. Stubbeman	73069	579-9280
Big Brothers and Big Sisters of Oklahoma, Cleveland County	Application Expenses		K-1112-37	021-4071-463.47-96	73-1226237	$2,625.00	Emily Fryar	Interim Director	1155 East Main	73071	364-3722
East Main Place, Inc	Utilities and maintenance		K-1112-38	021-4071-463.47-76	73-1641654	$8,884.00	Virginia Corson	Executive Director	1100 East Main	73071	447-4663
Women's Resource Center, Inc.	Equipment	R-1112-25	K-1112-39	021-4071-463.47-75	51-0217710	$4,038.00	JoAnn Smith	Executive Director	PO Box 5089	73070	364-9424
Norman Affordable Housing Corporation	CHDO		K-1112-40	021-4073-463.47-98		$79,140.00	Karen Canavan	Executive Director	700 N. Berry Road	73069	329-0933

PURCHASE REQUISITION NBR: 0000189902

STATUS: ALL ITEMS ON ORDER

REQUISITION BY: JMCCART
REASON: CDBG GRANT
DATE: 8/02/11

SHIP TO LOCATION: COMMUNITY DEVELOPMENT
SUGGESTED VENDOR: 602 BRIDGES INC
DELIVER BY DATE: 8/02/11

1	CDBG GRANT COMMODITY: GRANTS SUBCOMMOD: CDBG	1615.00	DOL	1.0000	1615.00

REQUISITION TOTAL: 1615.00

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

LINE #	ACCOUNT		PROJECT	%	AMOUNT
1	02140714634795	Miscellaneous Services Bridges Inc.		100.00	1615.00
					1615.00

REQUISITION IS IN THE CURRENT FISCAL YEAR.

CDBG GRANT

City of Norman, OK

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

Master

File Number: K-1112-37

File ID:	K-1112-37	**Type:**	Contract	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 47	**In Control:**	City Council
Department:	Planning and Community Development Department	**Cost:**	$2,625.00	**File Created:**	08/05/2011
File Name:	K-1112-37 BBBS			**Final Action:**	

Title: CONTRACT NO. K-1112-37: BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND BIG BROTHERS BIG SISTERS OF OKLAHOMA, CLEVELAND COUNTY OFFICE, IN THE AMOUNT OF $2,625 AS AGREED UPON UNDER THE 37TH YEAR CDBG PROGRAM.

ACTION NEEDED: Motion to approve or reject Contract No. K-1112-37 with Big Brothers Big Sisters of Oklahoma, Cleveland County Office.; and, if approved, authorize execution of the contract and direct payment in the amount of $2,625.

ACTION TAKEN: _____

Notes:

Agenda Date: 08/23/2011

Agenda Number: 47

Attachments: K-1112-37 BBBS, Agency Info 7-1-11, PR BBBS

Project Manager: Linda Price, Revitalization Manager

Entered by: Ellen.Usry@NormanOK.gov

Effective Date:

History of Legislative File

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

Text of Legislative File K-1112-37

Body

BACKGROUND: Proposals for funding are presented to the Policy Committee by non-profit agencies to meet the needs of low-to-moderate income citizens of Norman in addition to project proposals generated at two neighborhood meetings held each year in each of the five

target neighborhoods. The target neighborhoods are qualified for participation on the basis of the percentage of low and moderate income residents.

The budget was developed over a series of six meetings of the Community Development Block Grant Policy Committee. This committee consists of thirty-two members that are appointed by the mayor as designated in the Citizen Participation Plan and ten that are elected as representatives from the five target neighborhoods. The proposed budget was unanimously recommended by the Policy Committee on June 8, 2011.

On June 14, 2011, Council approved the CDBG and HOME Program budgets in the amount of $1,305,376. The funding for the Programs is provided by the U.S. Department of Housing and Urban Development (HUD).

The proposed budget included funds for social service and rehabilitation activities for non-profit agencies as well as property acquisition for a designated Community Housing Development Organization (CHDO), and fair housing services.

DISCUSSION: The proposed contracts represent a total of $169,994 for rehabilitation and social services for non-profit agencies, $79,140 for CHDO activities, and $20,000 for fair housing activities that are a required part of the CDBG and HOME Programs.

The designation of a CHDO is a requirement of the HOME program to further develop affordable housing within Norman. The funds will be utilized to purchase one or more properties and utilized as rental housing that is affordable to low-to-moderate income households. The specific site for acquisition will be determined at a later date.

Big Brothers and Big Sisters of Oklahoma, Cleveland County Office matches adults and children for mentoring. The contract is to assist with application expenses.

The proposed resolutions provide for the conveyance of sales tax exemption for work and materials purchased in conjunction with the contracts for the CDBG projects. The contracts and resolutions have been developed in conjunction with all City of Norman and HUD requirements.

RECOMMENDATION: Staff has reviewed the proposed contracts and resolutions and recommends approval. Funds are available in the Community Development Fund in the accounts listed.

Contract No. K-1112-37

This Agreement, made and entered into this, **23rd day of August, 2011** by and between the **City of Norman, Oklahoma**, a municipal corporation, hereinafter referred to as "City" and **Big Brothers and Big Sisters of Oklahoma, Cleveland County Office**, hereinafter referred to as "Agency."

WHEREAS, the City has received grant funds from the U.S. Department of Housing and Urban Development in conjunction with the Community Development Block Grant Program under Grant Number B-11-MC-40-0002, a portion of which are to be distributed to Agency for the uses provided herein;

Further, whereas Agency agrees, upon receipt of a portion of said funds, to provide for activities to serve no fewer than clients.

For and in consideration of the activities agreed to be performed herein, by Agency, City agrees to distribute to Agency as its portion of the funds received, the total sum of $2,625. Said funds to be distributed by City to Agency pursuant to the terms and conditions of Grant Number B-11-MC-40-0002 by and between the U.S. Department of Housing and Urban Development and the City for the funding period of July 1, 2011, through June 30, 2012.

Agency further agrees that the above-mentioned activities will be completed by and that all necessary information and activities will be completed by Agency and reported to City no later than June 15, 2012.

As further consideration for the disbursement of said funds by City to Agency, Agency agrees to abide by all the terms and conditions of the Community Development Block Grant Program and the OMB Circular A-122 entitled Cost Principles for Non-Profit Organizations to use funds distributed pursuant to this contract to improve the quality of services to program participants. Particular attention should be paid to purchasing and record-keeping requirements.

It is further understood by and between the parties hereto that all the provisions of the Community Development Block Grant Program Contract described above are incorporated herein by reference and made a part of this contract and specifically that all provisions regarding modification, termination, and/or suspension of said Community Development Block Grant Program Contract are applicable hereto.

Budget

Application Expenses	$2,625
Total Budget	$2,625

General Provisions -- Records & Reports:

Agency shall maintain financial records documenting actual expenditures related to CDBG activities performed under this contract. Records must also be maintained by Agency documenting all activities required under this contract. These records shall be kept for a period of five (5) years after completion of this Contract.

Agency will submit a monthly report to the Community Development Division detailing all activities performed with the use of City of Norman CDBG funds including the number of clients served, their income levels, and household/racial characteristics. These reports shall be submitted covering the period July 1, 2010, through June 30, 2011. Each monthly report shall be due on or before the 5th of each month covering the prior month. The City will provide to Agency reporting forms to be used with payment requests.

Agency will make all required records available for inspection by the City of Norman Community Development Division for monitoring purposes.

Agency shall ensure recognition of the role of the grantor Agency in providing services through this contract. All activities, facilities and items utilized pursuant to this contract shall be prominently labeled as to funding source. In addition, Agency will include a reference to the support provided herein in all publications made possible with funds made available under this contract.

Program Income:

Program income generated by Agency from the use of City of Norman CDBG funds shall be recorded. Agency may retain program income and expend it only on those activities noted in this contract. Any program income on hand when this contract expires, or received after the contract expiration, shall be paid to the City of Norman; or if a subsequent contract is executed, shall be applied to the terms of the subsequent contract. (In accordance with 24 CFR 570.504(c).)

Uniform Administrative Requirement:

Agency shall carry out all activities in compliance with all Federal laws and regulations described in Sub-part & of 24 CPR Part 560 except 570.604. Agency does not assume responsibility of 24 CFR Part 52.

Suspension and Termination:

In accordance with 24 CFR 85.43, suspension or termination may occur if Agency materially fails to comply with any term of the award, and the award may be terminated for convenience in accordance with 24 CFR 85.44.

Reversion of Assets:

Upon expiration of this contract Agency shall transfer to the City of Norman any CDBG funds on hand at the time of expiration and any accounts receivable attributable to the use of City of Norman CDBG funds. Any real property under Agency control that was acquired or improved in whole or in part with City of Norman CDBG funds in excess of $25,000 must either:

> *"Be used to meet one of the national objectives in 570.208 until five years after expiration of this contract; or disposed of in a manner that results in the City of Norman being reimbursed in the amount of the current fair market value of the property less any portion of the value attributable to expenditures of non-City of Norman CDBG funds for acquisition of or improvements to, the property. (Reimbursement is not required five years front date of expiration of this contract.)"*

Payment:

Agency agrees to submit an invoice which reflects the direct costs under this Contract. The City will make payments from these invoices. Each invoice in excess of $12,500 must be accompanied by a notarized affidavit provided by the City. The City will provide to Agency invoices to be used with payment requests.

This contract made and entered into by and between the parties the day and year first above written and shall be binding upon the successors and assigns thereof.

Big Brothers and Big Sisters of Oklahoma, Cleveland County Office

President

Attest:

Secretary

Subscribed and sworn to before me this 4th day of Aug., 2010.

Notary Public

My Commission expires: 10-4-11

The City of Norman, Oklahoma

Cindy Rosenthal, Mayor

Attest:

Brenda Hall, City Clerk

Approved as to form and legality this 11th day of August, 2010.

City Attorney's Office

Agency	Purpose	Resolution Number	Contract Number	Account #	Tax ID #	Contract Amount	Contact	Title	Address	Zip	Phone
Metropolitan Fair Housing Council, Inc.	Fair Housing Services		K-1112-18	021-4071-463.40-09 021-4073-463.40-09	73-1067333	$10,000 $10,000	Mary Dulan	Executive Director	1500 NE 4th Street, Ste 204 Oklahoma City, OK 73117	73117	232-3247
Community After School Program, Inc.	Scholarships		K-1112-19	021-4071-463.47-70	73-0960925	$3,230.00	Terri Craig	Executive Director	1023 N. Flood	73069	366-5970
Central Oklahoma Community Action Agency, Inc.	Purchase of supplies for Food Closet, Rehabilitation for Transitional Housing Units, RSVP	R-1112-16	K-1112-20	021-4071-463.47-71	73-1068862	$23,384.00	Lisa Sydnor	Executive Director	PO Box 486	74802	
Health for Friends, Inc.	Dental Clinic	R-1112-17	K-1112-21	021-4071-463.47-72	73-1261816	$10,095.00	Brian Karnes	Executive Director	PO Box 1224	73070	329-4558
Progressive Independence, Inc.	Durable Medical Equipment Loan Library and/or Opening Doors Fund	R-1112-18	K-1112-22	021-4071-463.47-73	73-1311897	$5,653.00	Jeffery Hughes	Executive Director	121 N. Porter	73071	321-3203
Habitat for Humanity	Acquisition of Property		K-1112-23	021-4071-463.47-74	73-1422362	$14,000.00	Tracy Curtis	Director of Operations	PO Box 1005	73070	360-7868
Salvation Army, A Georgia Corporation	Equipment	R-1112-19	K-1112-24	021-4071-463.47-78	73-0579266	$2,423.00	Major Margaret Kennell	Officer in Charge	PO Box 1092	73070	364-9910
Food and Shelter for Friends, Inc.	Utilities and maintenance		K-1112-25	021-4071-463.47-77	73-1222111	$12,491.00	April Dosier	Executive Director	PO Box 5537	73070	360-4954
Metro Transit Norman	Transportation Services for low and moderate income citizens of Norman		K-1112-26	021-4071-463.47-79	73-730163K	$25,000.00	Douglas Myers	Administrator, Transit Services	731 Elm Ave.	73019	325-2278
Aging Services of Cleveland County, Inc.	Congregate Meal Program		K-1112-27	021-4071-463.47-80	73-1326994	$8,077.00	Kathleen Wilson	Executive Director	1179 East Main	73071	321-3200
Full Circle Senior Adult Day Center, Inc.	Equipment	R-1112-20	K-1112-28	021-4071-463.47-82	73-1489367	$2,423.00	Tammy Vaughn	Executive Director	1304 E. Lindsey Plaza Drive	73071	447-2955
Community Services Building, Inc.	Mechanical Rehabilitation	R-1112-21	K-1112-29	021-4071-463.47-83	73-1476711	$25,000.00	Christi Moore	Executive Director	1183 E. Main	73071	701-2001
Bethesda, Inc.	Equipment	R-1112-22	K-1112-30	021-4071-463.47-84	73-1170216	$2,423.00	Kay Christiansen	Executive Director	1181 East Main	73071	364-0333
Meals on Wheels of Norman, Inc.	Scholarships		K-1112-31	021-4071-463.47-85	73-0931924	$12,115.00	Lynn Haynes	Executive Director	PO Box 1371	73070	321-7272
Thunderbird Clubhouse, Inc.	Rehabilitation of Permanent Suportive Housing Unit	R-1112-23	K-1112-32	021-4071-463.47-88	73-1425145	$4,414.00	Pam Sanford	Executive Director	PO Box 1666	73070	321-7331
United Way of Norman, Inc.	ABC 123 School Supply Program	R-1112-24	K-1112-33	021-4071-463.47-89	73-0668684	$4,038.00	Kristin Collins	President	2424 Springer Drive, Suite 304	73069	364-3800
Among Friends Activity Center, Inc.	Meal Program		K-1112-34	021-4071-463.47-90	48-1298795	$2,220.00	Cathe Fox	Executive Director	4101 Heritage Place Drive	73072	701-2121
Center for Children and Families, Inc.	Neighborhood Centers Kennedy Summer Youth Enrichment Program		K-1112-35	021-4071-463.47-93	73-0933253	$4,846.00	Katie Fitzgerald	Executive Director	1151 East Main	73070	364-1420
Bridges, Inc.	Life Skills Program and Computer Services		K-1112-36	021-4071-463.47-95	73-1466304	$1,615.00	Debra Krittenbrink	Executive Director	1670 N. Stubbeman	73069	579-9280
Big Brothers and Big Sisters of Oklahoma, Cleveland County	Application Expenses		K-1112-37	021-4071-463.47-96	73-1226237	$2,625.00	Emily Fryar	Interim Director	1155 East Main	73071	364-3722
East Main Place, Inc	Utilities and maintenance		K-1112-38	021-4071-463.47-76	73-1641654	$8,884.00	Virginia Corson	Executive Director	1100 East Main	73071	447-4663
Women's Resource Center, Inc.	Equipment	R-1112-25	K-1112-39	021-4071-463.47-75	51-0217710	$4,038.00	JoAnn Smith	Executive Director	PO Box 5089	73070	364-9424
Norman Affordable Housing Corporation	CHDO		K-1112-40	021-4073-463.47-98		$79,140.00	Karen Canavan	Executive Director	700 N. Berry Road	73069	329-0933

PURCHASE REQUISITION NBR: 0000189903

STATUS: ALL ITEMS ON ORDER

REQUISITION BY: JMCCART REASON: CDBG GRANT DATE: 8/02/11

SHIP TO LOCATION: COMMUNITY DEVELOPMENT SUGGESTED VENDOR: 2003 BIG BROTHERS/BIG SISTERS DELIVER BY DATE: 8/02/11

1	CDBG GRANT COMMODITY: GRANTS SUBCOMMOD: CDBG	2625.00	DOL	1.0000	2625.00

REQUISITION TOTAL: 2625.00

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

LINE #	ACCOUNT		PROJECT	%	AMOUNT
1	02140714634796	Miscellaneous Services Big Brothers/Big Sisters		100.00	2625.00
					2625.00

REQUISITION IS IN THE CURRENT FISCAL YEAR.

CDBG GRANT

City of Norman, OK

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

Master

File Number: K-1112-38

File ID:	K-1112-38	**Type:**	Contract	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 48	**In Control:**	City Council
Department:	Planning and Community Development Department	**Cost:**	$8,884.00	**File Created:**	08/05/2011
File Name:	K-1112-38 East Main Place CDBG			**Final Action:**	

Title: CONTRACT NO. K-1112-38: BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND EAST MAIN PLACE, INC., IN THE AMOUNT OF $8,884 AS AGREED UPON UNDER THE 37TH YEAR CDBG PROGRAM.

ACTION NEEDED: Motion to approve or reject Contract No. K-1112-38 with East Main Place, Inc.; and, if approved, authorize execution of the contract and direct payment in the amount of $8,884.

ACTION TAKEN: _____

Notes:

Agenda Date: 08/23/2011

Agenda Number: 48

Attachments: K-1112-38 East Main Place, Agency Info 7-1-11, PR East Main

Project Manager: Linda Price, Revitalization Manager

Entered by: Ellen.Usry@NormanOK.gov

Effective Date:

History of Legislative File

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

Text of Legislative File K-1112-38

Body

BACKGROUND: Proposals for funding are presented to the Policy Committee by non-profit agencies to meet the needs of low-to-moderate income citizens of Norman in addition to project proposals generated at two neighborhood meetings held each year in each of the five target neighborhoods. The target neighborhoods are qualified for participation on the basis of the percentage of low and moderate income residents.

The budget was developed over a series of six meetings of the Community Development Block Grant Policy Committee. This committee consists of thirty-two members that are appointed by the mayor as designated in the Citizen Participation Plan and ten that are elected as representatives from the five target neighborhoods. The proposed budget was unanimously recommended by the Policy Committee on June 8, 2011.

On June 14, 2011, Council approved the CDBG and HOME Program budgets in the amount of $1,305,376. The funding for the Programs is provided by the U.S. Department of Housing and Urban Development (HUD).

The proposed budget included funds for social service and rehabilitation activities for non-profit agencies as well as property acquisition for a designated Community Housing Development Organization (CHDO), and fair housing services.

DISCUSSION: The proposed contracts represent a total of $169,994 for rehabilitation and social services for non-profit agencies, $79,140 for CHDO activities, and $20,000 for fair housing activities that are a required part of the CDBG and HOME Programs.

The designation of a CHDO is a requirement of the HOME program to further develop affordable housing within Norman. The funds will be utilized to purchase one or more properties and utilized as rental housing that is affordable to low-to-moderate income households. The specific site for acquisition will be determined at a later date.

East Main Place, Inc. is a non-profit agency that provides transitional housing for homeless individuals and families. The contract is for utilities and maintenance of the homeless shelter.

The proposed resolutions provide for the conveyance of sales tax exemption for work and materials purchased in conjunction with the contracts for the CDBG projects. The contracts and resolutions have been developed in conjunction with all City of Norman and HUD requirements.

RECOMMENDATION: Staff has reviewed the proposed contracts and resolutions and recommends approval. Funds are available in the Community Development Fund in the accounts listed.

Contract No. K-1112-38

This Agreement, made and entered into this, **23rd day of August, 2011** by and between the **City of Norman, Oklahoma**, a municipal corporation, hereinafter referred to as "City" and **East Main Place, Inc**, hereinafter referred to as "Agency."

WHEREAS, the City has received grant funds from the U.S. Department of Housing and Urban Development in conjunction with the Community Development Block Grant Program under Grant Number B-11-MC-40-0002, a portion of which are to be distributed to Agency for the uses provided herein;

Further, whereas Agency agrees, upon receipt of a portion of said funds, to provide for activities to serve no fewer than 45 clients.

For and in consideration of the activities agreed to be performed herein, by Agency, City agrees to distribute to Agency as its portion of the funds received, the total sum of $8,884. Said funds to be distributed by City to Agency pursuant to the terms and conditions of Grant Number B-11-MC-40-0002 by and between the U.S. Department of Housing and Urban Development and the City for the funding period of July 1, 2011, through June 30, 2012.

Agency further agrees that the above-mentioned activities will be completed by and that all necessary information and activities will be completed by Agency and reported to City no later than June 15, 2012.

As further consideration for the disbursement of said funds by City to Agency, Agency agrees to abide by all the terms and conditions of the Community Development Block Grant Program and the OMB Circular A-122 entitled Cost Principles for Non-Profit Organizations to use funds distributed pursuant to this contract to improve the quality of services to program participants. Particular attention should be paid to purchasing and record-keeping requirements.

It is further understood by and between the parties hereto that all the provisions of the Community Development Block Grant Program Contract described above are incorporated herein by reference and made a part of this contract and specifically that all provisions regarding modification, termination, and/or suspension of said Community Development Block Grant Program Contract are applicable hereto.

Budget

Utilities and maintenance	$8,884
Total Budget	$8,884

General Provisions -- Records & Reports:

Agency shall maintain financial records documenting actual expenditures related to CDBG activities performed under this contract. Records must also be maintained by Agency documenting all activities required under this contract. These records shall be kept for a period of five (5) years after completion of this Contract.

Agency will submit a monthly report to the Community Development Division detailing all activities performed with the use of City of Norman CDBG funds including the number of clients served, their income levels, and household/racial characteristics. These reports shall be submitted covering the period July 1, 2011, through June 30, 2012. Each monthly report shall be due on or before the 5th of each month covering the prior month. The City will provide to Agency reporting forms to be used with payment requests.

Agency will make all required records available for inspection by the City of Norman Community Development Division for monitoring purposes.

Agency shall ensure recognition of the role of the grantor Agency in providing services through this contract. All activities, facilities and items utilized pursuant to this contract shall be prominently labeled as to funding source. In addition, Agency will include a reference to the support provided herein in all publications made possible with funds made available under this contract.

Program Income:

Program income generated by Agency from the use of City of Norman CDBG funds shall be recorded. Agency may retain program income and expend it only on those activities noted in this contract. Any program income on hand when this contract expires, or received after the contract expiration, shall be paid to the City of Norman; or if a subsequent contract is executed, shall be applied to the terms of the subsequent contract. (In accordance with 24 CFR 570.504(c).)

Uniform Administrative Requirement:

Agency shall carry out all activities in compliance with all Federal laws and regulations described in Sub-part & of 24 CPR Part 560 except 570.604. Agency does not assume responsibility of 24 CFR Part 52.

Suspension and Termination:

In accordance with 24 CFR 85.43, suspension or termination may occur if Agency materially fails to comply with any term of the award, and the award may be terminated for convenience in accordance with 24 CFR 85.44.

Reversion of Assets:

Upon expiration of this contract Agency shall transfer to the City of Norman any CDBG funds on hand at the time of expiration and any accounts receivable attributable to the use of City of Norman CDBG funds. Any real property under Agency control that was acquired or improved in whole or in part with City of Norman CDBG funds in excess of $25,000 must either:

> *"Be used to meet one of the national objectives in 570.208 until five years after expiration of this contract; or disposed of in a manner that results in the City of Norman being reimbursed in the amount of the current fair market value of the property less any portion of the value attributable to expenditures of non-City of Norman CDBG funds for acquisition of or improvements to, the property. (Reimbursement is not required five years front date of expiration of this contract.)"*

Payment:

Agency agrees to submit an invoice which reflects the direct costs under this Contract. The City will make payments from these invoices. Each invoice in excess of $12,500 must be accompanied by a notarized affidavit provided by the City. The City will provide to Agency invoices to be used with payment requests.

This contract made and entered into by and between the parties the day and year first above written and shall be binding upon the successors and assigns thereof.

East Main Place, Inc

Paul T. Klein
President

Attest:

Secretary

Subscribed and sworn to before me this 5th day of August, 2011.

NOTARY PUBLIC IN AND FOR STATE OF OKLAHOMA
OFFICIAL SEAL
Lisa D. Krieg
Commission # 00010284
Expires July 3, 2012

Notary Public

My Commission expires: 7-3-2012

The City of Norman, Oklahoma

Cindy Rosenthal, Mayor

Attest:

Brenda Hall, City Clerk

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

City Attorney's Office

Agency	Purpose	Resolution Number	Contract Number	Account #	Tax ID #	Contract Amount	Contact	Title	Address	Zip	Phone
Metropolitan Fair Housing Council, Inc.	Fair Housing Services		K-1112-18	021-4071-463.40-09 021-4073-463.40-09	73-1067333	$10,000 $10,000	Mary Dulan	Executive Director	1500 NE 4th Street, Ste 204 Oklahoma City, OK 73117	73117	232-3247
Community After School Program, Inc.	Scholarships		K-1112-19	021-4071-463.47-70	73-0960925	$3,230.00	Terri Craig	Executive Director	1023 N. Flood	73069	366-5970
Central Oklahoma Community Action Agency, Inc.	Purchase of supplies for Food Closet, Rehabilitation for Transitional Housing Units, RSVP	R-1112-16	K-1112-20	021-4071-463.47-71	73-1068862	$23,384.00	Lisa Sydnor	Executive Director	PO Box 486	74802	
Health for Friends, Inc.	Dental Clinic	R-1112-17	K-1112-21	021-4071-463.47-72	73-1261816	$10,095.00	Brian Karnes	Executive Director	PO Box 1224	73070	329-4558
Progressive Independence, Inc.	Durable Medical Equipment Loan Library and/or Opening Doors Fund	R-1112-18	K-1112-22	021-4071-463.47-73	73-1311897	$5,653.00	Jeffery Hughes	Executive Director	121 N. Porter	73071	321-3203
Habitat for Humanity	Acquisition of Property		K-1112-23	021-4071-463.47-74	73-1422362	$14,000.00	Tracy Curtis	Director of Operations	PO Box 1005	73070	360-7868
Salvation Army, A Georgia Corporation	Equipment	R-1112-19	K-1112-24	021-4071-463.47-78	73-0579266	$2,423.00	Major Margaret Kennell	Officer in Charge	PO Box 1092	73070	364-9910
Food and Shelter for Friends, Inc.	Utilities and maintenance		K-1112-25	021-4071-463.47-77	73-1222111	$12,491.00	April Dosier	Executive Director	PO Box 5537	73070	360-4954
Metro Transit Norman	Transportation Services for low and moderate income citizens of Norman		K-1112-26	021-4071-463.47-79	73-730163K	$25,000.00	Douglas Myers	Administrator, Transit Services	731 Elm Ave.	73019	325-2278
Aging Services of Cleveland County, Inc.	Congregate Meal Program		K-1112-27	021-4071-463.47-80	73-1326994	$8,077.00	Kathleen Wilson	Executive Director	1179 East Main	73071	321-3200
Full Circle Senior Adult Day Center, Inc.	Equipment	R-1112-20	K-1112-28	021-4071-463.47-82	73-1489367	$2,423.00	Tammy Vaughn	Executive Director	1304 E. Lindsey Plaza Drive	73071	447-2955
Community Services Building, Inc.	Mechanical Rehabilitation	R-1112-21	K-1112-29	021-4071-463.47-83	73-1476711	$25,000.00	Christi Moore	Executive Director	1183 E. Main	73071	701-2001
Bethesda, Inc.	Equipment	R-1112-22	K-1112-30	021-4071-463.47-84	73-1170216	$2,423.00	Kay Christiansen	Executive Director	1181 East Main	73071	364-0333
Meals on Wheels of Norman, Inc.	Scholarships		K-1112-31	021-4071-463.47-85	73-0931924	$12,115.00	Lynn Haynes	Executive Director	PO Box 1371	73070	321-7272
Thunderbird Clubhouse, Inc.	Rehabilitation of Permanent Suportive Housing Unit	R-1112-23	K-1112-32	021-4071-463.47-88	73-1425145	$4,414.00	Pam Sanford	Executive Director	PO Box 1666	73070	321-7331
United Way of Norman, Inc.	ABC 123 School Supply Program	R-1112-24	K-1112-33	021-4071-463.47-89	73-0668684	$4,038.00	Kristin Collins	President	2424 Springer Drive, Suite 304	73069	364-3800
Among Friends Activity Center, Inc.	Meal Program		K-1112-34	021-4071-463.47-90	48-1298795	$2,220.00	Cathe Fox	Executive Director	4101 Heritage Place Drive	73072	701-2121
Center for Children and Families, Inc.	Neighborhood Centers Kennedy Summer Youth Enrichment Program		K-1112-35	021-4071-463.47-93	73-0933253	$4,846.00	Katie Fitzgerald	Executive Director	1151 East Main	73070	364-1420
Bridges, Inc.	Life Skills Program and Computer Services		K-1112-36	021-4071-463.47-95	73-1466304	$1,615.00	Debra Krittenbrink	Executive Director	1670 N. Stubbeman	73069	579-9280
Big Brothers and Big Sisters of Oklahoma, Cleveland County	Application Expenses		K-1112-37	021-4071-463.47-96	73-1226237	$2,625.00	Emily Fryar	Interim Director	1155 East Main	73071	364-3722
East Main Place, Inc	Utilities and maintenance		K-1112-38	021-4071-463.47-76	73-1641654	$8,884.00	Virginia Corson	Executive Director	1100 East Main	73071	447-4663
Women's Resource Center, Inc.	Equipment	R-1112-25	K-1112-39	021-4071-463.47-75	51-0217710	$4,038.00	JoAnn Smith	Executive Director	PO Box 5089	73070	364-9424
Norman Affordable Housing Corporation	CHDO		K-1112-40	021-4073-463.47-98		$79,140.00	Karen Canavan	Executive Director	700 N. Berry Road	73069	329-0933

PURCHASE REQUISITION NBR: 0000189888

STATUS: ALL ITEMS ON ORDER

REQUISITION BY: JMCCART REASON: CDBG GRANT DATE: 8/02/11

SHIP TO LOCATION: COMMUNITY DEVELOPMENT SUGGESTED VENDOR: 3410 EAST MAIN PLACE DELIVER BY DATE: 8/02/11

1	CDBG GRANT COMMODITY: GRANTS SUBCOMMOD: CDBG	8884.00	DOL	1.0000	8884.00

REQUISITION TOTAL: 8884.00

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

LINE #	ACCOUNT		PROJECT	%	AMOUNT
1	02140714634776	Miscellaneous Services East Main Place		100.00	8884.00
					8884.00

REQUISITION IS IN THE CURRENT FISCAL YEAR.

CDBG GRANT

City of Norman, OK

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

Master

File Number: K-1112-39

File ID:	K-1112-39	**Type:**	Contract	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 49	**In Control:**	City Council
Department:	Planning and Community Development Department	**Cost:**	$4,038.00	**File Created:**	08/05/2011
File Name:	K-1112-39 Women's Resource Center			**Final Action:**	

Title: CONTRACT NO. K-1112-39: BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND THE WOMEN'S RESOURCE CENTER, INC., IN THE AMOUNT OF $4,038 AS AGREED UPON UNDER THE 37TH YEAR CDBG PROGRAM AND ADOPTION OF RESOLUTION NO. R-1112-25.

ACTION NEEDED: Motion to approve or reject Contract No. K-1112-39 with the Women's Resource Center, Inc.; and, if approved, authorize execution of the contract, adopt Resolution No. R-1112-25, and direct payment in the amount of $4,038.

ACTION TAKEN: _____

Notes:

Agenda Date: 08/23/2011

Agenda Number: 49

Attachments: K-1112-39 WRC, Agency Info 7-1-11, R-1112-25, PR WRC

Project Manager: Linda Price, Revitalization Manager

Entered by: Ellen.Usry@NormanOK.gov

Effective Date:

History of Legislative File

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

Text of Legislative File K-1112-39

Body

BACKGROUND: Proposals for funding are presented to the Policy Committee by non-profit agencies to meet the needs of low-to-moderate income citizens of Norman in addition to project proposals generated at two neighborhood meetings held each year in each of the five

target neighborhoods. The target neighborhoods are qualified for participation on the basis of the percentage of low and moderate income residents.

The budget was developed over a series of six meetings of the Community Development Block Grant Policy Committee. This committee consists of thirty-two members that are appointed by the mayor as designated in the Citizen Participation Plan and ten that are elected as representatives from the five target neighborhoods. The proposed budget was unanimously recommended by the Policy Committee on June 8, 2011.

On June 14, 2011, Council approved the CDBG and HOME Program budgets in the amount of $1,305,376. The funding for the Programs is provided by the U.S. Department of Housing and Urban Development (HUD).

The proposed budget included funds for social service and rehabilitation activities for non-profit agencies as well as property acquisition for a designated Community Housing Development Organization (CHDO), and fair housing services.

DISCUSSION: The proposed contracts represent a total of $169,994 for rehabilitation and social services for non-profit agencies, $79,140 for CHDO activities, and $20,000 for fair housing activities that are a required part of the CDBG and HOME Programs.

The designation of a CHDO is a requirement of the HOME program to further develop affordable housing within Norman. The funds will be utilized to purchase one or more properties and utilized as rental housing that is affordable to low-to-moderate income households. The specific site for acquisition will be determined at a later date.

The Women's Resource Center is a Norman non-profit agency that runs a shelter for battered women and children. The contract is to assist with the purchase of equipment for the shelter.

The proposed resolutions provide for the conveyance of sales tax exemption for work and materials purchased in conjunction with the contracts for the CDBG projects. The contracts and resolutions have been developed in conjunction with all City of Norman and HUD requirements.

RECOMMENDATION: Staff has reviewed the proposed contracts and resolutions and recommends approval. Funds are available in the Community Development Fund in the accounts listed.

Contract No. K-1112-39

This Agreement, made and entered into this, **23rd day of August, 2011** by and between the **City of Norman, Oklahoma**, a municipal corporation, hereinafter referred to as "City" and **Women's Resource Center, Inc.**, hereinafter referred to as "Agency."

WHEREAS, the City has received grant funds from the U.S. Department of Housing and Urban Development in conjunction with the Community Development Block Grant Program under Grant Number B-11-MC-40-0002, a portion of which are to be distributed to Agency for the uses provided herein;

Further, whereas Agency agrees, upon receipt of a portion of said funds, to provide for activities to serve no fewer than 40 clients.

For and in consideration of the activities agreed to be performed herein, by Agency, City agrees to distribute to Agency as its portion of the funds received, the total sum of $4,038. Said funds to be distributed by City to Agency pursuant to the terms and conditions of Grant Number B-11-MC-40-0002 by and between the U.S. Department of Housing and Urban Development and the City for the funding period of July 1, 2011, through June 30, 2012.

Agency further agrees that the above-mentioned activities will be completed by and that all necessary information and activities will be completed by Agency and reported to City no later than June 15, 2012.

As further consideration for the disbursement of said funds by City to Agency, Agency agrees to abide by all the terms and conditions of the Community Development Block Grant Program and the OMB Circular A-122 entitled Cost Principles for Non-Profit Organizations to use funds distributed pursuant to this contract to improve the quality of services to program participants. Particular attention should be paid to purchasing and record-keeping requirements.

It is further understood by and between the parties hereto that all the provisions of the Community Development Block Grant Program Contract described above are incorporated herein by reference and made a part of this contract and specifically that all provisions regarding modification, termination, and/or suspension of said Community Development Block Grant Program Contract are applicable hereto.

Budget

Equipment		$4,038
	Total Budget	$4,038

General Provisions -- Records & Reports:

Agency shall maintain financial records documenting actual expenditures related to CDBG activities performed under this contract. Records must also be maintained by Agency documenting all activities required under this contract. These records shall be kept for a period of five (5) years after completion of this Contract.

Agency will submit a monthly report to the Community Development Division detailing all activities performed with the use of City of Norman CDBG funds including the number of clients served, their income levels, and household/racial characteristics. These reports shall be submitted covering the period July 1, 2011, through June 30, 2012. Each monthly report shall be due on or before the 5th of each month covering the prior month. The City will provide to Agency reporting forms to be used with payment requests.

Agency will make all required records available for inspection by the City of Norman Community Development Division for monitoring purposes.

Agency shall ensure recognition of the role of the grantor Agency in providing services through this contract. All activities, facilities and items utilized pursuant to this contract shall be prominently labeled as to funding source. In addition, Agency will include a reference to the support provided herein in all publications made possible with funds made available under this contract.

Program Income:

Program income generated by Agency from the use of City of Norman CDBG funds shall be recorded. Agency may retain program income and expend it only on those activities noted in this contract. Any program income on hand when this contract expires, or received after the contract expiration, shall be paid to the City of Norman; or if a subsequent contract is executed, shall be applied to the terms of the subsequent contract. (In accordance with 24 CFR 570.504(c).)

Uniform Administrative Requirement:

Agency shall carry out all activities in compliance with all Federal laws and regulations described in Sub-part & of 24 CPR Part 560 except 570.604. Agency does not assume responsibility of 24 CFR Part 52.

Suspension and Termination:

In accordance with 24 CFR 85.43, suspension or termination may occur if Agency materially fails to comply with any term of the award, and the award may be terminated for convenience in accordance with 24 CFR 85.44.

Reversion of Assets:

Upon expiration of this contract Agency shall transfer to the City of Norman any CDBG funds on hand at the time of expiration and any accounts receivable attributable to the use of City of Norman CDBG funds. Any real property under Agency control that was acquired or improved in whole or in part with City of Norman CDBG funds in excess of $25,000 must either:

> *"Be used to meet one of the national objectives in 570.208 until five years after expiration of this contract; or disposed of in a manner that results in the City of Norman being reimbursed in the amount of the current fair market value of the property less any portion of the value attributable to expenditures of non-City of Norman CDBG funds for acquisition of or improvements to, the property. (Reimbursement is not required five years front date of expiration of this contract.)"*

Payment:

Agency agrees to submit an invoice which reflects the direct costs under this Contract. The City will make payments from these invoices. Each invoice in excess of $12,500 must be accompanied by a notarized affidavit provided by the City. The City will provide to Agency invoices to be used with payment requests.

This contract made and entered into by and between the parties the day and year first above written and shall be binding upon the successors and assigns thereof.

Women's Resource Center, Inc.

X _____
President

Attest:

_____
Secretary

JOLANE LAMBRECHT NOTARY # 02013995 EXP. 09/30/14 PUBLIC STATE OF OKLAHOMA

Subscribed and sworn to before me this 2nd day of August, 2011.

_____
Notary Public

My Commission expires: 9-30-14

The City of Norman, Oklahoma

_____
Cindy Rosenthal, Mayor

Attest:

_____
Brenda Hall, City Clerk

Approved as to form and legality this 16th day of August, 2011.

_____
City Attorney's Office

Agency	Purpose	Resolution Number	Contract Number	Account #	Tax ID #	Contract Amount	Contact	Title	Address	Zip	Phone
Metropolitan Fair Housing Council, Inc.	Fair Housing Services		K-1112-18	021-4071-463.40-09 021-4073-463.40-09	73-1067333	$10,000 $10,000	Mary Dulan	Executive Director	1500 NE 4th Street, Ste 204 Oklahoma City, OK 73117	73117	232-3247
Community After School Program, Inc.	Scholarships		K-1112-19	021-4071-463.47-70	73-0960925	$3,230.00	Terri Craig	Executive Director	1023 N. Flood	73069	366-5970
Central Oklahoma Community Action Agency, Inc.	Purchase of supplies for Food Closet, Rehabilitation for Transitional Housing Units, RSVP	R-1112-16	K-1112-20	021-4071-463.47-71	73-1068862	$23,384.00	Lisa Sydnor	Executive Director	PO Box 486	74802	
Health for Friends, Inc.	Dental Clinic	R-1112-17	K-1112-21	021-4071-463.47-72	73-1261816	$10,095.00	Brian Karnes	Executive Director	PO Box 1224	73070	329-4558
Progressive Independence, Inc.	Durable Medical Equipment Loan Library and/or Opening Doors Fund	R-1112-18	K-1112-22	021-4071-463.47-73	73-1311897	$5,653.00	Jeffery Hughes	Executive Director	121 N. Porter	73071	321-3203
Habitat for Humanity	Acquisition of Property		K-1112-23	021-4071-463.47-74	73-1422362	$14,000.00	Tracy Curtis	Director of Operations	PO Box 1005	73070	360-7868
Salvation Army, A Georgia Corporation	Equipment	R-1112-19	K-1112-24	021-4071-463.47-78	73-0579266	$2,423.00	Major Margaret Kennell	Officer in Charge	PO Box 1092	73070	364-9910
Food and Shelter for Friends, Inc.	Utilities and maintenance		K-1112-25	021-4071-463.47-77	73-1222111	$12,491.00	April Dosier	Executive Director	PO Box 5537	73070	360-4954
Metro Transit Norman	Transportation Services for low and moderate income citizens of Norman		K-1112-26	021-4071-463.47-79	73-730163K	$25,000.00	Douglas Myers	Administrator, Transit Services	731 Elm Ave.	73019	325-2278
Aging Services of Cleveland County, Inc.	Congregate Meal Program		K-1112-27	021-4071-463.47-80	73-1326994	$8,077.00	Kathleen Wilson	Executive Director	1179 East Main	73071	321-3200
Full Circle Senior Adult Day Center, Inc.	Equipment	R-1112-20	K-1112-28	021-4071-463.47-82	73-1489367	$2,423.00	Tammy Vaughn	Executive Director	1304 E. Lindsey Plaza Drive	73071	447-2955
Community Services Building, Inc.	Mechanical Rehabilitation	R-1112-21	K-1112-29	021-4071-463.47-83	73-1476711	$25,000.00	Christi Moore	Executive Director	1183 E. Main	73071	701-2001
Bethesda, Inc.	Equipment	R-1112-22	K-1112-30	021-4071-463.47-84	73-1170216	$2,423.00	Kay Christiansen	Executive Director	1181 East Main	73071	364-0333
Meals on Wheels of Norman, Inc.	Scholarships		K-1112-31	021-4071-463.47-85	73-0931924	$12,115.00	Lynn Haynes	Executive Director	PO Box 1371	73070	321-7272
Thunderbird Clubhouse, Inc.	Rehabilitation of Permanent Suportive Housing Unit	R-1112-23	K-1112-32	021-4071-463.47-88	73-1425145	$4,414.00	Pam Sanford	Executive Director	PO Box 1666	73070	321-7331
United Way of Norman, Inc.	ABC 123 School Supply Program	R-1112-24	K-1112-33	021-4071-463.47-89	73-0668684	$4,038.00	Kristin Collins	President	2424 Springer Drive, Suite 304	73069	364-3800
Among Friends Activity Center, Inc.	Meal Program		K-1112-34	021-4071-463.47-90	48-1298795	$2,220.00	Cathe Fox	Executive Director	4101 Heritage Place Drive	73072	701-2121
Center for Children and Families, Inc.	Neighborhood Centers Kennedy Summer Youth Enrichment Program		K-1112-35	021-4071-463.47-93	73-0933253	$4,846.00	Katie Fitzgerald	Executive Director	1151 East Main	73070	364-1420
Bridges, Inc.	Life Skills Program and Computer Services		K-1112-36	021-4071-463.47-95	73-1466304	$1,615.00	Debra Krittenbrink	Executive Director	1670 N. Stubbeman	73069	579-9280
Big Brothers and Big Sisters of Oklahoma, Cleveland County	Application Expenses		K-1112-37	021-4071-463.47-96	73-1226237	$2,625.00	Emily Fryar	Interim Director	1155 East Main	73071	364-3722
East Main Place, Inc	Utilities and maintenance		K-1112-38	021-4071-463.47-76	73-1641654	$8,884.00	Virginia Corson	Executive Director	1100 East Main	73071	447-4663
Women's Resource Center, Inc.	Equipment	R-1112-25	K-1112-39	021-4071-463.47-75	51-0217710	$4,038.00	JoAnn Smith	Executive Director	PO Box 5089	73070	364-9424
Norman Affordable Housing Corporation	CHDO		K-1112-40	021-4073-463.47-98		$79,140.00	Karen Canavan	Executive Director	700 N. Berry Road	73069	329-0933

Resolution

R-1112-25

A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AUTHORIZING THE WOMEN'S RESOURCE CENTER, INC., AS PROJECT AGENT FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) AS PART OF THE CDBG 37TH YEAR PROGRAM.

§ 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 for $4,038 with the Women's Resource Center, Inc., for the FY 11-12 CDBG 37th Year Program; and

§ 2. WHEREAS, the City of Norman, Oklahoma, in compliance with State law, desires to confer on the Women's Resource Center, 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, the Women's Resource Center, Inc., to purchase materials which are, in fact, incorporated in, and used for the FY 11-12 CDBG 37th Year Program; and

§ 3. WHEREAS, this limited agent status is conferred with the express understanding the Women's Resource Center, 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 23rd day of August, 2011, did authorize the Women's Resource Center, Inc., who is involved with the FY 11-12 CDBG 37th Year Program, 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 FY 11-12 CDBG 37th Year Program.

PASSED AND ADOPTED THIS 23rd day of August, 2011.

_____
Mayor

ATTEST:

_____
City Clerk

PURCHASE REQUISITION NBR: 0000189933

STATUS: ALL ITEMS ON ORDER
REQUISITION BY: JMCCART REASON: CDBG GRANT DATE: 8/03/11

SHIP TO LOCATION: COMMUNITY DEVELOPMENT SUGGESTED VENDOR: 2257 WOMEN'S RESOURCE CENTER INC DELIVER BY DATE: 8/03/11

LINE NBR	DESCRIPTION	QUANTITY	UOM	UNIT COST	EXTEND COST	VENDOR PART NUMBER
1	CDBG GRANT COMMODITY: GRANTS SUBCOMMOD: CDBG	4038.00	DOL	1.0000	4038.00	

REQUISITION TOTAL: 4038.00

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

LINE #	ACCOUNT		PROJECT	%	AMOUNT
1	02140714634775	Miscellaneous Services WRC		100.00	4038.00
					4038.00

REQUISITION IS IN THE CURRENT FISCAL YEAR.

REQUISITION COMMENTS:

W-9 IS ON ITS WAY. JCM

City of Norman, OK

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

Master

File Number: K-1112-40

File ID:	K-1112-40	**Type:**	Contract	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 50	**In Control:**	City Council
Department:	Planning and Community Development Department	**Cost:**	$79,140.00	**File Created:**	08/05/2011
File Name:	K-1112-40 Norman Affordable Housing CDBG			**Final Action:**	

Title: CONTRACT NO. K-1112-40: BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND NORMAN AFFORDABLE HOUSING CORPORATION, IN THE AMOUNT OF $79,140 ACTING AS A COMMUNITY HOUSING DEVELOPMENT ORGANIZATION (CHDO) AS AGREED UPON UNDER THE 37TH YEAR CDBG PROGRAM AND THE HOME INVESTMENT PARTNERSHIPS PROGRAM.

ACTION NEEDED: Motion to approve or reject Contract No. K-1112-40 with Norman Affordable Housing Corporation acting as a CHDO; and, if approved, authorize execution of the contract and direct payment in the amount of $879,140.

ACTION TAKEN:

_____

Notes:

Agenda Date: 08/23/2011

Agenda Number: 50

Attachments: K-1112-40 Affordable Housing, Agency Info 7-1-11, PR Afford Housing

Project Manager: Linda Price, Revitalization Manager

Entered by: Ellen.Usry@NormanOK.gov

Effective Date:

History of Legislative File

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

Text of Legislative File K-1112-40

Body

BACKGROUND: Proposals for funding are presented to the Policy Committee by non-profit

agencies to meet the needs of low-to-moderate income citizens of Norman in addition to project proposals generated at two neighborhood meetings held each year in each of the five target neighborhoods. The target neighborhoods are qualified for participation on the basis of the percentage of low and moderate income residents.

The budget was developed over a series of six meetings of the Community Development Block Grant Policy Committee. This committee consists of thirty-two members that are appointed by the mayor as designated in the Citizen Participation Plan and ten that are elected as representatives from the five target neighborhoods. The proposed budget was unanimously recommended by the Policy Committee on June 8, 2011.

On June 14, 2011, Council approved the CDBG and HOME Program budgets in the amount of $1,305,376. The funding for the Programs is provided by the U.S. Department of Housing and Urban Development (HUD).

The proposed budget included funds for social service and rehabilitation activities for non-profit agencies as well as property acquisition for a designated Community Housing Development Organization (CHDO), and fair housing services.

DISCUSSION: The proposed contracts represent a total of $169,994 for rehabilitation and social services for non-profit agencies, $79,140 for CHDO activities, and $20,000 for fair housing activities that are a required part of the CDBG and HOME Programs.

The designation of a CHDO is a requirement of the HOME program to further develop affordable housing within Norman. The funds will be utilized to purchase one or more properties and utilized as rental housing that is affordable to low-to-moderate income households. The specific site for acquisition will be determined at a later date.

The Norman Affordable Housing Corporation is a non-profit of the Norman Housing Authority and Norman's Community Housing Development Organization (CHDO). A minimum of 15% of the HOME Partnership Program funding is required to be contracted to a CHDO each year. The contract provides 15% of the grant for acquisition of property that will be used for affordable housing.

The proposed resolutions provide for the conveyance of sales tax exemption for work and materials purchased in conjunction with the contracts for the CDBG projects. The contracts and resolutions have been developed in conjunction with all City of Norman and HUD requirements.

RECOMMENDATION: Staff has reviewed the proposed contracts and resolutions and recommends approval. Funds are available in the Community Development Fund in the accounts listed.

Contract No. K-1112-40

This Agreement, made and entered into this, **23rd day of August, 2011** by and between the **City of Norman, Oklahoma**, a municipal corporation, hereinafter referred to as "City" and **Norman Affordable Housing Corporation**, hereinafter referred to as "Agency."

WHEREAS, the City has received grant funds from the U.S. Department of Housing and Urban Development in conjunction with the HOME Investment Partnerships Program under Grant Number B-11-MC-40-0204, a portion of which are to be distributed to Agency for the uses provided herein;

Further, whereas Agency agrees, upon receipt of a portion of said funds, to provide for activities to serve no fewer than 1 household.

For and in consideration of the activities agreed to be performed herein, by Agency, City agrees to distribute to Agency as its portion of the funds received, the total sum of $79,140. Said funds to be distributed by City to Agency pursuant to the terms and conditions of Grant Number M-11-MC-40-0204 by and between the U.S. Department of Housing and Urban Development and the City for the funding period of July 1, 2011, through June 30, 2012.

Agency further agrees that the above-mentioned activities will be completed by and that all necessary information and activities will be completed by Agency and reported to City no later than June 15, 2012.

As further consideration for the disbursement of said funds by City to Agency, Agency agrees to abide by all the terms and conditions of the Community Development Block Grant Program and the OMB Circular A-122 entitled Cost Principles for Non-Profit Organizations to use funds distributed pursuant to this contract to improve the quality of services to program participants. Particular attention should be paid to purchasing and record-keeping requirements.

It is further understood by and between the parties hereto that all the provisions of the Community Development Block Grant Program Contract described above are incorporated herein by reference and made a part of this contract and specifically that all provisions regarding modification, termination, and/or suspension of said Community Development Block Grant Program Contract are applicable hereto.

Budget

CHDO		$79,140
	Total Budget	$79,140

General Provisions -- Records & Reports:

Agency shall maintain financial records documenting actual expenditures related to HOME activities performed under this contract. Records must also be maintained by Agency documenting all activities required under this contract. These records shall be kept for a period of five (5) years after completion of this Contract.

Agency will submit a monthly report to the Community Development Division detailing all activities performed with the use of City of Norman HOME funds including the number of clients served, their income levels, and household/racial characteristics. These reports shall be submitted covering the period July 1, 2011, through June 30, 2012. Each monthly report shall be due on or before the 5th of each month covering the prior month. The City will provide to Agency reporting forms to be used with payment requests.

Agency will make all required records available for inspection by the City of Norman Community Development Division for monitoring purposes.

Agency shall ensure recognition of the role of the grantor Agency in providing services through this contract. All activities, facilities and items utilized pursuant to this contract shall be prominently labeled as to funding source. In addition, Agency will include a reference to the support provided herein in all publications made possible with funds made available under this contract.

Program Income:

Program income generated by Agency from the use of City of Norman HOME funds shall be recorded. Agency may retain program income and expend it only on those activities noted in this contract. Any program income on hand when this contract expires, or received after the contract expiration, shall be paid to the City of Norman; or if a subsequent contract is executed, shall be applied to the terms of the subsequent contract. (In accordance with 24 CFR 570.504(c).)

Uniform Administrative Requirement:

Agency shall carry out all activities in compliance with all Federal laws and regulations described in Sub-part & of 24 CPR Part 560 except 570.604. Agency does not assume responsibility of 24 CFR Part 52.

Suspension and Termination:

In accordance with 24 CFR 85.43, suspension or termination may occur if Agency materially fails to comply with any term of the award, and the award may be terminated for convenience in accordance with 24 CFR 85.44.

Reversion of Assets:

Upon expiration of this contract Agency shall transfer to the City of Norman any HOME funds on hand at the time of expiration and any accounts receivable attributable to the use of City of Norman HOME funds. Any real property under Agency control that was acquired or improved in whole or in part with City of Norman HOME funds in excess of $25,000 must either:

> *"Be used to meet one of the national objectives in 570.208 until five years after expiration of this contract; or disposed of in a manner that results in the City of Norman being reimbursed in the amount of the current fair market value of the property less any portion of the value attributable to expenditures of non-City of Norman HOME funds for acquisition of or improvements to, the property. (Reimbursement is not required five years front date of expiration of this contract.)"*

Payment:

Agency agrees to submit an invoice which reflects the direct costs under this Contract. The City will make payments from these invoices. Each invoice in excess of $12,500 must be accompanied by a notarized affidavit provided by the City. The City will provide to Agency invoices to be used with payment requests.

This contract made and entered into by and between the parties the day and year first above written and shall be binding upon the successors and assigns thereof.

Norman Affordable Housing Corporation

President

Attest:

Secretary

Subscribed and sworn to before me this 28th day of July, 2011.

NOTARY PUBLIC IN AND FOR STATE OF OKLAHOMA
OFFICIAL SEAL
Amy Nguyen
Commission # 09002394
Expires March 24, 2013

Notary Public

My Commission expires: 3/24/13

The City of Norman, Oklahoma

Cindy Rosenthal, Mayor

Attest:

Brenda Hall, City Clerk

Approved as to form and legality this 10th day of August, 2011.

City Attorney's Office

Agency	Purpose	Resolution Number	Contract Number	Account #	Tax ID #	Contract Amount	Contact	Title	Address	Zip	Phone
Metropolitan Fair Housing Council, Inc.	Fair Housing Services		K-1112-18	021-4071-463.40-09 021-4073-463.40-09	73-1067333	$10,000 $10,000	Mary Dulan	Executive Director	1500 NE 4th Street, Ste 204 Oklahoma City, OK 73117	73117	232-3247
Community After School Program, Inc.	Scholarships		K-1112-19	021-4071-463.47-70	73-0960925	$3,230.00	Terri Craig	Executive Director	1023 N. Flood	73069	366-5970
Central Oklahoma Community Action Agency, Inc.	Purchase of supplies for Food Closet, Rehabilitation for Transitional Housing Units, RSVP	R-1112-16	K-1112-20	021-4071-463.47-71	73-1068862	$23,384.00	Lisa Sydnor	Executive Director	PO Box 486	74802	
Health for Friends, Inc.	Dental Clinic	R-1112-17	K-1112-21	021-4071-463.47-72	73-1261816	$10,095.00	Brian Karnes	Executive Director	PO Box 1224	73070	329-4558
Progressive Independence, Inc.	Durable Medical Equipment Loan Library and/or Opening Doors Fund	R-1112-18	K-1112-22	021-4071-463.47-73	73-1311897	$5,653.00	Jeffery Hughes	Executive Director	121 N. Porter	73071	321-3203
Habitat for Humanity	Acquisition of Property		K-1112-23	021-4071-463.47-74	73-1422362	$14,000.00	Tracy Curtis	Director of Operations	PO Box 1005	73070	360-7868
Salvation Army, A Georgia Corporation	Equipment	R-1112-19	K-1112-24	021-4071-463.47-78	73-0579266	$2,423.00	Major Margaret Kennell	Officer in Charge	PO Box 1092	73070	364-9910
Food and Shelter for Friends, Inc.	Utilities and maintenance		K-1112-25	021-4071-463.47-77	73-1222111	$12,491.00	April Dosier	Executive Director	PO Box 5537	73070	360-4954
Metro Transit Norman	Transportation Services for low and moderate income citizens of Norman		K-1112-26	021-4071-463.47-79	73-730163K	$25,000.00	Douglas Myers	Administrator, Transit Services	731 Elm Ave.	73019	325-2278
Aging Services of Cleveland County, Inc.	Congregate Meal Program		K-1112-27	021-4071-463.47-80	73-1326994	$8,077.00	Kathleen Wilson	Executive Director	1179 East Main	73071	321-3200
Full Circle Senior Adult Day Center, Inc.	Equipment	R-1112-20	K-1112-28	021-4071-463.47-82	73-1489367	$2,423.00	Tammy Vaughn	Executive Director	1304 E. Lindsey Plaza Drive	73071	447-2955
Community Services Building, Inc.	Mechanical Rehabilitation	R-1112-21	K-1112-29	021-4071-463.47-83	73-1476711	$25,000.00	Christi Moore	Executive Director	1183 E. Main	73071	701-2001
Bethesda, Inc.	Equipment	R-1112-22	K-1112-30	021-4071-463.47-84	73-1170216	$2,423.00	Kay Christiansen	Executive Director	1181 East Main	73071	364-0333
Meals on Wheels of Norman, Inc.	Scholarships		K-1112-31	021-4071-463.47-85	73-0931924	$12,115.00	Lynn Haynes	Executive Director	PO Box 1371	73070	321-7272
Thunderbird Clubhouse, Inc.	Rehabilitation of Permanent Suportive Housing Unit	R-1112-23	K-1112-32	021-4071-463.47-88	73-1425145	$4,414.00	Pam Sanford	Executive Director	PO Box 1666	73070	321-7331
United Way of Norman, Inc.	ABC 123 School Supply Program	R-1112-24	K-1112-33	021-4071-463.47-89	73-0668684	$4,038.00	Kristin Collins	President	2424 Springer Drive, Suite 304	73069	364-3800
Among Friends Activity Center, Inc.	Meal Program		K-1112-34	021-4071-463.47-90	48-1298795	$2,220.00	Cathe Fox	Executive Director	4101 Heritage Place Drive	73072	701-2121
Center for Children and Families, Inc.	Neighborhood Centers Kennedy Summer Youth Enrichment Program		K-1112-35	021-4071-463.47-93	73-0933253	$4,846.00	Katie Fitzgerald	Executive Director	1151 East Main	73070	364-1420
Bridges, Inc.	Life Skills Program and Computer Services		K-1112-36	021-4071-463.47-95	73-1466304	$1,615.00	Debra Krittenbrink	Executive Director	1670 N. Stubbeman	73069	579-9280
Big Brothers and Big Sisters of Oklahoma, Cleveland County	Application Expenses		K-1112-37	021-4071-463.47-96	73-1226237	$2,625.00	Emily Fryar	Interim Director	1155 East Main	73071	364-3722
East Main Place, Inc	Utilities and maintenance		K-1112-38	021-4071-463.47-76	73-1641654	$8,884.00	Virginia Corson	Executive Director	1100 East Main	73071	447-4663
Women's Resource Center, Inc.	Equipment	R-1112-25	K-1112-39	021-4071-463.47-75	51-0217710	$4,038.00	JoAnn Smith	Executive Director	PO Box 5089	73070	364-9424
Norman Affordable Housing Corporation	CHDO		K-1112-40	021-4073-463.47-98		$79,140.00	Karen Canavan	Executive Director	700 N. Berry Road	73069	329-0933

PURCHASE REQUISITION NBR: 0000189934

STATUS: ALL ITEMS ON ORDER

REQUISITION BY: JMCCART REASON: CHDO DATE: 8/03/11

SHIP TO LOCATION: COMMUNITY DEVELOPMENT SUGGESTED VENDOR: 4335 NORMAN AFFORDABLE HOUSING DELIVER BY DATE: 8/03/11

1	CHDO	79140.00	DOL	1.0000	79140.00
	COMMODITY: ACQUISITIONS				
	SUBCOMMOD: LAND PURCHASED				

REQUISITION TOTAL: 79140.00

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

LINE #	ACCOUNT		PROJECT	%	AMOUNT
1	02140734634798	Miscellaneous Services CHDO		100.00	79140.00
					79140.00

REQUISITION IS IN THE CURRENT FISCAL YEAR.

CHDO

City of Norman, OK

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

Master

File Number: K-1112-45

File ID:	K-1112-45	**Type:**	Contract	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 51	**In Control:**	City Council
Department:	Finance Department	**Cost:**		**File Created:**	08/11/2011
File Name:	K-1112-45 Use Tax and Sales Tax OTC			**Final Action:**	

Title: CONTRACT NO. K-1112-45: A CONTRACT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND THE OKLAHOMA TAX COMMISSION FOR THE ADMINISTRATION OF SALES TAX AND USE TAX.

ACTION NEEDED: Motion to approve or reject Contract No. K-1112-45; and, if approved, authorize the execution thereof.

ACTION TAKEN: _____

Notes:

Agenda Date: 08/23/2011

Agenda Number: 51

Attachments: K-1112-45

Project Manager: Anthony Francisco, Director of Finance

Entered by: Ellen.Usry@NormanOK.gov

Effective Date:

History of Legislative File

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

Text of Legislative File K-1112-45

body

BACKGROUND: The City, through Contracts K-0708-35 and K-0708-36, has appointed the Oklahoma Tax Commission as the City's agent for the administration and collection of the City's sales and use taxes.

DISCUSSION: The Oklahoma Tax commission has served as the collection agent for municipalities throughout the state for many years. There are obvious advantages for centralized collection of sales taxes by the State of Oklahoma, as municipal sales tax ordinances are tied in almost all cases to the items that are taxed at the state level (that is, the

same things that are granted exemptions at the state level are granted exemptions at the city/county level). There are economies of scale in centralized tax collection and enforcement efforts. Having one collection agency makes it much easier for businesses to remit the taxes that are due and this singular collection point qualifies Oklahoma to participate in the national Streamlined Sales Tax Agreement, whereby on-line retailers agree to pay use tax for their sales delivered within Oklahoma. The City of Norman pays the Tax Commission for its sales and use tax administration, collection and enforcement efforts in the form of a withholding of one percent of the taxes collected on the City's behalf. In fiscal year 2010-2011, this withholding totaled approximately $535,000.

The City of Norman, along with many other municipalities has expressed dissatisfaction in recent years with the sales and use tax administrative efforts of the Oklahoma Tax Commission (OTAXCO). This dissatisfaction centered on the fact that the State of Oklahoma made significant reductions in staff levels in the OTAXCO assigned to administer sales taxes, to reduce the State budget. To the extent that this staffing level is directly tied to the amount of current and delinquent sales taxes that are collected by OTAXCO on behalf of the State and municipalities, the State was collecting substantially the same fees from their "client" cities and counties while delivering less service. Further dissatisfaction centered on a lack of information sharing between the Tax Commission and its client cities, particularly related to credits given to taxpayers and tax enforcement efforts pursued by the Tax Commission without regard for the interests of cities.

Sales and use tax collection is a lower priority for the State than it is for municipalities, as the State's General Fund has more diversified revenue sources than city's do. The level of dissatisfaction reached a point at which several cities, primarily in the Tulsa area, prepared to collect and enforce their own sales and use taxes and terminate their contracts for administration with the OTAXCO. Such actions would obviously have negative impact on State revenues and would reduce the economies of scale gained by centralized administration of the tax codes. Decentralized sales and use tax administration would also threaten Oklahoma's participation in the Streamlined Sales Tax Agreement, which is a very large and growing concern for cities like Norman who have large losses of tax revenue to on-line and catalog sales.

A task force of municipal officials was convened as the Oklahoma Municipal League Liaison Board to mediate and address these concerns with the OTAXCO. Norman was well represented on this task force. As discussed in the attached August 1, 2011 letter from the Tax Commission, the work of this Liaison Board has culminated in significant changes to the Agreement for Administration of the City's Sales and Use Tax Ordinances, which are proposed for adoption in Norman and in cities and counties throughout the state of Oklahoma. These changes are summarized below:

- The Tax Commission will add a full-time Local Tax Coordinator, and increase its

enforcement staff;

- Rather than having separate contracts for administration of sales and use tax, a unified contract for sales and use tax is proposed;

- The Tax Commission has invested in new information technology systems which will provide improved information and payment processing for cities and counties as well as the state;

- Within 45 days, the OTAXCO is required to perform reviews of taxpayers who are suspected by the City of Norman to be delinquent in the payment of taxes to the City;

- When delinquent taxpayers make partial payment for back taxes that are due, the payment will be divided between the State and relevant municipal jurisdictions on a pro-rata basis (in the past the State deposited partial payments to the State General Fund first);

- As of July 1, 2012, the OTAXCO will be required to notify the City of any credits of tax overpayments of more than $10,000 that impact the City of Norman (previously, the City may have lost hundreds of thousands of dollars in a single month's sales tax remittance without any notice);

- The City of Norman will have the right to join in any legal proceedings taken by the OTAXCO that impact on City tax collections and provide independent City Attorney counsel at the City's discretion;

- The City of Norman or groups of cities will have the right to contract with third party tax audit or enforcement firms, upon approval of the firm and the enforcement method by the Tax Commission, to perform tax audits on the City of Norman's behalf;

- The City of Norman will have the right to obtain information on businesses that have sales tax permits to operate within the City, subject to release of Open Records exemptions;

- The City of Norman and the State of Oklahoma's participation in the Streamlined Sales Tax Agreement is specifically mandated in the contract.

The OML Liaison Board and the OTAXCO are to be commended for making these improvements to the Sales and Use Tax Administration Agreement. It is hoped that the changes will address the concerns expressed by cities and guarantee the centralized collection of sales and use taxes well into the future. City staff will continue to work with the Tax Commission and other cities to improve these efforts in the future. As in the previous agreements, these contracts will be automatically renewed annually unless notice of termination is given by the City or the Tax Commission.

RECOMMENDATION: It is recommended that contract K-1112-45 be approved.

AGREEMENT FOR ADMINISTRATION OF THE SALES AND USE TAX ORDINANCES OF THE CITY/TOWN OF

Norman, OK

THIS AGREEMENT is entered into this 23rd day of August, 2011 pursuant to the provisions of Sections 2701 et seq. of Title 68 of the Oklahoma Statutes, between the Oklahoma Tax Commission, hereinafter referred to as "Commission," and the City/Town of Norman, Oklahoma, hereinafter referred to as "Municipality," for the administration of effective sales and use tax ordinances on file with the Commission hereinafter referred to as "Ordinances," levying a municipal sales or use tax of 3 1/2% percent (.035%) upon sales within or outside of the Municipality.

1. This Agreement is based upon the Ordinances for the collection of sales and uses taxes by the Municipality, certified copies of which are attached hereto and made a part hereof. The Municipality may, at any time and from time to time, amend or repeal the Ordinances and, to the extent that the Municipality amends or repeals the Ordinances, the Municipality shall promptly provide the Commission with a certified copy of the ordinance effecting such amendment or such repeal.

An increase or a decrease in the municipal sales or use tax rate shall become effective only on the first day of a calendar quarter. Provided, however, the sales and use tax rates levied by the Municipality if the Municipality levies both a sales and use tax, must be identical. The Municipality shall notify the Commission of an increase or a decrease at least seventy-five (75) days prior to the close of the current calendar quarter and shall provide the Commission with a certified copy of the ordinance affecting such increase or such decrease.

2. A. The Commission shall administer and shall enforce the Ordinances and shall collect the municipal sales and use tax, and the interest and penalties with respect thereto, as provided in the Ordinances and as herein provided. It is recognized and acknowledged that:

(a) the Ordinances levy municipal sales tax upon all sales within the Municipality as authorized by Section 2701 of Title 68 of the Oklahoma Statutes; and

(b) the term "sale" as used in the Ordinances has the same meaning as the term "sale" has in the Oklahoma Sales Tax Code; and

(c) the Ordinances levy municipal use tax upon all transactions within or without the Municipality as authorized by Sections 1411 of Title 68 of the Oklahoma Statutes; and

(d) the term "use" as used in the Ordinances have the same meaning as the term "use" has in the Oklahoma Use Tax Code.

To facilitate such administration, such collection and such enforcement of local taxes, the Commission shall designate a Local Tax Coordinator of the Commission who shall be generally responsible for matters related to the collection of local taxes and, with respect to such matters, shall directly advise the Administrator of the Commission. The duties which may be performed by the Local Tax Coordinator and/or other employees of the Commission under his or her supervision, shall include, without limitation,

(a) acting as liaison between the Commission and municipalities with respect to the administration, the collection and the enforcement of local taxes,

(b) addressing concerns of the Commission and/or taxpayers with respect to the administration, the collection and the enforcement of municipal taxes by municipalities,

(c) consulting with municipalities concerns and trends with respect to local taxes,

(d) coordinating collection and enforcement actions by the Commission and municipalities with respect to local taxes,

(e) coordinating the provision by the Commission to municipalities of information and

(f) providing educational and other support to municipalities in their collection and enforcement efforts.

In making decisions with respect to the administration of local taxes, the Commission will consider the view expressed by the Municipality.

The Municipality shall not request that the Local Tax Coordinator perform any duties which are the sole responsibility of the Municipality.

B. The implementation plan adopted pursuant to subsection 4 of subsection E of Section 2702 of Title 68 of the Oklahoma Statutes shall be incorporated into the collection agreement entered into by Municipality and Commission pursuant to subsection E of section 2702 of Title 68 of the Oklahoma Statues, as if fully set forth therein.

3. The method of computing sales tax to be used by vendors in collecting both state and municipal sales tax, is prescribed in Section 1362 of the Oklahoma Sales Tax Code. The method of computing use tax to be used by vendors in collecting both state and municipal use tax, is prescribed in Section 1401 of the Oklahoma Use Tax Code.

4. The discount (deduction) allowed to vendors in Section 1367.1 of the Oklahoma Sales Tax Code shall be applicable to both state and local sales tax remittances. Monetary allowances provided for in 68 O.S. § 1354.31 shall also be applicable to both state and local sales tax remittances. The discount (deduction) allowed to vendors in Section 1410.1 of the Oklahoma Use Tax Code shall be applicable to both state and local use tax remittances. Monetary allowances provided for in 68 O.S. § 1354.31 shall also be applicable to both state and local use tax remittances.

5. The Commission shall retain, as its sole compensation for its services rendered hereunder, an amount equal to the applicable percentage of the amount of the municipal sales or use taxes, and the interest and penalties with respect thereto, collected by the Commission hereunder. The applicable percentage is set forth in Exhibit A as incorporated herein.

6. Except as otherwise provided herein, the Commission shall give no preference in applying an amount received for state, municipal and county sales or use taxes owed by a taxpayer to the extent that such amount is less than the aggregate state, municipal and county sales or use tax liability of the taxpayer. Any such amount shall be applied pro rata to the satisfaction of the claims of the Commission, the claims of the Municipality and the claims of other municipalities and counties based on the portions of the aggregate state, municipal and county sales or use tax liability of the taxpayer represented by their respective claims.

7. The municipal sales or use tax received and collected by the Commission pursuant to this Agreement shall be deposited in the State Treasury as required by law. The Commission shall use its best efforts to cause to be paid to the Municipality no later than the tenth day of each calendar month all municipal sales and use tax, and the interest and the penalties with respect thereto, received and collected by the Commission during the immediately preceding calendar month, less any amount withheld by the Commission under Paragraph 5 and less any amounts deducted by the Commission in connection with refunds hereunder.

8. The Commission shall require reports of municipal sales and use tax from vendors, shall maintain records of reports by, and receipts and collections from vendors, and shall maintain the records in such a manner that the total amount due the Municipality each month can be determined by the Commission and can be verified by the Municipality. The requirement for the Commission to maintain its records in a verifiable form is intended to require the Commission to maintain its records in a form capable of producing reports that can be electronically downloaded into, at a minimum,

an excel spreadsheet or its equivalent; the Commission will use a form which is capable of being understood by a person reviewing such records. The Commission shall transmit to the Municipality a monthly statement of the municipal sales and use tax, and interest and penalties with respect thereto, received and collected by the Commission during the immediately preceding calendar month, the amounts, if any, refunded by the Commission to taxpayers during the immediately, preceding calendar month and the amount withheld by the Commission under Paragraph 5.

9. In the event a vendor remits sales or use tax due but fails to submit city attachments, or submits a report from which the sales or use tax due Municipality cannot be determined, the Commission will allocate to Municipality such sales or use tax received pro rata based on the vendor's percentage allocation for the most recent report filed or, if no report has been filed, according to the best information available to the Commission. Such amount, and any interest and penalty as provided in Section 217 of Title 68 of the Oklahoma Statutes with respect thereto, shall be paid to the Municipality in accordance with Paragraph 7. Interest will begin as of the date the vendor remittance is deposited to the State Treasury.

10. The Municipality acknowledges that the Commission is responsible for making refunds to taxpayers of municipal sales and use taxes previously collected by the Commission on behalf of the Municipality. The term "refunds" as used herein shall include payments made pursuant to filed claim for refund(s) or amended return(s) approved by the Commission. The Commission's determination of any taxpayer's liability for sales and use taxes shall be binding as between the Municipality and the taxpayer.

Any refund of municipal sales and use tax previously paid by the Commission to the Municipality shall be paid from subsequent collections of the municipal sales and use tax. Such refund shall be deducted from the collections payable by the Commission to the Municipality in the immediately following calendar month (unless the taxpayer entitled to such refund otherwise agrees).

11. The Commission shall provide notice to the Municipality of any aggregate request for refund or any remittance error of combined state, county and city sales and use tax in the amounts of $10,000 or more. On or before July 31, 2012, the Commission will review the software capability of providing notice for any aggregate request for refund or remittance error of combined state, county and city sales and use tax in amounts less than $10,000 and, if the capability is available, will implement it. Notice will be provided within seven (7) business days of the Commission's initial review of a claim for refund, documented as outlined in OAC 710:65-11-1 or upon discovery of a remittance error. Municipality agrees that any amount contained in the notice given pursuant to this section will be considered as advisory only until such time as a final determination has been made by the Commission. Commission, through the Local Tax Coordinator, will notify Municipality at such time the Commission determines the final amount to be refunded pursuant to a claim or remittance error. Any municipal sales or use tax, and/or any interest and penalties with respect thereto, paid under protest by a

taxpayer to the Commission during the immediately preceding calendar month shall be paid by the Commission to the Municipality as part of the payment being made by the Commission to the Municipality. If the protested municipal sales or use tax, interest or penalties are required to be refunded, such amount and any interest required to be paid thereon will be paid out of subsequent collections by the Commission. Such refund shall be deducted from the collections payable by the Commission to the Municipality in the immediately following calendar month (unless the taxpayer entitled to such refund otherwise agrees) subject to the provisions of paragraph 10.

The municipality may request by a blanket advisement to the Commission that it be notified of any hearing wherein the Commission hears a claim for refund of a protest of an assessment. If an affected municipality shall have requested such notice in writing, the Commission shall, at the same time the parties are notified of the scheduled hearing, provide notice to the municipality affected.

12. Simultaneously with the execution and the delivery of this Agreement, the Commission shall, upon written request of the Municipality, provide to the Municipality a full and complete list of the names and the addresses of the persons and the entities which or who report doing business within the boundary of the Municipality during the preceding calendar year in a format as set out in Paragraph 8 of this agreement.

The Commission shall, upon written request of the Municipality, report to the Municipality on a monthly basis all of the following Information:

(a) additions to, and deletions from, the full and complete list of the names and the addresses of persons and entities which or who report doing business during the preceding calendar year within the boundary of the Municipality;

(b) a full and complete list of the persons and the entities specified in paragraph 12(a) which or who are more than sixty (60) days delinquent in filing and/or remitting municipal sales and use taxes pursuant to the Ordinances; and

(c) a full and complete, list of all persons and all entities paying municipal sales and use tax under the Ordinances, and/or interest and penalties with respect thereto, and the amount of such remittances.

The Commission shall, upon written request of the Municipality, report to the Municipality on a quarterly basis all of the following information

(a) the number of audits completed and assessments determined by the Commission with respect to municipal sales and use taxes, and/or interest and penalties with respect thereto, under the Ordinances during the preceding calendar year; and

(b) the amount of additional municipal sales and use taxes, and/or interest and penalties with respect thereto, under the Ordinances collected by the Commission during the preceding calendar year.

Commission also agrees to provide Municipality reports in addition to those outlined above under the following terms:

(a) The report is requested in writing or via e-mail, outlining the information required and regularity of the report.

(b) The report complies with all terms and statutes outlined within this agreement.

(c) The information requested is available to the Commission.

(d) Commission will be provided a minimum of sixty (60) days to compile new requests unless otherwise agreed.

The Commission shall monitor the administration, the collection and the enforcement of municipal sales and use taxes, and/or interest and penalties with respect thereto, under the Ordinances. The Commission shall provide the Municipality such information as may be requested by the Municipality with respect to any protest or any refund of municipal sales or use taxes levied by the Municipality. The Municipality shall also be entitled to consult with the Commission's legal staff about protests and refunds and, to the extent that a protest or a refund involves one or more hearings, the Municipality shall, through legal counsel or other designated staff employed by the Municipality, be entitled to be present and observe such hearing(s); provided, however, the administrative law judge or the Commission may limit the number of counsel or other designated staff, if any, who may be present to the extent necessary to permit the hearing to be conducted in an orderly fashion and without undue trepidation on the part of the taxpayer.

To the extent that such documents and/or such information relates to municipal sales or use taxes, and/or interest and penalties with respect thereto, and is requested, at any time and from time to time by the Municipality, the Commission shall promptly provide to the Municipality (a) copies of applications for sales tax permits, (b) copies of sales or use tax reports, (c) copies of installment or other payment plans, if any, with taxpayers and (d) other documents and other information.

The Commission shall promptly notify the Municipality of any conduct which the Commission believes might be the basis for a criminal prosecution by the Municipality under the Ordinances and shall provide to the Municipality all of the documents and the information in the possession of the Commission with respect thereto, including, without limitation, the names of employees of the Commission who might be witnesses with respect thereto.

The Municipality acknowledges that Section 205 of Title 68 of the Oklahoma Statutes, which makes the records and the files of the Commission confidential (subject to specified exceptions) and which prohibits disclosure of such records and such files (subject to specified exceptions), includes the Commission's records and files with respect to the receipt and the collection of municipal sales and use tax. Nothing contained herein is intended to require the Commission to disclose to the Municipality any information whose disclosure to the Municipality is prohibited by Section 205.

The Commission acknowledges that (a) Section 205(c)(7) of Title 68 of the Oklahoma Statutes permits the Commission to furnish information disclosed by the records and the files of the Commission to an official person or body of this state who is concerned with the administration or the assessment of certain taxes, such as the Municipality, (b) Section 205(c)(22) of Title 68 permits the disclosure to the governing body or municipal attorney, if so designated by the governing body, of information directly involved in the resolution of issues arising out of the enforcement of a municipal sales and use tax ordinance, such as the Ordinances, pursuant to a municipal tax collection agreement, such as this Agreement, and (c) Section 22-107 of Title 11 of the Oklahoma Statutes and Section 205.1 of Title 68 of the Oklahoma Statutes permits the Commission to release specified information to municipalities.

The Municipality acknowledges that Section 205 of Title 68 of the Oklahoma Statutes may prevent the disclosure by the Municipality and persons associated with the Municipality of information which is provided by the Commission to the Municipality and that improper disclosure by the Municipality or any such person of such Information may result in civil and criminal liability. The Municipality shall comply with the restrictions imposed by Section 205.

13. In the event of termination of this Agreement, the Commission will cause to be paid over to the Municipality, all municipal sales and use tax funds in its possession then due and payable under this Agreement. The Municipality shall thereafter be liable for and shall pay any refunds of municipal sales or use tax required by law to be made, including refunds of municipal sales or use tax, penalty and interest paid under protest that must be refunded and any interest required thereon. After such termination, the Commission's liability shall extend only to the amount of such funds being held by it. The Municipality agrees to pay any interest required by law to be paid on such refunds.

14. The Commission shall have the authority to assess and to collect, on behalf of the Municipality, the municipal sales and use taxes levied by the Ordinances, and the interest and the penalties with respect thereto, including, without limitation, any municipal sales or use tax, interest and/or penalty existing on the date hereof.

The Municipality agrees to refrain from contacting directly persons or entities doing business within the boundary of the Municipality unless and until such contact is agreed to by Commission and Municipality in a rider to this Agreement for the purpose of the actual collection of sales and use taxes. Municipality does have the inherent

authority to contact vendors within and without the municipality concerning the vendor's alleged violation of municipal ordinances prior to the initiation of criminal prosecution.

The Municipality may inquire of the Commission into the compliance of persons and entities with the Ordinances and, to the extent that the Municipality determines that any person or any entity has not complied with the Ordinances, the Municipality may request the Commission to issue a proposed assessment against such person or such entity. To the extent that the Commission receives any such request, the Commission shall review such request within 45 days. If, after said review, Commission believes that such request presents a basis for a proposed assessment, Commission shall issue a proposed assessment. Any such proposed assessment shall be resolved as provided in Sections 201 et seq. of Title 68 and the procedural rules promulgated by the Commission.

The Municipality may, at the option of the Municipality, request the Commission to initiate a show cause proceeding against a person or an entity which the Municipality believes, in good faith, not to be in compliance with the Ordinances or any provision thereof. To the extent that the Commission receives any such request, the Commission shall review such request within 45 days. If after said review, Commission believes that such request presents a basis for a show cause proceeding, Commission shall initiate a show cause proceeding. Such show cause proceeding shall be conducted as provided in the procedural rules promulgated by the Commission.

The Commission and the Municipality acknowledge the mutual interest of the Commission and the Municipality in maximizing compliance with the Ordinances and the collection of local taxes thereunder. The Municipality may, at any time and from time to time, either alone or in conjunction with other municipalities, submit a written proposal for collection and enforcement activities for consideration by the Commission; provided, however, it is expressly understood that any such written proposal must provide for coordination with the collection and enforcement activities of the Commission, provide for the use of the then applicable audit standards of the Commission and otherwise be in form and in substance to the Commission. In the event that Municipality's proposal Is accepted by Commission, Municipality will be authorized to conduct the activities included in such proposal on behalf of Commission and no other action will be authorized by the Commission by a municipality or municipalities not included in the accepted proposal.

Provided further that upon the request of the municipality, either alone or in conjunction with other municipalities, the Commission shall enter into contractual agreements with the municipality or group of municipalities whereby the municipality or group of municipalities are authorized to implement or augment the Commission's enforcement through a contract with a private auditor(s) or audit firm(s) of the municipal tax. The auditor(s) or audit firm(s) shall first be approved by the Commission and once approved shall be appointed as an agent of the Oklahoma Tax Commission for purposes of the audit. Contracts with a private auditor or audit firm are not subject to the limitations of Section 262 of title 68 of the Oklahoma Statutes, and the parties, the

municipality, private auditor or audit firm and the Commission, are authorized to exchange necessary information to effectively perform the contracted audit. The municipality, its officers and employees and the private auditors or audit firms may receive all information necessary to perform the audit and shall preserve the confidentiality of such information as required by Section 205, title 68, of the Oklahoma Statutes, including the penalties set out therein. The Commission shall be furnished the audit results and all relevant supporting documentation. The municipalities shall pay for the private auditor(s) or audit firm(s) by deduction from the tax assessment resulting from said audit unless another method of payment is set out in the contract with the private auditor or audit firm. Any municipal sales and use tax funds recovered as a result of the use by the municipality of a private auditor or audit firm shall not be subject to the retention calculated by the Commission as provided in Paragraph 5 of this agreement, in addition the Commission shall pay to the municipality any retainage that the Commission shall be entitled to for collection of county sales and use tax and shall pay to the municipality the state's pro rata share of the expenses of the auditor. Provided further, the Commission shall have no obligation to any municipality that does not participate in an audit conducted under subsection D of Section 2702 of Title 68 of the Oklahoma Statutes or an audit conducted pursuant to this section.

Notice of a proposed independent audit shall be provided to the municipality and the municipality shall within 30 days provide acceptance or rejection of participation in the audit. Failure to act within the 30 day time period shall mean that the municipality shall not be included in the audit. Failure to act with respect to a particular independent audit within the 30 day time period shall relieve the Commission of its obligation to audit on behalf of the municipality with respect to that particular audit.

15. It is recognized and acknowledged that the Ordinances include criminal sanctions for violation of the Ordinances. Notwithstanding anything else contained herein, the Municipality shall have the exclusive authority to prosecute any criminal violations of the Ordinances and the Commission shall refrain from taking any such action. Nothing contained herein shall prevent the State of Oklahoma from prosecuting persons for crimes under state law, including, without limitation, embezzlement by a vendor of a municipal sales tax.

16. To the extent that the Municipality decides to prosecute criminally any action under this Agreement, the Commission and the Municipality shall cooperate, in good faith, to maximize collections under the Ordinances and to minimize duplicative effort by the Commission and the Municipality.

17. Where the municipality takes the action recognized by paragraph 15 of this Agreement for prosecution to enforce its sales or use tax ordinance, all taxes shall be paid by the taxpayer directly to the Commission. Any resulting payment of municipal tax shall not be subject to the retention calculated by the Commission for the collection of city sales and use taxes as provided in Paragraph 5 of this agreement, subject to the implementation plan established in paragraph 2B of this agreement.

18. The Commission has the authority to enter into an installment or other payment agreement with any taxpayer, including a taxpayer prosecuted under a municipal sales or use tax ordinance, for state and local taxes owed by the taxpayer. Commission will, through its use of a pay plan in order to keep a delinquent business open, collect the liability as quickly as possible by requiring a significant down payment and completion of the pay plan in as short a period as possible. The Municipality shall be entitled to consult with the Commission's legal staff about an installment or other payment agreement prior to negotiation of such an agreement. The installment or other payment agreement shall be void if the taxpayer becomes delinquent in future tax liability or payment under the agreement becomes delinquent. The Commission shall furnish a list of all sales and use taxpayers which have entered into agreements with the Commission on a monthly basis along with the terms, conditions and status of each such installment or payment agreement.

19. The Municipality agrees that, if there is a challenge to the constitutionality or the legality of the Ordinances or any provision thereof (other than a challenge based on the application by the Commission of the Ordinances or any provision thereof), the Municipality shall be responsible for the resolution of such challenge. If such a challenge is based on the application by the Commission of the Ordinances or any provision thereof, the Commission shall be responsible for the resolution of such challenge. The party responsible for the resolution of any challenge shall make all decisions with respect to the prosecution and the settlement of any litigation with respect to such challenge and the other party shall cooperate with the responsible party with respect to the resolution of such challenge. The Commission shall provide notice to the Municipality of any challenge. Notice will be provided within seven (7) business of the receipt of the challenge and the municipality shall be allowed to participate in any decision.

20. The change in the boundary of Municipality shall be effective for sales tax purposes only, on the first day of a calendar quarter following the enlargement of the municipal city limits. If a municipality should de-annex a territory the sales tax from business or firms located in the de-annexed area shall cease on the effective date of the de-annexation ordinance. Municipality shall give the Commission notice in writing of any annexation or de-annexation of territory to the municipality at least as required by Title 68 Oklahoma Statutes Section 2701. The notice shall include a verified copy of the boundaries of the newly annexed or de-annexed territory. In addition all Municipality limit lines shall be shown in map form, and certified to the Commission by the municipal clerk.

21. Neither Municipality nor Commission has entered into this Agreement with the intention of violating state law or the provisions of the Streamlined Sales Tax Agreement. If it is determined by either party that any provision violates either state law or the Streamlined Sales Tax Agreement, such provision of the Agreement shall be null and void. The remaining provision of the Agreement shall be in effect until the expiration or termination of the Agreement.

22. This Agreement shall be in effect from July 1, 2011 until June 30, 2012, and shall renew without action of the parties for additional terms of one (1) year provided that the current rate has not been changed and neither party has given written notice to the other party of its intent to terminate this Agreement prior to the expiration of the then current term. Either party may terminate this contract for any reason upon thirty (30) days written notice of its intent to terminate to the other party.

IN WITNESS WHEREOF, the parties have set their hands and affixed their official seals the day and year first above written.

THE MUNICIPALITY OF

Norman, Oklahoma
A Municipal Corporation

Mayor

ATTEST: (CITY SEAL)

Municipal Clerk

OKLAHOMA TAX COMMISSION

Thomas E. Kemp, Jr., Chairman

Jerry Johnson, Vice-Chairman

Dawn Cash, Secretary-Member

ATTEST: (STATE SEAL)

Assistant Secretary – OTC

APPROVED:

Director, Taxpayer Assistance Division

APPROVED BY THE CITY OF NORMAN, OKLAHOMA LEGAL DEPARTMENT

BY _____ DATE 8/12/11

EXHIBIT A

RETENTION FEE AS OF 9/1/1989 PER TITLE 68-SEC.2702

RATE (%)		FEE	RATE (%)		FEE
1%-1.99%	=	1.75%	2.5%	=	1.25%
2%	=	1.50%	2.75%	=	1.12%
2.25%	=	1.37%	3% or>	=	1.00%

City of Norman, OK

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

Master

File Number: O-1011-62

File ID:	O-1011-62	**Type:**	Zoning Ordinance	**Status:**	Non-Consent Items
Version:	1	**Reference:**	Item No. 52	**In Control:**	City Council
Department:	Planning and Community Development Department	**Cost:**		**File Created:**	05/19/2011
File Name:	O-1011-62 Davani Special Use			**Final Action:**	

Title: ORDINANCE NO. O-1011-62: 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 GRANT SPECIAL USE FOR A BAR WITH LIVE ENTERTAINMENT FOR PROPERTY CURRENTLY ZONED C-3, INTENSIVE COMMERCIAL DISTRICT, LOCATED AT 117 NORTH CRAWFORD AVENUE; AND PROVIDING FOR THE SEVERABILITY THEREOF.

ACTION NEEDED: Motion to adopt Ordinance No. O-1011-62 upon Second Reading section by section.

ACTION TAKEN: _____

ACTION NEEDED: Motion to adopt Ordinance No. O-1011-62 upon Final Reading as a whole.

ACTION TAKEN: _____

Notes:

Agenda Date: 08/23/2011

Agenda Number: 52

Attachments: O-1011-62, Davani Location Map, Davani Special Use Hookah Bar Staff Report, Davani Pre-Dev App-Site Plan, Davani Pre-Development Summary, Davani Protest, 7-14-11 PC Minutes - Davani

Project Manager: Doug Koscinski, Current Planning Manager

Entered by: rone.tromble@normanok.gov

Effective Date:

History of Legislative File

Ver-sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Planning Commission	06/09/2011					
1	Planning Commission	07/14/2011	Recommended for Adoption at a subsequent City Council Meeting	City Council	08/09/2011		Pass
	Action Text:	Recommended for Adoption at a subsequent City Council Meeting to the City Council due back on 8/9/2011					
1	Planning Commission	07/14/2011					
1	City Council	08/09/2011	Introduced and adopted on First Reading by title only				
	Action Text:	Introduced and adopted on First Reading by title only					
1	City Council	08/09/2011					

Text of Legislative File O-1011-62

Body

SYNOPSIS: The applicant, Mohammad Davani, has requested that a Special Use for Bar with Live Entertainment be granted for his location at 117 North Crawford Avenue. "Bars" and "Live Entertainment Venues" are both classified as Special Uses under the existing C-3 zoning district, which require both a Pre-Development meeting with neighbors as well as a Public Hearing before the Planning Commission.

ANALYSIS: The establishment will be known as "The Hookah Bar" which will allow patrons to share *shisha* (flavored tobacco) from a communal hookah. The establishment is very small so there is not enough room for the applicant to have separate smoking and non-smoking areas; therefore smoking will be permitted in the entire facility. The applicant will be selling snack items, but the establishment will not sell enough food to qualify as a restaurant, which requires that the applicant demonstrate that 50 percent of his revenue originates from food sales. The applicant intends to have belly dancers as the live entertainment component. There are multiple establishments in the area with bars and live entertainment on occasion, and this use would not be incompatible. Parking is the only issue that is common in the older part of downtown. There is on-street parking in this block, as well as a public parking facility to the west of this proposed business that should address this issue.

STAFF RECOMMENDATION: Granting of this request should not impact any of the neighbors as this establishment has been in operation for a couple of years without the bar element. The proposed facility fits within the context of Norman's downtown as an entertainment destination, and should have minimal impact. One protest letter was filed, which represented a 3.5 percent protest, but no one spoke before the Planning Commission. At their July 14, 2011 meeting, the Planning Commission unanimously supported this request. Staff recommends that this request for a Special Use be granted.

O-1011-62

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 GRANT SPECIAL USE FOR A BAR WITH LIVE ENTERTAINMENT FOR PROPERTY CURRENTLY ZONED C-3, INTENSIVE COMMERCIAL DISTRICT, LOCATED AT 117 NORTH CRAWFORD AVENUE; AND PROVIDING FOR THE SEVERABILITY THEREOF. (117 N. CRAWFORD AVENUE)

§ 1. WHEREAS, Mohammad Davani, the owner of the hereinafter described property, has made application for Special Use for a Bar with Live Entertainment in the C-3, Intensive 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 special use; and

§ 3. WHEREAS, the City Council of the City of Norman, Oklahoma, has thereafter considered said application and has determined that said application should be granted and an ordinance adopted to effect and accomplish such special use.

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

§ 4. That Section 460 of Chapter 22 of the Code of the City of Norman, Oklahoma, is hereby amended so as to grant Special Use for a Bar with Live Entertainment, to wit:

The South sixty-five feet (65') of the North ninety feet (90') of Lots 31 and 32 and the South sixty-five feet (65') of the West ten feet (10') of Lot 30, Block 22, Original Town of Norman, Cleveland County, Oklahoma.

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

ADOPTED this _____ day of

_____, 2011.

_____
(Mayor)

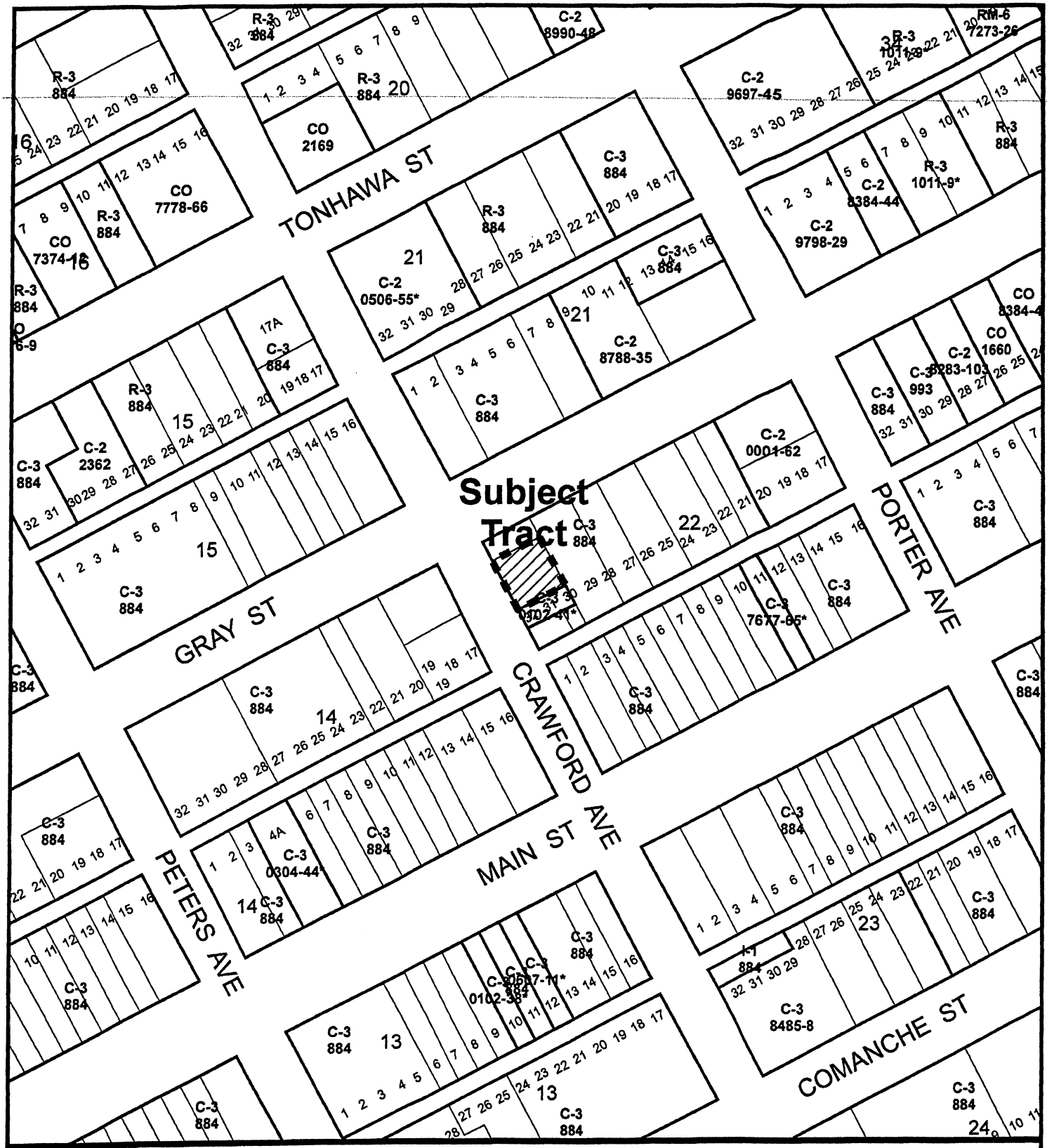
NOT ADOPTED this _____day of

_____, 2011.

_____
(Mayor)

ATTEST:

_____
(City Clerk)



Location Map

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

N W E S

May 12, 2011

0 75 150 Ft.

Subject Tract

Zoning

ORDINANCE NO. O-1011-62 ITEM NO. 6

STAFF REPORT

GENERAL INFORMATION

APPLICANT	Mohammad Davani
REQUESTED ACTION	Special Use for a Bar with Live Entertainment
EXISTING ZONING	C-3, Intensive Commercial District
SURROUNDING ZONING	North: C-3, Intensive Commercial District East: C-3, Intensive Commercial District South: C-3, Intensive Commercial District West: C-3, Intensive Commercial District
LOCATION	117 Crawford Avenue
SIZE	3,915 sq. ft.
PURPOSE	Bar, Live Entertainment
EXISTING LAND USE	Commercial Space
SURROUNDING LAND USE	North: Commercial East: Commercial South: Commercial West: Commercial
LAND USE PLAN DESIGNATION	Commercial
GROWTH AREA DESIGNATION	Current Urban Service Area

SYNOPSIS: The applicant, Mohammad Davani, is requesting a Special Use for Bar with Live Entertainment at 117 North Crawford Avenue, which will be known as "The Hookah Bar." The use is allowed as a Special Use under the existing C-3 zoning district as a "live entertainment venue."

ANALYSIS: The entire establishment will be utilized for patrons to share shisha (flavored tobacco) from a communal hookah. The establishment is very small so there is not enough room for the applicant to have separate smoking and non-smoking areas; therefore smoking will be permitted in the entire facility. The applicant will be selling snack items; therefore the

business will not qualify as a restaurant. To qualify as a restaurant the applicant must authenticate that 50 percent of his revenue originates from food sales. The applicant intends to have belly dancers as the live entertainment component. There are multiple establishments in the area with bars and live entertainment on occasion. The area is in an older part of downtown where parking has always been limited. There is on-street parking as well as a public parking facility to the west of this proposed business.

OTHER AGENCY COMMENTS:

- **PARK BOARD** Commercial uses do not require parkland dedication.

- **PUBLIC WORKS** The property has already been platted. This Special Use will not require any modification to the site which would alter the plat or require additional public improvements.

STAFF RECOMMENDATION: Granting of this request should not impact any of the neighbors as this establishment has been in operation for a couple of years without the bar element. The proposed use of this facility fits with the neighborhood as several small businesses have established recently within this vicinity of downtown. Staff supports this request for Special Use.

Case Number PD11-19

Application for a

NORMAN PRE-DEVELOPMENT INFORMATIONAL MEETING

Name of Applicant/Land Owner Mohammad Davani

Address 2501 Burning Tree

Norman, OK 73071

Name and phone number of contact person(s) Mohammad Davani

414-5903 Best time to call

A proposal for development on a parcel of land, generally located 117 N. Crawford Ave

(Interior)

and containing approximately 3915 ~~acres,~~ will be brought forward to the Planning Commission and City Council for consideration within the next few months.

The Proposed Use(s) in this development will include (please describe specific land uses and approximate number of acres in each use) Special Use w/ Live Entertainment, Belly Dancers -

50'

Davani

FOR PLANNING OFFICE USE ONLY

This proposed development will necessitate (check all that apply):

____ 2025 Plan Amendment – Growth Boundary____ Land Use ____ Transportation ____

____ Re-Zoning – To what district(s)

✓ Special Use – For Live Entertainment / Bar

____ Preliminary Plat

____ Norman Rural Certificate of Survey (COS)

Deed or Legal Description [✓]

Written description of project [ ]

Radius Map [✓]

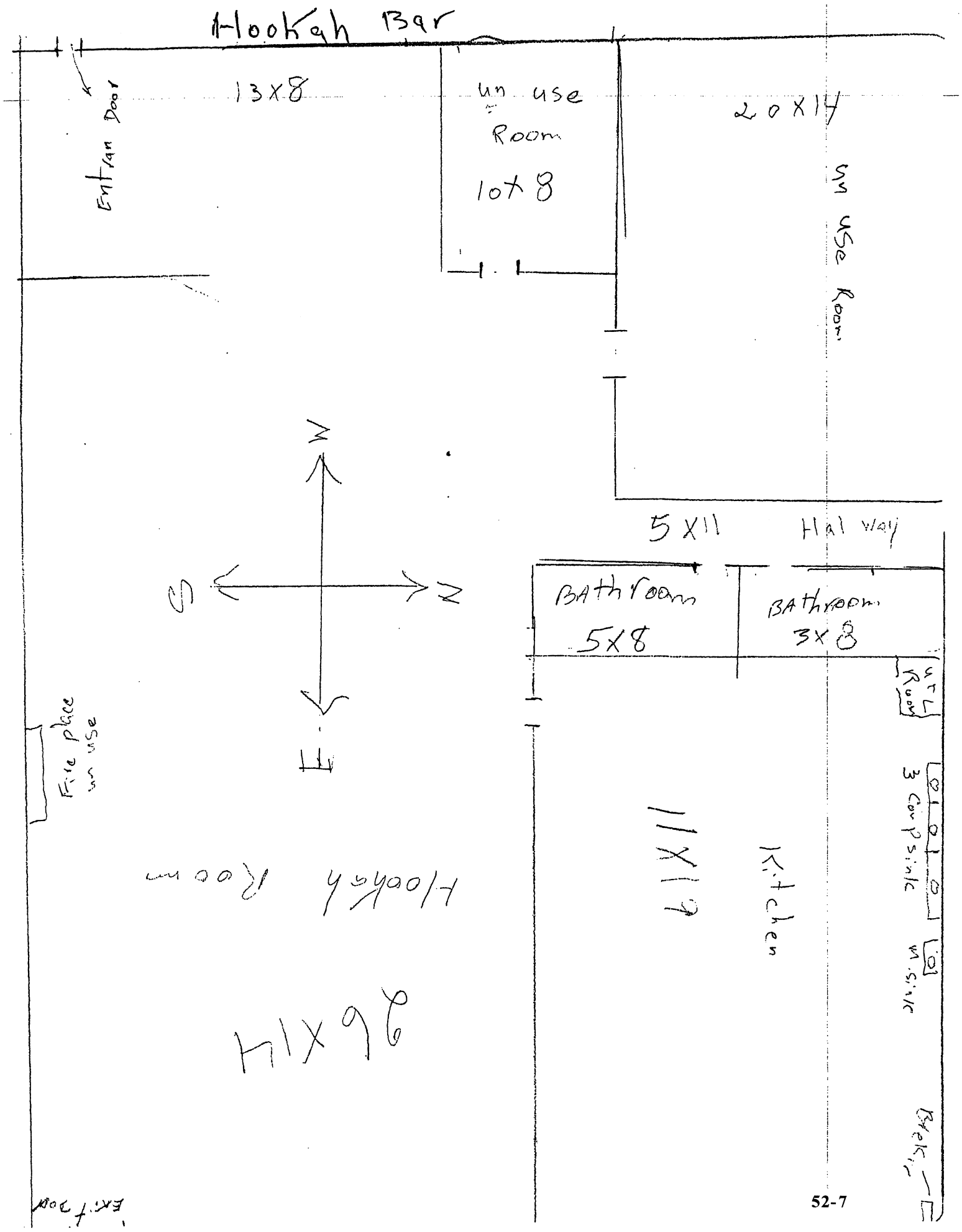
Preliminary Development Map [ ]

Certified Ownership List [✓]

Filing Fee $125.00 [ ]

Current Zoning: C-3

Current Plan Designation Commercial


Hookah Bar
13X8
Entran Door
un use Room
10X8
20X14
un use Room
5X11
Hal way
Bathroom 5X8
Bathroom 3X8
Fire place un use
Hookah Room
26X14
11X19
Kitchen
3 Comp sink
M. sink
Brekir

City of Norman Predevelopment **June 23, 2011**

Applicant	Mohammad Davani
Location	117 N. Crawford
Case Number	PD11-19
Time	5:30-6:00 PM

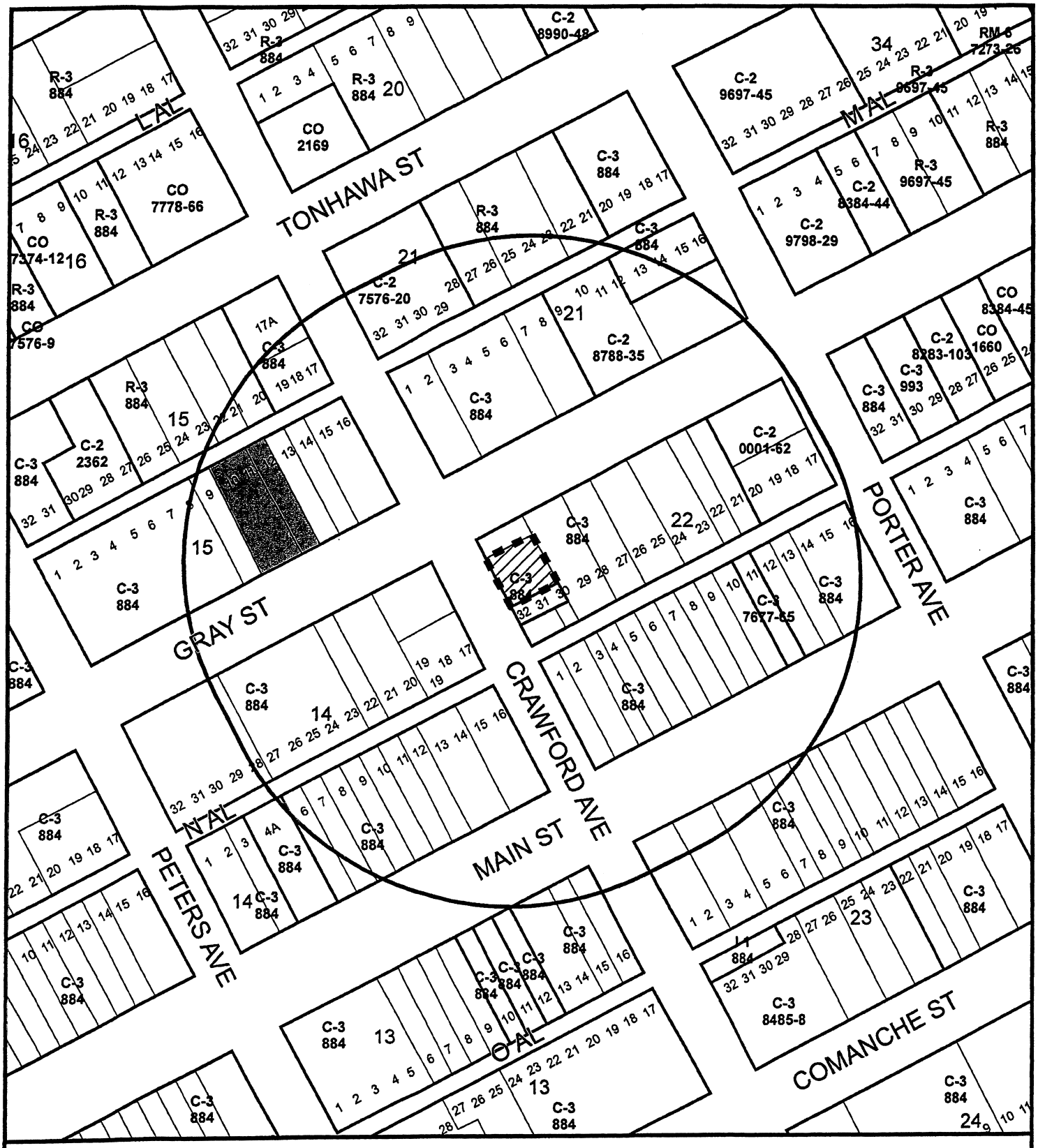
Attendee	Stakeholder	Address	Phone
Mohammad Davani	Applicant	117 N. Crawford	323-0658
Michael Sherrod	Neighboring owner	301 E. Main Street	321-0826
Susan Atkinson	City Staff		366-5392
Doug Koscinski	City staff		366-5437
Leah Messner	City staff		366-7748

Application Summary. Applicant is seeking a Special Use Permit for this property which is zoned C-3. *The Norman 2025 Land Use Plan* designation of the parcel is Commercial.

Applicant's Opportunity. The applicant, who has operated a hookah bar in this location for the past several years, would also like to offer occasional live entertainment in the form of belly dancing and would like to be able to serve alcohol on the premises.

Neighbors' Comments. A neighboring restaurant owner was present to support the applicant's request. The neighbor stated that he supported the application because it ultimately helped his business and was part of the growing critical mass of restaurants and entertainment venues in Downtown Norman. He pointed out that a music venue beside the applicant's business already serves alcohol.

Staff read into the record a single letter of protest received from a neighboring owner on Gray Street. There were no other neighbors in attendance.



Protest Map

3.5% Protest Within Notification Area

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

N
W E
S

Scale: 1" = 600'
June 2, 2011

Subject Tract
Protest
Notification Area
Protest Outside Notification Area

Woodard Properties
Phyllis Woodard
2545 Weymouth Way
Norman, OK 73071

May 28, 2011

Norman Planning Commission
201-A West Gray Street
Post Office Box 370
Norman, OK 73070

Re: Notice of Request for Special Use

The downtown district doesn't need this kind of establishment referred to in your letter. The downtown area has enough bars without adding another with "live entertainment" (dancers). Property values will be affected as the integrity of the business district will suffer. A bar with "live entertainment" doesn't present a moral value that is friendly to business in this area. This is not building Norman but aiding to its decline. I own (2) two properties in this area and I totally oppose this action.

Respectfully,
Phyllis Woodard
321-0088
Phyllis Woodard

FILED IN THE OFFICE
OF THE CITY CLERK
ON 6-1-11

NORMAN PLANNING COMMISSION
REGULAR SESSION MINUTES

JULY 14, 2011

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

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

Item No. 1, being:
ROLL CALL

MEMBERS PRESENT	Cynthia Gordon Diana Hartley Tom Knotts Chris Lewis Roberta Pailes Andy Sherrer Zev Trachtenberg Jim Gasaway
MEMBERS ABSENT	Curtis McCarty

A quorum was present.

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

* * *

Item No. 6, being:
O-1011-62 – MOHAMMAD DAVANI REQUESTS SPECIAL USE FOR A BAR WITH LIVE ENTERTAINMENT FOR PROPERTY CURRENTLY ZONED C-3, INTENSIVE COMMERCIAL DISTRICT, LOCATED AT 117 N. CRAWFORD AVENUE.

ITEMS SUBMITTED FOR THE RECORD:
1. Location Map
2. Staff Report
3. Pre-Development Application and Site Plan
4. Pre-Development Summary

PRESENTATION BY STAFF:
1. Mr. Koscinski reported that this is an establishment that started business and has some of their licenses. Because of the way they wish to operate, they need to go through this procedure. There was a Pre-Development meeting last month and one person attended and supported the request. This is downtown and is surrounded by other commercial uses. In fact, this block has several other entertainment things going on. North of the site are some retail uses. South of it are several other entertainment and/or music venues. Directly across the street is the City's parking lot, which is available at no charge at this time. There was a protest on the application, which constituted 3.5% of the notification area. Staff supports the request. It is somewhat compatible with what is immediately nearby and there is some parking available in the immediate area, which addresses one of the major concerns. The applicant essentially intends to have smoking, which puts him in the bar category, unless you can have separate ventilation systems and it is really too small, and rather expensive, to do that. He wishes to have Middle Eastern dancers as the live entertainment.

2. Roberta Pailes asked what all is encompassed by "live entertainment." Mr. Koscinski responded that any restaurant is automatically allowed to have live entertainment inside – it can be a band, canned music, poets, a wide variety. The applicant doesn't qualify as a full-service restaurant because he doesn't sell enough food. Sugars is an adult entertainment venue, which is another category of special use.

PRESENTATION BY THE APPLICANT:
None

PARTICIPATION BY THE AUDIENCE:
None

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:
Zev Trachtenberg moved to recommend adoption of Ordinance No. O-1011-62 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, Tom Knotts, Chris Lewis, Roberta Pailes, Andy Sherrer, Zev Trachtenberg, Jim Gasaway
NAYES	None
ABSENT	Curtis McCarty

Recording Secretary Roné Tromble announced that the motion, to recommend adoption of Ordinance No. O-1011-62 to the City Council, passed by a vote of 8-0.

* * *

City of Norman, OK

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

Master

File Number: O-1112-9

File ID:	O-1112-9	**Type:**	Ordinance	**Status:**	Non-Consent Items
Version:	1	**Reference:**	Item No. 53	**In Control:**	City Council
Department:	Legal Department	**Cost:**		**File Created:**	08/04/2011
File Name:	O-1112-9			**Final Action:**	

Title:

ORDINANCE NO. O-1112-09: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA AMENDING ARTICLE VIII, SECTIONS 13-809 THROUGH 13-814; AND ARTICLE XXVIII, SECTIONS 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.

ACTION NEEDED: Motion to adopt Ordinance No. O-1112-09 upon Second Reading section by section.

ACTION TAKEN: _____

ACTION NEEDED: Motion to adopt Ordinance No. O-1112-09 upon Final Reading as a whole.

ACTION TAKEN: _____

Notes:

Agenda Date: 08/23/2011

Agenda Number: 53

Attachments: O-1112-09 clean, O-1112-09 annotated, August 3 Oversight Minutes

Project Manager: Leah Messner, Assistant City Attorney

Entered by: denise.johnson@normanok.gov

Effective Date:

History of Legislative File

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

1	City Council	08/09/2011	Introduced and adopted on First Reading by title only
	Action Text:	Introduced and adopted on First Reading by title only	
1	City Council	08/09/2011	

Text of Legislative File O-1112-9

Body

BACKGROUND: The Norman City Council adopted amendments to the Ordinances regulating Soliciting, Peddling, and Temporary Food in April 2011. Those amendments included a number of changes designed to improve the requirements and to comply with First Amendment concerns.

However, after adoption of the ordinance, the City Clerk's Office has encountered several difficulties with the practical application of the Ordinance. In addition, several of the local temporary food vendors have expressed serious concerns with the "three hour" rule in the Ordinance that prevents them from operating in one location for more than three hours.

The City Council Oversight Committee met on August 3, 2011, and reviewed the proposed changes and unanimously supported forwarding the proposed ordinance to Council for consideration.

DISCUSSION: The first of the proposed changes adds a one day permit for both soliciting/peddling and temporary food sales. The Clerk's Office has had several requests from vendors only wishing to sell for a weekend or wishing to sell on OU home game days only. These groups do not want to purchase a thirty day permit because of the permit cost involved. The proposed permit fee for a one day permit is $20.00.

The second of the proposed changes is to decrease the length of the bond required for solicitors and peddlers and to create a $1,000 bond requirement for solicitors and peddlers applying for a one day permit. Currently, the ordinance requires that the bond remain in effect for two years after expiration of the permit. However, most of the bonding companies do not offer a two year bond. Rather, a one year bond is all that is available to these groups. For that reason, the draft Ordinance has been amended to require a bond that is good for one year after the date of permit issuance. In addition, because requiring a $10,000 bond for one day permit could be onerous for those applicants, the proposed ordinance now requires a $1,000 bond for a one day permit. The ordinance has also been amended to allow a cash bond to be posted.

The third proposed change is to increase the length of time that temporary food vendors may remain at one site. Staff met with three of the temporary food vendors (the taco stands at Alameda and Porter, Main and 24th, and 24th and Highway 9), who were very unhappy about the limited hours of operation in a 24 hour period. The draft Ordinance allows temporary food vendors to remain on one site for up to twelve hours. Each of the businesses contacted expressed that it takes approximately an hour to an hour and a half to set up and clean up -

which, under the current ordinance, seriously cut into their three hour sales window. For that reason, they requested to be allowed to remain at each site for twelve hours in order to allow for set up, clean up, and to capture both the lunch and dinner crowds. In addition, this would mirror the proposed changes being considered by the State Health Department.

RECOMMENDATION: Based upon the above and foregoing discussion, it is the staff recommendation that Ordinance O-1112-9 be adopted.

AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA AMENDING ARTICLE VIII, SECTIONS 13-809 THROUGH 13-814; AND ARTICLE XXVIII, SECTIONS 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.

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

§ 1. That Article VIII, Section 13-809 of Chapter 13 of the Code of the City of Norman shall be amended to read as follows:

Sec. 13-809. License Required.

* * *

(b) A person desiring to operate a temporary food service establishment may apply for either a 30 day or a 180 day temporary license at least twenty-four (24) hours prior to any sales at said establishment. This temporary license shall be issued by the City Clerk following approval of such application by the Cleveland County Health Authority and City Clerk. The temporary license may be renewed for an additional 180 days following approval by the Cleveland County Health Authority and City Clerk.

(c) There shall be two types of licenses issued as follows:

1. Fixed Temporary Food Service License – this license shall be for temporary food service businesses operating at a fixed location for a maximum of 180 days. This license may not be renewed for an additional 180 days at the same location. These food service businesses must comply with all provisions of the City of Norman Zoning Code.
2. Mobile Temporary Food Service License – this license shall be for facilities that are vehicle mounted and are readily moveable.

§ 2. That Article VIII of Chapter 13 of the Code of the City of Norman shall be amended to add the following Sections:

Sec. 13-810. Application procedure for temporary food license.

(a) *Contents of application.* Applicants for a permit under this article must file with the City Clerk a (verified) sworn application in writing on a form to be furnished by the City Clerk, which shall give the following information:

1. Name and description of applicant.
2. Address.
3. Brief description of business, goods to be sold, location desired.
4. Time period for which applicant wishes to do business.
5. License number and description of vehicle to be used, if any.
6. Verification that applicant is bonded as group II vendor by the State Tax Commission or other proof that sales tax has been or is being paid on the merchandise sold or to be sold, if applicable.
7. Proof that a county health permit has been obtained.
8. At time of filing, fee as provided in Section 13-812 shall be paid to the City Clerk.
9. Each applicant, if the applicant does not operate a fixed, permanent restaurant within the City of Norman, shall file with the application a certificate of insurance from the appropriate insurer that the applicant has general liability and vehicular insurance in the amount required by the State of Oklahoma.

(b) *Review of application.*

1. The City Clerk shall review the application to ensure:
    a. That applicant is aware of his responsibility to collect and pay sales tax and that applicant is properly registered with the Oklahoma Tax Commission. If applicant is not properly registered with the Oklahoma Tax Commission, the permit will not be issued.
    b. That the chosen location for issuance of a Fixed Temporary Food Service License is commercially zoned and does not extend onto the public right-of-way.
    c. That the applicant's business operation will not obstruct a safe line of sight from any street or private drive used to exit the subject property, or cause other sight-distance related problems.
    d. That Chapter 18, "City of Norman Sign Code," Ordinance No. 0-7879-10, is to be properly complied with during applicant's business activity.
    e. That applicant's business operations will not reduce the required off-street parking of the host business.
    f. That a valid county health permit is obtained.

2. Within seven (7) days after receipt of the application, the City Clerk shall either approve or disapprove of the application.
    a. If the application is approved, the Clerk shall issue the permit within three (3) days after the approval.
    b. If the application is not approved, the City Clerk must state with specificity the reason(s) for nonapproval and the City Clerk shall notify the applicant within three (3) days after nonapproval. Proper mailing to the address shown on the application shall be adequate notification to the applicant.

Sec. 13-811. Conditions of permit issuance.

(a) All temporary food vendors must have the permission of the property owner prior to operating a temporary food vending unit on the subject property.

(b) No mobile temporary food vendor may stop for longer than twelve hours at a single location or address in a twenty-four hour period. A single location or address shall include a single parking lot shared by multiple businesses.
    a. This section shall not apply to food sales at events that are not open to the general public or are sponsored, catered, or hosted by a business or group.
    b. This section shall not apply on University of Oklahoma home football game days.

(c) Mobile temporary food vendors may not sell food on public right-of-way except for a brief stop for point of sale. For purposes of this section, *public right-of-way* means any street or highway and property adjacent to streets and highways which is dedicated to public use and over which the Federal, State or municipal government, or any agency, department or subdivision thereof, exercises control and dominion; or any bridge, alley, sidewalk, pedestrian way, stairs or elevator which is dedicated to public use and over which the Federal, State or municipal government, or any agency, department or subdivision thereof, exercises control and dominion.

Sec. 13-812. Permit issuance.

a. Permits shall be issued by the City Clerk.

b. A permit must be issued not less than twenty-four (24) hours prior to any actual selling activity by the applicant.

c. The format of such permit will generally follow the format of licenses as provided in Section 13-109, and such permit shall be prominently displayed at the applicant's selling location.

Sec. 13-813. Permit fee.

The application fee to be paid to the City Clerk upon submission of the application for a temporary food license shall be $20.00 for a one day permit, $50.00 for a 30 day permit, or $250.00 for a 180 day permit.

* * *

§ 3. That Article VIII, Section 13-810 of Chapter 13 of the Code of the City of Norman shall be amended to read as follows:

Sec. 13-814. Outside sales.

(a) Food Service Establishments holding an annual city license may have outside sales on their premises if all conditions of the Food Service Establishment Regulations, Zoning Ordinances and Fire Code are met.

(b) Food Service Establishments with temporary licenses issued by the City may have outdoor sales if all conditions of the Food Service Establishment Regulations, Zoning Ordinances and Fire Code are met.

* * *

§ 4. That Article XXVIII, Section 13-2804 of Chapter 13 of the Code of the City of Norman shall be amended to read as follows:

Sec. 13-2804. Application procedure.

a. *Contents of application.* Applicants for a permit under this article must file with the City Clerk a (verified) sworn application in writing on a form to be furnished by the City Clerk, which shall give the following information:

(1) Name and description of applicant.

(2) Address.

(3) Brief description of business, goods to be sold, location desired.

(4) Time period for which applicant wishes to do business.

(5) License number and description of vehicle to be used (if applicable).

(6) Verification that applicant is bonded as group II vendor by the State Tax Commission or other proof that sales tax has been or is being paid on the merchandise sold or to be sold, if applicable.

(7) If applicable, proof that a county health permit has been obtained.

(8) If applicable, proof that a nursery and floral inspection certificate has been obtained from the Oklahoma State Department of Agriculture.

(9) Photo of person or persons to be selling.

(10) Content of signs to be used.

(11) Site plan depicting the location of any structure, vehicle, sign, or display to be used while conducting the business.

(12) At time of filing, fee as provided in Section 13-2809 shall be paid to the City Clerk.

(13) Along with the written application, the applicant shall obtain from the Oklahoma State Bureau of Investigation and provide to the City Clerk a current Oklahoma criminal history information report. The criminal record is considered current if it is dated no more than 30 days prior to the date on which the applicant submits a completed application to the City Clerk.

(14) Each applicant for a permit under this article shall file with the application a bond either in cash or issued by a corporate surety authorized to do business in this state, which bond shall be payable to the City of Norman for the use and benefit of any person entitled thereto, and conditioned that the principal and surety will pay all damages to persons caused by, arising from, or growing out of the wrongful, fraudulent or illegal conduct of the licensee while conducting the business in the city. The surety bond may also be used to secure collection and payment to the Oklahoma Tax Commission of all City sales tax due and payable by reason of sales made within this City. Such bond shall be forfeited to the City if applicant does not, within ninety (90) days of the expiration his license, demonstrate by affidavit or otherwise that such sales taxes have been paid. The bond shall remain in full force and effect for one year from the date of permit issuance. The bond amount for a one day permit shall be $1,000. The bond amount for a thirty or sixty day permit shall be $10,000.

(15) Each applicant for a permit to solicit services under this article shall file with the application a certificate of insurance from the appropriate insurer that the applicant has general liability and workers compensation insurance in the amount required by the State of Oklahoma when licensing the appropriate trade.

b. *Review of application.*

(1) The City Clerk shall review the application to ensure:

a. That applicant is aware of his responsibility to collect and pay sales tax and that applicant is properly registered with the Oklahoma Tax Commission. If applicant is not properly registered with the Oklahoma Tax Commission, the permit will not be issued.

b. That the chosen location is commercially zoned and does not extend onto the public right-of-way.

c. That the applicant's business operation will not obstruct a safe line of sight from any street or private drive used to exit the subject property, or cause other sight-distance related problems.

d. That Chapter 18, "City of Norman Sign Code," Ordinance No. 0-7879-10, is to be properly complied with during applicant's business activity.

e. That applicant's business operations will not reduce the required off-street parking of the host business.

f. That a valid county health permit is obtained if required.

g. That a valid nursery and floral inspection certificate has been obtained from the Oklahoma Department of Agriculture, if required.

(2) Applications of persons previously convicted of murder, manslaughter, kidnapping, robbery, rape, arson, burglary, and grand larceny, as defined by state and federal law, shall be reviewed by a review board to determine fitness to hold a license. The Review Board shall consist of a representative of the Police Department, a representative of the City Attorney's Office, and the City Clerk.

(3) Within seven (7) days after receipt of the application, the City Clerk shall either approve or disapprove of the application.

a. If the application is approved, the Clerk shall issue the permit within three (3) days after the approval.

b. If the application is not approved, the City Clerk must state with specificity the reason(s) for nonapproval and the City Clerk shall notify the applicant within three (3) days after nonapproval. Proper mailing to the address shown on the application shall be adequate notification to the applicant.

* * *

§5. That Article XXVIII, Section 13-2806 of Chapter 13 of the Code of the City of Norman shall be amended to read as follows:

Sec. 13-2806. Permit issuance.

(a) Permits shall be issued by the City Clerk.

(b) A permit must be issued not less than forty-eight (48) hours prior to any actual selling activity by the applicant.

(c) Permits shall be issued according to the place and manner of the soliciting, peddling, or outdoor vending. If a change of location is desired during the permit period, the permit will first have to be updated and reviewed.

1. Permits for soliciting or peddling may be either for a one, thirty, or sixty day duration.
2. Permits for outdoor vending shall be issued in increments of either one day or thirty days for up to six months, but a vendor may not receive a permit for more than six months in a calendar year.

(d) The format of such permit will generally follow the format of licenses as provided in Section 13-109, and such permit shall be prominently displayed at the applicant's selling location.

* * *

§6. That Article XXVIII, Section 13-2809 of Chapter 13 of the Code of the City of Norman shall be amended to read as follows:

Sec. 13-2809. Fees.

(a) The application fee to be paid to the City Clerk upon submission of the application for a permit shall be as follows:

1. A thirty day permit for soliciting or peddling shall be $100.00. Each additional seller, operating under one thirty-day permit, shall pay a fee of $50.00
2. A sixty day permit for soliciting or peddling shall be $200.00 Each additional seller, operating under one sixty-day permit, shall pay a fee of $100.00
3. A thirty day permit for outdoor vending shall be $500.00.
4. A one day permit for soliciting, peddling, or outdoor vending shall be $20.00.

* * *

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

ATTEST:

_____
Brenda Hall, City Clerk

NOT ADOPTED this _____ day

of _____, 2011.

_____
Cindy Rosenthal, Mayor

AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA AMENDING ARTICLE VIII, SECTIONS 13-809 THROUGH 13-814; AND ARTICLE XXVIII, SECTIONS 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.

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

§ 1. That Article VIII, Section 13-809 of Chapter 13 of the Code of the City of Norman shall be amended to read as follows:

Sec. 13-809. License Required.

* * *

(b) A person desiring to operate a temporary food service establishment may apply for either a 30 day or a 180 day temporary license at least twenty-four (24) hours prior to any sales at said establishment. This temporary license shall be issued by the City Clerk following approval of such application by the Cleveland County Health Authority and City Clerk. The temporary license may be renewed for an additional 180 days following approval by the Cleveland County Health Authority and City Clerk.

(c) There shall be two types of licenses issued as follows:

1. Fixed Temporary Food Service License – this license shall be for temporary food service businesses operating at a fixed location for a maximum of 180 days. This license may not be renewed for an additional 180 days at the same location. These food service businesses must comply with all provisions of the City of Norman Zoning Code.
2. Mobile Temporary Food Service License – this license shall be for facilities that are vehicle mounted and are readily moveable.

§ 2. That Article VIII of Chapter 13 of the Code of the City of Norman shall be amended to add the following Sections:

Sec. 13-810. Application procedure for temporary food license.

(a) *Contents of application.* Applicants for a permit under this article must file with the City Clerk a (verified) sworn application in writing on a form to be furnished by the City Clerk, which shall give the following information:

1. Name and description of applicant.

2. Address.
3. Brief description of business, goods to be sold, location desired.
4. Time period for which applicant wishes to do business.
5. License number and description of vehicle to be used, if any.
6. Verification that applicant is bonded as group II vendor by the State Tax Commission or other proof that sales tax has been or is being paid on the merchandise sold or to be sold, if applicable.
7. Proof that a county health permit has been obtained.
8. At time of filing, fee as provided in Section 13-812 shall be paid to the City Clerk.
9. Each applicant, if the applicant does not operate a fixed, permanent restaurant within the City of Norman, shall file with the application a certificate of insurance from the appropriate insurer that the applicant has general liability and vehicular insurance in the amount required by the State of Oklahoma.

(b) *Review of application.*

1. The City Clerk shall review the application to ensure:
    a. That applicant is aware of his responsibility to collect and pay sales tax and that applicant is properly registered with the Oklahoma Tax Commission. If applicant is not properly registered with the Oklahoma Tax Commission, the permit will not be issued.
    b. That the chosen location for issuance of a Fixed Temporary Food Service License is commercially zoned and does not extend onto the public right-of-way.
    c. That the applicant's business operation will not obstruct a safe line of sight from any street or private drive used to exit the subject property, or cause other sight-distance related problems.
    d. That Chapter 18, "City of Norman Sign Code," Ordinance No. 0-7879-10, is to be properly complied with during applicant's business activity.
    e. That applicant's business operations will not reduce the required off-street parking of the host business.
    f. That a valid county health permit is obtained.
2. Within seven (7) days after receipt of the application, the City Clerk shall either approve or disapprove of the application.
    a. If the application is approved, the Clerk shall issue the permit within three (3) days after the approval.
    b. If the application is not approved, the City Clerk must state with specificity the reason(s) for nonapproval and the City Clerk shall notify the applicant within three (3) days after nonapproval. Proper mailing to the address shown on the application shall be adequate notification to the applicant.

Sec. 13-811. Conditions of permit issuance.

(a) All temporary food vendors must have the permission of the property owner prior to operating a temporary food vending unit on the subject property.

(b) No mobile temporary food vendor may stop for longer than twelve hours ~~three hours~~ at a single location or address in a twenty-four hour period. A single location or address shall include a single parking lot shared by multiple businesses.

a. This section shall not apply to food sales at events that are not open to the general public or are sponsored, catered, or hosted by a business or group.

b. This section shall not apply on University of Oklahoma home football game days.

(c) Mobile temporary food vendors may not sell food on public right-of-way except for a brief stop for point of sale. For purposes of this section, *public right-of-way* means any street or highway and property adjacent to streets and highways which is dedicated to public use and over which the Federal, State or municipal government, or any agency, department or subdivision thereof, exercises control and dominion; or any bridge, alley, sidewalk, pedestrian way, stairs or elevator which is dedicated to public use and over which the Federal, State or municipal government, or any agency, department or subdivision thereof, exercises control and dominion.

Sec. 13-812. Permit issuance.

a. Permits shall be issued by the City Clerk.

b. A permit must be issued not less than twenty-four (24) hours prior to any actual selling activity by the applicant.

c. The format of such permit will generally follow the format of licenses as provided in Section 13-109, and such permit shall be prominently displayed at the applicant's selling location.

Sec. 13-813. Permit fee.

The application fee to be paid to the City Clerk upon submission of the application for a temporary food license shall be $20.00 for a one day permit, $50.00 for a 30 day permit, or $250.00 for a 180 day permit.

* * *

§ 3. That Article VIII, Section 13-810 of Chapter 13 of the Code of the City of Norman shall be amended to read as follows:

Sec. 13-814. Outside sales.

(a) Food Service Establishments holding an annual city license may have outside sales on their premises if all conditions of the Food Service Establishment Regulations, Zoning Ordinances and Fire Code are met.

(b) Food Service Establishments with temporary licenses issued by the City may have outdoor sales if all conditions of the Food Service Establishment Regulations, Zoning Ordinances and Fire Code are met.

* * *

§ 4. That Article XXVIII, Section 13-2804 of Chapter 13 of the Code of the City of Norman shall be amended to read as follows:

Sec. 13-2804. Application procedure.

a. *Contents of application.* Applicants for a permit under this article must file with the City Clerk a (verified) sworn application in writing on a form to be furnished by the City Clerk, which shall give the following information:

(1) Name and description of applicant.

(2) Address.

(3) Brief description of business, goods to be sold, location desired.

(4) Time period for which applicant wishes to do business.

(5) License number and description of vehicle to be used (if applicable).

(6) Verification that applicant is bonded as group II vendor by the State Tax Commission or other proof that sales tax has been or is being paid on the merchandise sold or to be sold, if applicable.

(7) If applicable, proof that a county health permit has been obtained.

(8) If applicable, proof that a nursery and floral inspection certificate has been obtained from the Oklahoma State Department of Agriculture.

(9) Photo of person or persons to be selling.

(10) Content of signs to be used.

(11) Site plan depicting the location of any structure, vehicle, sign, or display to be used while conducting the business.

(12) At time of filing, fee as provided in Section 13-2809 shall be paid to the City Clerk.

(13) Along with the written application, the applicant shall obtain from the Oklahoma State Bureau of Investigation and provide to the City Clerk a current Oklahoma criminal history information report. The criminal record is considered current if it is dated no more than 30 days prior to the date on which the applicant submits a completed application to the City Clerk.

(14) Each applicant for a permit under this article shall file with the application a bond ~~in the sum of $10,000.00~~, either in cash or issued by a corporate surety authorized to do business in this state, which bond shall be payable to the City of Norman for the use and benefit of any person entitled thereto, and conditioned that the principal and surety will pay all damages to persons caused by, arising from, or growing out of the wrongful, fraudulent or illegal conduct of the licensee while conducting the business in the city. The surety bond may also be used to secure collection and payment to the Oklahoma Tax Commission of all City sales tax due and payable by reason of sales made within this City. Such bond shall be forfeited to the City if applicant does not, within ninety (90) days of the expiration his license, demonstrate by affidavit or otherwise that such sales taxes have been paid. The bond shall remain in full force and effect for one year from the date of permit issuance ~~the entire duration of the permit and for two years thereafter~~. The bond amount for a one day permit shall be $1,000. The bond amount for a thirty or sixty day permit shall be $10,000.

(15) Each applicant for a permit to solicit services under this article shall file with the application a certificate of insurance from the appropriate insurer that the applicant has general liability and workers compensation insurance in the amount required by the State of Oklahoma when licensing the appropriate trade.

b. *Review of application.*

(1) The City Clerk shall review the application to ensure:

a. That applicant is aware of his responsibility to collect and pay sales tax and that applicant is properly registered with the Oklahoma Tax Commission. If applicant is not properly registered with the Oklahoma Tax Commission, the permit will not be issued.

b. That the chosen location is commercially zoned and does not extend onto the public right-of-way.

c. That the applicant's business operation will not obstruct a safe line of sight from any street or private drive used to exit the subject property, or cause other sight-distance related problems.

d. That Chapter 18, "City of Norman Sign Code," Ordinance No. 0-7879-10, is to be properly complied with during applicant's business activity.

e. That applicant's business operations will not reduce the required off-street parking of the host business.

f. That a valid county health permit is obtained if required.

g. That a valid nursery and floral inspection certificate has been obtained from the Oklahoma Department of Agriculture, if required.

(2) Applications of persons previously convicted of murder, manslaughter, kidnapping, robbery, rape, arson, burglary, and grand larceny, as defined by state and federal law, shall be reviewed by a review board to determine fitness to hold a license. The Review Board shall consist of a representative of the Police Department, a representative of the City Attorney's Office, and the City Clerk.

(3) Within seven (7) days after receipt of the application, the City Clerk shall either approve or disapprove of the application.

a. If the application is approved, the Clerk shall issue the permit within three (3) days after the approval.

b. If the application is not approved, the City Clerk must state with specificity the reason(s) for nonapproval and the City Clerk shall notify the applicant within three (3) days after nonapproval. Proper mailing to the address shown on the application shall be adequate notification to the applicant.

* * *

§5. That Article XXVIII, Section 13-2806 of Chapter 13 of the Code of the City of Norman shall be amended to read as follows:

Sec. 13-2806. Permit issuance.

(a) Permits shall be issued by the City Clerk.

(b) A permit must be issued not less than forty-eight (48) hours prior to any actual selling activity by the applicant.

(c) Permits shall be issued according to the place and manner of the soliciting, peddling, or outdoor vending. If a change of location is desired during the permit period, the permit will first have to be updated and reviewed.

1. Permits for soliciting or peddling may be either for a <u>one,</u> thirty, or sixty day duration.
2. Permits for outdoor vending shall be issued in increments of <u>either one day or</u> thirty days for up to six months, but a vendor may not receive a permit for more than six months in a calendar year.

(d) The format of such permit will generally follow the format of licenses as provided in Section 13-109, and such permit shall be prominently displayed at the applicant's selling location.

* * *

§6. That Article XXVIII, Section 13-2809 of Chapter 13 of the Code of the City of Norman shall be amended to read as follows:

Sec. 13-2809. Fees.

(a) The application fee to be paid to the City Clerk upon submission of the application for a permit shall be as follows:

1. A thirty day permit for soliciting or peddling shall be $100.00. Each additional seller, operating under one thirty-day permit, shall pay a fee of $50.00
2. A sixty day permit for soliciting or peddling shall be $200.00 Each additional seller, operating under one sixty-day permit, shall pay a fee of $100.00
3. A thirty day permit for outdoor vending shall be $500.00.
4. <u>A one day permit for soliciting, peddling, or outdoor vending shall be $20.00.</u>

* * *

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

CITY COUNCIL OVERSIGHT COMMITTEE MINUTES

August 3, 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 3rd day of August, 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 Dillingham, Gallagher, Kovach, Spaulding, and Chairman Griffith
ABSENT:	None
STAFF PRESENT:	Ms. Leah Messner, Assistant City Attorney Ms. Brenda Hall, City Clerk
OTHERS PRESENT:	Ms. Nancy Jarman, owner of The Greenhouse Mr. Rob Gowens, owner of Hob Nob Rob's Liquor Store

CONTINUED DISCUSSION REGARDING PROPOSED MODIFICATIONS TO TEMPORARY/MOBILE FOOD AND SOLICITOR/PEDDLER PERMIT REQUIREMENTS.

Ms. Leah Messner, Assistant City Attorney, said City Council adopted Ordinance No. O-1011-18 on April 12, 2011, regarding new requirements for temporary food and solicitor/peddler permits. After adoption, the City Clerk's Office encountered several difficulties with the practical application of the ordinance. Several local, temporary food vendors expressed concerns about the rule that a mobile food vendor can only sell in one location for three hours in a 24 hour period. She said the local vendors felt a three hour window was difficult because they do all the prep work and set up on site, which takes at least one to one and one-half hours leaving a shorter window to sell.

Ms. Messner said the proposed ordinance will change the maximum hours allowed to twelve hours in a 24 hour period, which will be more in line with proposed State Health Department regulations.

Councilmember Dillingham said the State Health Department has also discussed requiring a home kitchen commissary and asked if that was still their plan and Ms. Messner said yes. Councilmember Dillingham asked how that requirement would affect Norman's Fixed and Mobile Temporary Food Permits and Ms. Messner said she believes the commissary would be required for mobile temporary food vendors only. Ms. Brenda Hall, City Clerk, said that was her understanding as well, but she has not seen the latest State revisions. She said the State had intended to implement the new requirements in the summer of 2011, but had postponed the issue to the summer of 2012. She said the requirements she had reviewed included being allowed to sell on site for a maximum of twelve hours then taking the mobile unit back to a "commissary" for servicing, restocking, and disposal of waste products. She said the State draft regulations did not include a definition for a commissary. She has requested an update from the Cleveland County Health Department regarding a definition. Ms. Hall said at this point it was not known if the commissary could be a residential kitchen or would have to be a commercial facility. Councilmember Griffith asked if anything like a commissary existed and Ms. Hall said she was not aware of any, but there are State regulations for food licenses that require cleaning and commissary type services. She said under current State provisions, a mobile unit must be moved off site once every fourteen days and that regulation was in place to allow the mobile unit to be taken somewhere to be more thoroughly cleaned and allow for disposal of built up fats, oils, and grease.

Councilmember Gallagher asked how the ordinance affects ice cream vendors and Ms. Hall said ice cream vendors are a little different. She said they can obtain an annual Food Service License and are only allowed to stop for a moment to make a sale and move on. They are not allowed to sit for any length of time at one location. She said they also only sell prepackaged product so there is not food preparation; however, they must meet State regulations before a City license can be issued.

Ms. Messner said other proposed ordinance changes will include a one day permit for stationary Solicitor/Peddler Licenses for vendors who want to sell on a weekend or on University of Oklahoma (OU) home football game days. She said the cost for a one day permit would be $20 and, currently, the stationary Solicitor/Peddler License costs are $500 for a thirty day permit, which many vendors find onerous if they only want to sell a few days a year. She said another proposed change will be the requirement of a $1,000 surety bond for the one day permit versus the $10,000 surety bond required for a thirty day permit. She said, currently, the ordinance requires the bond to be effective for two years from issuance of the permit; however, it has come to the City's attention that many insurance companies will not issue a two year bond. She said that requirement will be amended to one year from date of issuance of the permit.

Councilmember Griffith said if the bond is reduced from $10,000 to $1,000 for one day permits, what about the anticipated savings to the vendor. Ms. Hall said construction bonds cost 3% of the bond amount and if these bonds are done in a similar manner, then the cost would be $30 for a $1,000 bond versus $300 for $10,000 bond. Councilmember Spaulding asked if cash bonds were allowed and Ms. Messner said it could be added to the language. Councilmember Dillingham said Council wants to make the process easier so allowing a cash bond helps accomplish that. Councilmember Kovach said the reason the Committee required a $10,000 bond was to protect the citizens of Norman and questioned requiring only a $1,000 bond if a vendor were to sell at all six OU football home games. Ms. Hall said a $1,000 bond would be required per game or per day. She said sometimes a vendor may not want to sell at every game due to lower or higher attendance.

Councilmember Gallagher asked how consumers are protected against vendors selling shrimp out of Texas or other States and Ms. Hall said those vendors fall under the regulations for a Fixed Temporary Food License and they must provide a copy of their certificate of liability insurance, certificate of vehicular insurance, Oklahoma sales tax permit number, and be approved by the Cleveland County Health Department.

Ms. Messner said the proposed ordinance will be on First Reading on August 9, 2011, and Second Reading on August 23, 2011.

Items submitted for the record

1. Memorandum dated July 27, 2011, from Leah Messner, Assistant City Attorney, and Brenda Hall, City Clerk, to City Council Oversight Committee, Councilmember Griffith, Councilmember Dillingham, Councilmember Kovach, Councilmember Spaulding
1. Draft of Ordinance No. O-1011-18
2. Draft of legislatively notated copy of Ordinance No. –O-1011-18

MISCELLANEOUS DISCUSSION. None

The meeting adjourned at 5:55 p.m.

ATTEST:

City Clerk

Mayor

City of Norman, OK

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

Master

File Number: O-1112-07

File ID:	O-1112-07	**Type:**	Ordinance	**Status:**	Non-Consent Items
Version:	2	**Reference:**	Item No. 54	**In Control:**	City Council
Department:	City Clerk Department	**Cost:**		**File Created:**	08/02/2011
File Name:	O-1112-07 Amending Charter re: Elections			**Final Action:**	

Title: ORDINANCE NO. O-1112-07: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA AMENDING ARTICLE II, SECTIONS 5 AND 6 OF THE NORMAN CITY CHARTER WHICH RELATES TO THE DESIGNATION OF DATES FOR MUNICIPAL GENERAL AND RUNOFF ELECTIONS AS PROVIDED UNDER THE THEN-CURRENT STATE LAW; AND PROVIDING FOR THE SEVERABILITY THEREOF.

ACTION NEEDED: Motion to adopt Ordinance No. O-1112-07 upon Second Reading section by section.

ACTION TAKEN: _____

ACTION NEEDED: Motion to adopt Ordinance No. O-1112-07 upon Final Reading as a whole.

ACTION TAKEN: _____

Notes:

Agenda Date: 08/23/2011

Agenda Number: 54

Attachments: O-1112-07 Runoff elections clean Final.pdf, O-1112-07 Runoff elections anno Final.pdf

Project Manager: Brenda Hall, City Clerk

Entered by: kathryn.walker@normanok.gov

Effective Date:

History of Legislative File

Version:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
2	City Council	08/09/2011	Introduced and adopted on First Reading by title only				

Action Text: Introduced and adopted on First Reading by title only

Text of Legislative File O-1112-07

Body

BACKGROUND: In 2009, the Military Overseas Voter Empowerment (MOVE) Act was passed into law, requiring states to dispatch absentee ballots forty-five (45) days before an election to ensure they receive the ballots and have time to return them.

As a result of MOVE, Oklahoma House Bill 1615 was passed on May 10, 2011, creating the Let the Troops Vote Act (LTVA). This act directly impacts municipal elections by specifying months available to hold elections and time requirements for absentee ballots. This memo provides a basis for how the LTVA will affect the City of Norman and its Charter.

DISCUSSION:

Previous Revisions

This is not the first time in recent years that federal legislation was enacted to assist with military personnel voting while away from home. Each time, the State Legislature has followed suit which has then required the City of Norman to amend their Charter. The goal has been to provide certain months in which elections can be held and to provide an adequate length of time between the elections and runoffs so that the troops serving away from home can vote in both though use of absentee ballots.

On June 9, 2004, Oklahoma Senate Bill 1346 was signed into law in order to bring the state laws of Oklahoma into compliance with the federal Help America Vote Act (HAVA). In order to comply with HAVA, the Norman City Charter was amended by Ordinance No. O-0405-32 and approved by the voters at an election held on March 29, 2005. The amendments were necessary because the previous language used in the Charter concerning election dates provided for elections to be held on the "third Tuesday in April of each year." This language did not comply with state law because HAVA only allowed for special elections to be held on the first Tuesday in April for either odd or even years or the second Tuesday in January, February, May, June, July, August, September, October, November, and December in odd numbered and January, February, May, June, September, and December in even numbered years.

Let the Troops Vote Act

Section 2 of LTVA provides that "[a] Primary Election shall be held on the last Tuesday in June of each even-numbered year." Additionally, no municipality shall schedule an election on any date during the twenty (20) days immediately preceding the date of any such primary election.

Section 4 of LTVA says that no special election shall be held by any municipality or other entity authorized to call elections except on:

The second Tuesday of January, February, May, June, July, August, September, October and November and the first Tuesday in March and April in odd-numbered years; or

The first Tuesday in March and April, the second Tuesday of January and February, the last Tuesday in June, the fourth Tuesday in August, and the first Tuesday after the first Monday in November in even-numbered years.

Lastly, Section 15 of the LTVA states that "when an application for an absentee ballot is received at least forty-five (45) days before an election involving state...offices, the ballot shall be transmitted... not less than forty-five days preceding the election." If the request for an absentee ballot occurs within the forty-five (45) day time-frame, then the absentee ballot shall be transmitted within forty-eight (48) hours of receipt of the application.

Current Charter

Article II, Section 5 of the City Charter provides that by a resolution passed each December, the City Council shall designate a date in March of the following year for the holding of Norman's municipal election.

Article II, Section 6 of the City Charter goes on to provide for a municipal runoff election to take place on a date in May of the same year.

Article II, Section 21 of the City Charter provides for State law to be applicable in issues involving absentee voting procedures, which now calls for forty-five (45) days between elections.

Charter Amendment Options

In order to comply with LTVA, the City Charter must be amended since Article II, Section 6 of the current City Charter calls for municipal runoff elections to be held in May, which is now directly prohibited in even numbered years by LTVA. In order to amend the charter, a special election will need to be held.

There are two possible solutions to the current Charter issue. First, the Council could ask voters to amend the Charter to reflect dates that fit within the frame work of LTVA. With that said, it is important to keep in mind the new forty-five (45) day time lapse required for absentee ballots between elections. The month combinations available under LTVA are February/April, April/June, and June/August.

A second possible solution involves a more flexible approach that would allow the Council to set election dates by Resolution on an annual basis in order to take into account future state or federal law changes. To avoid future conflicts and the need to again amend these sections of

the Charter, the Charter could be amended to reflect specific language that aligns the election dates in the City Charter with applicable state laws.

The language included in the proposed ordinances adopts the second approach by amending Sections 5 and 6 allowing Council to set election dates by Resolution that are consistent with current state law. To assist potential candidates with planning, the Resolution setting election dates, currently required in December, is suggested to be moved back to the November preceding the year in which the elections will be held. The filing date of the second Monday in January is left unchanged.

It is felt the second option is the most practical way to avoid future conflicts with state election laws, maintain flexibility to adjust as needed with future state and federal absentee voter law changes, and give adequate notice to potential Council candidates regarding upcoming election dates.

AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA AMENDING ARTICLE II, SECTIONS 5 AND 6 OF THE NORMAN CITY CHARTER WHICH RELATES TO THE DESIGNATION OF DATES FOR MUNICIPAL GENERAL AND RUNOFF ELECTIONS AS PROVIDED UNDER THE THEN-CURRENT STATE LAW; AND PROVIDING FOR THE SEVERABILITY THEREOF.

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

§ 1. That, Article II, Sections 5 and 6 of the Charter of the City of Norman, Oklahoma, shall be amended to read as follows:

Section 1. Elected Officers: Powers and duties; compensation.

The elective officers of the City of Norman shall be a Mayor and eight (8) Councilmembers. All legislative powers except the initiative and referendum shall be vested in a Council, consisting of a Mayor, elected at-large, and eight (8) Councilmembers elected from and by the registered voters of the respective wards of the City.

All references in this Charter to "Councilmembers" or "City Councilmembers" shall be construed to mean the Mayor as well as those persons elected to Council positions.

Five (5) members of the Council shall constitute a quorum, and the affirmative vote of at least five (5) members shall be necessary to adopt any motion, resolution or ordinance or pass any measure, unless a greater number is required by a specific provision of the Charter.

The Mayor shall preside at all meetings of the Council and shall perform in addition to his legislative duties such ceremonial duties as are necessary in the conduct of the City's business. The Mayor shall be recognized as the official head of the City by the courts for the serving of civil processes, and by the Governor for military purposes. In time of public danger or emergency he may, with the consent of the Council, take command of the police and maintain order and enforce the laws.

The Mayor and each of the Councilmembers shall receive, as compensation for their services, fifty dollars per month, plus ten dollars for each regular or special meeting attended, provided, however, that no Councilmember shall receive more than one hundred dollars total compensation for any given calendar month.

Section 2. Term of office.

The term of Councilmembers shall be for a period of two years. The terms of Councilmembers chosen to represent council wards two (2), four (4), six (6) and eight (8) shall expire on the first Tuesday of July of the next even numbered year after their election.

The term of Councilmembers chosen to represent Council wards one (1), three (3), five (5) and seven (7) shall expire on the first Tuesday of July of the next odd numbered year after their election.

Each elected officer shall continue to hold and to perform the duties of his office until his successor is elected and qualified, unless he is removed or forfeits his office under other provisions of this Charter.

The term of office of the mayor elected at regular elections, shall be three (3) years. The term of the mayor shall expire on the first Tuesday of July and each three (3) years thereafter.

For purposes of filing and election to the positions of City Council, only persons who have been duly registered to vote in accordance with state law within the City of Norman for the six months prior to the date of the general election and reside in the ward from which they seek election, on the date of their filing, shall be eligible to the City Council.

For the purpose of filing and election to the position of Mayor, only persons who have been duly registered to vote in accordance with state law within the City of Norman for the six months prior to the date of the general election, shall be eligible to seek election as Mayor.

Section 3. Official oath, bond.

The Mayor, Councilmembers, and all officers of the City, upon entering the duties of their offices, shall take the oath of office prescribed by the Constitution of Oklahoma. The City shall purchase any bonds required of the Mayor and/or Councilmembers.

Section 4. Elections.

All elections for municipal officers in the City of Norman shall be conducted as herein provided.

Section 5. Municipal elections.

By resolution duly adopted in November of each year, the City Council shall designate a date in the following year, which is approved under then-current state law, for the holding of Norman's municipal election, at which time there will be election contests conducted by the Cleveland County Election Board for each of the following positions for which two (2) or more qualified (as described above) registered voters have filed for office: wards two (2), four (4), six (6) and eight (8) in even-numbered years; wards one (1), three (3), five (5) and seven (7) in odd-numbered years; Mayor in 2007 and each third year thereafter. In each such municipal election, a person receiving a majority of votes cast shall be deemed to be the winner. If no person receives a majority of votes in the municipal election, the two candidates receiving the most votes shall proceed in the municipal runoff election, described below. If two or more persons tie for second place in the

municipal election, and the person receiving the most votes did not receive a majority of votes cast, then the second-place nominee shall be determined from among those tying, fairly by lot, by the Cleveland County Election Board. If three or more persons tie for first place in the municipal election, then the two municipal runoff election nominees shall be determined from among those tying, fairly by lot, by the Cleveland County Election Board.

Section 6. Municipal runoff elections.

By resolution duly adopted in November of each year, the City Council shall designate a date in the following year that is subsequent to the date chosen for Norman's municipal election described in Section 5 herein, which is approved under then-current state law, for the holding of Norman's municipal runoff election, at which time there will be runoff election contests, if necessary, conducted by the Cleveland County Election Board for each of the following positions for which two (2) or more qualified (as described above) registered voters have filed for office: wards two (2), four (4), six (6) and eight (8) in even-numbered years; wards one (1), three (3), five (5) and seven (7) in odd-numbered years; Mayor in 2007 and each third year thereafter.

Section 7. Qualifications of voters.

In either municipal or municipal runoff elections, for the election of ward Councilmembers provided for herein, only such persons as are registered voters of the City of Norman and of the ward in which they propose to vote shall be eligible to vote.

In either municipal or municipal runoff elections of the Mayor provided for herein, only such persons as are registered voters of the City of Norman shall be eligible to vote.

Registered voters shall be qualified and registered under the law of the State of Oklahoma.

Section 8. Voting places.

All elections within the City of Norman shall be held at the polling places designated under the general election laws.

Section 9. City Council to order special elections.

The City Council of the City shall, by ordinance, order the holding of all special elections, except as otherwise provided in this Charter, or by the Constitution of this State. Such ordinances shall specify the object of and the time for holding such elections. Such election ordinances shall be printed in a newspaper of general circulation printed in the City of Norman at least ten (10) days prior to the time appointed for holding such election.

Section 10. Candidates.

A. *Filing of candidates.* Any person who is a registered voter of the City, as provided in Article II, Section 2 of this Charter, may become a candidate for office in the proper primary election by filing with the Secretary of the County Election Board, a sworn written notice containing the following information: The candidate's name, street address, designation of the office sought, with ward number, and the date of the primary election. A person can be a candidate for only one office at a time.

B. *Filing of candidates by petition.* The name of candidate may also be placed upon the ballot at the primary election upon the filing of a petition for that purpose in the manner set forth herein. Any registered voter of the City may file with the Secretary of the County Election Board, within the time provided in Section 10(D) of this Article, a petition bearing the signatures of registered voters eligible to vote for the office for which they seek to make a nomination. In the case of candidates for the office of the Mayor, the number of valid signatures required shall total one hundred (100). In the case of candidates for a Council position, the number of valid signatures required shall total fifty (50). Said petition shall contain the information required in sub-section (A) of this section as well as the name of the person sought to be nominated. Further, the person sought to be so nominated must file, within three (3) days of the filing of said petition and before the close of filing, a written notice of willingness to become such a candidate.

C. *Filing fee.* The Council shall have the power to provide by ordinance a filing fee for candidates, to establish and charge the amount thereof and to provide for refund of same under certain circumstances.

D. *Time of filing.* The period for filing for elective office shall begin at 8:00 a.m. on the second Monday of January and shall end at 5:00 p.m. on the following Wednesday.

Section 11. Partisan designation forbidden.

No nominating notice nor acceptance thereof shall have upon it any party emblem, sign or designation, and there shall be nothing thereon to indicate the affiliation of the nominee or of any signer with any political party or any organization.

Section 12. - Withdrawal of candidates.

Any candidate may withdraw no later than 5:00 p.m. on the Friday following the close of the filing period by filing a written notice with the Secretary of the County Election Board. The Secretary of the County Election Board, after the expiration of said time, shall cause the ballots to be printed as provided herein. In all elections in which there is a contest for any office, there shall be printed and bound a number of ballots for each precinct which, in the discretion of the Secretary of the County Election Board will be sufficient to conduct said election.

Section 13. Arrangement of ballot.

The County Election Board shall arrange the names of the candidates for each office. The County Election Board shall cause ballots to be printed, arranged as provided herein, and distributed among the various voting precincts of the City.

Section 14. Form of ballot.

In odd numbered years, the names of the candidates for City Council for each Council ward numbered one (1), three (3), five (5) and seven (7) shall appear upon the ballot in the appropriate ward of the City and placed under the words: "For Councilmember in Ward No. _____", followed by the instruction in each case: "Vote for One".

In even numbered years, the names of the candidates for City Council for each Council ward numbered two (2), four (4), six (6) and eight (8) shall appear upon the ballot in the appropriate ward of the City and placed under the words: "For Councilmember in Ward No. _____", followed by the instruction in each case: "Vote for One".

In the years in which the Mayor's term expires, the names of candidates for Mayor shall be placed upon the ballot under the words: "For Mayor", followed by the instruction: "Vote for One".

Section 15. - Sample ballot.

At every election, sample ballots shall be posted at each polling place.

Section 16. - Counting the ballot; certificate of nomination.

The Precinct Board of each precinct shall, immediately upon the closing of the polls, count the voted ballots and ascertain the number of votes cast in such precinct for each candidate and make due return thereof to the County Election Board. Following the municipal election, the County Election Board shall canvas the returns received from all precincts and absentee ballots and shall certify the results to the City Clerk.

Section 17. Municipal election; candidates nominated or elected.

After the filing period and any withdrawal and protest period have expired, if there remains only one qualified candidate for an office, such candidate shall be deemed duly elected and there shall be no need for that candidate or that office to appear on any ballot.

Section 18. - Ballots for City elections.

The Secretary of the County Election Board shall prepare all ballots for all City elections.

Section 19. - Election of Mayor Pro Tem; duties of Mayor Pro Tem.

On the first Tuesday in July of each year, by a majority vote of all Councilmembers, the Council shall elect one of the Councilmembers to be mayor pro

tem of the City of Norman to serve for a term of one year and until his successor is likewise elected. The mayor pro tem shall act as mayor in the absence of the mayor. In case of the absence of both the mayor and the mayor pro tem, the remaining Councilmembers shall elect one of their number to act as mayor until the return of the mayor or mayor pro tem.

Section 20. - Measures on ballot; arrangement.

Whenever one or more measures or questions are submitted to the people and are to be voted upon at the same time as any officer or officers are to be elected, such measures and questions shall be submitted upon a ballot separate from that bearing the names of candidates for office. All petitions and election ballots shall be non-partisan in form and without any party designation of any kind, or any sign, mark, symbol or device of a partisan character.

Section 21. - General election laws to apply.

The general election laws of the State applicable to cities are hereby in force except as modified herein. Provisions of State law setting out absentee or provisional ballot voting procedures in state elections are hereby made applicable in city elections.

Section 22. - Vacancies in office.

A vacancy in the office of a member of the Council shall exist whenever the holder thereof:

(a) Ceases to possess some qualification for the office, prescribed by this Charter or by applicable law,

(b) dies,

(c) resigns,

(d) is removed from office by proceedings by a Court of competent jurisdiction; or

(e) is declared legally incompetent by a Court of competent jurisdiction; or

(f) ceases to reside in the ward which elected except that no vacancy shall occur where a Councilmember is rendered a non-registered voter of the ward that member represents by reason of reapportionment carried out by the City Council.

Any vacancy occurring on the City Council shall be filled by a majority vote of the remaining members of the City Council, for a period extending until the next regular municipal election, at which time an election, conducted as provided by this Charter and applicable State law, shall be held to fill any balance of the unexpired term; provided, however, if the City Council does not fill the vacancy by appointment within sixty (60) days after the same occurs, it shall be mandatory on the part of the

City Council to call and schedule a special election to fill the vacancy for the unexpired term, which election shall be held for the election of a City Councilmember, only, and said election shall be conducted in the same manner as a regular municipal election.

§ 2. **Severability.** If any section, subsection, sentence, clause, phrase or portion of this resolution 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 resolution.

ADOPTED this _____ day

of _____, 2011.

_____
Cindy Rosenthal, Mayor

NOT ADOPTED this _____ day

of _____, 2011.

_____
Cindy Rosenthal, Mayor

ATTEST:

_____
Brenda Hall, City Clerk

AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA AMENDING ARTICLE II, SECTIONS 5 AND 6 OF THE NORMAN CITY CHARTER WHICH RELATES TO THE DESIGNATION OF DATES FOR MUNICIPAL GENERAL AND RUNOFF ELECTIONS AS PROVIDED UNDER THE THEN-CURRENT STATE LAW; AND PROVIDING FOR THE SEVERABILITY THEREOF.

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All references in this Charter to "Councilmembers" or "City Councilmembers" shall be construed to mean the Mayor as well as those persons elected to Council positions.

Five (5) members of the Council shall constitute a quorum, and the affirmative vote of at least five (5) members shall be necessary to adopt any motion, resolution or ordinance or pass any measure, unless a greater number is required by a specific provision of the Charter.

The Mayor shall preside at all meetings of the Council and shall perform in addition to his legislative duties such ceremonial duties as are necessary in the conduct of the City's business. The Mayor shall be recognized as the official head of the City by the courts for the serving of civil processes, and by the Governor for military purposes. In time of public danger or emergency he may, with the consent of the Council, take command of the police and maintain order and enforce the laws.

The Mayor and each of the Councilmembers shall receive, as compensation for their services, fifty dollars per month, plus ten dollars for each regular or special meeting attended, provided, however, that no Councilmember shall receive more than one hundred dollars total compensation for any given calendar month.

Section 2. Term of office.

The term of Councilmembers shall be for a period of two years. The terms of Councilmembers chosen to represent council wards two (2), four (4), six (6) and eight (8) shall expire on the first Tuesday of July of the next even numbered year after their election.

The term of Councilmembers chosen to represent Council wards one (1), three (3), five (5) and seven (7) shall expire on the first Tuesday of July of the next odd numbered year after their election.

Each elected officer shall continue to hold and to perform the duties of his office until his successor is elected and qualified, unless he is removed or forfeits his office under other provisions of this Charter.

The term of office of the mayor elected at regular elections, shall be three (3) years. The term of the mayor shall expire on the first Tuesday of July and each three (3) years thereafter.

For purposes of filing and election to the positions of City Council, only persons who have been duly registered to vote in accordance with state law within the City of Norman for the six months prior to the date of the general election and reside in the ward from which they seek election, on the date of their filing, shall be eligible to the City Council.

For the purpose of filing and election to the position of Mayor, only persons who have been duly registered to vote in accordance with state law within the City of Norman for the six months prior to the date of the general election, shall be eligible to seek election as Mayor.

Section 3. Official oath, bond.

The Mayor, Councilmembers, and all officers of the City, upon entering the duties of their offices, shall take the oath of office prescribed by the Constitution of Oklahoma. The City shall purchase any bonds required of the Mayor and/or Councilmembers.

Section 4. Elections.

All elections for municipal officers in the City of Norman shall be conducted as herein provided.

Section 5. Municipal elections.

By resolution duly adopted in ~~December~~ November of each year, the City Council shall designate a date in ~~March of~~ the following year, which is approved under then-current state law, for the holding of Norman's municipal election, at which time there will be election contests conducted by the Cleveland County Election Board for each of the following positions for which two (2) or more qualified (as described above) registered voters have filed for office: wards two (2), four (4), six (6) and eight (8) in even-numbered years; wards one (1), three (3), five (5) and seven (7) in odd-numbered years; Mayor in 2007 and each third year thereafter. In each such municipal election, a person receiving a majority of votes cast shall be deemed to be the winner. If no person receives a majority of votes in the municipal election, the two candidates receiving the most votes shall proceed in the municipal runoff election, described below. If two or more persons tie for second place in the

municipal election, and the person receiving the most votes did not receive a majority of votes cast, then the second-place nominee shall be determined from among those tying, fairly by lot, by the Cleveland County Election Board. If three or more persons tie for first place in the municipal election, then the two municipal runoff election nominees shall be determined from among those tying, fairly by lot, by the Cleveland County Election Board.

Section 6. Municipal runoff elections.

By resolution duly adopted in ~~December~~ November of each year, the City Council shall designate a date in ~~May of~~ the following year that is subsequent to the date chosen for Norman's municipal election described in Section 5 herein, which is approved under then-current state law, for the holding of Norman's municipal runoff election, at which time there will be runoff election contests, if necessary, conducted by the Cleveland County Election Board for each of the following positions for which two (2) or more qualified (as described above) registered voters have filed for office: wards two (2), four (4), six (6) and eight (8) in even-numbered years; wards one (1), three (3), five (5) and seven (7) in odd-numbered years; Mayor in 2007 and each third year thereafter.

Section 7. Qualifications of voters.

In either municipal or municipal runoff elections, for the election of ward Councilmembers provided for herein, only such persons as are registered voters of the City of Norman and of the ward in which they propose to vote shall be eligible to vote.

In either municipal or municipal runoff elections of the Mayor provided for herein, only such persons as are registered voters of the City of Norman shall be eligible to vote.

Registered voters shall be qualified and registered under the law of the State of Oklahoma.

Section 8. Voting places.

All elections within the City of Norman shall be held at the polling places designated under the general election laws.

Section 9. City Council to order special elections.

The City Council of the City shall, by ordinance, order the holding of all special elections, except as otherwise provided in this Charter, or by the Constitution of this State. Such ordinances shall specify the object of and the time for holding such elections. Such election ordinances shall be printed in a newspaper of general circulation printed in the City of Norman at least ten (10) days prior to the time appointed for holding such election.

Section 10. Candidates.

A. *Filing of candidates.* Any person who is a registered voter of the City, as provided in Article II, Section 2 of this Charter, may become a candidate for office in the proper primary election by filing with the Secretary of the County Election Board, a sworn written notice containing the following information: The candidate's name, street address, designation of the office sought, with ward number, and the date of the primary election. A person can be a candidate for only one office at a time.

B. *Filing of candidates by petition.* The name of candidate may also be placed upon the ballot at the primary election upon the filing of a petition for that purpose in the manner set forth herein. Any registered voter of the City may file with the Secretary of the County Election Board, within the time provided in Section 10(D) of this Article, a petition bearing the signatures of registered voters eligible to vote for the office for which they seek to make a nomination. In the case of candidates for the office of the Mayor, the number of valid signatures required shall total one hundred (100). In the case of candidates for a Council position, the number of valid signatures required shall total fifty (50). Said petition shall contain the information required in sub-section (A) of this section as well as the name of the person sought to be nominated. Further, the person sought to be so nominated must file, within three (3) days of the filing of said petition and before the close of filing, a written notice of willingness to become such a candidate.

C. *Filing fee.* The Council shall have the power to provide by ordinance a filing fee for candidates, to establish and charge the amount thereof and to provide for refund of same under certain circumstances.

D. *Time of filing.* The period for filing for elective office shall begin at 8:00 a.m. on the second Monday of January and shall end at 5:00 p.m. on the following Wednesday.

Section 11. Partisan designation forbidden.

No nominating notice nor acceptance thereof shall have upon it any party emblem, sign or designation, and there shall be nothing thereon to indicate the affiliation of the nominee or of any signer with any political party or any organization.

Section 12. - Withdrawal of candidates.

Any candidate may withdraw no later than 5:00 p.m. on the Friday following the close of the filing period by filing a written notice with the Secretary of the County Election Board. The Secretary of the County Election Board, after the expiration of said time, shall cause the ballots to be printed as provided herein. In all elections in which there is a contest for any office, there shall be printed and bound a number of ballots for each precinct which, in the discretion of the Secretary of the County Election Board will be sufficient to conduct said election.

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The County Election Board shall arrange the names of the candidates for each office. The County Election Board shall cause ballots to be printed, arranged as provided herein, and distributed among the various voting precincts of the City.

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In odd numbered years, the names of the candidates for City Council for each Council ward numbered one (1), three (3), five (5) and seven (7) shall appear upon the ballot in the appropriate ward of the City and placed under the words: "For Councilmember in Ward No. _____", followed by the instruction in each case: "Vote for One".

In even numbered years, the names of the candidates for City Council for each Council ward numbered two (2), four (4), six (6) and eight (8) shall appear upon the ballot in the appropriate ward of the City and placed under the words: "For Councilmember in Ward No. _____", followed by the instruction in each case: "Vote for One".

In the years in which the Mayor's term expires, the names of candidates for Mayor shall be placed upon the ballot under the words: "For Mayor", followed by the instruction: "Vote for One".

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At every election, sample ballots shall be posted at each polling place.

Section 16. - Counting the ballot; certificate of nomination.

The Precinct Board of each precinct shall, immediately upon the closing of the polls, count the voted ballots and ascertain the number of votes cast in such precinct for each candidate and make due return thereof to the County Election Board. Following the municipal election, the County Election Board shall canvas the returns received from all precincts and absentee ballots and shall certify the results to the City Clerk.

Section 17. Municipal election; candidates nominated or elected.

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tem of the City of Norman to serve for a term of one year and until his successor is likewise elected. The mayor pro tem shall act as mayor in the absence of the mayor. In case of the absence of both the mayor and the mayor pro tem, the remaining Councilmembers shall elect one of their number to act as mayor until the return of the mayor or mayor pro tem.

Section 20. - Measures on ballot; arrangement.

Whenever one or more measures or questions are submitted to the people and are to be voted upon at the same time as any officer or officers are to be elected, such measures and questions shall be submitted upon a ballot separate from that bearing the names of candidates for office. All petitions and election ballots shall be non-partisan in form and without any party designation of any kind, or any sign, mark, symbol or device of a partisan character.

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The general election laws of the State applicable to cities are hereby in force except as modified herein. Provisions of State law setting out absentee or provisional ballot voting procedures in state elections are hereby made applicable in city elections.

Section 22. - Vacancies in office.

A vacancy in the office of a member of the Council shall exist whenever the holder thereof:

(a) Ceases to possess some qualification for the office, prescribed by this Charter or by applicable law,

(b) dies,

(c) resigns,

(d) is removed from office by proceedings by a Court of competent jurisdiction; or

(e) is declared legally incompetent by a Court of competent jurisdiction; or

(f) ceases to reside in the ward which elected except that no vacancy shall occur where a Councilmember is rendered a non-registered voter of the ward that member represents by reason of reapportionment carried out by the City Council.

Any vacancy occurring on the City Council shall be filled by a majority vote of the remaining members of the City Council, for a period extending until the next regular municipal election, at which time an election, conducted as provided by this Charter and applicable State law, shall be held to fill any balance of the unexpired term; provided, however, if the City Council does not fill the vacancy by appointment within sixty (60) days after the same occurs, it shall be mandatory on the part of the

City Council to call and schedule a special election to fill the vacancy for the unexpired term, which election shall be held for the election of a City Councilmember, only, and said election shall be conducted in the same manner as a regular municipal election.

§ 2. **Severability.** If any section, subsection, sentence, clause, phrase or portion of this resolution 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 resolution.

ADOPTED this _____ day

of _____, 2011.

_____
Cindy Rosenthal, Mayor

NOT ADOPTED this _____ day

of _____, 2011.

_____
Cindy Rosenthal, Mayor

ATTEST:

_____
Brenda Hall, City Clerk

City of Norman, OK

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

Master

File Number: O-1112-08

File ID:	O-1112-08	**Type:**	Ordinance	**Status:**	Non-Consent Items
Version:	2	**Reference:**	Item No. 55	**In Control:**	City Council
Department:	City Clerk Department	**Cost:**		**File Created:**	08/02/2011
File Name:	O-1112-08 Calling Special Election			**Final Action:**	

Title: ORDINANCE NO. O-1112-08: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AUTHORIZING THE CALLING AND HOLDING OF A SPECIAL ELECTION IN SAID CITY OF NORMAN, STATE OF OKLAHOMA, (THE CITY), ON THE 8th DAY OF NOVEMBER 2011, FOR THE PURPOSE OF SUBMITTING TO THE REGISTERED, QUALIFIED ELECTORS OF SAID CITY THE QUESTION OF APPROVING OR REJECTING ORDINANCE NO. O-1112-07 WHICH ORDINANCE AMENDS SECTIONS 5 AND 6 OF ARTICLE II OF THE CHARTER OF THE CITY OF NORMAN, OKLAHOMA RELATING TO THE DESIGNATION OF DATES FOR MUNICIPAL GENERAL AND RUNOFF ELECTIONS; AND PROVIDING FOR THE SEVERABILITY THEREOF.

ACTION NEEDED: Motion to adopt Ordinance No. O-1112-08 upon Second Reading section by section.

ACTION TAKEN: _____

ACTION NEEDED: Motion to adopt Ordinance No. O-1112-08 upon Final Reading as a whole.

ACTION TAKEN: _____

Notes:

Agenda Date: 08/23/2011

Agenda Number: 55

Attachments: O-1112-08 Calling Special Election 8-3-11 fINAL.pdf, Proclamation and Notice of Election

Project Manager: Brenda Hall, City Clerk

Entered by: kathryn.walker@normanok.gov

Effective Date:

History of Legislative File

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

2	City Council	08/09/2011	Introduced and adopted on First Reading by title only
	Action Text:	Introduced and adopted on First Reading by title only	
2	City Council	08/09/2011	

Text of Legislative File O-1112-08

Body

BACKGROUND: In 2009, the Military Overseas Voter Empowerment (MOVE) Act was passed into law, requiring states to dispatch absentee ballots forty-five (45) days before an election to ensure they receive the ballots and have time to return them.

As a result of MOVE, Oklahoma House Bill 1615 was passed on May 10, 2011, creating the Let the Troops Vote Act (LTVA). This act directly impacts municipal elections by specifying months available to hold elections and time requirements for absentee ballots. This memo provides a basis for how the LTVA will affect the City of Norman and its Charter.

DISCUSSION:

Previous Revisions

This is not the first time in recent years that federal legislation was enacted to assist with military personnel voting while away from home. Each time, the State Legislature has followed suit which has then required the City of Norman to amend their Charter. The goal has been to provide certain months in which elections can be held and to provide an adequate length of time between the elections and runoffs so that the troops serving away from home can vote in both though use of absentee ballots.

On June 9, 2004, Oklahoma Senate Bill 1346 was signed into law in order to bring the state laws of Oklahoma into compliance with the federal Help America Vote Act (HAVA). In order to comply with HAVA, the Norman City Charter was amended by Ordinance No. O-0405-32 and approved by the voters at an election held on March 29, 2005. The amendments were necessary because the previous language used in the Charter concerning election dates provided for elections to be held on the "third Tuesday in April of each year." This language did not comply with state law because HAVA only allowed for special elections to be held on the first Tuesday in April for either odd or even years or the second Tuesday in January, February, May, June, July, August, September, October, November, and December in odd numbered and January, February, May, June, September, and December in even numbered years.

Let the Troops Vote Act

Section 2 of LTVA provides that "[a] Primary Election shall be held on the last Tuesday in June of each even-numbered year." Additionally, no municipality shall schedule an election on any date during the twenty (20) days immediately preceding the date of any such primary election.

Section 4 of LTVA says that no special election shall be held by any municipality or other entity authorized to call elections except on:

The second Tuesday of January, February, May, June, July, August, September, October and November and the first Tuesday in March and April in odd-numbered years; or

The first Tuesday in March and April, the second Tuesday of January and February, the last Tuesday in June, the fourth Tuesday in August, and the first Tuesday after the first Monday in November in even-numbered years.

Lastly, Section 15 of the LTVA states that "when an application for an absentee ballot is received at least forty-five (45) days before an election involving state...offices, the ballot shall be transmitted... not less than forty-five days preceding the election." If the request for an absentee ballot occurs within the forty-five (45) day time-frame, then the absentee ballot shall be transmitted within forty-eight (48) hours of receipt of the application.

Current Charter

Article II, Section 5 of the City Charter provides that by a resolution passed each December, the City Council shall designate a date in March of the following year for the holding of Norman's municipal election.

Article II, Section 6 of the City Charter goes on to provide for a municipal runoff election to take place on a date in May of the same year.

Article II, Section 21 of the City Charter provides for State law to be applicable in issues involving absentee voting procedures, which now calls for forty-five (45) days between elections.

Charter Amendment Options

In order to comply with LTVA, the City Charter must be amended since Article II, Section 6 of the current City Charter calls for municipal runoff elections to be held in May, which is now directly prohibited in even numbered years by LTVA. In order to amend the charter, a special election will need to be held.

There are two possible solutions to the current Charter issue. First, the Council could ask voters to amend the Charter to reflect dates that fit within the frame work of LTVA. With that said, it is important to keep in mind the new forty-five (45) day time lapse required for absentee ballots between elections. The month combinations available under LTVA are February/April, April/June, and June/August.

A second possible solution involves a more flexible approach that would allow the Council to set election dates by Resolution on an annual basis in order to take into account future state or federal law changes. To avoid future conflicts and the need to again amend these sections of the Charter, the Charter could be amended to reflect specific language that aligns the election dates in the City Charter with applicable state laws.

The language included in the proposed ordinances adopts the second approach by amending Sections 5 and 6 allowing Council to set election dates by Resolution that are consistent with current state law. To assist potential candidates with planning, the Resolution setting election dates, currently required in December, is suggested to be moved back to the November preceding the year in which the elections will be held. The filing date of the second Monday in January is left unchanged.

It is felt the second option is the most practical way to avoid future conflicts with state election laws, maintain flexibility to adjust as needed with future state and federal absentee voter law changes, and give adequate notice to potential Council candidates regarding upcoming election dates.

AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AUTHORIZING THE CALLING AND HOLDING OF A SPECIAL ELECTION IN SAID CITY OF NORMAN, STATE OF OKLAHOMA, (THE CITY), ON THE 8th DAY OF NOVEMBER 2011, FOR THE PURPOSE OF SUBMITTING TO THE REGISTERED, QUALIFIED ELECTORS OF SAID CITY THE QUESTION OF APPROVING OR REJECTING ORDINANCE NO. O-1112-07 WHICH ORDINANCE AMENDS SECTIONS 5 AND 6 OF ARTICLE II OF THE CHARTER OF THE CITY OF NORMAN, OKLAHOMA RELATING TO THE DESIGNATION OF DATES FOR MUNICIPAL GENERAL AND RUNOFF ELECTIONS; AND PROVIDING FOR THE SEVERABILITY THEREOF.

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

§ 1. Proposition. That the Mayor of the City of Norman, Oklahoma, or in his absence or incapacity, the duly qualified Mayor Pro Tem, be and hereby is authorized and directed to call a special election to be held in the City of Norman, Oklahoma, on the 8th day of November, 2011, for the purpose of submitting to the registered, qualified voters of said City of Norman, Oklahoma, for their approval or rejection the following propositions:

PROPOSITION I

"SHALL SECTIONS 5 AND 6 OF ARTICLE II OF THE CHARTER OF THE CITY OF NORMAN WHICH RELATES TO THE DESIGNATION OF DATES FOR MUNICIPAL GENERAL AND RUNOFF ELECTIONS, BE AMENDED TO PROVIDE FOR THE SETTING OF MUNICIPAL GENERAL AND RUNOFF ELECTIONS AS PROVIDED UNDER THE THEN-CURRENT STATE LAW?"

§ 2. That such call for said election shall be by Special Election Proclamation and Notice, signed by the Mayor or Mayor Pro Tem and attested to by the City Clerk, setting forth the proposition to be voted on; that the ballots set forth in the proposition be voted upon substantially as set out in Section 1 hereof; and that the returns of said election shall be made to and canvassed by the Cleveland County Election Board.

§ 3. That the number and location of the polling places and the persons who conduct the elections shall be the same as the regular polling places and persons prescribed and selected by the Cleveland County Election Board for elections in the City of Norman, Oklahoma.

§ 4. That the Special Election Proclamation and Notice of even date, a copy of which is on file with the City Clerk and which is incorporated herein by reference, calling such special election is hereby approved in all respects, and that the Mayor or Mayor Pro Tem is hereby authorized to execute said special election proclamation on behalf of the City, and the City Clerk is hereby authorized to attest and affix the seal of said City to said Special Election Proclamation and Notice and cause a copy of said Special Election Proclamation and Notice to be published as required by law, and a copy thereof delivered to the Cleveland County Election Board.

§ 5. That the City Clerk shall serve or cause to be served, a copy of this Ordinance and a copy of the Special Election Proclamation and Notice of Election upon the office of the Cleveland County Election Board, not less than sixty (60) days prior to the date of the election.

ADOPTED this _____ day of

_____, 2011.

_____
Mayor

NOT ADOPTED this _____ day of

_____, 2011.

_____
Mayor

ATTEST:

_____
City Clerk

SPECIAL ELECTION
PROCLAMATION AND NOTICE OF ELECTION

Under and by virtue of the Statutes of the State of Oklahoma and acts complimentary, supplementary and enacted pursuant thereto, and Ordinance No. O-1112-07 dated August 23, 2011 authorizing the calling of an election on the Proposition hereinafter set forth, I, the undersigned Mayor of the City of Norman, Oklahoma, hereby call a special election and give notice thereof to be held in the City of Norman, Oklahoma, on the 8th day of November, 2011, for the purpose of submitting to the registered qualified voters in said City the proposed Proposition:

PROPOSITION I

"SHALL SECTIONS 5 AND 6 OF ARTICLE II OF THE CHARTER OF THE CITY OF NORMAN WHICH RELATES TO THE DESIGNATION OF DATES FOR MUNICIPAL GENERAL AND RUNOFF ELECTIONS, BE AMENDED TO PROVIDE FOR THE SETTING OF MUNICIPAL GENERAL AND RUNOFF ELECTIONS AS PROVIDED UNDER THE THEN-CURRENT STATE LAW?"

The ballot used at said election shall set out the Proposition as above set forth and shall also contain the words:

1st	☐	YES	- FOR THE ABOVE PROPOSITION
2nd	☐	NO	- AGAINST THE ABOVE PROPOSITION

(If the voter desires to vote for the above Proposition, he shall mark the ballot accordingly; if he desires to vote against the above Proposition, he shall mark the ballot accordingly.)

That only the registered qualified voters of the City of Norman, Oklahoma, may vote upon the Proposition as above set forth.

The polls shall be opened at 7:00 o'clock a.m. and shall remain open continuously until and be closed at 7:00 p.m.

The special election shall be held at the same places and in the same manner prescribed by law for conducting county and state elections and the numbers and locations of the polling places and the persons who shall conduct said election shall be the same as for county and state elections, all as respectively designated and prescribed by the County Election Board of Cleveland County, Oklahoma.

WITNESS my hand as Mayor of the City of Norman, Oklahoma, and the Seal of said City affixed hereto on the ____ day of August, 2011.

_____
Mayor

(SEAL)

ATTEST:

_____
City Clerk

City of Norman, OK

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

Master

File Number: R-1112-30

File ID:	R-1112-30	**Type:**	Resolution	**Status:**	Non-Consent Items
Version:	1	**Reference:**	Item No. 56	**In Control:**	City Council
Department:	City Clerk Department	**Cost:**		**File Created:**	08/18/2011
File Name:	R-1112-30 Special Election			**Final Action:**	

Title: RESOLUTION NO. R-1112-30: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, GIVING THE SECRETARY OF THE CLEVELAND COUNTY ELECTION BOARD NOTICE OF A SPECIAL ELECTION TO BE HELD ON NOVEMBER 8, 2011.

ACTION NEEDED: Motion to adopt or reject Resolution No. R-1112-30.

ACTION TAKEN: _____

Notes:

Agenda Date: 08/23/2011

Agenda Number: 56

Attachments: R-1112-30 Special Election

Project Manager: Brenda Hall, City Clerk

Entered by: Ellen.Usry@NormanOK.gov

Effective Date:

History of Legislative File

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

Text of Legislative File R-1112-30

Resolution

R-1112-30

A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, GIVING THE SECRETARY OF THE CLEVELAND COUNTY ELECTION BOARD NOTICE OF A SPECIAL ELECTION TO BE HELD ON NOVEMBER 8, 2011.

§ 1. WHEREAS, Title 26 of the Oklahoma Statutes, §13-102, requires Notice of Election be given to the Secretary of the Cleveland County Election Board by Resolution of the City Council; and

§ 2. WHEREAS, the purpose of the Special Election is set forth in Ordinance Nos. O-1112-07 and O-1112-08 which are incorporated herein by reference; and

§ 3. WHEREAS, the Special Election is to be conducted on the 8th day of August, 2011.

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

§ 4. That notice be given of the Special Election by transmittal of this Resolution to the Secretary of the Cleveland County Election Board.

PASSED AND ADOPTED this 23rd day of August, 2011.

_____
Mayor

ATTEST:

_____
City Clerk