City of Norman, OK

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

City Council Agenda

Tuesday, October 11, 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-1112-23 CONSIDERATION OF APPROVAL OF THE MINUTES AS FOLLOWS:

CITY COUNCIL BUSINESS AND COMMUNITY AFFAIRS MINUTES OF SEPTEMBER 15, 2011
CITY COUNCIL RETREAT MINUTES OF SEPTEMBER 17/SEPTEMBER 20, 2011
CITY COUNCIL STUDY SESSION MINUTES OF SEPTEMBER 20, 2011
CITY COUNCIL FINANCE COMMITTEE MINUTES OF SEPTEMBER 21, 2011
CITY COUNCIL COMMUNITY PLANNING AND TRANSPORTATION COMMITTEE MINUTES OF SEPTEMBER 22, 2011
CITY COUNCIL MINUTES OF SEPTEMBER 27, 2011
NORMAN UTILITIES AUTHORITY MINUTES OF SEPTEMBER 27, 2011
NORMAN MUNICIPAL AUTHORITY MINUTES OF SEPTEMBER 27, 2011
NORMAN TAX INCREMENT FINANCE AUTHORITY MINUTES OF SEPTEMBER 27,, 2011

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

ACTION TAKEN: _____

Attachments: September 15 Bus and Comm Affairs Minutes
September 20 Study Session minutes
September 21 Finance Committee Minutes
September 22 Comm Plann Transp Committee
September 17 andSeptember 20 Special Session
September 27 Conference Minutes
September 27 CC Minutes

Awards and Presentations

4 GID-1112-25 PRESENTATION OF THE MAYOR'S CITIZENSHIP AWARDS TO STUDENTS FROM MADISON ELEMENTARY SCHOOL.

INFORMATION: The Children's Rights Coordinating Commission is coordinating the Mayor's Citizenship Awards to be given to elementary school students who are involved in service projects throughout the community and exemplify true leadership skills.

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

ACTION TAKEN: _____

5 P-1112-7 PROCLAMATION NO. P-1112-7: A PROCLAMATION OF THE MAYOR OF THE CITY OF NORMAN, OKLAHOMA, PROCLAIMING THURSDAY, OCTOBER 20, 2011, AS LIGHTS ON AFTERSCHOOL DAY IN THE CITY OF NORMAN.

ACTION NEEDED: Motion to acknowledge receipt of Proclamation No. P-1112-7 proclaiming Thursday, October 20, 2011, as Lights on Afterschool Day in the City of Norman and direct the filing thereof.

ACTION TAKEN: _____

Attachments: Lights On Afterschool

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 34 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-1112-2 CONSIDERATION OF ORDINANCE NO. O-1112-2 UPON FIRST READING BY TITLE: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 460 OF CHAPTER 22 OF THE CODE OF THE CITY OF NORMAN SO AS TO PLACE LOT 1, BLOCK 2, TEALL ADDITION, SECTION 2, NORMAN, CLEVELAND COUNTY, OKLAHOMA, IN THE THE O-1, OFFICE INSTITUTIONAL DISTRICT WITH SPECIAL USE FOR A HIGH IMPACT INSTITUTIONAL USE, AND REMOVE THE SAME FROM THE RE, RESIDENTIAL ESTATES DWELLING DISTRICT, OF SAID CITY; AND PROVIDING FOR THE SEVERABILITY THEREOF. (GENERALLY LOCATED AT THE NORTHEAST CORNER OF HARRIET ROAD AND 24TH AVENUE N.W.)

ACTION NEEDED: Motion to Introduce and adopt Ordinance No. O-1112-2 upon First Reading by title.

ACTION TAKEN: _____

Attachments: O-1112-2 Southern Plains Treatment Special Use
Southern Plains Treatment Location Map
Southern Plains Rezone and Special Use Staff Report
Southern Plains Site Plans
Southern Plains Statement
Meeting Summary Southern Plains Treatment Center
9-8-11 PC Minutes - Southern Plains

8 O-1112-11 CONSIDERATION OF ORDINANCE NO. O-1112-11 UPON FIRST READING BY TITLE: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 460 OF CHAPTER 22 OF THE CODE OF THE CITY OF NORMAN SO AS TO GRANT SPECIAL USE FOR A TYPE I BED AND BREAKFAST IN THE A-2, RURAL AGRICULTURAL DISTRICT, FOR A TRACT OF LAND LYING WITHIN THE NORTHEAST QUARTER OF SECTION 15, TOWNSHIP 9 NORTH, RANGE 2 WEST OF THE INDIAN MERIDIAN, CLEVELAND COUNTY, OKLAHOMA; AND PROVIDING FOR THE SEVERABILITY THEREOF. (3100 26TH AVENUE N.E.)

ACTION NEEDED: Motion to Introduce and adopt Ordinance No. O-1112-11 upon First Reading by title.

ACTION TAKEN: _____

Attachments: O-1112-11 Hunter Bed and Breakfastl
Hunter BB Location Map
Hunter Special Use Staff Report
Hunter BB Site Plan
Hunter BB Project Description
Hunter BB Pre-Development
9-8-11 PC Minutes - Hunter BB

9 RPT-1112-10 SUBMISSION AND ACKNOWLEDGING RECEIPT OF THE MONTHLY DEPARTMENTAL REPORTS FOR THE MONTH OF AUGUST, 2011, AND DIRECTING THE FILING THEREOF

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

ACTION TAKEN: _____

10 RPT-1112-1 SUBMISSION OF A REVISED FINAL REPORT FROM THE ENFORCEMENT AUTHORITY FOR THE 2011 CITY COUNCIL ELECTION CYCLE.

INFORMATION: In accordance with the requirements of Section 7.5-26(7) of the Code of the City of Norman, the above-described report is due within 90 days after the general election. This report was submitted to City Council on July 26, 2011, and was not accepted. The report has been amended and is now submitted for City Council's consideration in order that acknowledgment of the receipt of the report may be noted in the minutes as a matter of permanent record.

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

ACTION TAKEN: _____

Attachments: Amended Final Report 2011.pdf
August 29 Enforcement Authority Minutes.pdf
Pert Exc Cc Minutes July 26
July 1, 2011 Minutes.pdf

11 K-1112-42 CONSIDERATION OF AWARDING OF BID NO. 1112-22 AND APPROVAL OF CONTRACT NO. K-1112-42 WITH SHELL CONSTRUCTION COMPANY, INC. IN THE AMOUNT OF $582,262; PERFORMANCE BOND NO. B-1112-3; STATUTORY BOND NO. B-1112-4, MAINTENANCE BOND NO. MB-1112-6; AND RESOLUTION NO. R-1112-27 FOR THE 2010 ROAD RECONSTRUCTION BOND PROJECTS.

ACTION NEEDED: Motion to accept or reject all bids meeting specifications; and, if accepted, award the bid in the amount of $582,262 to Shell Construction Company, Inc., as the lowest and best bidder meeting specifications; and, if accepted, approve Contract No. K-1112-42 and performance, statutory, and maintenance bonds; authorize execution of the contract; direct the filing of the bonds, and adopt Resolution No. R-1112-27.

ACTION TAKEN: _____

Attachments: Tab Bid No. 1112-22
K-1112-42 Shell
Perf B-1112-3 Shell
Stat B-1112-4 Shell
MB-1112-6 Shell
R-1011-27
PR Shell

12 K-1112-48 CONSIDERATION OF BID NO. 1112-23, CONTRACT NO. K-1112-48 WITH CIMARRON CONSTRUCTION COMPANY IN THE AMOUNT OF $179,440; PERFORMANCE BOND NO. B-1112-5; STATUTORY BOND NO. B-1112-6; MAINTENANCE BOND NO. MB-1112-8; AND RESOLUTION NO. R-1112-41 FOR THE FYE 2010 DRAINAGE PROJECTS.

ACTION NEEDED: Motion to accept or reject all bids meeting specifications; and, if accepted, award the bid in the amount of $179,440 to Cimarron Construction Company as the lowest and best bidder meeting specifications; approve Contract No. K-1112-48 and the performance, statutory, and maintenance bonds; authorize execution of the contract, direct the filing of the bonds; and adopt Resolution No. R-1112-41.

ACTION TAKEN: _____

Attachments: Bid Tab-2010 Drainage Project
Location Maps
K-1112-48 Cimarron
Perf B-1112-5 Cimarron
Stat B-1112-6 Cimarron
MB-1112-8 Cimarron
R-1112-41
Requisition

13 K-1112-49 CONSIDERATION OF BID NO. 1112-24; CONTRACT NO. K-1112-49 WITH ALVA ROOFING COMPANY IN THE AMOUNT OF $514,998; PERFORMANCE BOND NO. B-1112-7; STATUTORY BOND NO. B-1112-8; MAINTENANCE BOND NO. MB-1112-9; AND RESOLUTION NO. R-1112-49 FOR THE ROOF REPLACEMENT PROJECT FOR FIRE STATION NO. FIVE/LITTLE AXE RECREATION CENTER, 12TH AVENUE RECREATION CENTER, AND WHITTIER RECREATION CENTER.

ACTION NEEDED: Motion to accept or reject all bids meeting specifications; and, if accepted, award the base bid in the amount of $483,739 plus Alternate E in the amount of $31,259 for a total bid amount of $514,998 to Alva Roofing Company as the lowest and best bidder meeting specifications; approve Contract No. K-1112-49 and the performance, statutory, and maintenance bonds; authorize execution of the contract; direct the filing of the bonds; and adopt Resolution No. R-1112-49.

ACTION TAKEN: _____

Attachments: Bid tab Fire #5-Little Axe, 12th & Whittier Rec Ctrs.pdf
MB-1112-9
K-1112-49
Perf B-1112-7
Stat B-1112-8
Project Agent Resolution
Purchase Requisition Alva

14 GID-1112-19 CONSIDERATION OF AUTHORIZATION FOR THE PURCHASE OF TEN (10) EIGHT-INCH WATER METERING ASSEMBLIES FROM BADGER METER, INC., IN THE AMOUNT OF $88,144.80 FOR THE WATER LINE MAINTENANCE DIVISION.

ACTION NEEDED: Acting as the Norman Utilities Authority, motion to approve or reject authorization for the purchase of ten (10) eight-inch water metering assemblies in the amount of $8,814.48 each for a total of $88,140 from Badger Meter, Inc., for the Water Line Maintenance Division.

ACTION TAKEN: _____

Attachments: Badger 8-inch Meter quote
Badger Meter Requisition

15 GID-1112-24 CONSIDERATION OF THE DECLARATION OF EQUIPMENT AT THE WASTEWATER TREATMENT PLANT AS SURPLUS AND/OR OBSOLETE AND AUTHORIZATION OF THE SALE THEREOF.

ACTION NEEDED: Motion to declare equipment at the Wastewater Treatment Plant to be surplus and/or obsolete; and, if so declared, authorize the sale thereof.

ACTION TAKEN: _____

Attachments: Obsolete Equipment

16 GID-1112-26 PARTIAL RELEASE OF EASEMENT GRANTED TO PSC LAND, L.L.C., IN THE AMOUNT OF $5,000 ORIGINALLY INCLUDED IN CONTRACT NO. K-9798-53 WITH KOCH INDUSTRIES, INC., IN CONNECTION WITH THE TECUMSEH ROAD WIDENING PROJECT, PHASE I, 36TH AVENUE WIDENING.

ACTION NEEDED: Motion to approve or reject a partial release of easement granted to PSC Land, L.L.C., in the amount of $5,000; and, if approved, direct the execution and filing thereof.

ACTION TAKEN: _____

Attachments: Release of Easement - Moore 36th Map
Release of Easement
K-9798-53

17 COS-1112-2 CONSIDERATION OF NORMAN RURAL CERTIFICATE OF SURVEY NO. COS-1112-2 FOR LOT 3, ARMS ACRES, AND A VARIANCE IN THE 400-FOOT BUILDING SETBACK TO 200-FOOT BUILDING SETBACK (LOCATED ON THE SOUTH SIDE OF INDIAN HILLS ROAD APPROXIMATELY ONE-FOURTH MILE WEST OF PORTER AVENUE)

ACTION NEEDED: Motion to approve or reject Norman Rural Certificate of Survey No. COS-1112-2 and a variance in the 400 foot building setback to 200-foot building setback; and, if approved, direct the filing of the certificate of survey with the Cleveland County Clerk.

ACTION TAKEN: _____

Attachments: Lot3ArmsAcres Location Map
Arms Acres 3 COS
Staff Report - Arms Acres 3
Arms Acres 3 Variance Request
Arms Acres - Greenbelt Comments
9-8-11 Minutes - Arms Acres COS
Original COS

18 FP-1112-3 CONSIDERATION OF A FINAL SITE DEVELOPMENT PLAN AND FINAL PLAT FOR UNIVERSITY NORTH PARK ADDITION, SECTION VII, A PLANNED UNIT DEVELOPMENT AND ACCEPTANCE OF PUBLIC DEDICATIONS CONTAINED THEREIN. (GENERALLY LOCATED 250 FEET EAST OF 24TH AVENUE N.W. ON THE SOUTH SIDE OF CONFERENCE DRIVE).

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

ACTION TAKEN:

Attachments: UNP 7 Location Map
Staff Report - UNP 7
UNP7 Final Plat
UNP7 Site Plan
UNP7 Landscape Plan
9-8-11 PC Minutes - UNP Section VII
UNP Revised PP

19 GID-1112-21 CONSIDERATION OF THE ACCEPTANCE OF A GRANT IN THE AMOUNT OF $8,775 FROM THE UNITED STATES DEPARTMENT OF JUSTICE/BUREAU OF JUSTICE ASSISTANCE TO BE USED BY THE POLICE DEPARTMENT TO PURCHASE BULLETPROOF VESTS AND BUDGET APPROPRIATION.

ACTION NEEDED: Motion to accept or reject a grant in the amount of $8,775 from the United States Department of Justice/Bureau of Justice Assistance to be used by the Police Department to purchase bulletproof vests; and, if accepted, increase Project No. GP0020, Homeland Security, FBI, Other Revenue/Bullet Proof Vest Grant (022-0000-331.13-23) by $8,775 and appropriate $8,775 to Uniform and Clothing/Safety and Protective (022-6032-421.35-02).

ACTION TAKEN: _____

Attachments: Grant Request for Payment

20 K-1011-2 CO2 CHANGE ORDER NO. TWO TO CONTRACT NO. K-1011-2: BY AND BETWEEN THE NORMAN UTILITIES AUTHORITY AND URBAN CONTRACTORS, L.L.C., INCREASING THE CONTRACT AMOUNT BY $63,150 AND ADDING 30 CALENDAR DAYS FOR THE FYE 2009 SEWER MAINTENANCE PROJECT, PHASE 2.

ACTION NEEDED: Acting as the Norman Utilities Authority, motion to approve or reject Contract No. K-1011-2 with Urban Contractors, L.L.C., increasing the contract by $63,150 and adding 30 calendar days; and, if accepted authorize the execution thereof.

ACTION TAKEN: _____

Attachments: Change Order 2 K-1011-2

PO Urban

21 **K-1011-131 Final**

CONSIDERATION OF FINAL ACCEPTANCE AND FINAL PAYMENT OF CONTRACT NO. K-1011-131 BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, THE NORMAN UTILITIES AUTHORITY, AND STANDARD ROOFING COMPANY, INC., FOR THE ROOF REPLACEMENT PROJECT FOR THE SENIOR CITIZEN CENTER, FIRE STATION NO. FOUR, NORTH AND SOUTH DIGESTER CONTROL BUILDINGS AT THE WASTEWATER TREATMENT PLANT, AND THE WESTWOOD MAINTENANCE, IRRIGATION PUMP, AND POOL FACILITIES.

ACTION NEEDED: Acting as the City Council and the Norman Utilities Authority, motion to accept or reject the project; and, if accepted, direct final payment in the amount of $188,349 to Standard Roofing Company, Inc.

ACTION TAKEN: _____

Attachments: Fire Station 4 Pictures.doc
Senior Center Pictures.doc
Westwood Maint. & Pool Pictures.doc
WWTP Digester Buildings Pictures.doc
Purchase Order.pdf

22 K-1112-44

CONTRACT NO. K-1112-44: A CONTRACT BY AND BETWEEN THE CITY OF NORMAN AND THE MCKINNEY PARTNERSHIP ARCHITECTS, P.C. IN AN AMOUNT NOT-TO-EXCEED $27,000 FOR THE DESIGN, PREPARATION OF CONSTRUCTION DOCUMENTS, BIDDING AND CONSTRUCTION ADMINISTRATION FOR PHASE II OF THE SPACE UTILIZATION PROJECT FOR MUNICIPAL BUILDING A.

ACTION NEEDED: Motion to approve or reject Contract No. K-1112-44 with The McKinney Partnership Architects, P.C., in an amount not-to-exceed $27,000; and, if approved, authorize the execution thereof.

ACTION TAKEN: _____

Attachments: K-1112-44
Attachment A - Building A Space Util Study
Building A Existing
Building A - Project Cost Estimate
Purchase Requisition

23 K-1112-46

CONTRACT NO. K-1112-46: A CONTRACT BY AND BETWEEN THE NORMAN MUNICIPAL AUTHORITY AND THE BOARD OF REGENTS OF THE UNIVERSITY OF OKLAHOMA TO PROVIDE SOLID WASTE DISPOSAL SERVICES FOR THE UNIVERSITY OF OKLAHOMA THROUGH JUNE 30, 2014.

ACTION NEEDED: Acting as the Norman Municipal Authority, motion to approve or reject Contract No. K-1112-46 with the Board of Regents of the University of Oklahoma through June 30, 2014; and, if approved, authorize the execution thereof.

ACTION TAKEN: _____

Attachments: Contract K-1112-46

24 K-1112-54

CONTRACT NO. K-1112-54: A CONTRACT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND JACKSON & JACKSON ENGINEERING, INC., IN THE AMOUNT OF $22,000 TO PROVIDE ENGINEERING SERVICES FOR THE DESIGN OF KENNEDY ELEMENTARY SCHOOL SAFE ROUTES TO SCHOOL PROJECT AGREEMENT NO. 1028 WITH THE OKLAHOMA DEPARTMENT OF TRANSPORTATION.

ACTION NEEDED: Motion to approve or reject Contract No. K-1112-54 with Jackson and Jackson Engineering, Inc., in the amount of $22,000; and, if approved, authorize the execution thereof.

ACTION TAKEN: _____

Attachments: Contract K-1112-54
PR K-1112-54

25 K-1112-58

CONTRACT NO. K-1112-58: A RIGHT-OF-WAY, PUBLIC UTILITY, AND ENCROACHMENT AGREEMENT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND THE OKLAHOMA DEPARTMENT OF TRANSPORTATION FOR STATE-AID PROJECT NO. STP-114B(278)AG, STATE JOB NO. 27795(04) FOR THE WEST MAIN STREET ROADWAY LIGHTING SYSTEM UPGRADE PROJECT AND ADOPTION OF RESOLUTION NO. R-1112-40.

ACTION NEEDED: Motion to approve or reject Contract No. K-1112-58 with the Oklahoma Department of Transportation; and, if approved, adopt Resolution No. R-1112-40 and authorize the execution of the contract and resolution.

ACTION TAKEN: _____

Attachments: Contract K-1112-58 & Resolution R-1112-40
MainStreetLightingLocationMap

26 K-1112-60 CONTRACT NO. K-1112-60: A CONTRACT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND AMERISAVE MORTGAGE CORPORATION TO SUBORDINATE A LIEN REGARDING FUNDS FROM THE HOME PARTNERSHIP PROGRAM FOR PROPERTY LOCATED AT 3312 WOODSBORO DRIVE.

ACTION NEEDED: Motion to approve or reject Contract No. K-1112-60 with Amerisave Mortgage Corporation; and, if approved, authorize the execution of the contract.

ACTION TAKEN: _____

Attachments: 3312 Woodsboro

27 K-1112-61 CONTRACT NO. K-1112-61: A LEASE AGREEMENT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND NORMAN PUBLIC SCHOOLS FOR PROPERTY AT MONROE ELEMENTARY SCHOOL LOCATED AT 1601 SOUTH MCGEE DRIVE TO BE USED AS A NEIGHBORHOOD PARK.

ACTION NEEDED: Motion to approve or reject Contract No. K-1112-61 with Norman Public Schools; and, if approved, authorize the execution thereof.

ACTION TAKEN: _____

Attachments: K-1112-61
Location map Monroe Park
Pert Excerpts Special Session August 16

28 K-1112-63 A FINANCING AGREEMENT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, THE NORMAN MUNICIPAL AUTHORITY, AND FIRST AMERICAN BANK TO PROVIDE ALTERNATIVE FUNDING FOR THE PURCHASE OF PROPERTY AT 101, 113, 115, 116, AND 118 WEST GRAY STREET.

ACTION NEEDED: Acting as the City Council and the Norman Municipal Authority, motion to approve or reject the waiver of competitive bidding, and, if approved, authorize the debt in the amount of $750,000 with First American Bank as lender and authorize City Staff to execute appropriate documents to effectuate the loan.

ACTION TAKEN: _____

29 R-1112-43 RESOLUTION NO. R-1112-43: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA APPROPRIATING $3,385 FROM THE GENERAL FUND BALANCE TO REIMBURSE COSTS ENCUMBERED BY THE HUMAN RESOURCES DEPARTMENT FOR WRITTEN EXAMINATIONS ADMINISTERED TO FIREFIGHTER APPLICANTS WITH FEES COLLECTED FROM APPLICANTS.

ACTION NEEDED: Motion to adopt or reject Resolution No. R-1112-43.

ACTION TAKEN: _____

Attachments: R-1112-43

30 R-1112-44

RESOLUTION NO. R-1112-44: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AUTHORIZING COMPROMISE SETTLEMENT OF A CLAIM FILED BY KODY KEITH UNDER THE PROVISIONS OF THE WORKERS' COMPENSATION STATUTES OF THE STATE OF OKLAHOMA IN THE CASE OF KODY KEITH V. THE CITY OF NORMAN, WORKERS COMPENSATION CASE NO. WCC-2010-02727R; DIRECTING THE LEGAL DEPARTMENT TO THEN FILE SUCH SETTLEMENT AND ALL ATTENDANT COSTS IN THE WORKERS' COMPENSATION COURT, OKLAHOMA CITY, OKLAHOMA; AND AUTHORIZING AND DIRECTING THE FINANCE DIRECTOR TO SUBSEQUENTLY PURCHASE SUCH WORKERS' COMPENSATION COURT JUDGMENTS FROM THE RISK MANAGEMENT INSURANCE FUND.

ACTION NEEDED: Motion to adopt or reject Resolution No. R-1112-44; and, if adopted, direct payment of claims in the amount of $37,500 which will constitute judgment against the City of Norman.

ACTION TAKEN: _____

Attachments: Resolution R-1112-44
Requisitions

31 R-1112-45

RESOLUTION NO. R-1112-45: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, APPROPRIATING $15,328.73 FROM THE GENERAL FUND BALANCE AND $16,485.57 FROM THE RISK MANAGEMENT FUND BALANCE TO PURCHASE TWO (2) TRAFFIC SIGNAL CONTROLLER CABINETS FOR THE TRAFFIC CONTROL DIVISION.

ACTION NEEDED: Motion to adopt or reject Resolution No. R-1112-45.

ACTION TAKEN: _____

Attachments: R-1112-45

32 R-1112-46 RESOLUTION NO. R-1112-46: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA APPROPRIATING $20,000 FROM THE ROOM TAX FUND BALANCE TO BE USED BY THE NORMAN CONVENTION AND VISITOR'S BUREAU, INC., TO DEVELOP A NEW MOBILE SITE.

ACTION NEEDED: Motion to adopt or reject Resolution No. R-1112-46; and, if adopted, direct payment in the amount of $20,000 to the Norman Convention and Visitor's Bureau.

ACTION TAKEN: _____

Attachments: R-1112-46
Memo Request for Mobile Site Funds.pdf

33 R-1112-47 RESOLUTION NO. R-1112-47: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, APPROPRIATING $50,622 FROM THE CAPITAL LIABILITY AND SITE IMPROVEMENT ACCOUNT TO PAY THE OKLAHOMA DEPARTMENT OF TRANSPORTATION THE CITY OF NORMAN'S MATCHING SHARE OF THE U.S. HIGHWAY 77 (CLASSEN BOULEVARD) AND IMHOFF ROAD PROJECT AS OUTLINED IN CONTRACT NO. K-1112-16.

ACTION NEEDED: Motion to adopt or reject Resolution No. R-1112-47; and, if adopted, direct payment in the amount of $93,359.72 to ODOT for the City's share of the costs of the project.

ACTION TAKEN: _____

Attachments: Attachment A
R-1112-47
Invoice
Requisition

34 R-1112-48 RESOLUTION NO. R-1112-48: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, APPROPRIATING $150,711 FROM THE CAPITAL FUND, REIMBURSEMENT/REFUND REVENUE ACCOUNT FOR REIMBURSEMENT OF UTILITY RELOCATION COSTS IN CONNECTION WITH THE 60TH AVENUE N.W. WIDENING IMPROVEMENTS PROJECT.

ACTION NEEDED: Motion to adopt or reject Resolution No. R-1112-48.

ACTION TAKEN: _____

Attachments: R-1112-48
City Manager Memo
OKC Checks

Non-Consent Items

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

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

ACTION TAKEN: _____

ACTION NEEDED: Motion to approve or reject the recommendation from the Revitalization Manager to withdraw Resolution No. R-0910-60 that requested condemnation action on 304 South Stewart Avenue; and, if approved, authorize Staff to continue to monitor the condition of the property and work with the property owner to complete the necessary repairs.

ACTION TAKEN: _____

Attachments: 304 South Stewart Update Photos
Pertinent excerpts from October 27, 2009 CC Minutes
Pert Excerpts July 27, 2010 CC minutes
Pertinent excerpts from January 26, 2010 CC Minutes
Pert Exc January 25, 2011

36 R-1112-4

RESOLUTION NO. R-1112-4: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING THE NORMAN 2025 LAND USE AND TRANSPORTATION PLAN, LAND USE PLAN AMENDMENT NO. LUP-1112-1, SO AS TO PLACE A TRACT OF LAND LYING IN THE NORTHEAST QUARTER OF SECTION 15, TOWNSHIP 9 NORTH, RANGE 3 WEST OF THE INDIAN MERIDIAN, CLEVELAND COUNTY, OKLAHOMA, IN THE OFFICE DESIGNATION AND REMOVE THE SAME FROM THE LOW DENSITY RESIDENTIAL DESIGNATION FOR THE HEREINAFTER DESCRIBED PROPERTY. (GENERALLY LOCATED SOUTH OF WEST TECUMSEH ROAD AND EAST OF ASTOR DRIVE)

ACTION NEEDED: Motion to adopt or reject Resolution No. R-1112-4, Land Use Plan Amendment No. LUP-1112-1; and, if adopted, amend the NORMAN 2025 Land Use and Transportation Plan according thereto.

ACTION TAKEN: _____

Attachments: R-1112-4
Tecumseh Project 2025
Tecumseh Project 2025 Staff Report
8-11-11 PC Minutes - Tecumseh Project

37 O-1112-1

ORDINANCE NO. O-1112-1: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 460 OF CHAPTER 22 OF THE CODE OF THE CITY OF NORMAN SO AS TO AMEND THE ALLOWABLE USES IN A PORTION OF THE PUD CREATED BY ORDINANCE NO. O-9798-24 IN THE NORTHEAST QUARTER OF SECTION 15 OF TOWNSHIP 9 NORTH, RANGE 3 WEST OF THE INDIAN MERIDIAN TO NORMAN, CLEVELAND COUNTY, OKLAHOMA; AND PROVIDING FOR THE SEVERABILITY THEREOF. (GENERALLY LOCATED ON THE SOUTH SIDE OF WEST TECUMSEH ROAD EAST OF ASTOR DRIVE)

ACTION NEEDED: Motion to adopt or reject Ordinance No. O-1112-1 upon Second Reading section by section.

ACTION TAKEN: _____

ACTION NEEDED: Motion to adopt or reject Ordinance No. O-1112-1 upon Final Reading as a whole.

ACTION TAKEN: _____

Attachments: O-1112-1
Tecumseh Project Location Map
Tecumseh Project Rezone Staff Report
Tecumseh Project Site Plan
Tecumseh Project PUD Narrative
8-11-11 PC Minutes - Tecumseh Project
Tecumseh Project Protest Map-Recision 8-15-11
Protest Map July 12, 2011
Emails of protest 6-27-11 (4)
Letters of protest 6-30 to 7-6 (5)
Letters of protest 7-8 (4)
Letters of Protest (9) July 11
Letters of Protest (3) 7-12 to 8-8
Petition of Protest 6-27-11
Petition of Protest 7-8-11
Letter of Protest Frazier
Letter of Protest Chanda Lee
Letter of protest Larson
TecumsehProjectProtest_CC_10-5-11

38 PP-1112-1 CONSIDERATION OF PRELIMINARY PLAT FOR THE TECUMSEH PROJECT ADDITION, A PLANNED UNIT DEVELOPMENT, AND WAIVER OF ALLEY REQUIREMENTS. (GENERALLY LOCATED SOUTH OF WEST TECUMSEH ROAD EAST OF ASTOR DRIVE)

ACTION NEEDED: Motion to approve or reject the preliminary plat for the Tecumseh Project Addition, a Planned Unit Development, and waiver of alley requirements.

ACTION TAKEN: _____-

Attachments: Attachment A-Traffic Table
Tecumseh Project Location Map
Tecumseh Project Prelim Plat
Staff Report - Tecumseh Project Prelim Plat
Tecumseh Project Site Plan
Tecumseh Project Traffic Iimpact
Tecumseh Project Alley Waiver
Tecumseh Project Pre-Dev Summary 3-11
Tecumseh Road Medical GES
Tecumseh Project Greenbelt Comments

39 R-1112-53 RESOLUTION NO. R-1112-53: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, SUPPORTING THE DISPLAY OF THE NATIONAL MOTTO "IN GOD WE TRUST" IN THE NORMAN CITY COUNCIL CHAMBERS IN A PROMINENT LOCATION.

INFORMATION: Section 2-101(e) of Chapter 2 of the Norman Code of Ordinances states “The City Manager shall be required to place policy and budget items on the Agenda of the City Council Meetings when three (3) Councilmembers request it.” This item has been submitted as a “Rule of Three” request by Councilmembers Gallagher, Lockett, and Spaulding.

ACTION NEEDED: Motion to adopt or reject Resolution No. R-1112-53.

ACTION TAKEN: _____

Attachments: In God We Trust resolution.pdf

40 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.

41 Adjournment

City of Norman, OK

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

Master

File Number: GID-1112-23

File ID:	GID-1112-23	**Type:**	Minutes	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 3	**In Control:**	City Council
Department:	City Clerk Department	**Cost:**		**File Created:**	09/27/2011
File Name:	Minutes			**Final Action:**	

Title: CONSIDERATION OF APPROVAL OF THE MINUTES AS FOLLOWS:

CITY COUNCIL BUSINESS AND COMMUNITY AFFAIRS MINUTES OF SEPTEMBER 15, 2011
CITY COUNCIL RETREAT MINUTES OF SEPTEMBER 17/SEPTEMBER 20, 2011
CITY COUNCIL STUDY SESSION MINUTES OF SEPTEMBER 20, 2011
CITY COUNCIL FINANCE COMMITTEE MINUTES OF SEPTEMBER 21, 2011
CITY COUNCIL COMMUNITY PLANNING AND TRANSPORTATION COMMITTEE MINUTES OF SEPTEMBER 22, 2011
CITY COUNCIL MINUTES OF SEPTEMBER 27, 2011
NORMAN UTILITIES AUTHORITY MINUTES OF SEPTEMBER 27, 2011
NORMAN MUNICIPAL AUTHORITY MINUTES OF SEPTEMBER 27, 2011
NORMAN TAX INCREMENT FINANCE AUTHORITY MINUTES OF SEPTEMBER 27,, 2011

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

ACTION TAKEN: _____

Notes: October 11, 2011, City Council Agenda

Agenda Date: 10/11/2011

Agenda Number: 3

Attachments: September 15 Bus and Comm Affairs Minutes, September 17 andSeptember 20 Special Session, September 20 Study Session minutes, September 21 Finance Committee Minutes, September 22 Comm

Plann Transp Committee, September 27 Conference
Minutes, September 27 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-1112-23

CITY COUNCIL
BUSINESS AND COMMUNITY AFFAIRS COMMITTEE MINUTES
September 15, 2011

The City Council Business and Community Affairs Committee of the City of Norman, Cleveland County, State of Oklahoma, met at 5:30 p.m. in the Conference Room on the 15th day of September, 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 Lockett, Quinn, Spaulding, and Chairman Ezzell
ABSENT:	None
OTHERS PRESENT:	

Ms. Carol Dillingham, Ward Four Councilmember
Mr. Roger Gallagher, Ward One Councilmember
Mr. Tom Kovach, Ward Two Councilmember
Ms. Cindy Rosenthal, Mayor
Mr. Jeff Bryant, City Attorney
Mr. Bob Christian, Permit Manager
Ms. Susan Connors, Director of Planning and Community Development
Mr. Anthony Francisco, Director of Finance
Mr. James Fullingim, Fire Chief
Ms. Jane Hudson, Planner II
Mr. Doug Koscinski, Current Planning Manager
Mr. Steve Lewis, City Manager
Mr. Shawn O'Leary, Director of Public Works
Ms. Kathryn Walker, Assistant City Attorney
Ms. Syndi Runyon, Administrative Technician IV
Ms. Robin Allen, Norman Chamber of Commerce, Senior Vice-President of Operations
Mr. Daryl Bodenhamer, Sooner Traditions
Mr. David Caddell, David Caddell Homes
Mr. Bob Kueny, Mr. Electric
Mr. Jeff Ridgeway, Doyle's Electric
Ms. Carolyn Ridgeway, Doyle's Electric
Mr. Jerry Ridgeway, Doyle's Electric
Mr. Sean Rieger, Norman Builders Association
Mr. Don Wood, Norman Economic Development Coalition
Mr. John Woods, Norman Chamber of Commerce President

Item 1, being:

REVIEW OF THE BUILDING PERMIT AND INSPECTION PROCESS.

Chairman Ezzell said the Norman Chamber of Commerce (NCC) has been gathering and recording information on specific complaints from various businesses regarding the City of Norman's building permit process. He said he invited representatives from the NCC to talk about the data they collected, which he felt would be helpful in streamlining the City's process to make it more user friendly.

Item 1, continued:

Ms. Robin Allen, Senior Vice-President of Operations for the NCC, said the three complaints consistent in all the business owners questioned are that customer service is lacking, lost time, and lost revenue. Mr. John Woods, NCC President, highlighted examples of specific complaints from businesses that have recently worked through the permitting process. He said there has consistently been confusion on the permitting process, but, for the most part, the businesses were satisfied with the service received and happy to be a part of Norman. As an example, he said most communities require ceiling tiles to be placed in position prior to requesting an inspection, but Norman requires the ceiling tiles be left off so the business had to redo the tiles and call for a re-inspection, causing delays. He said repeated inspection visits were a frequent complaint as well as not having scheduled times for the inspections. He said if the general contractor is not onsite at the time of inspection, the City leaves a "red tag" listing items that did not pass inspection, but the red tag does not give the contractor enough information to adequately fix the problem correctly. He said many of the businesses felt the process would go more smoothly if there was a scheduled time to meet the inspector to talk to him one on one and work out a solution at that time.

Mr. Woods said customer service complaints were mainly about the Staff mentality of "let me see anything and everything that I can find wrong and not give you solutions to fix those problems" instead of "lets look and see what we can do to help you get open." He said it is a fair and worthy debate to ask when that problem is best left to the business and at what point is it best left up to the City and felt it is a debate that should happen.

Mr. Woods said the lost revenue complaints came from a plumbing company that stated that Jones, Oklahoma, is the only other City that is as difficult to do business with as Norman in regards to the plumbing industry. He said the problem is Norman's requirement that all units be raised even though they are currently being manufactured to not necessitate that and that piping sizes are required to be twice the size of plumbing code standards, which raises the cost. He said with older homes the drainage requirements are sometimes next to impossible to meet and for a City that wants to see a stronger core of urbanized development, it becomes exceptionally cost prohibitive with these requirements. The plumbing company also complained the City inspectors were hard to work with in finding solutions because everything is very cut and dried with no give.

Another complaint was the time it takes to procure a building permit, averaging six to eight weeks. Mr. Woods said this can delay a business' opening by months as many national retailers have blocks of time or certain months they are willing to open stores so delay in obtaining a permit can cause loss of revenue for the business and sales tax the business would be generating during this time.

Chairman Ezzell asked if there had been any complaints regarding lack of technology on the part of the City and Mr. Woods yes, some sub-contractors said they have worked with other communities that have tracking software that allow contractors to check in on the progress of the construction. Chairman Ezzell said that is one of the parameters the City would be reviewing tonight.

Councilmember Gallagher asked if the red tags had any accompanying, clear explanation in writing, as to the reason for the red tag and Mr. Woods said, in many circumstances, it is not clear and there needs to be a one on one conversation between the City and contractors.

Mr. Woods said Robert Betts of the Fire Department only reviews permits once a week, which slows the permit process and felt this was due to staffing shortages.

Item 1, continued:

Ms. Susan Connors, Director of Planning and Community Development, said Staff had prepared and distributed Performance Measures (PM) for the building permit and inspection process with supplemental data. Chairman Ezzell asked if the PM are a description of what is currently being done or aspirational of what the City would like to do and Mr. Steve Lewis, City Manager, said a little of both. Ms. Connors said the four major performance categories and proposed resolutions of the PM are as follows:

Management System/Technology

- Ability to get messages to inspectors throughout the day
- Improve information regarding the application submittals and processing on web site
- Ability to apply and pay on-line
- Enable Permit Technicians to take credit card payments at point of sale
- Enable applicants to complete the most common steps in the permit process online including scheduling inspections and viewing inspection results

Customer Service

- Developing frequently asked questions, distributing to Staff, and placing online by November 1, 2011
- Acknowledge customers within one minute of walking into the office

Plan Review

- Create a manual of Building Code interpretations and policies as they are developed to ensure plan review and inspection functions are coordinated and that customer service is provided consistently by December 1, 2011, and update quarterly
- Offer a design review meeting with any design professional who requests the meeting (already available)
- Require a design review meeting with any design professional whose second submittal requires more than routine corrections
- Review non-residential applications within 14 days and re-submittals within one hour
- Review residential applications within one hour
- Create a Planning Review Checklist and an Engineering/Public Works/Utilities Plan Review Checklist so current employees in Development Services could perform some of the Planning and Engineering Reviews in the absence of those Staff
- Document the time City takes for plan reviews versus the time the applicant takes for re-submittals in order to determine efficiency and effectiveness of the City process

Inspections

- Require Permit Manger to meet at least once a month with inspectors to review code interpretations
- Perform inspections within 48 hours
- Consolidate the number of inspection stops per day to meet 90% of all stops assigned
- Improve average time per quality inspection (the amount of time an inspector spends on each inspection may influence daily workload, but quantity gains may be negated by quality losses if inspectors speed results in faulty inspections)
- Return phone messages within one business day of receipt of message
- Ensure inspection results are called into the Interactive Voice Messaging System (IRV) upon completion of the inspection or batched and called into the IVR within four hours of inspection completion
- Ensure that correction notice contains code citation and general location of concern observed and that handwriting for correction notice is neat, orderly, and legible

Item 1, continued:

Ms. Connors said items such as credit card payments are further out than what has been planned for the next two years and the biggest improvement would be for inspectors in the field to have ruggedized laptops and printers in their vehicles. Mayor Rosenthal asked how many vehicles needed to be equipped and Ms. Connors said seven inspectors and the Permit Manager. She said printers are needed in order to leave a printed report on site, and even though it will be available online, not everyone has access to a computer in the field. Mr. Lewis said he has asked Staff to prepare a budget for the purchases for immediate budget adjustments.

Councilmember Spaulding asked if the inspectors carry cell phones and if those numbers are given to applicants and Ms. Connors said inspectors do carry cell phones, but the numbers are not given to the public. She said inspectors return messages as soon as possible and if it is something critical, Staff can call the inspectors to have messages returned immediately. Councilmember Gallagher asked if inspectors carry notepads to write out more detailed instructions and Ms. Connors said examples of the inspection reports are included in the materials tonight and there are areas in the reports where written notes can be left onsite.

Ms. Connors said two Permit Technicians will begin employment on September 19th and as they are trained, Staff will incorporate the FAQ list so they will be more attuned to answering questions. Mayor Rosenthal asked how long the positions had been vacant and Ms. Connors said one has been vacant since last year and the other since July 1, 2011.

Ms. Connors said the Planning Department intends to create a manual of Building Code interpretations and policies to ensure better customer service, inspection coordination, and consistency in the permit process. Chairman Ezzell asked if the manual would be available to the public and Ms. Connors said it is intended to be an internal document, but, if appropriate, it could be offered to the public. Mayor Rosenthal suggested offering training to the building community about the interpretations and Ms. Connors agreed. Councilmember Spaulding asked who would be interpreting the codes and if would the City be contacting other municipalities about interpretation of their codes. He suggested getting contractors input as well. Ms. Connors said she, Mr. Bob Christian, Permit Manager, and the inspectors would be creating a common understanding of the Building Code interpretation. Councilmember Spaulding felt that would be a bit isolationist and said that statewide contractors might be willing to address some of the common issues. Mayor Rosenthal said she did not disagree, but said every municipality does not adopt the same codes. Chairman Ezzell felt the goal of the work plan was to develop internal consistency and Ms. Connors agreed. Mr. Lewis said it is important to begin within the City then have dialogue with builders. Councilmember Dillingham said once the City has internal consistency they could then compile industry standards to be more consistent with other communities so builders working on similar projects in Norman will see more consistency.

Mayor Rosenthal said adopting building codes is a long process with meetings that include plumbers, electricians, etc., and she felt it would be helpful to have a timeline of when the International Codes were last adopted and when the City will be reviewing those in the future. Chairman Ezzell said there has been movement at the State level regarding the State superseding all local building codes with State codes and asked Mr. Sean Rieger, Norman Builders Association, if that was still ongoing. Mr. Rieger said yes, he definitely expects that to happen. He said the builders in Norman are ready and willing to talk with the City about the permit process. Councilmember Quinn asked if the State codes would be minimum codes or set codes and Mr. Rieger said it would probably be minimum codes. Ms. Connors said on July 1, 2011, the State adopted and put into place the 2009 International Residential Code that every City in Oklahoma must follow, but cities can make local amendments that have to be accepted by the State. Chairman Ezzell said he wanted the City to be cognizant of the States actions so Norman does not spend time on something that will be superseded by the State.

Item 1, continued:

Ms. Connors said Staff is looking at requiring design review meetings for those builders that do not seem to understand how to make the plan corrections to help them through that process. She said the City currently completes the initial plan review within 14 days and re-submittals within one week if they are turned in on Tuesday for the Wednesday review period. She said Wednesday reviews have streamlined the plan review process because everyone focuses on plan reviews on Wednesday, which is an improvement over previous process. She said Mr. Christian is the only commercial plans reviewer. Chairman Ezzell asked if Staff has collected any data on peer cities and their time frames and Ms. Connors said Staff has reviewed two cities and intends to review three more. Ms. Connors said the Planning and Public Works Departments have plan review checklists, but they need to be updated and consolidated. She said Staff also wants to track the time documents are in the City's hands versus time they are in applicant's hands.

Ms. Connors said the Permit Manager will meet inspectors in the field once a month to review code interpretations, which goes hand in hand with the Manual of Building Code Interpretations and Policies. She said it is helpful for all of them to meet onsite and be on the same page. She said tracking average time for quality inspections is something the City wants to do, but some inspections take 20 minutes while others take two hours longer and that is why it is hard to schedule an inspection for a time certain. She said that is something Staff will have to work through more thoroughly.

Ms. Connors said correction notices would contain the code citation and general location of the concern observed and the handwriting would need to be legible until Staff has better technology. Councilmember Quinn asked if the correction notice points out the issue only or if it provides a possible solution to the problem as well. Ms. Connors said it does not provide a solution, but Mr. Christian spends a lot of his time resolving the "not quite there and how do we get there issues." Chairman Ezzell said the City can always instruct builders to read the Code, but they need to have access to a person that can interpret that Code.

Ms. Connors highlighted the Best Management Practices (BMP), which is divided into the same four categories as the PM and the goals are basically the same. Chairman Ezzell asked Mr. Lewis if Staff is reviewing the budget for equipping the inspectors with laptops as well as the total budget for implementation of the whole technology package and Mr. Lewis said Staff is looking at the entire technology package. Mr. Lewis said it has become clear through builder surveys that technology is a value added and can have a significant impact on the permit process.

Ms. Connors said there will be an expedited plan review option in the BMP, which can be done by a third party because City Staff if not available to offer that option. Mayor Rosenthal asked, typically, where expedited plan reviews are offered, are there additional fees and Ms. Connors said yes. Chairman Ezzell asked if the idea is for the City to have approved outside resources to step in and do the expedited plan review and the City charge an expedited fee as well as the applicant paying the outside firm's fee and Ms. Connors said yes, that is the idea.

Ms. Connors said if it is the City's intent to offer temporary certificates of occupancy and incentives, she feels permit fees should be increased.

Item 1, continued:

Ms. Connors outlined various projects that have been completed or offered certificates of occupancy or certificates of completion (for building shell only) including the timeline from when the application was submitted to when the certificate(s) were obtained. Councilmember Gallagher asked if the timelines on the projects listed were examples of normal timelines or exceptions and Ms. Connors said normal. Mr. Lewis said the listed projects are the good, the bad, and the ugly and Staff tried to give the Committee a fair representation of projects that took a short period of time versus those that took a longer period of time to complete. He asked Mr. Christian to explain some of the different types of permits issued and Mr. Christian said there is an option for applicants to apply for a foundation only permit, which is typically used when the architectural drawings are not complete, but the applicant has enough information to deliver a site plan and foundation plan. He said, worse case scenario, if they do not have the foundation plan, they can apply for an earth change permit, which gives them the ability to move dirt onto the site, prepare the pad, etc. He said another situation would be the applicant wanting to build a shell building, but is not ready for the interior finish plans so they can apply for a shell building permit then apply for the interior finish permit later. Mayor Rosenthal asked at what point the City goes over these options with the applicant and Mr. Christian said many times applicants with call regarding initial interest in the process and Staff will set up a meeting with them at that time that involves all the significant plan reviewers for the Planning Department, Fire Department, Building Inspections, and Public Works.

Ms. Connors highlighted building permit comparison information from Edmond and Oklahoma City and said she intends to contact Moore, Tulsa, and Broken Arrow. Chairman Ezzell said he looks forward to seeing the comparisons to those cities.

Chairman Ezzell said the concern he hears repeatedly is when an inspection is occurring and a violation is noted, the project may be tagged and the inspector leaves without completing the inspection and he asked if that is typical for the inspector to not continue with the inspection. Mr. Christian said the inspector will generally complete the inspection; however, in order for a complete inspection to occur, the work has to be completed. He said typically what occurs to stop an inspection is when an inspector finds a great deal of work undone or workmen onsite that are saying they are not finished with their work. He said in the interest of efficiency of time, the inspector will leave rather than leave behind a 50 item list of items to be completed. Councilmember Lockett asked if most builders know that the job is not complete enough for an inspection and Mr. Christian said most builders and general contractors have a good understanding of whether or not the work is complete.

Councilmember Gallagher said he spoke with a contractor who said he had four inspections and was fined each time. He asked if the fines were for a building code violations or to make up for time the inspector spent onsite and asked about the nature of the fine and Ms. Connors said it is not a fine, but a re-inspection fee. Councilmember Gallaher asked if initial inspections are free and Mr. Christian said the initial inspection is a result of the initial permit fee. Mayor Rosenthal said the City has an interest in keeping inspections to a minimum because the $25 re-inspection fee does not cover the City's cost of sending someone back to re-inspect so there is a common interest in making sure that the first inspection meet goals and expectations.

Chairman Ezzell asked at what point Staff would reach out and engage industry in regards to becoming a participant in refining some of the issues and Mr. Lewis said he would like Staff to put together a work plan to implement. He said, after that, he would then like Staff to meet with the Chamber of Commerce and other builders. Chairman Ezzell asked what the realistic timeframe would be for that plan to be developed and the meeting held and Mr. Lewis said 30 to 45 days then Staff could bring back a report to the Committee. Chairman Ezzell asked to be kept apprised so he would know when to place that back on the agenda.

Item 1, continued:

Mayor Rosenthal said she liked the idea of a work plan, but felt that discussion regarding technology and the budget needs to be addressed for a mid-year budget adjustment especially if revenues continue to stay on target or increase.

Items submitted for record

1. Memorandum dated September 9, 2011, from Susan F. Connors, AICP, Director of Planning and Community Development, to Business and Community Affairs Committee, with Exhibit 1, Performance Measurements; Exhibit 2, Best Management Practices; Exhibit 3, Planning and Community Development Department organization chart; Exhibit 4, Development Service Division organization chart; Exhibit 5, Departments Involved in Plan Review and Inspection for Commercial Projects; Exhibit 6, Outline of Review Time for Selected Building Permits; Exhibit 7, Summary of Building Permit Information; Exhibit 8, List of Permit Types; Exhibit 9, Construction Permit Application Checklist; and Exhibit 10, example of a Building Inspection Ticket
2. Norman Chamber of Commerce Business and Community Development Committee presentation dated Thursday, September 15, 2011

Item 2, being:

UTILIZATION OF A PUBLIC TRUST AUTHORITY TO FACILITATE ECONOMIC DEVELOPMENT AND OTHER ECONOMIC DEVELOPMENT TOOLS.

Discussion postponed to October 6, 2011

Item 3, being:

REVIEW OF THE SIGN CODE ORDINANCE.

Discussion postponed to October 6, 2011

Item 4, being:

MISCELLANEOUS DISCUSSION. None

The meeting adjourned at 6:58 p.m.

ATTEST:

City Clerk

Mayor

CITY COUNCIL SPECIAL SESSION MEETING MINUTES

September 17, 2011/September 20, 2011

The City Council of the City of Norman, Cleveland County, State of Oklahoma, met in Special Session at 8:00 a.m. in the Fire Training Facility on the 17th day of September, 2011, and that meeting was recessed at 12:16 p.m. to be reconvened on September 20, 2011. The City Council of the City of Norman, Cleveland County, State of Oklahoma, met in a Reconvened Special Session in the Conference Room of the Norman Municipal Building at 201 West Gray on the 20th day of September, 2011, at 630 p.m. 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 24 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:

PLANNING WORK SESSION REGARDING CITY COUNCIL POLICY AGENDA FOR THE YEAR.

Mayor Rosenthal highlighted Council's accomplishments and projects over the past year and said many items on the 2010-2011 Policy Calendar were completed, others were added during the year, and others are not yet complete and will require additional work. The following list highlights some of the accomplishments and on-going projects:

- Installed new Emergency Outdoor Warning System
- Successful sanitation rate increase election
- Successful Charter amendment election to release funds for parks improvements
- Adopted a Storm Water Master Plan
- Response and cleanup to June 14, 2011, Macro Burst Weather Event
- Code amendments/resolution to encourage local purchase of goods
- Response and on-going public information relative to Chromium 6 issue
- Tentative State Hazard Mitigation Grant to assist in the construction of private storm shelters
- Opened Fire Station No. 8 - Fire Station No. 9 site plan approved
- Opened Solid Waste Transfer Station
- Opened Rock Creek/I-35 Overpass
- Updated/revised Water Conservation Policy
- North Base CNG Fueling Station underway
- Substantial progress with Del City for surplus water allocation from Lake Thunderbird
- Solicitor/Peddler Ordinance amendments
- Pending joint use agreement with Norman Public Schools regarding proposed Monroe Park improvements
- University North Park action to enable Norman Economic Development Coalition (NEDC) to acquire 30 acres (at below market rates) for economic development sites
- Creation and adoption of new Mixed use Zoning District
- Adoption of the Net Revenue Stabilization Fund (Rainy Day Fund)
- New Ethics Ordinance
- Amended Electronic Record Retention Policy
- Adopted a policy requiring committees to comply with Open Meeting Act
- Clarification of Council approval for ad hoc committee appointments
- Policy for Councilmembers to place items on the agenda

Item 1, continued:
Councilmembers discussed the 2011-2012 Council Committee Policy Calendar, which included items previously identified by Council Committees as well as new policy items identified during the session. Policies/issues to be discussed in the coming year broken down by Committee are as follows:

Business and Community Affairs Committee	Finance Committee
• Building/Permitting Process • Economic Development incentives • Public Trusts • Sign Code • Development Ombudsman position	• Utility rate review • Change Order Policy • Room Tax adjustments • Review I/T Master Plan • Budget monitoring • Curbside Recycling– Contract Renewal
Community Planning and Transportation Committee • Subdivision/Development Code • Wastewater Reuse • Sidewalk Master Plan – New ADA Guidelines • Regional transit/commuter rail • Golf carts on City streets • Comprehensive Transportation Plan Scoping Study • Monitoring the Storm Water Master Plan Action Plan • Citywide Proactive Code Enforcement • Landlord Registration	Oversight Committee • Solid Waste Collection: Alley to Curbside Project • Evaluation of Speed Feedback Signs (fixed and mobile) • Special Events (Sales Tax Collection) • Construction truck in neighborhoods • Bullying

The Oversight Committee will be discussing the Alley to Curbside Pilot Project evaluation while the Finance Committee will be looking at the current Curbside Recycling Program and renewal of the current contract. Councilmembers discussed having the City's Sanitation Division bid on the curbside recycling service and look at the possibility of expanding the recycling program to commercial sites and apartment complexes, construction debris, and enhancing the cardboard recycling program.

Recognizing the number and magnitude of projects to be completed within the next year, some of which are currently in progress, Councilmembers prioritized items on the 2011-2012 Council Policy Calendar in two categories; those requiring financial support and those that were strictly policy related issues and identified projects/policies that could potentially be deferred to a future date.

Those projects identified as the highest priority requiring financial support were development of a Storm Water utility, water rate adjustment, and General Obligation Bonds for transportation and storm water improvements. Policy related issues receiving the highest ranking include corridor enhancement planning and a policy for the use of projected excess Public Safety Sales Tax. Other issues discussed include long-term water solutions, quality of life projects, and University North Park Tax Increment Finance District review.

Council also supported moving forward with the development of a Charter Review Commission and a Council study session will be scheduled in the near future to provide an overview of the process prior to formal consideration.

Items submitted for the record
1. Memorandum dated September 15, 2011, from Steve Lewis, City Manager, to Mayor Rosenthal and City Council
2. FY2010-11 Council Accomplishment Recap dated September 17, 2011
3. City of Norman, Oklahoma, Draft 2011-12 Policy Calendar
4. 2009 City of Norman Community Survey Final Report dated August 2009
5. Boards/Commissions/Committees Summary dated September 15, 2011
6. Breakdown of Boards and Commissions Appointments dated September 15, 2011

Item 1, continued:

Items submitted for the record, continued

7. City of Norman Board List dated September 14, 2011
8. General Guidelines for Board and Commission Appointments revised December 2009
9. Analysis of Board Appointments from July 2007 to present prepared by Mayor Rosenthal
10. City Council Committee Norms Background for Retreat Discussion prepared by Mayor Rosenthal dated September 17, 2011
11. Potential General Obligation Bond Major Transportation Projects Narrative dated August 17, 2011
12. Potential General Obligation Bond Major Transportation Projects spreadsheet dated August 17, 2011
13. Potential General Obligation Bond Major Transportation Projects location map dated August 17, 2011
14. Potential General Obligation Bond Storm Water Projects narrative
15. Potential General Obligation Bond Storm Water Projects map dated September 16, 2011
16. Storm Water Master Plan, Exhibit 6-7b, Baseline Floodplain and Recommended Solutions Overview, Imhoff Creek and Canadian River Tributaries dated December 11, 2008
17. Storm Water Master Plan, Exhibit 6-9, Baseline Floodplain and Recommended Solutions Overview, Little River dated December 11, 2008
18. Storm Water Master Plan, Exhibit 6-3, Baseline Floodplain and Recommended Solutions Overview, Brookhaven Creek plus Tributaries A and B dated December 11, 2008
19. Storm Water Master Plan, Exhibit 6-1b, Baseline Floodplain and Recommended Solutions Overview, Bishop Creek – Tributary A dated December 11, 2008
20. Storm Water Master Plan, Exhibit 6-7a, Baseline Floodplain and Recommended Solutions Overview, Imhoff Creek dated December 11, 2008
21. Storm Water Master Plan, Exhibit 6-1a, Baseline Floodplain and Recommended Solutions Overview, Bishop Creek plus Tributaries B and C dated December 11, 2008
22. Storm Water Master Plan, Exhibit 6-1a, Baseline Floodplain and Recommended Solutions Overview, Imhoff Creek dated December 11, 2008
23. Storm Water Master Plan, Exhibit 6-7a, Baseline Floodplain and Recommended Solutions Overview, Imhoff Creek dated December 11, 2008
24. Storm Water Master Plan, Exhibit 6-15, Baseline Floodplain and Recommended Solutions Overview, Merkle Creek dated December 11, 2008
25. Memorandum dated September 16, 2011, from Anthony Francisco, Finance Director, to Steven Lewis, City Manager
26. 2012 Potential Election Dates

Participants in discussion

1. Mr. Steve Lewis, City Manager
2. Ms. Brenda Hall, City Clerk

* * * * *

Item 2 being:

CONSIDERATION OF ADJOURNING INTO AN EXECUTIVE SESSION AS AUTHORIZED BY OKLAHOMA STATUTES TITLE 25 § 307(B)(1) IN ORDER TO EVALUATE THE CITY MANAGER AS REQUIRED BY SECTION 5(A) OF CONTRACT NO. K-0708-32 AND AS AUTHORIZED BY TITLE 25 § 307(B)(2) TO DISCUSS NEGOTIATIONS REGARDING EMPLOYEES AND REPRESENTATIVES OF EMPLOYEE GROUPS.

Councilmember Dillingham moved that the Special Session be adjourned out of and an Executive Session be convened into in order to evaluate the City Manager as required by Section 5(a) of Contract No. K-0708-32 and to discuss negotiations regarding employees and representatives of employee groups, which motion was duly seconded by Councilmember Quinn; and the question being upon adjourning out of the Special Session and the subsequent convening, a vote was taken with the following result:

Item 2, continued:

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

The Mayor declared the motion carried and the Special Session adjourned out of; and an Executive Session was convened into in order to evaluate the City Manager as required by Section 5(a) of Contract No. K-0708-32 and to discuss negotiations regarding employees and representatives of employee groups.

The City Council adjourned into Executive Session at 10:15 a.m. Mr. Steve Lewis, City Manager; was in attendance at the Executive Session.

Councilmember Kovach left the Executive Session at noon.

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

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

The Mayor declared the motion carried and Executive Session adjourned out of; and the Special Session was reconvened at 12:15 p.m.

* * * * *

The Mayor said the evaluation of the City Manager as required by Section 5(a) of Contract No. K-0708-32 and negotiations regarding employees and representatives of employee groups were discussed in Executive Session. No action was taken and no votes were cast.

* * * * *

Item 3, being:

DISCUSSION OF COUNCIL PROCEDURES REGARDING APPOINTMENTS TO BOARDS AND COMMISSIONS AND COMMITTEE PRACTICES.

Due to time constraints Item 3 was not discussed; however, it will be discussed on Tuesday, September 20, 2011.

* * * * *

RECESS

Due to time constraints, Councilmember Quinn moved that the meeting be recessed until Tuesday, September 20, 2011, which motion was duly seconded by Councilmember Ezzell; and the question being upon recessing the meeting until Tuesday, September 20, 2011, a vote was taken with the following result:

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

The Mayor declared the motion carried and the meeting was recessed at 12:16 p.m. until Tuesday, September 20, 2011.

* * * * *

The City Council of the City of Norman, Cleveland County, State of Oklahoma, met in Special Session at 8:00 a.m. in the Fire Training Facility on the 17th day of September, 2011, and that meeting was recessed at 12:16 p.m. to be reconvened on September 20, 2011. The City Council of the City of Norman, Cleveland County, State of Oklahoma, met in a Reconvened Special Session in the Conference Room of the Norman Municipal Building at 201 West Gray on the 20th day of September, 2011, at 6:30 p.m. 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 24 hours prior to the beginning of the meeting.

PRESENT:	Councilmembers Dillingham, Gallagher, Griffith, Kovach, Lockett, Quinn, Mayor Rosenthal
ABSENT:	Councilmembers Ezzell and Spaulding

Item 1, follow-up:

PLANNING WORK SESSION REGARDING CITY COUNCIL POLICY AGENDA FOR THE YEAR.

Councilmembers reviewed the rankings of the 2011-2012 Council Policy Calendar. Mayor Rosenthal said there seems to be a desire to continue to move forward in developing a storm water utility and some kind of General Obligation (G.O.) Bond package that might include storm water and streets, but the precise elements would need to be worked out. She said the other project that received a higher ranking is the water rate adjustments which indicates a desire to continue working on the water rate utility.

Councilmember Kovach said there are some real time sensitive issues in the transportation projects and felt Council needed to work towards moving some of those forward. He suggested Council rank the projects presented at Saturday's retreat so that staff could focus on the higher priority projects when developing bond package scenarios. Mayor Rosenthal felt staff should leverage projects that are listed in both categories, i.e., storm water and transportation. Councilmember Dillingham asked staff to consider sidewalks in areas where street reconstruction is planned to be included with the project. Mayor Rosenthal said Council should also look at the corridor issues in respect to Main Street while the construction is ongoing on Interstate 35. Councilmember Kovach suggested staff work with the Chamber of Commerce to alleviate the burden of construction on businesses during all the major road construction projects by utilizing extra signage and better access planning.

City Manager Steve Lewis said staff has had preliminary discussions with the Chamber of Commerce and the Norman Convention and Visitors Bureau to identify ways to improve entryways/gateways into Norman and way finding signage. He said staff will bring the recommendations from the group back for Council's consideration to improve access to the community.

Mayor Rosenthal said not everyone indicated policy issue preferences. She said three people indicated support to work on a policy for the use of excess Public Safety Sales Tax and three indicated a desire to work on corridor planning. She said tonight's presentation on the Computer Aided Dispatch and Records Management Program at the study session suggests Council should at least be talking about a policy on excess Public Safety Sales Tax and at what point Council is comfortable with declaring an excess and refining the criteria in the ordinance. Councilmember Kovach felt Council should have a discussion on how and when to use the funds and felt that discussion is appropriate.

Council asked that Police Chief Humphrey and Fire Chief Fullingim present a prioritized list of other public safety needs at a future study session.

Items submitted for the record

1. Draft 2011-12 City Council Policy Calendar
2. Finance Related Policy Rankings – FYE 2011-12
3. Policy Rankings – FYE 2011-12

* * * * *

Item 3, being:

DISCUSSION OF COUNCIL PROCEDURES REGARDING APPOINTMENTS TO BOARDS AND COMMISSIONS AND COMMITTEE PRACTICES.

Mayor Rosenthal said the discussion on boards, commissions, and committee practices is an important discussion that the entire Council should participate in and since Councilmembers Ezzell and Spaulding were absent she suggested the discussion be postponed to a study session when the entire Council can be present. Councilmember Kovach believed there were committees in the Code that are no longer meeting and asked the City Manager to include suggestions regarding those boards and commissions as well as areas were committees could be consolidated for the study session.

Mayor Rosenthal presented a list of proposed members for the Comprehensive Transportation Committee Visioning Committee to be included on Council's agenda for September 27, 2011.

* * * * *

ADJOURNMENT

Councilmember Quinn moved that the meeting be adjourned, which motion was duly seconded by Councilmember Dillingham; and the question being upon adjournment of the meeting, a vote was taken with the following result:

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

The Mayor declared the motion carried and the meeting was adjourned at 6:53 p.m.

ATTEST:

City Clerk

Mayor

CITY COUNCIL STUDY SESSION MINUTES

September 20, 2011

The City Council of the City of Norman, Cleveland County, State of Oklahoma, met in Study Session at 5:30 p.m. in the Municipal Building Conference Room on the 20th day of September, 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, Gallagher, Griffith, Kovach, Lockett, Quinn, Mayor Rosenthal
ABSENT:	Councilmembers Spaulding and Ezzell

DISCUSSION REGARDING THE POLICE AND FIRE DEPARTMENTS' COMPUTER AIDED DISPATCH (CAD) AND RECORDS MANAGEMENT SYSTEM (RMS) PROJECTS.

Mr. Steve Lewis, City Manager, said the Computer Aided Dispatch (CAD) and Records Management System (RMS) Projects are very important capital improvements for the City of Norman's public safety departments and the Departments of the Police, Fire, Communications Center, Emergency Management Services (EMSSTAT), and Information Systems (IS) have been working on this issue for a number of years. He said recently the Citizens Public Safety Oversight Committee (CPSOC) asked Staff to compile a Capital Improvements Projects (CIP) list that was being considered by the community as a whole in the area of public safety. He said Staff prepared a series of four presentations for the CPSOC that would include a capital budget process, joint operations, i.e., CAD and RMS, and individual presentations on both the Fire and Police Departments. Mr. Lewis said Staff made the recommendation to CPSOC that the CAD and RMS are jointly the number one project for the community in the area of public safety.

Mr. J.D. Younger, Major, Norman Police Department, felt the CAD and RMS are the most important public safety issue(s) facing the City of Norman today because the current systems directly impact the ability of public safety representatives to protect citizens and first responders. Major Younger said the major components that make up the current integrated CAD and RMS were not acquired at the same time, not acquired in an integrated fashion, and were never really thought to be long-term solutions to the software needs. The components are as follows:

- 1997: Initiated software leverage technology for Public Safety CAD/RMS
- 2000: Implemented Global Dispatch Corporation, CAD, Cerulean Mobile Solution, and Firehouse Fire Records Management Application
- 2002: Implemented Global Dispatch Corporation and Records Management Application

Records Management System (RMS) Concerns

The RMS is the City's "long term memory" system which maintains the information collected by Fire, Police, and EMSSTAT that identify valuable data, i.e., increase and/or decrease for crime area(s), trends for fire causes and/or sources, and response deficiencies. Major Younger said this allows Fire and Police the ability to re-examine the delivery of public safety service(s) and determine if improvements need to be made. He said the deficiencies in the RMS include:

- In-field reporting: currently no in-field reporting system in place to allow timely and accurate data immediately from the field;
- Analysis and intelligence: on the front end with first responders who can not immediately access service information that can help solve problems and deliver service to the back end with administration being able to decide where services should be deployed and configured;

- Fire RMS integration: time stamping, ability to determine when fire apparatus should be deployed, including how long it will take to arrive and stay at a location; ability to manage major events from the field as opposed to having to deploy a command staff member to communications; and the ability to use the automated vehicle locator systems to deploy fire apparatus based on where they are in location to the scene as opposed to being located in a specific fire station's area;
- Data interoperability: currently the RMS used by the Fire, Police, and EMSSTAT are separate and stand alone, therefore should one entity come in contact or have a location on an individual, another entity may not receive the information because the data is being entered into separate databases; and
- Redundant data entry: currently Fire, Police, and EMSSTAT enter data into their individual RMS as opposed to being entered only once for all entities use.

Computer Aided Dispatch (CAD) Concerns
The CAD is the City's "short term memory" system and essentially provides two functions, manages calls and public safety resources, i.e., firefighters, police officers, and medical technicians. Major Younger said the three areas of concern for the CAD include:

- Delays in service: slow-downs or lock-ups occur daily in the CAD when entering calls for service which has a direct impact on response time;
- System design: eight different monitor dispatch stations for communication officer(s) with three being different mapping solutions as opposed to one integrated solution/monitor where communication officer(s) can see all resources available;
- Integration: ability for the communication officer(s) to take the data seen on the computer monitor dispatch station and relay information to the service deliverer in the field whether fire, police, or EMSSTAT. Since the software was not purchased as an integrated solution a limited capacity exists in this area.

Current Software Solutions and Objectives
The City has four core areas of public safety software, e.g., to include CAD, Mobile Data Computer, Police RMS, and Fire RMS. Major Younger said the Police Department also has 19 stand-alone systems/databases and the Fire Department has 12 stand-alone systems/databases that are used in daily service delivery as well as to cover areas of personnel management, training, re-certification, and documentation of resources.

Ms. Kari Madden, Information Technology (IT) Network Manager, echoed what Major Younger previously said about the multiple databases being problematic since there is not a centralized database infrastructure where entered data can be shared with other modules within an application. She said the City currently works with three separate vendors (not affiliated with a primary vendor), when identifying issues, troubleshooting problems, and dealing with maintenance issues on the public safety software system.

Ms. Madden said another concern is the current system does not afford the City disaster planning or replication capability; therefore, if something were to happen to a City facility (Police Dispatch), data will not be available and ready for communication officers. She said the previously funded storage solution project did take the system to a true enterprise level infrastructure and laid future groundwork but the system still does not have the capability to take data and replicate it to another location in a disaster situation. Ms. Madden also noted the vendor(s) Staff currently works with (concerning the enterprise storage solution) are already partnered therefore, making troubleshooting and maintenance much simpler and more straight-forward.

Ms. Madden presented a high-level overview of the current public safety software system reflecting how the data is collected and stored by the individual public safety divisions as well as reflecting how the data is not being shared with one another. She said some of the servers are not connected to anything therefore, they share absolutely no data. Ms. Madden said if the City had a centralized database infrastructure the data can be entered into one database and shared with modules within an application creating less paperwork as well as

allowing IT the ability to support the system and the City. She said it is unrealistic that *every* database will be consolidated into one central database; however, the goal is to consolidate *a lot* of the databases into one central database so that data can be shared, minimizing the complexity that has evolved over time and simplifying the public safety system significantly. Major Younger said it is important to note that the amount of data to be consolidated will become more finite as negotiations with contractors/vendors take place. A lot will depend on the time and complexity of the migration and hopes are to transfer all the records management data (long term memory from 2002 forward) and the live/active CAD (approximately four years of data).

Ms. Madden said Staff developed a Request For Proposal (RFP) to identify consultants that could assist the City with the current public safety systems and to get a professional perspective from people who perform this work repeatedly. On February 22, 2011, Council approved K-1011-133, with RCC Consultants requesting they perform a needs assessment and develop a strategy to acquire CAD, Police and Fire RMS, and mobile data software and in-field reporting software replacement. Mayor Rosenthal asked if the consultants are specialized in public safety applications and Ms. Madden said yes.

Ms. Madden said in order for the City to enhance leverage of the public safety software system an independent review of the current enterprise infrastructure needs to be completed, as well as, looking at incorporating an enterprise software solution to what is already in place. Additionally, an acquisition for a "turn key" integrated solution that has public safety applications, i.e., CAD, Police and Fire RMS, as well as a mobile data component, needs to be accomplished. Ms. Madden said vendors who worked with similar installation size and scope of complexity were considered because the City needs to partner with a vendor who will be able to grow as the City grows. Ms. Madden said the current public safety system experiences three to four lock-ups within the system requiring the server to be reset and at times records must be physically exported into another application because the export program is not working properly. Staff also identified other key components within the RFP to include a centralized database; failover capabilities; replicated data/disaster planning; and consolidate technical support and maintenance.

Major Younger said finding a solution for the public safety system will *provide assistance to resource management*; *provide true in-field reporting* allowing personnel to remain in the field while submitting information; *provide accessibility to gathered information* beginning with the first responder in the field that in essence will assist management in making efficient and effective decisions; and *provide better compilation of data* for operational and administrative analysis.

CAD, RMS, and Mobile Funding

Based on RCC Consultants' needs assessment, the projected cost is $2,835,000. Major Younger said the current City funding to date is $199,300 and Staff has acquired two different Community Oriented Policing Services (COPS) Grants; one in the amount of $150,000 in 2009 and the second in the amount of $250,000 in 2010; leaving an unfunded balance of $2,235,700. He said the City's current public safety system has a recurring annual maintenance of $100,000 and if a "turn key" solution is implemented, it would have an annual recurring maintenance of $200,000. The annual maintenance is based on a percentage cost of software.

Mayor Rosenthal asked Staff if the 2009 and 2010 COPS Grants were still available and Major Younger said grants are still available; however, the amounts the agencies are funding are decreasing. He said Staff continues to identify and apply for those sources of funding as well as others but there is not any dependable opportunity to acquire funding. Councilmember Dillingham asked if the $2.2 million included the management of existing data as well as data migration to the new system and Major Younger answered in the affirmative. He stated Staff has a very detailed itemized projection list with the consultant, which includes data migration, interfacing with other products and Staff is confident that all potential contingencies have been identified.

Major Younger highlighted the public safety system project status as follows:

- September 2, 2011: RFP out to bid
- September 23, 2011: Mandatory vender conference via web conference
- October 21, 2011: Deadline for proposal submissions
- October 24, 2011 – December 30, 2011: Proposal reviews, ranking, on site demonstrations, testing as well as site visits will be coordinated
- February 27, 2012: Tentative contract start date

Councilmember Kovach asked if the project cost included equipment that might need to be replaced or added to the current system and Major Younger said equipment is included with the cost. Ms. Madden said the RFP requests that the contractors respond as if they will be expected to provide all necessary hardware and equipment. She said during the September 23, 2011, mandatory vendor web conference, Staff will identify what the City currently has in place, which is also explained and listed in the RFP. Hopes are to leverage the City's substantial investment that has already been put into place. Ms. Madden said Staff is aware some hardware will be necessary but Staff would like to see how potential contractors/vendors present a solution. Councilmember Kovach asked if there was a financial benefit in timesaving that will occur from a much more efficient system and Major Younger answered in the affirmative stating if the City had a true in-field reporting system, public safety officers would not need to drive back to the station to write a report but instead write the report while in the field. Major Younger said with this example of a minor efficiency; the public safety operations and available time a public safety officer would be able to provide to the community would dramatically increase. Councilmember Dillingham felt personnel work time will definitely improve if they did not have to go from one database/server to another in order to input or retrieve information.

Councilmember Griffith asked if driving records and outstanding warrant information were the only functions the current computers installed in police vehicles provide and Major Younger said the primary program they provide is RADIA, but if it were migrated to a more reliable system it would alleviate the necessity for the officer to verify information with a communications officer on the radio. Ms. Madden said additional software applications such as e-mail, obtaining files, etc., should be available with a systems upgrade.

Councilmember Dillingham asked if technical support and training was included in the RFP and Major Younger said it will include the initial training and initial maintenance for the first year. He said the RFP then illustrates the benchmark contingencies to make certain the system works properly and employees are trained.

Councilmember Kovach asked whether Staff had funding options for the unfunded balance of $2,235,700 and Mr. Lewis said Staff continued to pursue the COPS Grants, but that money does have set provisions, i.e., funds will be lost if not used in a specific timeframe. Mr. Lewis felt in order to advance this project, the City cannot rely completely on grants and additional funding options include a General Obligation (GO) Bond issue, using a portion of the Capital Sales Tax (CST), using a portion of the General Fund, and/or using taxes collected from the Public Safety Sales Tax. He said $7 million in CST is collected annually but is prorated into different accounts that can be used for specific purposes to include Capital Outlay, Street Maintenance, Contingency, Existing Facility and Maintenance, and finally Debt Service and Other Projects. If the decision was made to use the Debt Service and Other Projects accounts in the CST it would take the full 36% collected annually to finance the unfunded balance of this project; therefore, the City could not look at park improvements, storm water improvements, etc., for the year. Mr. Lewis said taking the $2.5 million out of the General Fund to finance this project would hit the City very hard.

Councilmember Quinn felt the longer the City takes to find a solution to the current public safety system, the more the technology will change thus making the costs go up. Mr. Lewis said through Staff's best efforts, the current public safety system is working but it does show signs of a system that was put together in a cobbled fashion for a number of years. He felt this proposal will allow an integrated solution that, over time, will save the City money. Councilmember Dillingham felt not doing anything is not an option for the City.

Councilmember Gallagher asked whether replacement parts for Police radios could still be ordered since most parts were obsolete, or, if needed, would a Police radio completely be replaced and Major Younger said the City was fortunate to have a technician on Staff to repair Police radios which saves a tremendous amount of money. The end of life on the Police radio system is 2018 and it will be increasingly difficult to replace and/or make repairs. Councilmember Gallagher asked how long it would take to get the new system set up and in place and Ms. Madden said it would take approximately 18 to 24 months because it is such a technically complex project. Mr. Lewis pointed out the unfunded balance is a budgetary estimate and as the City goes through the competitive process and vendor negotiations, Staff expects to drive that number down by providing the information for the order of magnitude. He said the timing of this entire process is really an attempt to have the City in position in the Spring 2012 so that real numbers/figures, systems, and proposals will likely be helping with decisions that will need to be made with the budget for FYE 2013.

Mayor Rosenthal said with respect to a GO Bond vote, this project would be unlike a building that would last thirty years and asked if other communities funded projects of this type using GO Bonds. Mr. Lewis said there may be alternative financing such as certificates of participation, but the key issue to remember is that the term of a GO Bond can match the life of the investment project. Councilmember Gallagher asked whether Police Chief Humphrey had seen a similar public safety system project in other communities and Chief Humphrey said yes and felt a public safety system is one of the important programs a City will utilize. Chief Humphrey said the proposal includes efficiency, speed, availability, and timesaving, etc., and felt Staff has done thorough research to cover all issues during a migration of the data. He said a public safety system of this magnitude will provide safety for citizens, officers, firefighters, and EMSSTAT and will be a positive aspect for the community.

Items submitted for the record

1. PowerPoint Presentation entitled "Public Safety Computer Aided Dispatch, Records Management, Mobile Data Computer Systems (CAD/RMS/Mobile Data)," presented by Major J.D. Younger, Police Support Services, and Ms. Kari Madden, Network Manager

The meeting was adjourned at 6:19 p.m.

ATTEST:

City Clerk

Mayor

FINANCE COMMITTEE MINUTES
September 21, 2011

The City Council Finance Committee of the City of Norman, Cleveland County, State of Oklahoma, met at 5:30 p.m. in the Municipal Building Study Session Room on the 21st day of September, 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:	Members Dillingham, Gallagher, Griffith, and Chair Quinn
ABSENT:	Member Ezzell
OTHERS PRESENT:	Cindy Rosenthal, Mayor Linda Lockett, Council Member Anthony Francisco, Finance Director Suzanne Krohmer, Budget Manager Jeff Bryant, City Attorney Kathryn Walker, City Attorney II Clint Mercer, Chief Accountant Mike Gibson, Partner, Cole & Reed Bert Fletcher, Audit Manager, Cole & Reed Shawn O'Leary, Public Works Director Mark Daniels, Utilities Engineer Steve Hardeman, Utilities Superintendent Michael Graves, Garver Engineers, LLC Shane Smith, Garver Engineers, LLC

DISCUSSION REGARDING PRELIMINARY AUDIT, FYE 2011

Anthony Francisco introduced Clint Mercer, Chief Accountant, Mike Gibson and Bert Fletcher, Cole & Reed, external auditors.

- Gibson - Preliminary work underway for audit of all funds – balance of work to be done on-site in October and first half of November
- Final audit to be completed and submitted to Council for approval in December
- Francisco – at next Finance Committee meeting staff will bring preliminary Fund Summaries and Rainy Day Fund for discussion of fiscal year end 2010-2011

Items submitted for the record

1. Engagement Letter to Audit Committee from Cole & Reed, dated July 18, 2011
2. Plan of Work Letter to Audit Committee from Cole & Reed, dated July 18, 2011

DISCUSSION REGARDING GRAY STREET PROPERTY FINANCING

Council approved purchase of land east of City complex at 9/12/2011 City Council meeting. Anthony Francisco detailed funding propositions. Handout listed pros and cons of funding purchase through Capital Funds and/or financing with a bank loan in the amount of $750,000. Also reviewed financing proposals received from two local banks.

- Griffith wants to finance through bank so no strain will be placed on the Capital Fund.
- Rosenthal asked about emergency fund use possibility.
- Dillingham preferred putting less strain on budget by doing financing.

Consensus of Committee to take financing option to Council for action.

Items submitted for the record

1. Decision Factor: Interim Bank Financing or Capital Fund Financing, prepared by Anthony Francisco
2. Decision Factor: First American vs. First Fidelity Financing Proposal, prepared by Anthony Francisco

DISCUSSION REGARDING WASTEWATER TREATMENT PLANT EXPANSION PROJECT PHASE II

Mark Daniels introduced Michael Graves and Shane Smith with Garver Engineering, LLC, the company doing the preliminary engineering work on the project. Graves gave a Power Point presentation on the facility and update on the engineering work.

- Facility was built in the 1940s and the last upgrade was completed in 2000.
- Existing facility is currently at 92% capacity; environmental protection regulations require plans for expansion to be submitted when 90% capacity is reached
- Discussed treatment process steps
- Meeting discharge requirements currently
- New regulatory requirements pertaining to disinfection and dissolved oxygen
- DEQ is allowing 3 years for construction by July 2013
- Capacity drivers – 12 to 17 million gallons daily (MGD) expansion
  - 17 MGD represents full build-out (2025 Land Use Plan) at current plant; *Wastewater Treatment Plan* calls for additional 4.5 MGD at future north plant
- Equipment replacement drivers – end of useful life
  - Primary clarifiers
  - Aeration systems
  - Fixed film secondary clarifiers
  - Digester lid

Engineering Report and Conceptual Design Draft Report contain estimated costs for Phase 2 recommendations and long-term needs recommendation. Cost estimate for current needs is approximately $52,000,000 which includes odor control project.

Items submitted for the record

1. Memo to the Finance Committee from Ken Komiske and Mark Daniels, dated September 15, 2011 – Status of Phase 2 WWTP Expansion

DISCUSSION REGARDING PROPOSED CONTRACT CHANGE ORDER POLICY

Jeff Bryant gave a Power Point presentation on Change Orders and their use.

- What is a change order?
- Causes of change orders
- Benefits of using change orders
- Current practice
- Applicable laws – Competitive Bidding Act

Legal does not have a proposed policy change – just information for Committee and discuss possible amendments.

- Quinn – Council should clarify Resolution
- Dillingham wants to see a memo or CMR, something in writing that states contractor is working at own risk, until Council approves,
- Quinn – send the change order requests to Finance Committee first for review
- Gallagher – make them part of weekly report when they are at a certain level
- Rosenthal – make 10% change notification practice

Items submitted for the record

1. Memo to Steve Lewis from Jeff Bryant and Mitch McCuistian, dated September 6, 2011, Change Orders

DISCUSSION REGARDING REVENUE/EXPENDITURE REPORT

No discussion.

Items submitted for the record

1. Summary of Major Funds-General; Capital; Westwood; Water; Wastewater; Sewer Maintenance; New Development Excise; Sewer Sales Tax; and Sanitation Fund Revenue Sources vs. Budget, Financial Report dated August 31, 2011.

DISCUSSION REGARDING REPORT ON OPEN POSITIONS

No discussion.

Items submitted for the record

1. City of Norman/Human Resources Department Recruitment and Selection Report dated September 12, 2011

MISCELLANEOUS DISCUSSION

Outside Agencies Utility Payments

Anthony Francisco reminded the Finance Committee they had directed staff to notify the outside agencies receiving City funding and housed in City-owned facilities to start paying their utilities cost beginning with the FYE 13 budget year. These payments would start with 20% of actual cost in FYE 2013 and increase by 20% per year until agency is paying full cost in FYE 2017. He asked if this was still the plan.

- Dillingham – send out letters and see what response we receive from the agencies

Items submitted for the record

1. Proposed Letter to Outside Agencies in City-owned Facilities, prepared by Suzanne Cutsinger, Budget Manager

GASB Exposure Draft 34-E

Anthony Francisco and Clint Mercer reviewed changes in Governmental Accounting Standards Board (GASB) reporting pertaining to retirement and pension funds that will be implemented in FYE 2014.

- Start recognizing proportionate share of totals
- Overall liability has to be booked on balance sheet
- Not funded immediately
- Standard will be issued officially next June

Items submitted for the record

1. GASB Exposure Draft 34-2: Accounting and Financial Reporting for Pensions, an Amendment of GASB Statement No. 27, prepared by Clint Mercer, Chief Accountant

The meeting adjourned at 7:02 p.m.

ATTEST:

City Clerk

Mayor

CITY COUNCIL
COMMUNITY PLANNING AND TRANSPORTATION
COMMITTEE MINUTES
September 22, 2011

The City Council Community Planning and Transportation Committee of the City of Norman, Cleveland County, State of Oklahoma, met at 5:34 p.m. in the Conference Room on the 22nd day of September, 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 Gallagher Kovach, Lockett, and Chairman Dillingham
ABSENT:	None
OTHER STAFF PRESENT:	Mayor Cindy Rosenthal Ms. Susan Connors, Planning and Community Development Director Mr. Angelo Lombardo, Traffic Engineer Mr. Shawn O'Leary, Director of Public Works Mr. David Riesland, Traffic Engineer Ms. Julie Shelton, Administrative Technician Ms. Karla Chapman, Administrative Technician
STAKEHOLDER VISIONING COMMITTEE:	Mr. Chris Applegate, Red Earth Group, Sierra Club Ms. Teresa Capps, Chair, SVSC Mr. Harold Heiple, Attorney, Norman Developers' Council Mr. Doug Myers, OU Parking and Transportation Administrator Mr. Chris Nanny, Chair, CART Disability Advisory Committee Ms. Janice Oak, Progressive Independence Ms. Renee O'Leary, United Way, Senior Council/Positive Aging Initiative Ms. Helen Robertson, Representative/Bicycle Community Mr. Tom Sherman, Chair, Chamber Transportation Committee Mr. Joe Sparks, Chair, Norman Convention and Visitors Bureau Mr. Walt Strong, Administrator, Westheimer Airport Mr. Chuck Thompson, Chair, Central Oklahoma Regional Advocacy Alliance Mr. Larry Walker, Chair Public Art Board Mr. Brad Worster, Commercial realtor/Norman Next
OTHER GUESTS PRESENT:	Mr. Mark Campbell, Interested Citizen Mr. Todd Cochran, Schemmer and Associates Engineering Ms. Vicky Holland, Cleveland Area Rapid Transit (CART) Mr. Kevin Kokes, Lochner Mr. Cody Ponder, CART Ms. Sadie Robb, Lochner Mr. Charlie Schwinger, Lochner Mr. Wayne Wickman, OU, CART Transit Operations Manager

CART RIDERSHIP REPORT.

Chairman Dillingham said the August 2011 Cleveland Area Rapid Transit (CART) Ridership totals have been distributed and mentioned the City continues to work with Norman Regional Hospital (NRH) to improve and increase the awareness of transportation needs on the CART system. She said there would be more focus on the CART ridership report as well as an NRH update at the October Community Planning and Transportation Committee (CPTC) meeting.

Chairman Dillingham recognized Mr. Cody Ponder, CART Planner and Grant Specialist, for being named to "Mass Transit" magazine's *Top 40 Under 40* list and said he is featured in the September/October issue of the magazine. Chairman Dillingham said this is not only an honor for Mr. Ponder but also to the City of Norman because of his continued commitment to the public transportation system.

Items submitted for the record

1. Cleveland Area Rapid Transit Ridership Totals for the Month of August 2011

PRESENTATION BY CHARLIE SCHWINGER, LOCHNER, REGARDING THE COMPREHENSIVE TRANSPORTATION PLAN SCOPING STUDY FOLLOWED BY A BUS TOUR OF THE CITY LOOKING AT VARIOUS TRANSPORTATION RELATED ISSUES.

Mayor Rosenthal thanked the proposed Stakeholder Visioning Committee (SVC) members for attending tonight's kick-off meeting for the Comprehensive Transportation Plan (CTP) Scoping Study and said she appreciated their willingness to volunteer and guide the CTP scoping study process. She said the SVC members will be officially appointed next Tuesday at the City Council meeting on September 27, 2011. Mayor Rosenthal said this will be the first CTP for the City and will essentially be the foundation for future land use decisions. She said a CTP will certainly drive economic choices that are made by both the City as well as the private sector and a CTP will address the accessibility for everyone in the community which is critical. Mayor Rosenthal said an emphasis for multi-modal transportation is at the forefront and options for Norman and the entire metro area will be looked at as well.

Mr. Shawn O'Leary, Director of Public Works, also thanked the SVC members and said the City is very excited to complete a CTP. He said currently the City has a 2025 Land Use and Transportation Plan (LUP) but the focus is primarily on the land use/development management and much less on transportation. Mr. O'Leary said the SVC will be providing very important visions for a twenty-five year CTP and stated he appreciated their readiness to assist with this incredibly vital process.

Mr. O'Leary said City Staff, to include Traffic Engineers Mr. Angelo Lombardo and Mr. David Riesland, has done a great deal of work to get to this point and also assisted with selecting the best regional transportation engineering firm that the City could find. He introduced Mr. Charlie Schwinger, Lochner, and said the engineering firm Lochner is located in six states, including Oklahoma, and has been in business for 65 years. Mr. O'Leary said Lochner will provide information and an overview of the CTP scoping process and end the meeting with a bus tour of the City looking at various transportation related issues.

Mr. Schwinger introduced the other two members of Lochner, Ms. Sadie Robb and Mr. Kevin Kokes, and said he was very impressed that the SVC was such a diverse representation of interest in the community. The SVC members, and others present in the audience, introduced themselves, stated the organization or primary interest they represented, and what they envisioned transportation in Norman being in twenty five years to include:

- Population growth and more public transportation
- Improved transportation that is safer and more accessible in and around Norman
- More buses, light rail, and bicycle routes
- Connectivity and visual/public art
- Public transportation options from Norman to Oklahoma City, visa versa

- ❖ Connectivity to and for the business community
- ❖ Collaboration with all entities involved in this process
- ❖ Better arterial access for vehicles and better pedestrian access/routes
- ❖ Fluid connectivity with the Regional Plan
- ❖ Multi-modal options
- ❖ Emphasis on all commercial business access – not just new development
- ❖ Equal transportation opportunities for everyone, disabled and/or non-disabled

Mr. Schwinger thanked everyone for their comments and felt the overall audience consensus not only pertained to transportation issues but ultimately about the quality of life in Norman. He said the purpose of the CTP project is to determine the future transportation system and set transportation planning goals for Norman by involving the community in the decision-making process as much as possible. He said during this phase of the CTP, Lochner will not be developing the full CTP, but merely developing a scope of services for the CTP, i.e., what and how goals will be accomplished during the next phase of the CTP project, as well as an estimated project budget for the development of a CTP. Mr. Schwinger said the Council Community Planning and Transportation Committee (CPTC) will serve as liaison as the *Steering Committee* and the SVC will serve as the *Visioning Committee*, providing a synergistic exchange of ideas and perspectives from the community at large.

Mr. Kokes said the CTP work plan is essentially broken into three parts: Kick-Off, Listen and Vision, and Envision. Tonight's Kick-Off meeting will include base data collection, an awareness bus tour, and Lochner scheduling future interviews with the SVC members. The bulk of the CTP process will be done in October and November during the Listen and Vision portion of the work plan and will involve public dialog and input, idea gathering, SVC workshops, Public Council Ward meetings, and a community transportation survey. All information and data collected during the Listen and Vision portion will be gathered and processed by December for the Envision portion including a goals workshop that will assist in shaping the CTP work plan and a City Council Study Session to finalize the CTP work plan.

Ms. Robb said social media works and Lochner will use social outreach tools to include Facebook, Twitter, Flickr, web page links, You-Tube video clips, and E-news in order to get more of the community involved. She said a draft of the community transportation survey will be reviewed with the Committees in October and said the survey will provide statistically valid feedback and citywide results and offer tools to identify issues and validate priorities.

Mr. Schwinger said key visioning components to remember during the CTP scoping process include regional, state, and federal framework because certain guidelines have to be addressed; access, safety, and mobility; connecting neighborhoods and nodes; multi-modal system; context sensitive solutions, i.e., one size does not fit all; sustainable solutions, i.e., preserve current streets or build new streets; and implementation and financing strategies to assist the City with the CTP.

Mr. Schwinger said tonight's handouts include a Comprehensive Transportation Plan "Awareness Tour Think-Sheets" that included various questions about commuter rail, Porter widening, railroad grade separations, medians, bicycles, etc. Lochner also distributed disposable cameras so that pictures could be taken during the bus tour and Mr. Schwinger said the cameras could be taken home so that pictures of any traffic/transportation concerns not included in the bus tour could be taken. He encouraged the members to get the "Think-Sheets" and cameras returned to City Staff as soon as possible in order to start processing all the feedback.

Mr. Schwinger requested the CPTC and SVC members state what they felt was their most important transportation issue in Norman. The following issues were identified:

- Funding
- Campus Corner congestion
- Safe roads
- Connectivity to neighborhoods

- Internal flow
- Access and funding
- Arterial road access
- Expanding transportation options
- Multi-modal
- City wide connectivity
- Disability access

The CPTC and SVC members, along with Staff, boarded a CART bus at approximately 6:15 p.m. and returned to City Hall at approximately 7:40 p.m. The bus tour included a route through Norman with two stops at 24th Avenue N.W. and Rock Creek Road and Lindsey Street at Van Vleet Oval.

Items submitted for the record

1. Comprehensive Transportation Plan Steering Committee and Visioning Committee Kick-Off/Meeting #1 agenda scheduled for September 22, 2011
2. Proposed Visioning and Steering Committee Lists for the Comprehensive Transportation Plan (CTP)
3. Proposed Project Schedule of the CTP updated September 19, 2011
4. PowerPoint Presentation entitled "Moving Forward," presented by Lochner
5. PowerPoint Presentation entitled "Encompass 2035 Draft Plan Summary – Oklahoma City Area Regional Transportation Study," dated March 2011
6. Norman 2025 Land Use and Transportation Map

MISCELLANEOUS DISCUSSION.

None.

The meeting and bus tour adjourned at 7:42 p.m.

City Clerk

Mayor

CITY COUNCIL CONFERENCE MINUTES

September 27, 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 27th day of September, 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 Ezzell, Gallagher, Griffith, Kovach, Lockett, Spaulding, Quinn, Mayor Rosenthal
ABSENT:	Councilmember Dillingham

Item 1, being:

DISCUSSION REGARDING CHANGE ORDER NO. THREE TO CONTRACT NO. K-0910-103 WITH DIVERSIFIED CONSTRUCTION OF OKLAHOMA, INC., INCREASING THE CONTRACT AMOUNT BY $2,325.82 FOR THE FIRE STATION NO. EIGHT CONSTRUCTION PROJECT LOCATED AT 3901 36TH AVENUE N.W. AND FINAL ACCEPTANCE OF THE PROJECT.

Mr. James Fullingim, Fire Chief, said in 2008, voters passed a Public Safety Sales Tax (PSST) that included construction of two new fire stations on the west side of Norman. On April 14, 2009, Council approved a contract with Kirkpatrick Architecture Studio to provide architectural services for Fire Station No. Eight to be located at 3901 36th Avenue N.W. On December 22, 2009, Council approved Contract No. K-0901-103 with Diversified Construction of Oklahoma, Inc., in the amount of $2,064,000 for the construction of Fire Station No. Eight. Change Order No. One was approved by Council on June 8, 2010, for the relocation of an electrical transmission line utility pole and Change Order No. Two was approved on February 8, 2011, for addition of a storage building and future fueling site. Change Order No. Three in the amount of $2,325.82 will pay for the building permit for the storage building; renewal of the Stormwater Permit; installation of a ramp on the storage shed; painting the sprinkler pipe and base in the apparatus room; provision and installation of eleven LEED signs; and installation of Blazlock paint to conceal spray foam. Chief Fullingim said the change order and final acceptance of the project is on Council's agenda tonight.

Items submitted for record

1. Text File No. K-0910-103, Change Order No. 3 dated September 13, 2011, from Mr. James Fullingim, Fire Chief
2. Invoice dated August 2, 2011, from Ken Ferchau, Project Manager, Diversified Construction of Oklahoma, Inc., in the amount of $2,325.82
3. Change Order No. 3 to Contract No. K-0910-103

Item 2, being:

PRESENTATION BY MCKINNEY PARTNERSHIP ARCHITECTS REGARDING THE BUILDING "A" SPACE UTILIZATION STUDY.

Mr. Shawn O'Leary, Director of Public Works, said Building A in the Municipal Complex was constructed in 1978 and currently houses the Public Works and Planning and Community Development Departments that consists of 61 employees. He said the building has had recent roof repairs and a new air conditioning/heating system installed. The building does not currently meet American with Disabilities Act (ADA) standards. Mr. O'Leary said customer service and public meetings are compromised due to lack of adequate space and employees work in cramped conditions. He said the FYE 2010 Capital Improvement Program included funding for a space utilization study and McKinney Partnership Architects was selected to perform the study. He said Mr. Rick McKinney, McKinney Partnership Architects, has developed a nine phase building improvement plan and preliminary building design plans to address the following:

- ADA compliance of restrooms
- ADA compliance of Building A main entrance (south)
- Improved customer service and conference center
- Enhanced employee space utilization
- Better employee security
- Replacement of all carpet

He said Staff has negotiated a contract with McKinney Partnership Architects that includes final design services, bidding services, and construction management services in an amount not-to-exceed $27,000. He said if the contract is approved by Council, McKinney Partnership Architects will provide plans and specifications for all nine phases; however, some of the latter phases may be unaffordable at this time. The contract will also provide construction management services for the first five phases of construction. Mr. O'Leary said design and bidding services will be completed in twelve weeks or less and construction will take place over a period of approximately 120 days. He said City services will not be compromised during construction.

Mr. McKinney said the proposed changes to Building A are modest, but will have a big impact on utilizing immediate space needs. He highlighted the proposed phases that will allow better use of employee space, meeting rooms, and storage. He said each phase will be individually priced so construction of phases can be done at the preference of the City.

Councilmember Lockett asked how many square feet are in Building A and the anticipated life expectancy of the improvements and Mr. McKinney said the building is in excess of 20,000 feet, but construction will only occur in portions of the building, not the entire building. He said life expectancy will depend on what happens with the Library. He said when his company worked on space utilization at Municipal Court, the Court was going to move into Building A and Public Works and Planning were going to move into the Library building because there had been ongoing discussion about building a new Library, but that has not happened yet. Councilmember Lockett asked how much storage space will be added and Mr. McKinney said storage has been added mainly in file cabinet space as they had been directed to add more space for Staff rather than storage. Mr. O'Leary said the City's goal is to move toward more of a paperless system so storage would not be such a big issue.

Mr. O'Leary said with Council's concurrence, the contract with McKinney Partnership Architects will be on Council's October 11, 2011, agenda. There was a consensus of Council to move forward with the project.

Item 2, continued:

Items submitted for the record

1. Memorandum dated September 22, 2011, from Shawn O'Leary, Director of Public Works, and Susan Connors, Director of Planning and Community Development, to Honorable Mayor and Councilmembers
2. City of Norman Building A Space Utilization Study Existing Floor Plan
3. City of Norman Building A Space Utilization Study Phased Master Plan
4. Building A – Space Utilization Projects costs dated September, 2011

Item 3, being:

UPDATE OF THE UNIVERSITY NORTH PARK TAX INCREMENT FINANCE (TIF) DISTRICT.

Mr. Jeff Bryant, City Attorney, highlighted sales tax revenues from the University North Park Tax Increment Finance District (UNPTIF) since its inception in 2006. He said $19,164,253 in sales tax has been collected with $5,055,922 used for a transfer adjustment leaving $14,108,331 to be split between the General Fund (40%) and project plan components (60%).

Mr. Bryant said the current financing consists of a $14.56 million debt authorization on a draw note with the University of Oklahoma Foundation (OU) as the lender. The initial funding included the Rock Creek Bridge, Legacy Park design, and the Rock Creek Road and 24th Avenue S.W. intersection improvements. He said future funding in the amount of $6,150,000 is still in place and dependent upon Development Agreement No. 5.

Mr. Bryant said terms for the existing financing is a 3.75% annual interest rate as a floor. The rate is set by considering the T-bill plus 1.25% through August 31, 2013. After that the rate is set by using the T-Bill and adding 2%, 3%, 4%, in subsequent years with the same floor and a ceiling rate of 14%. He said financing was designed that way because it was supposed to be interim financing, not long term. He said the principle payment of $400,000 was paid in September 2011. The reserve of $1.5 million was fully funded in September 2011 also. He said in February 2011, Council approved refinancing of the OU Foundation note through Republic National Bank and Trust however, closing on the terms as authorized could not be achieved.

Mr. Bryant said project plan components are as follows:

- Conference Center/Cultural Facility
- Traffic and roadway improvements
- Economic development – quality jobs
- Lifestyle Center
- Legacy Park

The Project Plan allocated $16.5 million to the development of a first class hotel and conference center. As the project developed, the Embassy Suites Hotel Conference Center was built, but the City' contribution to the Conference Center was waived by John Q. Hammons and allowed to be reallocated to the construction of Rock Creek Overpass and for future cultural facilities. The Rock Creek Overpass opened in September 2011 with a project cost of $12,696,922. Of that cost only $5,764,478 of TIF funding was utilized, with the rest of the funding coming from ODOT and ACOG. Only 35% of this component of the Project Plan has been utilized, with the remaining 65% available for "Cultural Facilities".

Item 3, continued:

The Project Plan allocated $11.55 million for traffic and roadway improvements. Mr. Bryant highlighted the traffic and roadway improvements that have been completed which included: Robinson and 24th Ave intersection improvements; Robinson and east I-35 drive intersection improvements; Tecumseh Road & Flood intersection; Mount Williams Drive and 24th Ave intersection; Conference Center Drive and 24th Ave intersection; and frontage road to Conference Center Drive. The costs of these traffic and roadway projects, as a whole, are consistent with the budget developed in Development Agreement No. 1, with a total spent of $2,449,827. Future projects as first priority traffic and roadway improvements consist of the Robinson and I-35 Interchange, I-35 Frontage Road extension to 24th Avenue N.W., and design of West I-35 Robinson improvements. The Projects are estimated to cost a total of $3,472,041. The most immediate improvement is the interchange at I-35 east and Robinson with associated entrances into the TIF area. The cost was estimated to be $2.76 million of which ACOG is providing $1.02 million, requiring TIF funding for the balance at $1.74 million. The final plans are to be turned into ODOT in October. The project should be bid in January 2012, begin construction in the spring, and be completed in three to six months.

Mr. Bryant said Economic Development consisted of an Enterprise Zone that was reduced from 60 acres to 40 acres with $8.25 million to help create quality jobs. He said the Norman Economic Development Coalition (NEDC) purchased the first 30 acres for a six building Office Park in October 2010. He said incentive funding was approved by Council in September 2010, and the note draw feature was issued to NEDC in June 2011. He said recruiting prospects for quality job employers is ongoing with one commitment for the Office Park and a potential manufacturing project.

Mr. Bryant said the Lifestyle Center incentives total $8.25 million and Legacy Park is also $8.25 million, but includes enhanced landscaping, Legacy Trail, public art, and park construction. He said Development No. 3 agreement for Legacy Park was approved in October 2007, the design was completed in 2009, and bids were opened in 2009, but there has been problems getting the land donated. Mr. Bryant said Development Agreement No. 5 focuses on addressing issues that will allow Legacy Park to move forward. He said the main issue is penalties in the amount of $8.3 million if the 250,000 square foot Lifestyle Center is not built by January 1, 2016. Mr. Bryant said modification of development connected claw backs have been suggested as well as an extension of the deadline from 2016 to 2018.

Development Agreement No. 5 proposes a modified "Lifestyle Center" concept or "Village Center." He said the developer should have a presentation for Council on October 18th. He said the proposed modification to the Village Center would add parking to the retail along Legacy Drive; have wider park features in the center of Legacy Drive to accommodate activity; remove the plans for a theatre and add hotel sites; and shift locations of the anchor and junior anchor. He said Development Agreement No. 5 also asked the UNP TIF Authority to reaffirm its commitment to incentives of the $8.25 million for potential retail anchors in the Lifestyle or Village Center and the developer will recommit as well. He said it has become very clear that it will require an incentive to attract a major anchor to "kick off" the Lifestyle Center.

Mr. Bryant said a 106,000 square foot Crest Market will break ground soon and would meet criteria for incentives if incentives were to be offered; however, they are not asking for incentives. He said the developer would like the $5.9 million potential claw back that is tied to the construction costs of Legacy Park to be reduced to $3 million based on land donation credits for Legacy Park land and cultural facility land. He said they would also like the $2.4 million claw backs tied to construction costs of the Frontage Road to be limited by the lesser of $2.4 million or the actual construction costs, which would probably be less than $2.4 million. In return, the developer would be willing to donate two acres for the Cultural Facilities/Exhibit Hall just east of Embassy Suites Hotel with shared parking with Embassy Suites.

Item 3, continued:

Mr. Bryant said the developer will file the final plat for Legacy Park to donate land. He said Development Agreement No. 3 requires the developer to maintain Legacy Park as well as some of the foliage areas in the UNP TIF. He said a Development Assistance Endowment Fund was to be set up with $900,000 of UNP TIF Revenues to help with long term maintenance costs. however, issues have arisen regarding paying TIF funds into an Endowment Fund as TIF funds are normally expended for public improvements, capital improvements, or some other type of development assistance. He said the developers have come forward with another idea to provide long term maintenance of the park and other green areas consisting of developing a Special Assessment District (District) that would cover the entire TIF area. He said the District would calculate what would be needed to maintain the park and trails, at an appropriate level, and that would be assessed onto the property owners. Under Oklahoma law, special assessment districts can be created if at least 50% of the property owners apply to the City Council to create that assessment district. He said there would be a phase-in period where the City would provide matching development assistance funds up to $900,000 over the nine year period.

Mr. Bryant said funding for Legacy Park construction and intersection improvements for Legacy Park Drive and 24th Ave in the amount of $6.1 million was included in the first financing, but bids received in 2009 for the Park construction pushed costs higher than that. He said in Development Agreement No. 5 the City , will ask for recognition that the OU Foundation committed to $14.56 million in the first financing and the City spent quite a bit less that that with the Rock Creek Road Overpass Project. The City wants some of that financing authorization transferred to the park project in order to construct the park the way it was designed. He said if everything comes together, the City will rebid the Park Construction Project in early 2012. Other concepts being discussed regarding Development Agreement No. 5 include recognizing the Holiday Inn Express project as counting toward the 250,000 square feet of retail space to be completed to avoid the $8.3 million in penalties outlined in Development Agreement No. 3.; allowing access to additional vacant land at $5 per square foot to complement a future cultural facility; the OU Foundation committing to act as a lender for the Park Construction costs; and addressing parking issues around restaurants planned to be located around the Park water feature.

Mr. Bryant said future actions include the Robinson and I-35 Interchange; design of West Robinson improvements; design and construction of the I-35 Frontage Road extension; finalizing Development Agreement No. 5; obtaining the Legacy Park donation; beginning Cultural Facility discussions; continuing efforts to obtain quality jobs employers; and beginning Lifestyle Center construction.

Councilmember Ezzell said he is not supportive of Development Agreement No. 5 and feels the OU Foundation is leading the City on and he is ready to pull the plug on everything except the road improvements. He said the City should sue for the park land. He said the OU Foundation is trying to renegotiate their agreement and get out of commitments they negotiated for in good faith. He said the OU Foundation was well represented when they made their contractual commitments and the whole thing is getting ridiculous. Councilmember Gallagher said the OU Foundation needs to honor their original agreement. He agreed development is going nowhere and said NEDC does not even have a letter of intent from the manufacturing facility. He said Holiday Inn Express is being built a mile away from another Holiday Inn and asked if it is the same owner or franchise and Mr. Bryant said he did not know. Councilmember Gallagher said he was concerned that there will be a hotel district that will take business away from other hotels in Norman.

Item 3, continued:

Councilmember Kovach felt tonight's presentation does not give Council sufficient time to have discussion on something of this magnitude. He said the City has been negotiating Development Agreement No. 5 for two years and little has changed in that time. He said the park land was supposed to be donated in Development Agreement No. 3 and the OU Foundation is not meeting their contractual obligations. He said they have not met the architectural standards or the mix of facilities promised. He said the OU Foundation has told the City that Lifestyle Centers are not being built anymore, yet there is a brand new one opening in Utah that looks like a carbon copy of what was promised for Norman's TIF District. He said he has witnessed businesses moving from Main Street and Ed Noble Parkway to the UNP TIF and Sooner Mall and Brookhaven Village businesses complain about fending off constant attempts to lure businesses away from them into the UNP TIF. He said he cannot continue to put millions of dollars into a project that is causing a "blight" on Main Street in Norman.

Mayor Rosenthal felt Council should hear the presentation on October 18th in a Study Session not constrained by a time limit before making any decisions. Councilmember Kovach said he would like Council to discuss Development Agreement No. 5 before the developer presentation.

Councilmember Quinn felt Council should continue to work with the Foundation and developers to obtain what was promised. Mayor Rosenthal said she did not disagree with comments tonight, but felt the same as Councilmember Quinn.

Items submitted for the record

1. PowerPoint Presentation entitled, "University North Park Tax Increment Finance District, Council Conference, September 27, 2011"

The meeting adjourned at 6:30 p.m.

ATTEST:

City Clerk

Mayor

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

September 27, 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 27th day of September, 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 Ezzell, Gallagher, Griffith, Kovach, Lockett, Quinn, Spaulding, Mayor Rosenthal
ABSENT:	Councilmember Dillingham

The Pledge of Allegiance was led by Boy Scout Webelo Pack No. 217 from Truman Elementary School.

* * * * *

Item 3, being:

CONSIDERATION OF APPROVAL OF MINUTES AS FOLLOWS:

CITY COUNCIL CONFERENCE MINUTES OF AUGUST 23, 2011
CITY COUNCIL RIBBON CUTTING CEREMONY MINUTES OF AUGUST 30, 2011
CITY COUNCIL SPECIAL SESSION MINUTES OF SEPTEMBER 6, 2011 (5:30 P.M. SESSION)
CITY COUNCIL SPECIAL SESSION MINUTES OF SEPTEMBER 6, 2011 (6:00 P.M. SESSION)
CITY COUNCIL CONFERENCE MINUTES OF SEPTEMBER 13, 2011
CITY COUNCIL MINUTES OF SEPTEMBER 13, 2011
NORMAN UTILITIES AUTHORITY MINUTES OF SEPTEMBER 13, 2011
NORMAN MUNICIPAL AUTHORITY MINUTES OF SEPTEMBER 13, 2011
NORMAN TAX INCREMENT FINANCE AUTHORITY MINUTES OF SEPTEMBER 13, 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 Quinn;

Items submitted for the record
1. Text File No. GID-1112-22 dated September 21, 2011, by Brenda Hall, City Clerk
2. City Council Conference minutes of August 23, 2011
3. City Council Ribbon Cutting Ceremony minutes of August 30, 2011
4. City Council Special Session minutes of September 6, 2011 (5:30 p.m. session)
5. City Council Special Session minutes of September 6, 2011 (6:00 p.m. session)
6. City Council Conference minutes of September 13, 2011
7. City Council minutes of September 13, 2011
8. Norman Utilities Authority minutes of September 13, 2011
9. Norman Municipal Authority minutes of September 13, 2011
10. Norman Tax Increment Finance Authority minutes of September 13, 2011

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

YEAS:	Councilmembers 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 4 being:

PROCLAMATION NO. P-1112-6: A PROCLAMATION OF THE MAYOR OF THE CITY OF NORMAN, OKLAHOMA, PROCLAIMING THE MONTH OF OCTOBER, 2011, AS NATIONAL ARTS AND HUMANITIES MONTH IN THE CITY OF NORMAN.

Councilmember Kovach moved that receipt of Proclamation No. P-1112-6 proclaiming the month of October, 2011, as National Arts and Humanities Month in the City of Norman be acknowledged and the filing thereof be directed, which motion was duly seconded by Councilmember Quinn;

Items submitted for the record
1. Text File No. P-1112-6 dated September 12, 2011, by Brenda Hall, City Clerk
2. Proclamation No. P-1112-6

Participants in discussion
1. Ms. Erinn Gavagen, Director of the Norman Arts Council, accepted the proclamation and thanked the Council

and the question being upon acknowledging receipt of Proclamation No. P-1112-6 proclaiming the month of October, 2011, as National Arts and Humanities Month in the City of Norman and upon the subsequent directive, a vote was taken with the following result:

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

The Mayor declared the motion carried and receipt of Proclamation No. P-1112-6 proclaiming the month of October, 2011, as National Arts and Humanities Month in the City of Norman acknowledged; and the filing thereof was directed.

* * * * *

Item 5, being:

CONSENT DOCKET

Councilmember Kovach moved that Item 6 through Item 26 excluding Item 9 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 6 through Item 26 excluding Item 9, a vote was taken with the following result:

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

The Mayor declared the motion carried and Item 6 through Item 26 excluding Item 9 were placed on the consent docket by unanimous vote.

* * * * *

Item 6, being:

CONSIDERATION OF ORDINANCE NO. O-1112-1 UPON FIRST READING BY TITLE: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 460 OF CHAPTER 22 OF THE CODE OF THE CITY OF NORMAN SO AS TO AMEND THE ALLOWABLE USES IN A PORTION OF THE PUD CREATED BY ORDINANCE NO. O-9798-24 IN THE NORTHEAST QUARTER OF SECTION 15 OF TOWNSHIP 9 NORTH, RANGE 3 WEST OF THE INDIAN MERIDIAN TO NORMAN, CLEVELAND COUNTY, OKLAHOMA; AND PROVIDING FOR THE SEVERABILITY THEREOF. (GENERALLY LOCATED ON THE SOUTH SIDE OF WEST TECUMSEH ROAD EAST OF ASTOR DRIVE)

Councilmember Kovach moved that Ordinance No. O-1112-1 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-1112-1 dated June 21, 2011, by Doug Koscinski, Current Planning Manager
2. Ordinance No. O-1112-1
3. Location map
4. Staff Report dated July 14, 2011, recommending approval
5. Preliminary Site Development Plan
6. PUD Narrative for Tecumseh Project, L.L.C., dated February 5, 2001, with revision dates of March 1, 2001, and June 13, 2011
7. Pertinent excerpts from Planning Commission minutes of August 11, 2011
8. Protest area map containing 50.4% protest within the notification area
9. Email of protest filed June 27, 2011, from Yumi Davis to Mayor Rosenthal and City Councilmembers
10. Email of protest filed June 27, 2011, from Vicki Hopkins to Mayor Rosenthal and City Councilmembers
11. Email of protest filed June 27, 2011, to Mayor and City Council and letter of protest filed July 11, 2011, to Mayor, City Council, and City Planning Commission from Bonner Slayton, M.Ed., NBCT
12. Email of protest filed June 27, 2011, from Susan Wood to Mayor and Councilmembers
13. Letter of protest filed June 30, 2011, from Erin Williford to City of Norman Planning Commission
14. Letter of protest filed July 1, 2011, from Mary Lynne Cooper to Members of the Norman Planning Commission
15. Letter of protest filed July 5, 2011, from Phillip and Shannon Johnson to Norman City Planning Commission
16. Letter of protest filed July 6, 2011, from Paula J. and Gregory S. Cook to Members of the Norman Planning Commission
17. Letter of protest filed July 6, 2011, from Mark R. and Bethany D. McCoy to Members of the Norman Planning Commission
18. Letter of protest filed July 7, 2011, from Janelle Borden to Norman Planning Commission
19. Letter of protest filed July 7, 2011, from Reverend Thomas J. Boyer, Pastor, St. Mark the Evangelist Catholic Church, to Members of the Norman City Planning Commission
20. Letter of protest filed July 8, 2011, from Robert and Stacy Morey to Members of the Norman Planning Commission
21. Letter of protest filed July 8, 2011, from Gordon Mohon to Planning Commission
22. Letter of protest filed July 8, 2011, from Timothy D. and Cara L. Black to Members of the Norman Planning Commission
23. Letter of protest filed July 8, 2011, from Keith and Crystal Brewster to Members of the Norman Planning Commission with attached map of Undeveloped/Recently-Developed land for Office Space Zoned Office or Commercial (Acres)
24. Letters of protest filed July 11, 2011, from R. Scott and Paula J. Copeland to Members of the Norman Planning Commission
25. Letter of protest filed July 11, 2011, from Cheryl Conly and Margaret Crawford to Norman Planning Commission
26. Letter of protest filed July 11, 2011, from Alex and Kathryn Chadwick to Norman Planning Commission
27. Letter of protest filed July 11, 2011, from Kris Janis Vermelis, to Norman Planning Commission
28. Letter of protest filed July 11, 2011, from Monte L. and Brenda Stutterheim to Norman Planning Commission with attached objections
29. Letter of protest filed July 11, 2011, from James C. and Brandy M. Reese to Members of the Norman Planning Commission

Item 6, continued:

Items submitted for the records

30. Letter of protest filed July 11, 2011, from Bonner Slayton, M.ed., NBCT, to Mayor, City Council, and City Planning Commission
31. Letter of protest filed July 11, 2011, from Joyce F. and Douglas Harris to Norman Planning Commission
32. Letter of protest filed July 12, 2011, from James Walter Gentry to Norman Planning Commission
33. Letter of protest filed July 21, 2011, from Paul E. and Erica B. Phelps to Members of the Norman Planning Commission
34. Letter of protest filed August 8, 2011, from Keith Brewster to Members of the Norman Planning Commission with attached Figure 1, Traffic Volume Map, and Figure 2, Two-Way Traffic Volume, West Tecumseh Road
35. Property Owners' Petition in Protest of Application of Cascade Development, L.L.C., for Land Use Plan amendment to Office Designation and proposed rezoning to Commercial Office filed June 27, 2011, containing 213 signatures
36. Property Owners' Petition in Protest of Application of Cascade Development, L.L.C., for Land Use Plan amendment to Office Designation and proposed rezoning to Commercial Office filed July 8, 2011, containing 118 signatures
37. Protest map containing 48.8% protest within notification area
38. Email withdrawing protest dated August 11, 2011, from Justin and Bridget Furnish to Rone Tromble

and the question being upon the Introduction and adoption of Ordinance No. O-1112-1 upon First Reading by title, a vote was taken with the following result:

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

The Mayor declared the motion carried and Ordinance No. O-1112-1 was Introduced, read, and adopted upon First Reading by title.

* * * * *

Item 7, being:

CONSIDERATION OF THE MAYOR'S APPOINTMENTS AS FOLLOWS:

COMPREHENSIVE TRANSPORTATION PLAN CITIZEN'S VISIONING COMMITTEE

CHRIS APPLEGATE, Red Earth Group, Sierra Club
ROGER BROWN, Norman Public Schools
TERESA CAPPS, Chair, Social And Voluntary Services Commission
NICK HATHAWAY, Vice President, Administration and Finance, University of Oklahoma
HAROLD HEIPLE, Norman Developer's Council
MARION HUTCHISON, Oklahomans For New Transportation Alternatives Coalition Board
DOUG MYERS, Director Of Cleveland Area Rapid Transit (CART)
CHRIS NANNY, CART Disability Advisory Committee
JANICE OAK, Progressive Independence
RENEE O'LEARY, United Way Seniors Council And Positive Aging Initiative
HELEN ROBERTSON, representing the Bicycle Community
TOM SHERMAN, Chair, Chamber of Commerce Transportation Committee
JOE SPARKS, Chair, Norman Convention and Visitor's Bureau
WALT STRONG, Administrator, Westheimer Airport
CHUCK THOMPSON, Chair, Central Oklahoma Regional Advocacy Alliance
LARRY WALKER, Chair, Public Arts Board
BRAD WORSTER, Commercial Realtor/Chamber of Commerce Norman Next

Councilmember Kovach moved that the appointments be confirmed, which motion was duly seconded by Councilmember Griffith;

Items submitted for the record

1. Text File No. AP-1112-8 dated September 20, 2011, by Brenda Hall, City Clerk

Item 7, continued:

and the question being upon confirming the appointments, a vote was taken with the following result:

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

The Mayor declared the motion carried and the appointments were confirmed.

* * * * *

Item 8, being:

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

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

Items submitted for the record
1. Text File No. RPT-1112-9 dated September 12, 2011, by Anthony Francisco, Director of Finance
2. Finance Director's Investment Report as of August 31, 2011

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

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

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

* * * * *

Item 9, being:

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

Item 9 was withdrawn by Staff.

* * * * *

Item 10, being:

CONSIDERATION OF AWARDING OF BID NO. 1112-02 AND APPROVAL OF CONTRACT NO. K-1112-09 WITH CLASSIC PROTECTIVE COATINGS IN THE AMOUNT OF $437,400, PERFORMANCE BOND NO. B-1112-01, STATUTORY BOND NO. B-1112-02, AND MAINTENANCE BOND NO. MB-1112-01 FOR THE BOYD STREET WATER TOWER PROJECT.

Acting as the Norman Utilities Authority, Trustee Kovach moved that all bids meeting specifications be accepted and the bid in the amount of $437,400 be awarded to Classic Protective Coatings as the lowest and best bidder meeting specifications; Contract No. K-1112-09 and the performance, statutory, and maintenance bonds be approved; execution of the contract be authorized; the filing of the bonds be directed; which motion was duly seconded by Trustee Griffith;

Item 10, continued:

Items submitted for the record
1. Text File No. K-1112-09 dated August 29, 2011, by Chris Mattingly, Water Treatment Superintendent
2. Bid tabulation dated August 11, 2011, for the Boyd Water Tower Resurfacing Project
3. Letter of acceptance from Cassidy Doescher, P.E., Project Engineer, EST, Inc., to Chris Mattingly, P.E., Utilities Superintendent
4. Contract No. K-1112-09
5. Performance Bond No. B-1112-01
6. Statutory Bond No. B-1112-02
7. Maintenance Bond No. MB-1112-01

and the question being upon accepting all bids meeting specifications and upon the subsequent acceptance, approval, execution, and directive, a vote was taken with the following result:

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

The Chairman declared the motion carried and all bids meeting specifications accepted; and the bid in the amount of $437,400 was awarded to Classic Protective Coatings as the lowest and best bidder meeting specifications; Contract No. K-1112-09 and the performance, statutory, and maintenance bonds were approved; execution of the contract was authorized; and the filing of the bonds was directed.

* * * * *

Item 11, being:

CONSIDERATION AND AWARDING OF BID NO. 1112-18 FOR THE PURCHASE OF BUILDINGS AND CONTENTS INSURANCE AND BUDGET APPROPRIATION.

Councilmember Kovach moved that all bids meeting specifications be accepted and the bid in the amount of $96,618 be awarded to Affiliated FM, as the lowest and best bidder meeting specifications and $11,520 be appropriated from Risk Management Fund Balance (043-0000-253.20-00) to Self Insurance/Liability and Property (043-3004-415.44-03), which motion was duly seconded by Councilmember Griffith;

Items submitted for the record
1. Text File No. BID-1112-18 dated September 8, 2011, by Clint Mercer, Chief Accountant
2. Listing of vendors
3. Proposal of Insurance for Bid No. 1112-18 from Mitchell C. Robinson, Arthur J. Gallagher Risk Management Services, Inc.

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

YEAS:	Councilmembers 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 $96,618 was awarded to Affiliated FM as the lowest and best bidder meeting specifications and $11,520 was appropriated from Risk Management Fund Balance (043-0000-253.20-00) to Self Insurance/Liability and Property (043-3004-415.44-03).

* * * * *

Item 12, being:

CONSIDERATION OF ACCEPTANCE OF REQUEST FOR PROPOSAL NO. RFP-1112-19 FROM EZ GO TEXTRON TO PURCHASE TWENTY-FOUR (24) GOLF CARS FOR THE WESTWOOD GOLF COURSE.

Acting as the Norman Municipal Authority, Trustee Kovach moved that Request for Proposal No. RFP-1112-19 from EZ Go Textron to purchase twenty-four (24) golf cars for Westwood Golf Course be accepted and the purchase in the amount of $55,034 from EZ Go Textron be authorized, which motion was duly seconded by Trustee Griffith;

Items submitted for the record
1. Text File No. dated September 12, 2011, by Jud Foster, Director of Parks and Recreation
2. Summary of Request for Proposal No. RFP-1112-19 for 24 golf cars
3. Proposal for Westwood Park, Request for Proposal No. RFP-1112-19 prepared by David Tenant, Sales Representative, EZ Go, a Textron Company, to Jud Foster

and the question being upon accepting Request for Proposal No. RFP-1112-19 from EZ Go Textron to purchase twenty-four (24) golf cars for Westwood Golf Course and upon the subsequent authorization, a vote was taken with the following result:

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

The Chairman declared the motion carried and Request for Proposal No. No. RFP-1112-19 from EZ Go Textron to purchase twenty-four (24) golf cars for Westwood Golf Course accepted; and the purchase in the amount of $55,034 from EZ Go Textron was authorized.

* * * * *

Item 13, being:

CONSIDERATION AND AWARDING OF BID NO. 1112-21 FOR THE PURCHASE OF COPPER METER YOKES FOR WATER METERS, HDPE METER BOXES WITH CAST IRON LIDS, AND WATER LINE REPAIR CLAMPS FOR THE LINE MAINTENANCE DIVISION.

Acting as the Norman Utilities Authority, Trustee Kovach moved that all bids meeting specifications on copper meter yokes and Sections 7, 13, 25, and 26 be accepted and the bid be awarded to HD Supply Waterworks as the lowest and best bidder meeting specifications, which motion was duly seconded by Trustee Griffith;

Items submitted for the record
1. Text File No. BID-1112-21 dated September 8, 2011, by David Hager, Utilities Superintendent
2. Bid tabulation dated September 1, 2011, for Copper Meter Yokes for Water Meters and Water Line Repair Clamps, Section 7, 6 x 15-inch; Section 13, 8 x 15-inch; Section 25, 2 x 12-inch with 3/4-inch CC; and Section 26, 2 by 12-inch with 1-inch CC

and the question being upon accepting all bids meeting specifications on copper meter yokes and Sections 7, 13, 25, and 26 and upon the subsequent awarding of the bid, a vote was taken with the following result:

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

The Chairman declared the motion carried and all bids meeting specifications on copper meter yokes and Sections 7, 13, 25, and 26 accepted; and the bid was awarded to HD Supply Waterworks as the lowest and best bidder meeting specifications.

Item 13, continued:

Thereupon, Trustee Kovach moved that all bids meeting specifications on meter boxes with cast iron lids be accepted and the bid in the amount of $44.94 each be awarded to American Waterworks Supply, Inc., as the lowest and best bidder meeting specifications, which motion was duly seconded by Trustee Griffith;

Items submitted for the record
1. Text File No. BID-1112-21 dated September 8, 2011, by David Hager, Utilities Superintendent
2. Bid tabulation dated September 1, 2011, for HDPE meter boxes with cast iron lids

and the question being upon accepting all bids meeting specifications on meter boxes with cast iron lids and upon the subsequent awarding of the bid, a vote was taken with the following result:

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

The Chairman declared the motion carried and all bids meeting specifications on meter boxes with cast iron lids accepted; and the bid in the amount of $44.94 each was awarded to American Waterworks Supply, Inc., as the lowest and best bidder meeting specifications.

Thereupon, Trustee Kovach moved that all bids meeting specifications on Sections 1-6; 8-12; 14-24; and 27-34 be accepted and the bid be awarded to OKC Winwater Works as the lowest and best bidder meeting specifications, which motion was duly seconded by Trustee Griffith;

Items submitted for the record
1. Text File No. BID-1112-21 dated September 8, 2011, by David Hager, Utilities Superintendent
2. Bid tabulation dated September 1, 2011, for Section 1, 2 x 6-inch; Section 2, 4 x 6-inch; Section 3, 4 x 8-inch; Section 4, 4 x 12-inch; Section 5, 6 x 8-inch; Section 6, 6 x 12-inch; Section 8, 6 x 20-inch; Section 9, 6 x 24-inch; Section 10, 6 x 30-inch; Section 11, 8 x 8-inch; Section 12, 8 x 12-inch; Section 14, 8 x 20-inch; Section 15, 8x 30-inch; Section 16, 12 x 15-inch; Section 17, 12 x 20-inch; Section 18, 12 x 24-inch; Section 19, 12 x 30-inch; Section 20, 14 x 20-inch; Section 21, 16 x 20-inch; Section 22, 16 x 30-inch; Section 23, 24 x 24-inch; Section 24, 30 x 36-inch; Section 27, 4 x 12-inch with 3/4-inch CC; Section 28, 4 x 12-inch with 1-inch CC; Section 29, 6 x 15-inch with 3/4-inch CC; Section 30, 6 x 15-inch with 1-inch CC; Section 31, 8 x 15-inch with 3/4-inch CC; Section 32, 8 x 15-inch with 1-inch CC; Section 33, 12 x 15-inch with 3/4-inch CC; and Section 34, 12 x 15-inch with 1-inch CC

and the question being upon accepting all bids meeting specifications on Sections 1-6; 8-12; 14-24; and 27-34 and upon the subsequent awarding of the bid, a vote was taken with the following result:

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

The Chairman declared the motion carried and all bids meeting specifications on Sections 1-6; 8-12; 14-24; and 27-34 accepted; and the bid was awarded to Oklahoma City Winwater Works as the lowest and best bidder meeting specifications.

* * * * *

Item 14, being:

EASEMENT NO. E-1112-05: CONSIDERATION OF ACCEPTANCE OF A PERMANENT SEWER EASEMENT DONATED BY GREGORY BARNARD FOR THE FYE09 SEWER MAINTENANCE PROJECT, PHASE 2.

Councilmember Kovach moved that Easement No. E-1112-05 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-1112-05 dated September 12, 2011, by Mark Daniels, Utilities Engineer with attached Summary of Sewer Replacement Projects
2. Easement No. E-1112-05

and the question being upon accepting Easement No. E-1112-05 and upon the subsequent directive, a vote was taken with the following result:

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

The Mayor declared the motion carried and Easement No. E-1112-05 accepted; and the filing thereof with the Cleveland County Clerk was directed.

* * * * *

Item 15, being:

EASEMENT NO. E-1112-06: CONSIDERATION OF ACCEPTANCE OF A PERMANENT SEWER EASEMENT DONATED BY MICHAEL C. AND KATHRYN R. SMITH FOR THE FYE09 SEWER MAINTENANCE PROJECT, PHASE 2.

Councilmember Kovach moved that Easement No. E-1112-06 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-1112-06 dated September 12, 2011, by Mark Daniels, Utilities Engineer with attached Summary of Sewer Replacement Projects
2. Easement No. E-1112-06 with Exhibit A, location map

and the question being upon accepting Easement No. E-1112-06 and upon the subsequent directive, a vote was taken with the following result:

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

The Mayor declared the motion carried and Easement No. E-1112-06 accepted; and the filing thereof with the Cleveland County Clerk was directed.

* * * * *

Item 16, being:

CONSIDERATION OF NORMAN RURAL CERTIFICATE OF SURVEY NO. COS-1112-1 FOR SPEARS ACRES AND ACCEPTANCE OF EASEMENT NOS. E-1112-8 AND E-1112-9. (LOCATED AT THE SOUTHWEST CORNER OF EAST INDIAN HILLS ROAD AND 84TH AVENUE N.E.)

Councilmember Kovach moved that Norman Rural Certificate of Survey No. COS-1112-1 be approved, Easement Nos. E-1112-8 and E-1112-9 be accepted; and the filing of the certificate of survey and easements with the Cleveland County Clerk be directed, which motion was duly seconded by Councilmember Griffith;

Items submitted for the record
1. Text File No. COS-1112-1 dated July 12, 2011, by Ken Danner, Development Manager
2. Location map
3. Norman Rural Certificate of Survey No. COS-1112-1
4. Staff Report dated August 11, 2011, recommending approval
5. Easement No. E-1112-8
6. Easement No. E-1112-9
7. Pertinent excerpts from Planning Commission minutes of August 11, 2011

and the question being upon approving Norman Rural Certificate of Survey No. COS-1112-1 and upon the subsequent acceptance and directive, a vote was taken with the following result:

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

The Mayor declared the motion carried and Norman Rural Certificate of Survey No. COS-1112-1 approved, Easement Nos. E-1112-8 and E-1112-9 were accepted and the filing of the certificate of survey and easements with the Cleveland County Clerk was directed.

* * * * *

Item 17, being:

CONSIDERATION OF A FINAL PLAT FOR TRAILWOODS ADDITION, SECTION 6, A PLANNED UNIT DEVELOPMENT, AND ACCEPTANCE OF PUBLIC DEDICATIONS CONTAINED THEREIN. (LOCATED ONE-QUARTER MILE NORTH OF WEST ROCK CREEK ROAD APPROXIMATELY ONE-HALF MILE EAST OF 12TH AVENUE N.W.)

Councilmember Kovach moved that the final plat for Trailwoods Addition, Section 6, a Planned Unit Development, be approved; the public dedications contained within the plat be accepted; the Mayor be authorized to sign the final plat and subdivision and maintenance bonds subject to the City Development Committee's acceptance of all required public improvements and receipt of a traffic impact fee in the amount of $19,477.84 and a filed copy of a warranty deed for private park submitted to the Property Owners Association; and the filing of the final plat be directed, which motion was duly seconded by Councilmember Griffith;

Items submitted for the record
1. Text File No. FP-1112-16 dated November 16, 2010, by Ken Danner, Development Manager
2. Location map
3. Staff Report dated December 9, 2010, recommending approval
4. Final plat
5. Preliminary plat
6. Pertinent excerpts from Planning Commission minutes of December 9, 2010

and the question being upon approving the final plat and upon the subsequent acceptance, authorization, and directive, a vote was taken with the following result:

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

Item 17, continued:

The Mayor declared the motion carried and the final plat approved; the public dedications contained within the plat were accepted, the Mayor was authorized to sign the final plat and subdivision and maintenance bonds subject to the City Development Committee's acceptance of all required public improvements and receipt of a traffic impact fee in the amount of $19,477.84 and a filed copy of a warranty deed for private park submitted to the Property Owners Association, and the filing of the final plat was directed.

* * * * *

Item 18, being:

CONSIDERATION OF APPROVAL OF AUTHORIZATION FOR AN APPROPRIATION OF A DONATION IN THE AMOUNT OF $150 FROM THE NORMAN FAMILY CHILDCARE ASSOCIATION TO BE USED TO PURCHASE CHILD PASSENGER SEATS FOR THE NORMAN POLICE DEPARTMENT.

Councilmember Kovach moved that authorization for an appropriation of a donation in the amount of $150 from Norman Family Childcare Association to be used to purchase child passenger seats for the Police Department be approved, Citizen Donations (010-0000-365.13-73) be increased by $150, and $150 be appropriated to Other Supplies/Materials/Child Car Seats (010-6022-421.31-25), which motion was duly seconded by Councilmember Griffith;

Items submitted for the record
1. Text File No. GID-1112-18 dated September 7, 2011, by Sergeant Jennifer Newell

and the question being upon approving authorization for an appropriation of a donation in the amount of $150 from Norman Family Childcare Association to be used to purchase child passenger seats for the Police Department and upon the subsequent increase and appropriation, a vote was taken with the following result:

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

The Mayor declared the motion carried and authorization for an appropriation of a donation in the amount of $150 from Norman Family Childcare Association to be used to purchase child passenger seats for the Police Department approved; Citizen Donations (010-0000-365.13-73) was increased by $150 and $150 was appropriated to Other Supplies/Materials/Child Car Seats (010-6022-421.31-25).

* * * * *

Item 19, being:

CONSIDERATION OF THE ACCEPTANCE OF A URBAN AREA SECURITY INITIATIVE GRANT IN THE AMOUNT OF $2,993 FROM THE OFFICE OF HOMELAND SECURITY TO BE USED BY THE FIRE DEPARTMENT TO HOST NOAH'S WISH ANIMAL DISASTER TRAINING AND BUDGET APPROPRIATION.

Councilmember Kovach moved that an Urban Area Security Initiative grant in the amount of $2,993 from the Office of Homeland Security to be used by the Fire Department be accepted, Other Revenue/Emergency Management Grant (022-0000-331.13-60) be increased by $2,993, and $2,125 be appropriated into Employee Travel/Workshops and Seminars (022-9508-422.46-04) and $868 into Other Materials-Supplies/Miscellaneous (022-9508-422.31-99), which motion was duly seconded by Councilmember Griffith;

Items submitted for the record
1. Text File No. GID-1112-20 dated September 13, 2011, by James Fullingim, Fire Chief
2. Letter dated September 7, 2011, from Kim Edd Carter, Director, State of Oklahoma Office of Homeland Security, to Mr. Steve Lewis, City Manager
3. Summary of Approved Items updated August 24, 2011

Item 19, continued:

and the question being upon accepting an Urban Area Security Initiative grant in the amount of $2,993 from the Office of Homeland Security to be used by the Fire Department and upon the subsequent increase and appropriation, a vote was taken with the following result:

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

The Mayor declared the motion carried and an Urban Area Security Initiative grant in the amount of $2,993 from the Office of Homeland Security to be used by the Fire Department accepted; Other Revenue/Emergency Management Grant (022-0000-331.13-60) was increased by $2,993 and $2,125 was appropriated into Employee Travel/Workshops and Seminars (022-9508-422.46-04) and $868 into Other Materials-Supplies/Miscellaneous (022-9508-422.31-99).

* * * * *

Item 20, being:

LIMITED LICENSE NO. LL-1112-6 LIMITED LICENSE TO PLACE FOUR (4) GROUND BANNERS WITHIN THE PUBLIC RIGHTS-OF-WAY PURSUANT TO A REQUEST FROM THE CLEVELAND COUNTY YMCA FOR THE YMCA FREE FALL CARNIVAL EVENT TO BE HELD ON OCTOBER 21, 2011.

Councilmember Kovach moved that Limited License No. LL-1112-6 to place four (4) ground banners within the public rights-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-1112-6 dated September 13, 2011, by Wayne Stenis, Planner II
2. Application for Limited License for nineteen signs dated September 13, 2011, from Cleveland County Family YMCA
3. Limited License No. LL-1112-6

and the question being upon approving Limited License No. LL-1112-6 to place four (4) ground banners within the public rights-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 Ezzell, Gallagher, Griffith, Kovach, Lockett, Quinn, Spaulding, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and Limited License No. LL-1112-6 to place four (4) ground banners within the public rights-of-way pursuant to a request from the Cleveland County YMCA approved; and the issuance thereof was authorized.

* * * * *

Item 21, being:

SPECIAL CLAIM NO. SC-1112-4: A CLAIM IN THE REDUCED AMOUNT OF $4,000 SUBMITTED BY HAL GROSSMAN FOR MEDICAL EXPENSES INCURRED WHEN THE BICYCLE HE WAS RIDING ON JENKINS AVENUE WAS STRUCK BY A TRAILER TOWED BY A PARK MAINTENANCE DIVISION EMPLOYEE.

Councilmember Kovach moved that Special Claim No. SC-1112-4 be approved and payment in the reduced amount of $4,000 be directed contingent upon obtaining a Release and Covenant Not to Sue from Hall Grossman, which motion was duly seconded by Councilmember Griffith;

Items submitted for the record
1. Text File No. SC-1112-4 dated September 13, 2011, by Jeanne Snider, Assistant City Attorney
2. Special Claim No. SC-1112-4 dated November 29, 2010, submitted by Hal Grossman in the amount of $4,127.26
3. Memorandum dated August 5, 2011, from Brenda Hall, City Clerk, to Jud Foster, Director of Parks and Recreation, and Jeff Bryant, City Attorney
4. Official Oklahoma Traffic Collision Report No. 2010-14554 dated November 2, 2010

Participants in discussion
1. Mr. Steve Lewis, City Manager
2. Mr. Jud Foster, Director of Parks and Recreation

and the question being upon approving Special Claim No. SC-1112-4 and upon the subsequent directive, a vote was taken with the following result:

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

The Mayor declared the motion carried and Special Claim No. SC-1112-4 approved; and payment in the reduced amount of $4,000 was directed contingent upon obtaining a Release and Covenant Not to Sue from Hal Grossman.

* * * * *

Item 22, being:

CHANGE ORDER NO. THREE TO CONTRACT NO. K-0910-103: BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND DIVERSIFIED CONSTRUCTION OF OKLAHOMA, INC., INCREASING THE CONTRACT AMOUNT BY $2,325.82 FOR THE FIRE STATION NO. EIGHT CONSTRUCTION PROJECT LOCATED AT 3901 36TH AVENUE N.W. AND FINAL ACCEPTANCE OF THE PROJECT.

Councilmember Kovach moved that Change Order No. Three to Contract No. K-0910-103 with Diversified Construction of Oklahoma, Inc., increasing the contract amount by $2,325.82 be approved; the execution thereof be authorized; the project be accepted; and final payment in the amount of $2,325.82 to Diversified Construction of Oklahoma, Inc., be directed, which motion was duly seconded by Councilmember Griffith;

Items submitted for the record
1. Text File No. K-0910-103, Change Order No. Three, dated September 13, 2011, by James Fullingim, Fire Chief
2. Invoice dated August 2, 2011, from Diversified Construction of Oklahoma, Inc., in the amount of $2,325.82
3. Change Order No. Three to Contract No. K-0910-103

Item 22, continued:

and the question being upon approving Change Order No. Three to Contract No. K-0910-103 with Diversified Construction of Oklahoma, Inc., increasing the contract amount by $2,325.82 and upon the subsequent authorization, acceptance, and directive, a vote was taken with the following result:

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

The Mayor declared the motion carried and Change Order No. Three to Contract No. K-0910-103 with Diversified Construction of Oklahoma, Inc., increasing the contract amount by $2,325.82 approved; the execution thereof was authorized, the project was accepted, and final payment in the amount of $2,325.82 to Diversified Construction of Oklahoma , Inc., was directed.

* * * * *

Item 23, being:

CONSIDERATION OF FINAL ACCEPTANCE OF CONTRACT NO. K-0910-129 BY AND BETWEEN THE NORMAN MUNICIPAL AUTHORITY AND C-P INTEGRATED SERVICES, INC., FOR THE TRANSFER STATION EXPANSION PROJECT.

Acting as the Norman Municipal Authority, Trustee Kovach moved that the project be accepted and final payment in the amount of $27,752.70 to C-P Integrated Services, Inc., be directed, which motion was duly seconded by Trustee Griffith;

Items submitted for the record
1. Text File No. K-0910-129, Final, dated August 8, 2011, by Jim Speck, Capital Projects Engineer
2. Engineer's recommendation to accept project dated July 18, 2011, from William R. Swain, P.E., P.L.S., Cardinal Engineering, to Mr. Jim Speck, P.E., P.L.S., Utility Department

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

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

The Chairman declared the motion carried and the project accepted; and final payment in the amount of $27,752.70 to C-P Integrated Services, Inc., was directed.

* * * * *

Item 24, being:

CONTRACT NO. K-1112-41: A CONTRACT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND INFRASTRUCTURE MANAGEMENT SERVICES, INC., (IMS) IN AN AMOUNT NOT-TO-EXCEED $39,973.96 TO DEVELOP A PAVEMENT MANAGEMENT PROGRAM FOR THE CITY OF NORMAN THROUGH JUNE 30, 2012.

Councilmember Kovach moved that Contract No. K-1112-41 with IMS in an amount not-to-exceed $39,973.96 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-1112-41 dated August 8, 2011, by Greg Hall, Street Superintendent
2. Excerpts of City of Norman, Oklahoma, 2010 Pavement Management Report of December, 2010, prepared by Dave E. Butler, P.E., IMS, Infrastructure Management Services
3. Contract No. K-1112-41 with Appendix "A", Project Outline

Item 24, continued:

and the question being upon approving Contract No. K-1112-41 with IMS in an amount not-to-exceed $39,973.96 and upon the subsequent authorization, a vote was taken with the following result:

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

The Mayor declared the motion carried and Contract No. K-1112-41 with IMS in an amount not-to-exceed $39,973.96 approved; and the execution thereof was authorized.

* * * * *

Item 25, being:

CONTRACT NO. K-1112-57: A CONTRACT BY AND BETWEEN THE NORMAN UTILITIES AUTHORITY AND THE UNITED STATES GEOLOGICAL SURVEY IN THE AMOUNT OF $150,000 TO PROVIDE JOINT FUNDING FOR A PILOT STUDY TO EVALUATE THE NATURAL ATTENUATION OF ARSENIC AND SELECTED TRACE ELEMENTS IN GROUNDWATER.

Acting as the Norman Utilities Authority, Trustee Kovach moved that Contract No. K-1112-57 with the United States Geological Survey in the amount of $150,000 be approved and the execution thereof be authorized, which motion was duly seconded by Trustee Griffith;

Items submitted for the record

1. Text File No. K-1112-57 dated September 12, 2011, by Mark Daniels, Utilities Engineer
2. Letter dated August 25, 2011, from Kimberly Winton, Ph.D., Director, United States Geological Survey, Oklahoma Water Science Center, United States Department of the Interior, to Mr. Ken Komiske, City of Norman
3. Contract No. K-1112-57
4. Final proposal dated September 9, 2011, Pilot Study to Evaluate the Natural Attenuation of Arsenic and Selected Trace Elements in Groundwater, Norman, Oklahoma

and the question being upon approving Contract No. K-1112-57 with the United States Geological Survey in the amount of $150,000 and upon the subsequent authorization, a vote was taken with the following result:

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

The Chairman declared the motion carried and Contract No. K-1112-57 with the United States Geological Survey in the amount of $150,000 approved; and the execution thereof was authorized.

* * * * *

Item 26, being:

RESOLUTION NO. R-1112-38: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, CHANGING THE STREET NAME IN THE 3000 TO 3300 BLOCK OF WEST ROCK CREEK ROAD (BETWEEN INTERSTATE DRIVE AND PENDLETON DRIVE) TO ROCK CREEK TRAIL, CITY OF NORMAN, OKLAHOMA.

Councilmember Kovach moved that Resolution No. R-1112-38 be adopted, which motion was duly seconded by Councilmember Griffith;

Items submitted for the record
1. Text File No. R-1112-38 dated September 9, 2011, by Ken Danner, Development Manager
2. Resolution No. R-1112-38
3. Location map

and the question being upon adopting Resolution No. R-1112-385, a vote was taken with the following result:

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

The Mayor declared the motion carried and Resolution No. R-1112-38 was adopted.

* * * * *

Item 27, being:

PUBLIC HEARING REGARDING A GRANT IN THE AMOUNT OF $18,116 TO THE CITIES OF NORMAN, MOORE AND CLEVELAND COUNTY FROM THE UNITED STATES DEPARTMENT OF JUSTICE/BUREAU OF JUSTICE ASSISTANCE (DOJ/BJA) THROUGH THE EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) PROGRAM WITH NORMAN'S PORTION OF $10,689 TO BE USED BY THE NORMAN POLICE DEPARTMENT FOR TRAINING AND TO PURCHASE WEAPONS, APPROVAL OF CONTRACT NO. K-1112-59, AND BUDGET APPROPRIATION.

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

Items submitted for the record
1. Text File No. K-1112-59 dated September 12, 2011, by Jim Spearman, Grants Manager
2. Letter dated August 30, 2011, from Denise O'Donnell, Director, Office for Justice Programs, United States Department of Justice, to Mr. Steve Lewis, City Manager
3. Grant award in the amount of $18,116 from the United States Department of Justice, Office of Justice Programs

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

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

The Mayor declared the motion carried and a public hearing was conducted.

Thereupon, the following persons addressed City Council:

Participants in discussion
1. Mr. Keith Humphrey, Police Chief

Item 27, continued:

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

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

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

Thereupon, Councilmember Kovach moved that a grant in the amount of $18,116 from DOJ/BJA through the JAG Program to be used by the Police Department be accepted; Contract No. K-1112-59 be approved; the execution thereof be authorized; Other Revenue/JAG Grant (022-0000-331.13-33) be increased by $18,116; $5,889 be appropriated into Project No. GP0014, JAG Grant, Professional Services/Workshops and Seminars (022-6017-421.46-04) and $4,800 to Firearms (022-6017-421.51-16); $7,427 be transferred to Miscellaneous Pass-Thru Refunds (022-6017-421.47-54); and payment in the amount of $5,253 be directed to the City of Moore and $2,174 to the County of Cleveland upon receipt of invoices, which motion was duly seconded by Councilmember Quinn; and the question being upon accepting a grant in the amount of $18,116 from DOJ/BJA through the JAG Program to be used by the Police Department and upon the subsequent approval, authorization, increase, appropriation, transfer, and directive, a vote was taken with the following result:

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

The Mayor declared the motion carried and a grant in the amount of $18,116 from DOJ/BJA through the JAG Program to be used by the Police Department accepted; Contract No. K-1112-59 was approved; the execution thereof was authorized; Other Revenue/JAG Grant (022-0000-331.13-33) was increased by $18,116; $5,889 was appropriated into Project No. GP0014, JAG Grant, Professional Services/Workshops and Seminars (022-6017-421.46-04) and $4,800 to Firearms (022-6017-421.51-16); $7,427 was transferred to Miscellaneous Pass-Thru Refunds (022-6017-421.47-54) ; and payment in the amount of $5,253 will be directed to the City of Moore and $2,174 to the County of Cleveland upon receipt of invoices.

* * * * *

Item 34 was considered before Item 28.

* * * * *

Item 34, being:

ORDINANCE NO. O-1112-10: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION NOS. 2-112, 2-113, 2-114, 2-115, 2-116, 2-117, 2-118 AND 2-119 OF CHAPTER 2 OF THE CODE OF THE CITY OF NORMAN SO AS TO REVISE THE DESCRIPTION OF WARD BOUNDARY LINES FOR WARDS ONE, TWO, THREE, FOUR, FIVE, SIX, SEVEN AND EIGHT OF THE CITY OF NORMAN; SO AS TO PROVIDE FOR THE REPEALING OF ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR THE SEVERABILITY THEREOF.

Ordinance No. O-1112-10 having been Introduced and adopted upon First Reading by title in City Council's meeting of September 13, 2011, Councilmember Kovach moved that Ordinance No. O-1112-10 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-1112-10 dated August 30, 2011, by Joyce Green, GIS Services Manager
2. Ordinance No. O-1112-10 with Exhibit A, proposed ward map
3. Legislatively notated copy of Ordinance No. O-1112-10
4. Resolution No. RCR-1112-1 with Exhibit A, proposed ward map
5. Proposed wards by population
6. Pertinent excerpts from Reapportionment Commission minutes of August 17 and August 29, 2011

Item 34, continued:

Items submitted for the record, continued:

6. Pertinent excerpts from Reapportionment Commission minutes of August 17 and August 29, 2011
7. Memorandum dated September 21, 2011, from Susan F. Connors, Director of Planning and Community Development, through Steve Lewis, City Manager, to Honorable Mayor and City Council with attachments, Development Potential by Ward; Comparison of Ordinance No. O-1112-10 and No Split Precinct Options; Article XX, Reapportionment of the Charter; Reapportionment Commission Ordinance No. O-1112-10; Deviation Chart for Wards as proposed; Option 1, No Split Precincts Map with Deviation Chart; Option 2, No Split Precincts Map with Deviation Chart; Option 3, No Split Precincts Map with Deviation Chart; and Deviation Chart for Current Ward Boundaries
8. PowerPoint presentation

Participants in discussion

1. Ms. Cheryl Clayton, Chairman of the Reapportionment Commission
2. Mr. Jeff Bryant, City Attorney
3. Mr. Jim Williams, Secretary of the Cleveland County Election Board
4. Mr. Lea Greenleaf, 2602 South Pickard Avenue, member of the Reapportionment Commission
5. Ms. Joyce Collard, 1820 Oak Hill, Treasurer of the Norman League of Women Voters, proponent
6. Ms. Ann Gallagher, 1522 East Boyd Street, asked questions

and the question being upon adopting Ordinance No. O-1112-10 upon Second Reading section by section, a vote was taken with the following result:

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

The Mayor declared the motion carried and Ordinance No. O-1112-10 was adopted upon Second Reading section by section.

Thereupon, Councilmember Kovach moved that Ordinance No. O-1112-10 be adopted upon Final Reading as a whole, which motion was duly seconded by Councilmember Griffith; and the question being upon adopting Ordinance No. O-1112-10 upon Final Reading as a whole, the roll was called with the following result:

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

The Mayor declared the motion carried and Ordinance No. O-1112-10 was adopted upon Final Reading as a whole.

* * * * *

Item 34 was considered before Item 28.

* * * * *

Item 28, being:

RESOLUTION NO. R-1011-108: 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-1011-10, SO AS TO DELETE THE PROPOSED OUTER LOOP DESIGNATION ON PART OF THE SOUTHWEST QUARTER OF SECTION 35 OF TOWNSHIP 10 NORTH, RANGE 3 WEST OF THE INDIAN MERIDIAN, TO NORMAN, CLEVELAND COUNTY, OKLAHOMA, AND TO PLACE TRACT 1 IN THE OPEN SPACE/PARK DESIGNATION AND TO PLACE TRACT 2 IN THE HIGH DENSITY RESIDENTIAL/OFFICE DESIGNATION; AND TO REMOVE TRACT 3 FROM THE MEDIUM DENSITY RESIDENTIAL DESIGNATION AND PLACE THE SAME IN THE HIGH DENSITY RESIDENTIAL/OFFICE DESIGNATION FOR THE HEREINAFTER DESCRIBED PROPERTY. (GENERALLY LOCATED ON THE NORTH SIDE OF INDIAN HILLS ROAD EAST OF 36TH AVENUE N.W.)

Councilmember Griffith moved that Resolution No. R-1011-108, Land Use Plan Amendment No. LUP-1011-10 be adopted and the NORMAN 2025 Land Use and Transportation Plan be amended according thereto, which motion was duly seconded by Councilmember Ezzell;

Items submitted for the record

1. Text File No. R-1011-108 dated March 22, 2011, by Doug Koscinski, Current Planning Manager
2. Resolution No. R-1011-108, Land Use Plan Amendment No. LUP-1011-10
3. Location map
4. Staff Report dated April 14, 2011, recommending approval
5. Pertinent excerpts from Planning Commission minutes of April 14, 2011

Participants in discussion

1. Mr. Tom McCaleb, SMC Consulting Engineers, 815 West Main Street, Oklahoma City, Engineer representing the applicant
2. Mr. Trey Bates, 3710 Timberidge Drive, developer
3. Mr. Ron Ashley, 3608 West Indian Hills Road, protestant
4. Mr. Dick Manley, 3619 N.W. Della Street, protestant
5. Mr. Chris Applegate, 728 Hummingfish Drive, asked questions
6. Mr. Robert Ashton, 3812 N.W. Sterling, asked questions
7. Mr. Richard McKown, 4409 Cannon Drive, proponent
8. Mr. Jim Stanley, 3922 Pine Tree Circle, made comments
9. Mr. Shawn O'Leary, Director of Public Works
10. Mr. Steve Lewis, City Manager

and the question being upon adopting Resolution No. R-1011-108, Land Use Plan Amendment No. LUP-1011-10, and upon the subsequent amendment, a vote was taken with the following result:

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

The Mayor declared the motion carried and Resolution No. R-1011-108, Land Use Plan Amendment No. LUP-1011-10, adopted; and the NORMAN 2025 Land Use and Transportation Plan was amended according thereto.

* * * * *

Item 29, being:

ORDINANCE NO. O-1011-51: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 460 OF CHAPTER 22 OF THE CODE OF THE CITY OF NORMAN SO AS TO AMEND THE ALLOWABLE USES IN A PORTION OF THE PUD CREATED BY ORDINANCE NO. O-0506-3 AND TO PLACE PART OF THE SOUTHWEST QUARTER OF SECTION 35, TOWNSHIP 10 NORTH, RANGE 3 WEST OF THE INDIAN MERIDIAN, TO NORMAN, CLEVELAND COUNTY, OKLAHOMA, IN THE PUD, PLANNED UNIT DEVELOPMENT DISTRICT, AND REMOVE THE SAME FROM THE A-2, RURAL AGRICULTURAL DISTRICT, OF SAID CITY; AND PROVIDING FOR THE SEVERABILITY THEREOF. (GENERALLY LOCATED ON THE NORTH SIDE OF INDIAN HILLS ROAD AND EAST OF 36TH AVENUE N.W.)

Ordinance No. O-1011-51 having been Introduced and adopted upon First Reading by title in City Council's meeting of September 13, 2011, Councilmember Griffith moved that Ordinance No. O-1011-51 be adopted upon Second Reading section by section, which motion was duly seconded by Councilmember Ezzell;

Items submitted for the record

1. Text File No. O-1011-51 dated March 22, 2011, by Doug Koscinski, Current Planning Manager
2. Ordinance No. O-1011-51
3. Location map
4. Staff Report dated April 14, 2011, recommending approval
5. Site development plan
6. PUD Narrative for Commerce Parkway Addition dated June 13, 2005, with revision dates of June 24, 2005; June 7, 2010; March 14, 2011; and April 8, 2011
7. Pertinent excerpts from Planning Commission minutes of April 14, 2011
8. Pertinent excerpts from Norman Board of Parks Commissioners minutes of April 7, 2011
9. Notice that additional protest letters have been filed as of printing of the September 27, 2011, agenda book
10. Protest area map containing 7.1`% protest within the notification area
11. Letter of protest filed June 29, 2011, from Hogi Haque for two separate lots
12. Letter of protest filed June 29, 2011, from Sadie Willmon-Haque for two separate lots
13. Letter of protest dated July 5, 2011, from W.D. Smallwood to Norman Planning Commission
14. Letter of protest dated July 5, 2011, from Wanda Smallwood to Norman Planning and Community Development Department
15. Letter of protest filed August 19, 2011, from Cynthia and Chris Womack
16. Letter of protest filed July 5, 2011, from Jonathan and Maggie Dobbs
17. Letter of protest filed June 29, 2011, from Steven and Kelly Boyd
18. Letter of protest filed August 24, 2011, from Larry Don Fowler
19. Letter of protest filed August 19, 2011, from Justin Kammerer for two separate tracts
20. Letter of protest filed August 19, 2011, from Louis W. Ball
21. Letter of protest filed August 19, 2011, from Alexis Stinnett
22. Letter of protest filed August 19, 2011, from Dot Wells
23. Letter of protest filed August 19, 2011, from Barrett Tomas Husted
24. Letter of protest filed August 19, 2011, from Rachelle Muse
25. Letter of protest filed August 19, 2011, from Kyle W. Muse
26. Letter of protest filed August 19, 2011, from Ron A. Frampton
27. Letter of protest filed June 30, 2011, from Wayne and Laura Bentley
28. Letter of protest filed June 29, 2011, from Willie and Dorris Long
29. Letter of protest filed June 23, 2011, from Ron Woffard
30. Letters of protest filed July 6, 2011, from Victor Jaronek
31. Letter of protest filed June 29, 2011, from R.J. Jaronek and Josephine Jaronek
32. Letter of protest filed June 29, 2011, from Velma Wells
33. Letter of protest filed June 28, 2011, from Dan M. and Carolyn Reynolds
34. Letter of protest filed June 28, 2011, from Jerry and Reba Schweizerhof
35. Letter of protest filed June 28, 2011, from Paul E. and Katherine Traugh
36. Letter of protest filed June 28, 2011, from Logan Dunbar
37. Letter of protest filed June 27, 2011, from Peggy Ritchie
38. Letter of protest filed June 27, 2011, from Jan Nelson
39. Letters of protest filed August 19, 2011, from Ron and Marcia Ashley and June 27, 2011, from Marcia Ashley
40. Letter of protest filed June 27, 2011 from Major and Loveta Morrow

Item 29, continued:

Items submitted for the record, continued

41. Letter of protest filed June 28, 2011, from illegible name
42. Letter of protest filed June 27, 2011, from Terry Luetkemeyer
43. Two letters of protest filed July 11, 2011, from Noel C. Suddath
44. Letter of protest filed July 5, 2011, from Virgil R. Votaw
45. Letter of protest filed August 19, 2011, from Bobbie Smallwood
46. Letter of protest filed August 24, 2011, from Ron and Sheila Gibson
47. Letter of protest filed August 19, 2011, for from Clinton Walker
48. Letter of protest filed August 19, 2011, from Jerry W. Meek
49. Letter of protest filed August 19, 2011, from Darlene R. and Carl Amburn
50. Letter of protest filed August 19, 2011, from Thomas Parker
51. Letter of protest filed August 19, 2011, from Albert Lane
52. Letter of protest filed August 19, 2011, from Stephanie Percival Puckett
53. Letter of protest filed August 19, 2011, from Mohammed Islam
54 Letter of protest filed August 19, 2011, from Debra K. Frampton
55. Letter of protest filed August 8, 2011, from Charles Simonds
56. Letter of protest filed July 22, 2011, from Richard G. Manley
57. Letter of protest filed July 20, 2011, from Rick Davenport
58. Letter of protest filed August 19, 2011, from Jerry W. Meek, President of the Hidden Lake Homeowners' Association
59. Letter of protest filed September 8, 2011, from Robert and Carol Stoops
60. Letter of protest filed September 8, 2011, from Dan J. and Toni J. Haught
61. Letter of protest filed September 8, 2011, from Earl and Jerlene Tillery
62. Letter of protest filed September 8, 2011, from LaRue and Don Stephens
63. Letter of protest filed September 8, 2011, from Sherry Davis
64. Letter of protest filed September 6, 2011, from Paul J. Fischer
65. Letter of protest filed September 6, 2011, from Paul J. Fischer, President of the Park Glenn Homeowners Association
66. Letter of protest filed September 8, 2011, from Gordon Bean by Shawn Bean
67. Letter of protest filed September 8, 2011, from Carolina M. Herron
68 Letter of protest filed September 22, 2011, from Kevin J. Meehan
69.. Letter of protest filed September 22, 2011, from Mark Jeffreys
70. Letter of protest filed September 23, 2011, from Yueh-Dong Mark Chen and Shin-Ting Agnes Chen
71. Letter of protest filed September 23, 2011, from Mac and Sue Kirk
72. Protest area map dated September 27, 2011, containing 10.6% protest within the notification area
73. Letter filed September 27, 2011, from Cristel Van Tuyle

and the question being upon adopting Ordinance No. O-1011-51 upon Second Reading section by section, a vote was taken with the following result:

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

The Mayor declared the motion carried and Ordinance No. O-1011-51 was adopted upon Second Reading section by section.

Thereupon, Councilmember Griffith moved that Ordinance No. O-1011-51 be adopted upon Final Reading as a whole, which motion was duly seconded by Councilmember Quinn; and the question being upon adopting Ordinance No. O-1011-51 upon Final Reading as a whole, the roll was called with the following result:

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

The Mayor declared the motion carried and Ordinance No. O-1011-51 was adopted upon Final Reading as a whole.

* * * * *

Item 30, being:

CONSIDERATION OF A REVISED PRELIMINARY PLAT FOR COMMERCE PARKWAY ADDITION, A PLANNED UNIT DEVELOPMENT, WAIVER OF ALLEY REQUIREMENTS FOR THE COMMERCIAL AREAS, AND WAIVER OF SIDEWALK REQUIREMENTS ADJACENT TO INTERSTATE DRIVE NORTH OF MARKET PLACE.

Councilmember Quinn moved that the preliminary plat for Commerce Parkway Addition, a Planned Unit Development, and waiver of alley requirements for the commercial areas and waiver of sidewalk requirements adjacent to Interstate Drive north of Market Place be approved, which motion was duly seconded by Councilmember Ezzell;

Items submitted for the record

1. Test File No. PP-1011-19 dated March 22, 2011, by Ken Danner, Development Manager
2. Location map
3. Revised preliminary plat
4. Preliminary site development plan
5. Staff Report dated April 14, 2011, recommending approval
6. City of Norman Development Review Form, Traffic Impacts, dated April 5, 2011, conducted by David R. Riesland, P.E., Assistant City Traffic Engineer
7. Letter requesting waiver of alley requirements dated March 28, 2011, from Ole M. Marcussen, P.E., to Mr. Jim Gasaway, Chairman, Planning Commission
8. Norman Predevelopment Summary Case No. PD11-10 dated March 24, 2011, for Hallbrooke Development Group One for property located north of Indian Hills Road, east of 36th Avenue N.W. abutting the northern city limits
9. Greenbelt Comments
10. Greenbelt Enhancement Statement Case No. 11-11 dated March 21, 2011
11. Pertinent excerpts from Planning Commission minutes of April 14, 2011

and the question being upon approving the preliminary plat for Commerce Parkway Addition, a Planned Unit Development, and waiver of alley requirements for the commercial areas and waiver of sidewalk requirements adjacent to Interstate Drive north of Market Place, a vote was taken with the following result:

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

The Mayor declared the motion carried and the preliminary plat for Commerce Parkway Addition, a Planned Unit Development, , and waiver of alley requirements for the commercial areas and waiver of sidewalk requirements adjacent to Interstate Drive north of Market Place was approved.

* * * * *

Item 31, being:

RESOLUTION NO. R-1011-115: 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-1011-6, SO AS TO PLACE PART OF THE SOUTHEAST QUARTER OF SECTION 34 OF TOWNSHIP 10 NORTH, RANGE THREE 3 WEST OF THE INDIAN MERIDIAN, TO NORMAN, CLEVELAND COUNTY, OKLAHOMA, IN THE CURRENT URBAN SERVICE AREA AND REMOVE THE SAME FROM THE FUTURE URBAN SERVICE AREA, TO REMOVE THE PROPOSED OUTER LOOP DESIGNATION, EXPANSION OF THE COMMERCIAL DESIGNATION FROM 9.3 ACRES TO 21.64 ACRES, AND AMENDING 9.79 ACRES FROM LOW DENSITY RESIDENTIAL DESIGNATION TO OFFICE DESIGNATION, 16.56 ACRES FROM LOW DENSITY RESIDENTIAL DESIGNATION TO MEDIUM DENSITY RESIDENTIAL DESIGNATION, AND 11.02 ACRES FROM LOW DENSITY RESIDENTIAL DESIGNATION TO HIGH DENSITY RESIDENTIAL DESIGNATION FOR THE HEREINAFTER DESCRIBED PROPERTY. (GENERALLY LOCATED ON THE NORTH SIDE OF INDIAN HILLS ROAD WEST OF 36TH AVENUE N.W.)

Councilmember Ezzell moved that Resolution No. R-1011-115, Land Use Plan Amendment No. LUP-1011-6 be adopted and the NORMAN 2025 Land Use and Transportation Plan be amended according thereto, which motion was duly seconded by Councilmember Griffith;

Item 31, continued:

Items submitted for the record
1. Text File No. R-1011-115 dated April 14, 2011, by Doug Koscinski, Current Planning Manager
2. Resolution No. R-1011-115, Land Use Plan Amendment No. LUP-1011-13
3. Location map
4. Staff Report dated July 14, 2011, recommending approval
5. Pertinent excerpts from Planning Commission minutes of July 14, 2011

Participants in discussion
1. Mr. Tom McCaleb, SMC Consulting Engineers, 815 West Main Street, Oklahoma City, Engineer representing the applicant
2. Mr. Shawn O'Leary, Director of Public Works
3. Mr. David Riesland, Traffic Engineer
4. Mr. Ken Komiske, Director of Utilities
5 Ms. Jeanette Coker, 620 East Main Street, made comments
6. Mr. Bobby Stevens, 3801 108th Avenue S.E., made comments
7. Mr. Louis Ball, 3730 West Indian Hills Road, made comments
8. Mr. Dick Manley, 3619 N.W. Della Street, protestant
9. Mr. Ron Ashley, 3608 West Indian Hills Road, protestant
10. Ms. Cristal Van Tuyle, 4209 South Telephone Road, Moore, protestant
11. Mr. Jason Smith, 212 Jason Drive, asked questions
12. Mr. Richard McKown, 4409 Cannon Drive, proponent
13. Mr. Warren Steine, 4013 Buckingham, made comments
14. Mr. Jud Foster, Director of Parks and Recreation

and the question being upon adopting Resolution No. R-1011-115, Land Use Plan Amendment No. LUP-1011-6, and upon the subsequent amendment, a vote was taken with the following result:

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

The Mayor declared the motion carried and Resolution No. R-1011-115, Land Use Plan Amendment No. LUP-1011-6, adopted; and the NORMAN 2025 Land Use and Transportation Plan was amended according thereto.

* * * * *

Item 32, being:

ORDINANCE NO. O-1011-55: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 460 OF CHAPTER 22 OF THE CODE OF THE CITY OF NORMAN SO AS TO PLACE PART OF THE SOUTHEAST QUARTER OF SECTION 34, TOWNSHIP 10 NORTH, RANGE 3 WEST OF THE INDIAN MERIDIAN, TO NORMAN, CLEVELAND COUNTY, OKLAHOMA, IN CO, SUBURBAN OFFICE COMMERCIAL DISTRICT; RM-2, LOW DENSITY APARTMENT DISTRICT; C-2, GENERAL COMMERCIAL DISTRICT; RM-6, MEDIUM DENSITY APARTMENT DISTRICT; R-1, SINGLE FAMILY DWELLING DISTRICT; AND PL. PARKLAND DISTRICT, AND REMOVE THE SAME FROM A-2, RURAL AGRICULTURAL DISTRICT, OF SAID CITY; AND PROVIDING FOR THE SEVERABILITY THEREOF. (GENERALLY LOCATED ON THE NORTH SIDE OF INDIAN HILLS ROAD WEST OF 36TH AVENUE N.W.)

Ordinance No. O-1011-55 having been Introduced and adopted upon First Reading by title in City Council's meeting of September 13, 2011, Councilmember Quinn moved that Ordinance No. O-1011-51 be adopted upon Second Reading section by section, which motion was duly seconded by Councilmember Ezzell;

Items submitted for the record
1. Text File No. O-1011-55 dated April 14, 2011, by Doug Koscinski, Current Planning Manager
2. Ordinance No. O-1011-55
3. Preliminary site plan
4. Location map
5. Staff Report dated July 14, 2011, recommending approval
6. Pertinent excerpts from Planning Commission minutes of July 14, 2011
7. Protest area map containing 33% protest within the notification area

Item 32, continued:

Items submitted for the record, continued

8. Two letters of protest filed May 17 and May 23, 2011, from Dot Wells to Mr. Douglas J. Koscinski, AICP, Manager, Current Planning Division
9. Letter of protest filed June 1, 2011, from Randolph R. and Teresa A Phillips
10. Three letters of protest filed June 2, June 6, and August 19, 2011, from John Nail to Whom It May Concern and Norman City Council
11. Two letters of protest filed June 3 and July 21, 2011, from Ron Ashley to Mr. Douglas J. Koscinski, AICP, Manager, Current Planning Division
12. Letter of protest filed August 19, 2011, from Ron and Marcia Ashley
13. Letter of protest receive June 6, 2011, from Sheila R. Benson, Edmonds Cole Law Firm, to Whom it May Concern
14. Letter of protest filed June 6, 2011, from Christel Van Tuyle to Mr. Douglas J. Koscinski, AICP, Manager, Current Planning Division
15. Letter of protest filed June 6, 2011, from Bob Stoops to Norman Planning Commission
16. Letter of protest filed June 6, 2011, from Donald Milton Davis to Doug Koscinski, Planning and Community Development
17. Two Letters of protest receive June 6 and June 17, 2011, from Justin Beddo, Resident and Investment Owner, to Planning and Community Development Department
18. Letter of protest filed June 7, 2011, from Robert and Sharron Ashton to Douglas J. Koscinski, AICP, City of Norman
19. Letter of protest filed July 8, 2011, from John Hamlin to City of Norman
20. Letter of protest filed August 19, 2011, from Timothy W. Eaton, Ph.D., Hillsdale President/Norman Citizen, to City of Norman City Clerk
21. Four letters of protest filed August 19 (2), July 6, and August 24, 2011, from Bobbie Smallwood to Douglas J. Koscinski, AICP, Manager, Current Planning Division for two separate lots
22. Letter of protest filed May 31, 2011, from Marcia Ashley to Douglas J. Koscinski, AICP, Manager Current Planning Division
23. Two letters of protest filed August 19, 2011, from Barrett Tomas Husted to Douglas J. Koscinski, AICP, Manager Current Planning Division
24. Letter of protest filed June 2, 2011, from Richard G. and Dorothy L. Manley to Douglas J. Koscinski, AICP, Manager, Current Planning Division
25. Letter of protest filed August 8, 2011, from Charles Simonds, Jr., to Douglas J. Koscinski, AICP, Manager, Current Planning Division
26. Letter of protest filed August 19, 2011, from Alexis Stinnett to Douglas J. Koscinski, AICP, Manager, Current Planning Division
27. Two letters of protest filed August 19, 2011, for two separate lots from Clinton Walker to Douglas J. Koscinski, AICP, Manager, Current Planning Division
28. Two letters of protest filed August 19, 2011, from Louis W. Ball to Douglas J. Koscinski, AICP, Manager, Current Planning Division
29. Two letters of protest filed August 19, 2011, from Justin Kammerer to Douglas J. Koscinski, AICP, Manager, Current Planning Division for two separate lots
30. Four letters of protest filed August 19, 2011, from Darlene and Carl Amburn to Douglas J. Koscinski, AICP, Manager, Current Planning Division
31. Letter of protest filed June 6, 2011, from Maggie Dobbs to Douglas J. Koscinski, AICP, Manager, Current Planning Division
32. Letter of protest filed June 2, 2011, from Sadie Willmon-Haque to Douglas J. Koscinski, AICP, Manager, Current Planning Division
33. Letter of protest filed July 1, 2011, from Henry Wundburger to Douglas J. Koscinski, AICP, Manager, Current Planning Division
34. Letter of protest filed June 13 2011, from Rick and Teresa Davenport to Douglas J. Koscinski, AICP, Manager, Current Planning Division
35. Letter of protest filed June 6, 2011, from Greg and Dana Rushing to Douglas J. Koscinski, AICP, Manager, Current Planning Division
36. Letter of protest filed June 3, 2011, from Louis Bertoletti to Douglas J. Koscinski, AICP, Manager, Current Planning Division
37. Letter of protest filed June 3, 2011, from Trina Bertoletti to Douglas J. Koscinski, AICP, Manager, Current Planning Division
38. Three letters of protest filed August 19, 2011, from Major and Loveta Morrow to Douglas J. Koscinski, AICP, Manager, Current Planning Division
39. Letter of protest filed June 6, 2011, from Michael C. and Logan Dunbar to Douglas J. Koscinski, AICP, Manager, Current Planning Division
40. Letter of protest filed June 6, 2011, from Martha Jones to Douglas J. Koscinski, AICP, Manager, Current Planning Division

Item No. 32, continued:

Items submitted for the record, continued

41. Letter of protest filed June 6, 2011, from David Krueger to Douglas J. Koscinski, AICP, Manager, Current Planning Division
42. Letter of protest filed May 31, 2011, from Wayne and Laura Bentley to Douglas J. Koscinski, AICP, Manager, Current Planning Division
43. Letter of protest filed June 6, 2011, from Troy Davis to Douglas J. Koscinski, AICP, Manager, Current Planning Division
44. Letter of protest filed June 6, 2011, from Kevin B. Castleman to Douglas J. Koscinski, AICP, Manager, Current Planning Division
45. Letter of protest filed June 8, 2011, from Dale and Wanda Smallwood to Douglas J. Koscinski, AICP, Manager, Current Planning Division
46. Letter of protest filed June 6, 2011, from Carolyn and Dan Reynolds to Douglas J. Koscinski, AICP, Manager, Current Planning Division
47. Letter of protest filed June 6, 2011, from Renee Owen, Heldenbrand Trust, to Douglas J. Koscinski, AICP, Manager, Current Planning Division
48. Letter of protest filed June 6, 2011, from Velma J. Wells to Douglas J. Koscinski, AICP, Manager, Current Planning Division
49. Letter of protest filed June 7, 2011, from Eugene Deal to Douglas J. Koscinski, AICP, Manager, Current Planning Division
50. Letter of protest filed June 6, 2011, from Chad Williamson to Douglas J. Koscinski, AICP, Manager, Current Planning Division
51. Letter of protest filed June 6, 2011, from Joseph Randel Nelson and Janis R. Nelson Sharp to Douglas J. Koscinski, AICP, Manager, Current Planning Division
52. Letter of protest filed May 31, 2011, from James E. and Syble C. Polk to Douglas J. Koscinski, AICP, Manager, Current Planning Division
53. Letter of protest filed May 31, 2011, from Debra and Aaron Mauterer to Douglas J. Koscinski, AICP, Manager, Current Planning Division
54. Letter of protest filed May 31, 2011, from Jerry Mae and Sue Kirk to Douglas J. Koscinski, AICP, Manager, Current Planning Division
55. Letter of protest filed May 23, 2011, from Reba M. Schweizerhof to Douglas J. Koscinski, AICP, Manager, Current Planning Division
56. Letter of protest filed May 20, 2011, from Mrs. Opal L. Followwill to Douglas J. Koscinski, AICP, Manager, Current Planning Division
57. Letter of protest filed May 27, 2011, from Robert A. Hendrick to Douglas J. Koscinski, AICP, Manager, Current Planning Division
58. Letter of protest filed June 2, 2011, from Don and Kathy Ross to Douglas J. Koscinski, AICP, Manager, Current Planning Division
59. Letter of protest filed June 2, 2011, from Jeff and Shawnda Zehr to Douglas J. Koscinski, AICP, Manager, Current Planning Division
60. Letter of protest filed June 2, 2011, from Peggy A. and Don Ritchie to Douglas J. Koscinski, AICP, Manager, Current Planning Division
61. Letter of protest filed June 2, 2011, from Lindle Coleman to Douglas J. Koscinski, AICP, Manager, Current Planning Division
62. Letter of protest filed June 2, 2011, from Ron and Terri Wofford to Douglas J. Koscinski, AICP, Manager, Current Planning Division
63. Letter of protest filed June 1, 2011, from Noel Suddath to Douglas J. Koscinski, AICP, Manager, Current Planning Division
64. Letter of protest filed June 1, 2011, from Dwight Shropshire to Douglas J. Koscinski, AICP, Manager, Current Planning Division
65. Letter of protest filed June 1, 2011, from Melvin Thomas to Douglas J. Koscinski, AICP, Manager, Current Planning Division
66. Letter of protest filed June 1, 2011, from Paul E. and Katherine Traugh to Douglas J. Koscinski, AICP, Manager, Current Planning Division
67. Letter of protest filed June 1, 2011, from Randolph R. and Teresa A. Phillips to Douglas J. Koscinski, AICP, Manager, Current Planning Division
68. Letter of protest filed June 1, 2011, from Virgil R. and Hilde M. Votaw to Douglas J. Koscinski, AICP, Manager, Current Planning Division
69. Letter of protest filed May 31, 2011, from Mr. and Mrs. Jerald Kliewer to Douglas J. Koscinski, AICP, Manager, Current Planning Division
70. Letter of protest filed May 27, 2011, from Willie and Dorris Long to Douglas J. Koscinski, AICP, Manager, Current Planning Division
71. Four letters of protest dated August 19, 2011, from Thomas Parker for two separate lots
72. Three letters of protest dated June 6 and (2) August 19, 2011, from Jerry W. Meek to Mr. Douglas J. Koscinski, AICP, Manager, Current Planning Division

Item 32, continued:

Items submitted for the record, continued

73. Letter of protest dated June 6, 2011, from Kenny Ritchie to Mr. Douglas J. Koscinski, AICP, Manager, Current Planning Division
74. Letter of protest dated June 6, 2011, from Tiffani Ritchie to Mr. Douglas J. Koscinski, AICP, Manager, Current Planning Division
75. Two letters of protest dated June 6 and August 19, 2011, from Kyle Muse to Mr. Douglas J. Koscinski, AICP, Manager, Current Planning Division
76. Letter of protest dated June 6 and August 19, 2011, from Rachelle Muse to Mr. Douglas J. Koscinski, AICP, Manager, Current Planning Division
77. Letter of protest dated June 6, 2011, from Keith and Ashleigh Muse to Mr. Douglas J. Koscinski, AICP, Manager, Current Planning Division
78. Letter of protest dated June 6, 2011, from Laurie Nunno to Mr. Douglas J. Koscinski, AICP, Manager, Current Planning Division
79. Letter of protest filed August 19, 2011, from Ron A. Frampton
80. Two letters of protest filed June 6 and August 19, 2011, from Debra K. Frampton to Mr. Douglas J. Koscinski, AICP, Manager, Current Planning Division
81. Letter of protest dated June 6, 2011, from Richard F. Sigal to Mr. Douglas J. Koscinski, AICP, Manager, Current Planning Division
82. Letter of protest filed June 6, 2011, from Mary Sigal to Mr. Douglas J. Koscinski, AICP, Manager, Current Planning Division
83. Letter of protest filed June 6, 2011, from Talisha Fogel to Mr. Douglas J. Koscinski, AICP, Manager, Current Planning Division
84. Letter of protest filed June 6, 2011, from Tony Jones to Mr. Douglas J. Koscinski, AICP, Manager, Current Planning Division
85. Letter of protest dated June 6, 2011, from William B. Moody to Mr. Douglas J. Koscinski, AICP, Manager, Current Planning Division
86. Letter of protest filed June 6, 2011, from Nanci Ramos to Mr. Douglas J. Koscinski, AICP, Manager, Current Planning Division
87. Letter of protest filed June 6, 2011, from Dan Ramos to Mr. Douglas J. Koscinski, AICP, Manager, Current Planning Division
88. Letter of protest filed June 6, 2011, from Kim Masters to Mr. Douglas J. Koscinski, AICP, Manager, Current Planning Division
89. Letter of protest filed June 6, 2011, from Debbie Combs to Mr. Douglas J. Koscinski, AICP, Manager, Current Planning Division
90. Letter of protest filed June 6, 2011, from Adrian E. Savage to Mr. Douglas J. Koscinski, AICP, Manager, Current Planning Division
91. Letter of protest filed June 6, 2011, from Kelley Thomas to Mr. Douglas J. Koscinski, AICP, Manager, Current Planning Division
92. Letter of protest filed June 6, 2011, from David and Eva Saffer to Mr. Douglas J. Koscinski, AICP, Manager, Current Planning Division
93. Letter of protest filed June 6, 2011, from Dave Shannon to Mr. Douglas J. Koscinski, AICP, Manager, Current Planning Division
94. Letter of protest dated June 6, 2011, from John W. Bowland to Mr. Douglas J. Koscinski, AICP, Manager, Current Planning Division
95. Letter of protest filed June 6, 2011, from Sheila Clifton to Mr. Douglas J. Koscinski, AICP, Manager, Current Planning Division
96. Letter of protest filed August 19, 2011, from Kathy Jo Kindler
97. Two letters of protest filed August 19, 2011, from Chris Womack
98. Two letters of protest filed August 19, 2011, from Albert Lane
99. Letter of protest filed August 19, 2011, from Mohammed Islam
100. Letter of protest filed August 19, 2011, from Stephanie Percival Puckett
101. Letter of protest filed August 24, 2011, from Larry Don Fowler
102. Letter of protest filed September 6, 2011, from Paul J. Fischer
103. Letter of protest filed September 8, 2011, from Sherry Davis
104. Letter of protest filed September 8, 2011, from Carolina M. Herron
105. Letter of protest filed September 8, 2011, from Bob and Carol Stoops
106. Letter of protest filed September 8, 2011, from William H. Campbell
107. Letter of protest filed September 8, 2011, from Gordon Bean by Shawn Bean
108. Letter of protest filed September 8, 2011, from James and Toni Haught
109. Letter of protest filed September 8, 2011, from Deborah Younger
110. Letter of protest filed September 8, 2011, from Rick Nagel
111. Letter of protest filed September 8, 2011, from Tiffany Johnston
112. Letter of protest filed September 8, 2011, from Don and LaRue Stephens
113. Letter of protest filed September 8, 2011, from Earl E. Tillery
114. Letter of protest filed September 8, 2011, from Gary Armbruster
115. Letter of protest filed September 6, 2011, from Eddie Tang
116. Letter of protest filed September 6, 2011, from Melissa Long
117. Letter of protest filed September 6, 2011, from Chad Eddings

Item 32, continued:

Items submitted for the record, continued:

118. Letter of protest filed September 22, 2011, from Mark Jeffreys
119. Letter of protest filed September 22, 2011, from Kevin Meehan
120. Letter of protest filed September 23, 2011, from Yueh-Dong Mark Chen and Sin-Ting Agnes Chen
121. Email of support dated September 26, 2011, from Sassan Moghadam to City Clerk
122. Letter of protest filed September 23, 2011, from Mac and Sue Kirk

and the question being upon adopting Ordinance No. O-1011-55 upon Second Reading section by section, a vote was taken with the following result:

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

The Mayor declared the motion carried and Ordinance No. O-1011-55 was adopted upon Second Reading section by section.

Thereupon, Councilmember Quinn moved that Ordinance No. O-1011-55 be adopted upon Final Reading as a whole, which motion was duly seconded by Councilmember Ezzell; and the question being upon adopting Ordinance No. O-1011-55 upon Final Reading as a whole, the roll was called with the following result:

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

The Mayor declared the motion carried and Ordinance No. O-1011-55 was adopted upon Final Reading as a whole.

* * * * *

Item 33, being:

CONSIDERATION OF A PRELIMINARY PLAT FOR UPLANDS ADDITION, AND WAIVER OF ALLEY REQUIREMENTS FOR THE COMMERCIAL PROPERTY.

Councilmember Ezzell moved that the preliminary plat for Uplands Addition and waiver of alley requirements for the commercial property be approved, which motion was duly seconded by Councilmember Quinn;

Items submitted for the record

1. Text File No. PP-1011-23 dated April 14, 2011, by Ken Danner, Development Manager with Attachment "A", traffic impacts for Uplands Addition, and Attachment "B", developer's proportionate share of the intersection improvements
2. Location map
3. Preliminary plat
4. Preliminary site plan
5. Oil Well site plan
6. Staff Report dated July 14, 2011, recommending approval
7. City of Norman Development Review Form, Transportation Impacts, dated June 3, 2011, reviewed by David R. Riesland, P.E., Assistant City Traffic Engineer
8. Norman Predevelopment Summary Case No. 11-14 dated March 24, 2011, for Uplands Development Company, L.L.C., for property located on the north side of Indian Hills Road west of 36th Avenue N.W.
9. Greenbelt Enhancement Statement dated March 7, 2011
10. Letter requesting alley waiver dated May 6, 2011, from Tom L. McCaleb, SMC Consulting Engineers, P.C., to Mr. Jim Gasaway, Chairman, Planning Commission
11. Pertinent excerpts from Planning Commission minutes of July 14, 2011

Item 33, continued:

and the question being upon approving the preliminary plat for Uplands Addition and waiver of alley requirements for the commercial property, a vote was taken with the following result:

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

The Mayor declared the motion carried and the preliminary plat for Uplands Addition and waiver of alley requirements for the commercial property were approved.

* * * * *

Item 34 was considered before Item 28.

* * * * *

Item 35, being:

ORDINANCE NO. O-1112-14: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA ADDING ARTICLE V. COMPRESSED NATURAL GAS, SECTION 2-501 TO CHAPTER 2, OF THE CODE OF THE CITY OF NORMAN PROVIDING FOR THE PRICING OF COMPRESSED NATURAL GAS OFFERED TO OTHER GOVERNMENTAL ENTITIES AND THE GENERAL PUBLIC; AND PROVIDING FOR THE SEVERABILITY THEREOF.

Ordinance No. O-1112-14 having been Introduced and adopted upon First Reading by title in City Council's meeting of September 13, 2011, Councilmember Kovach moved that Ordinance No. O-1112-14 be adopted upon Second Reading section by section, which motion was duly seconded by Councilmember Quinn;

Items submitted for the record
1. Text File No. O-1112-14 dated September 6, 2011, by Leah Messner, Assistant City Attorney
2. Ordinance No. O-1112-14
3. Legislatively notated copy of Ordinance No. O-1112-14

Participants in discussion
1. Mr. Shawn O'Leary, Director of Public Works
2. Mr. Jim Stanley, 3922 Pine Tree Circle, asked questions

and the question being upon adopting Ordinance No. O-1112-14 upon Second Reading section by section, a vote was taken with the following result:

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

The Mayor declared the motion carried and Ordinance No. O-1112-14 was adopted upon Second Reading section by section.

Thereupon, Councilmember Kovach moved that Ordinance No. O-1112-14 be adopted upon Final Reading as a whole, which motion was duly seconded by Councilmember Quinn; and the question being upon adopting Ordinance No. O-1112-14 upon Final Reading as a whole, the roll was called with the following result:

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

The Mayor declared the motion carried and Ordinance No. O-1112-14 was adopted upon Final Reading as a whole.

* * * * *

MISCELLANEOUS DISCUSSION

CNG Facility. Mr. Bobby Stevens, 3801 108th Avenue S.E., said he was glad the City would be selling natural gas because it was the future.

*

Odor Issues. Mr. Bobby Stevens, 3801 108th Avenue S.E., said there were odor issues existing in various areas of the City and there should be some type of ordinance regulating this. He said natural gas wells have a terrible odor and an electric pump could be installed on the wells to alleviate the smell.

*

Fire Service to the University of Oklahoma. Mr. Bobby Stevens, 3801 108th Avenue S.E., asked how much the University of Oklahoma (OU) paid for Fire Service.

Mayor Rosenthal said there was no charge to OU for Fire Service as there is no charge to any institution, church, or business in the City limits of Norman.

*

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

*

Don Cies. Councilmember Quinn said Norman lost an integral part of the community this past week with the passing of Don Cies. He said Mr. Cies had been involved in developing Norman for the last 40-50 years; was a veteran, business man, father, and husband; and served the community in many ways. Mr. Cies was an active member of Rotary Club and the Chamber of Commerce and many other organizations and the community will miss him. He said it had been a pleasure to work with Mr. Cies for the last few years and that he was a special person. He said Mr. Cies contributed to his campaign but never once did he say make any comment about how to vote on a City issue. Mr. Cies respected the fact that City Council had decisions to make based on the City's needs.

*

Election for Animal Welfare Facility Improvements. Mr. Steve Lewis said there would be an election on November 8th to vote on improvements to the Animal Welfare Facilities. He said Staff has two open houses scheduled for the general public to tour the current facilities, one on Thursday, October 6th from 6-8 p.m., and the second on Saturday, October 29th from noon to 4:00 p.m. He said on October 29th there will also be a vaccination clinic. He said the Animal Shelter Oversight Committee will be meeting this Thursday, September 29th at 5:30 p.m. in City Council Chambers and part of the agenda includes an informational presentation on the Animal Welfare Facility. He said this informational presentation will be broadcast on Channel 20.

*

Fall Cleanup. Mr. Steve Lewis, City Manager, said Fall Cleanup would start October 1st. He said the schedule is as follows:

October 1 – customers with Monday pickup
October 8 – Tuesday pickup
October 15 – Wednesday pickup
October 22 – Thursday pickup
October 29 – Friday pickup

He said more information could be found on the City's website.

* * * * *

ADJOURNMENT

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

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

The Mayor declared the motion carried and the meeting was adjourned at 11:27 p.m.

ATTEST:

City Clerk

Mayor

City of Norman, OK

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

Master

File Number: GID-1112-25

File ID:	GID-1112-25	**Type:**	Award	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 4	**In Control:**	City Council
Department:	City Manager Department	**Cost:**		**File Created:**	10/04/2011
File Name:	Mayor's Citizenship Awards - Madison School			**Final Action:**	

Title: PRESENTATION OF THE MAYOR'S CITIZENSHIP AWARDS TO STUDENTS FROM MADISON ELEMENTARY SCHOOL.

INFORMATION: The Children's Rights Coordinating Commission is coordinating the Mayor's Citizenship Awards to be given to elementary school students who are involved in service projects throughout the community and exemplify true leadership skills.

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

ACTION TAKEN: _____

Notes: October 11, 2011, City Council Agenda

Agenda Date: 10/11/2011

Agenda Number: 4

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 GID-1112-25

City of Norman, OK

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

Master

File Number: P-1112-7

File ID:	P-1112-7	**Type:**	Proclamation	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 5	**In Control:**	City Council
Department:	City Clerk Department	**Cost:**		**File Created:**	10/04/2011
File Name:	P-1112-7 Lights on Afterschool Day			**Final Action:**	

Title: PROCLAMATION NO. P-1112-7: A PROCLAMATION OF THE MAYOR OF THE CITY OF NORMAN, OKLAHOMA, PROCLAIMING THURSDAY, OCTOBER 20, 2011, AS LIGHTS ON AFTERSCHOOL DAY IN THE CITY OF NORMAN.

ACTION NEEDED: Motion to acknowledge receipt of Proclamation No. P-1112-7 proclaiming Thursday, October 20, 2011, as Lights on Afterschool Day in the City of Norman and direct the filing thereof.

ACTION TAKEN: _____

Notes: October 11, 2011, City Council Agenda

Agenda Date: 10/11/2011

Agenda Number: 5

Attachments: Lights On Afterschool

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-1112-7

P-1112-7

A PROCLAMATION OF THE MAYOR OF THE CITY OF NORMAN, OKLAHOMA, PROCLAIMING THURSDAY, OCTOBER 20, 2011, AS LIGHTS ON AFTERSCHOOL DAY IN THE CITY OF NORMAN.

§ 1. WHEREAS, the City of Norman stands firmly committed to quality afterschool programs and opportunities because they provide safe, challenging, engaging, and fun learning experiences to help children and youth develop their social, emotional, physical, cultural, and academic skills; and

§ 2. WHEREAS, the United Way of Norman's Out of School Time Initiative supports those programs that help Norman families by ensuring that their children are safe and productive after the regular school day ends; and

§ 3. WHEREAS, Norman's children are engaged in becoming career aware and college ready, helping them gain the skills necessary to today's workforce; and

§ 4. WHEREAS, "Lights on Afterschool!", a national celebration of afterschool programs promotes the critical and important role that quality afterschool programs play in the lives of children, their families and their communities.

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

§ 5. Do hereby proclaim Thursday, October 20, 2011, as Lights on Afterschool Day in the City of Norman and urge the citizens of Norman to ensure that every child has access to a safe engaging place where the lights are on after school and is committed to innovative afterschool programs and activities that ensure that the lights stay on and the doors stay open for all children after school.

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

ATTEST: _____ Mayor

_____
City Clerk

City of Norman, OK

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

Master

File Number: O-1112-2

File ID:	O-1112-2	**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:**	08/15/2011
File Name:	O-1112-2 Southern Plains Rezone			**Final Action:**	

Title: CONSIDERATION OF ORDINANCE NO. O-1112-2 UPON FIRST READING BY TITLE: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 460 OF CHAPTER 22 OF THE CODE OF THE CITY OF NORMAN SO AS TO PLACE LOT 1, BLOCK 2, TEALL ADDITION, SECTION 2, NORMAN, CLEVELAND COUNTY, OKLAHOMA, IN THE THE O-1, OFFICE INSTITUTIONAL DISTRICT WITH SPECIAL USE FOR A HIGH IMPACT INSTITUTIONAL USE, AND REMOVE THE SAME FROM THE RE, RESIDENTIAL ESTATES DWELLING DISTRICT, OF SAID CITY; AND PROVIDING FOR THE SEVERABILITY THEREOF. (GENERALLY LOCATED AT THE NORTHEAST CORNER OF HARRIET ROAD AND 24TH AVENUE N.W.)

ACTION NEEDED: Motion to Introduce and adopt Ordinance No. O-1112-2 upon First Reading by title.

ACTION TAKEN: _____

Notes: October 11, 2011, City Council Agenda

Agenda Date: 10/11/2011

Agenda Number: 7

Attachments: O-1112-2 Southern Plains Treatment Special Use, Southern Plains Treatment Location Map, Southern Plains Rezone and Special Use Staff Report, Southern Plains Site Plans, Southern Plains Statement, Meeting Summary Southern Plains Treatment Center, 9-8-11 PC Minutes - Southern Plains

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	09/08/2011	Recommended for Adoption at a subsequent City Council Meeting	City Council			Pass
	Action Text:	Recommended for Adoption at a subsequent City Council Meeting to the City Council					
1	Planning Commission	09/08/2011					

Text of Legislative File O-1112-2

Body

SYNOPSIS: The subject tract is part of an area that was rezoned to RE, Residential Estates District, in 1964, which was platted as the Teall Addition later that year. The subject tract is contained in Section Two of Teall Addition, which was filed of record in 1970. No building permits were ever issued on the lots in that second phase, although two homes were constructed on lots in the first phase. This application would rezone the lot at the entrance to the subdivision to an O-1 district, and authorize a Special Use for a High Impact Institutional Use on the lot, specifically a treatment center for adolescents who would be housed in a secure facility twenty-four hours a day with round-the-clock supervision.

ANALYSIS: The proposed treatment facility would eventually accommodate up to 48 adolescents who are experiencing emotional and/or behavioral difficulties. Admission is voluntary, and patients may be voluntarily discharged. According to their prospectus, the target population is male or female youths between the ages of 12 to 17 who are diagnosed with a mental health disorder and who usually have delinquency problems. The facility is "secure" but is not a prison, nor are children "sentenced to serve time." The facility is more in line with a specialized group home, and is similar to facilities that are located in a nearby industrial park (which were authorized using a PUD approach).

The 2025 Plan identified this area for future industrial uses, pending utility construction. While general office uses are allowed within all of Norman's industrial categories, High Impact Institutional uses are only permitted in the Office-Institutional zoning district. Such uses can have negative impacts on residential areas, and tend not to locate near established or proposed residential subdivisions. The O-1 district is compatible with areas that have industrial uses, as they have similar traffic impacts and do not need the high visibility that often characterizes commercial areas.

The Teall Addition began development as a residential subdivision in a semi-rural area, but circumstances are changing in the surrounding area. The most recent change is the construction and operation of a 500+ bed jail on the south side of Franklin Road. One of the jail's entrances is off 24th Avenue NW, a half mile away from this location. The only access to the treatment facility will also be off 24th Avenue. This one lot is final platted, and can be

accessed and serviced from the single driveway that is proposed onto 24th Avenue NW. One of the reasons these lots never developed residentially is the presence of a large 130 foot wide electric easement which runs east-west through the subdivision, within which is a major overhead transmission line. That line separates the proposed building from Harriet Road, which will still provide access to this residential area for the foreseeable future.

STAFF RECOMMENDATION: The proposed use is a single-story building with adequate parking. Code requires that it be predominantly of masonry construction. Outdoor lighting will comply with the recently adopted standards, which will minimize any off-site impacts on any nearby residents. The proposed location can function with minimal impact on the residences that are nearby, which are on relatively large lots. The proposed use will be constructed in two phases. Staff supports this rezoning request, and recommends that the Special Use be granted. No protest was filed against this request. The Planning Commission, at their September 8 meeting, unanimously recommended approval of this request.

O-1112-2

AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 460 OF CHAPTER 22 OF THE CODE OF THE CITY OF NORMAN SO AS TO PLACE LOT 1, BLOCK 2, TEALL ADDITION, SECTION 2, NORMAN, CLEVELAND COUNTY, OKLAHOMA, IN THE O-1, OFFICE INSTITUTIONAL DISTRICT WITH SPECIAL USE FOR A HIGH IMPACT INSTITUTIONAL USE, AND REMOVE THE SAME FROM THE RE, RESIDENTIAL ESTATE DWELLING DISTRICT, OF SAID CITY; AND PROVIDING FOR THE SEVERABILITY THEREOF. (GENERALLY LOCATED AT THE NORTHEAST CORNER OF HARRIET ROAD AND 24TH AVENUE N.W.)

§ 1. WHEREAS, Southern Plains Treatment Services, Inc., the owner of the hereinafter described property, has made application to have the same placed in the O-1, Office Institutional District with Special Use for a High Impact Institutional Use, and to have the same removed from the RE, Residential Estate Dwelling District; and

§ 2. WHEREAS, said application has been referred to the Planning Commission of said City and said body has, after conducting a public hearing as required by law, considered the same and recommended that the same should be granted and an ordinance adopted to effect and accomplish such rezoning; and

§ 3. WHEREAS, the City Council of the City of Norman, Oklahoma, has thereafter considered said application and has determined that said application should be granted and an ordinance adopted to effect and accomplish such rezoning.

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

§ 4. That Section 460 of Chapter 22 of the Code of the City of Norman, Oklahoma, is hereby amended so as to place the following described property in the O-1, Office Institutional District with Special Use for a High Impact Institutional Use, and to remove the same from the RE, Residential Estate Dwelling District, to wit:

Lot 1, Block 2, TEALL ADDITION, SECTION 2, to Norman, Cleveland County, Oklahoma. Said tract contains 2 acres, more or less.

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

a. The site shall be developed in accordance with the Site Development Plan (Exhibit A), approved September 8, 2011, and supporting documentation submitted by the applicant and approved by the Planning Commission.

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

ADOPTED this _____ day of

_____, 2011.

_____
(Mayor)

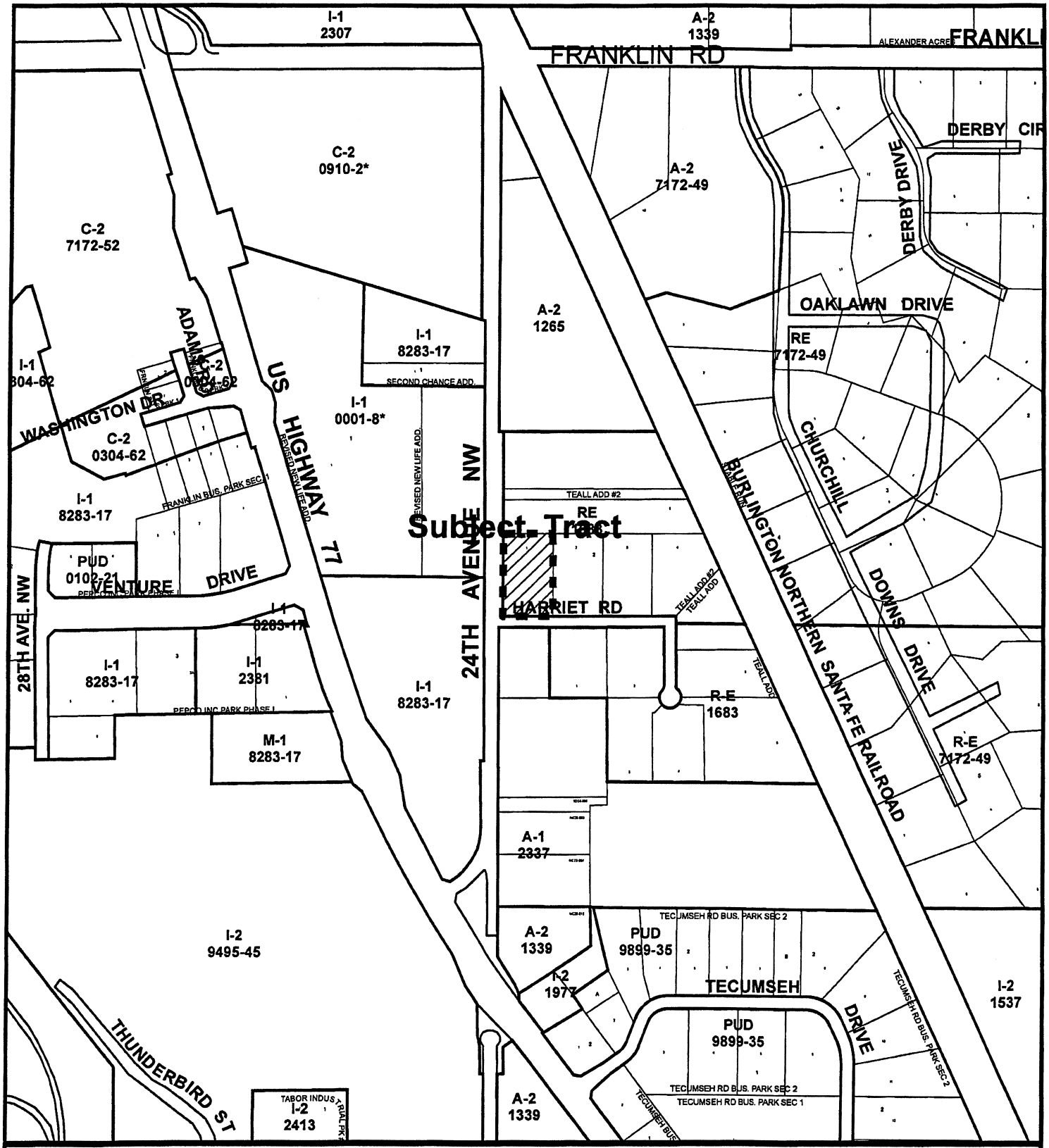
NOT ADOPTED this _____day of

_____, 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

August 10, 2011

0 300 600 Ft.

Subject Tract

Zoning

ORDINANCE NO. O-1112-2 ITEM NO. 8b

STAFF REPORT

GENERAL INFORMATION

APPLICANT	Southern Plains Treatment Services, Inc.
REQUESTED ACTION	Rezoning to O-1, Office Institutional District with Special Use for a High Impact Institutional Use
EXISTING ZONING	RE, Residential Estate Dwelling District
SURROUNDING ZONING	North: RE East: RE South: A-1 West: I-1
LOCATION	Northeast corner of 24th Avenue N.W. and Harriet Road
SIZE	2 acres, more or less
PURPOSE	Treatment Facility for Adolescents
EXISTING LAND USE	Vacant
SURROUNDING LAND USE	North: Vacant East: Vacant South: Single-Family Dwelling West: Vacant

SYNOPSIS: This area was rezoned to RE, Residential Estates District, in 1964. The first section of Teal Addition was filed in 1964. The subject tract is contained in Section Two of Teal Addition, which was filed of record in 1970. No building permits were ever issued on the lots in that second phase, although two homes were constructed on lots in the first phase. This application would rezone the lot at the entrance to the subdivision to an O-1 district, and authorize a Special Use for a High Impact Institutional Use on the lot.

ANALYSIS: The proposed treatment facility would house up to 48 adolescents who are experiencing emotional and/or behavioral difficulties. Admission is voluntary, and patients may be voluntarily discharged. According to their prospectus, the target population is male

or female youths between the ages of 12 to 17 who are diagnosed with a mental health disorder and who usually have delinquency problems. The facility is "secure" but is not a prison, nor are children "sentenced to serve time." The facility is more in line with a specialized group home, and is similar to facilities that are located in a nearby industrial park (which were authorized using a PUD approach).

As previously mentioned, the 2025 Plan identified this area for future industrial uses, pending utility construction. Office uses are allowed within all of Norman's industrial categories, but High Impact Institutional uses are only listed in the O-1 district. Such uses can have negative impacts on residential areas, and tend not to locate near established or proposed residential subdivisions. The O-1 district is compatible with areas that have industrial uses, as they have similar traffic impacts and do not need the high visibility that often characterizes commercial areas.

IMPACTS

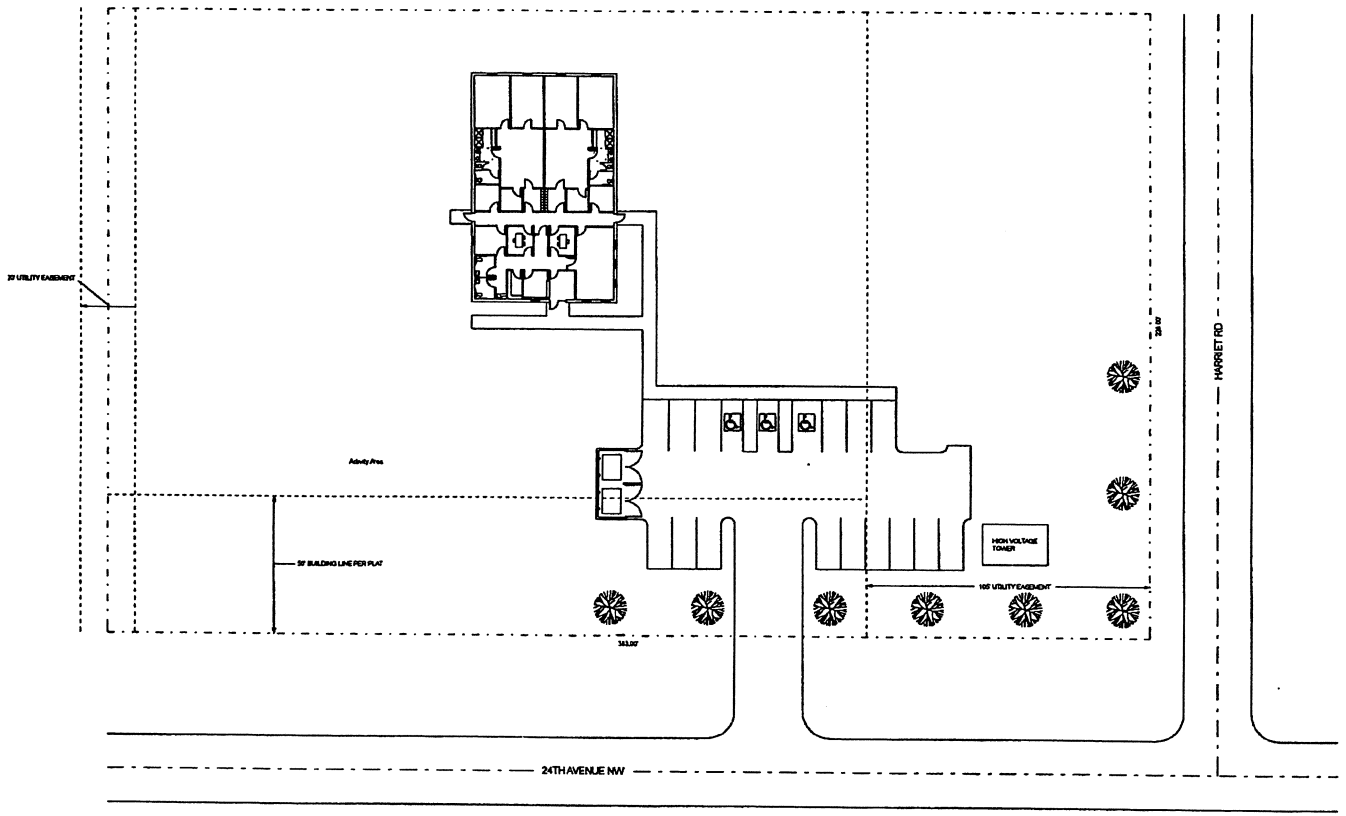
- In this case, the Teal Addition began development as a residential subdivision in a semi-rural area, but circumstances are changing in the surrounding area. The most recent change is the construction and operation of a 500+ bed jail on the south side of Franklin Road. One of the jail's entrances is off 24th Avenue NW, a half mile away from this location.
- Although this lot is part of the original Teal Addition, the only access to the treatment facility will be off 24th Avenue.
- One of the reasons these lots never developed residentially is the presence of a large 130 foot wide electric easement which runs east-west through the subdivision, within which is a major overhead transmission line. That line separates the proposed building from Harriet Road, which will remain residential for the foreseeable future.
- The use is a single-story building with adequate parking. Code requires that it be predominantly of masonry construction. Outdoor lighting will comply with the recently adopted standards, which will minimize any off-site impacts.

OTHER AGENCY COMMENTS:

- **PUBLIC WORKS** This one lot is final platted, and can be accessed and serviced from the single driveway that is proposed onto 24th Avenue NW. Harriet Road was designed as a residential estates street.

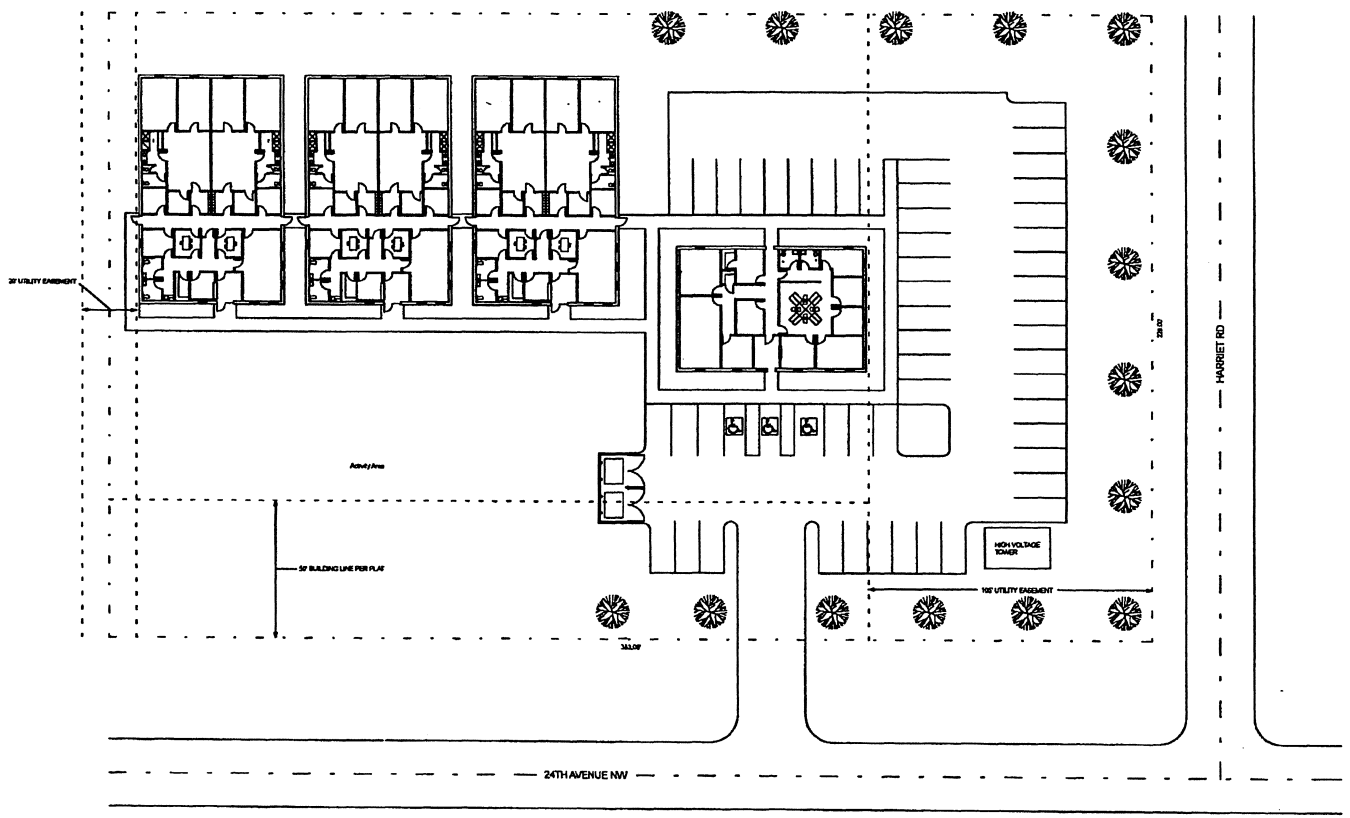
STAFF RECOMMENDATION: The proposed location can function with minimal impact on the residences that are nearby, which are on relatively large lots. The proposed use will be constructed in two phases. Staff is able to support this request for a Special Use.

LOT ONE, BLOCK TWO (2), OF TEALLS ADDITION NO. 2
TO NORMAN, CLEVELAND COUNTY, OKLAHOMA, 1.69 ACRES



SOUTHERN PLAINS TREATMENT SERVICES /PHASE I
SCALE: 1" = 30 FT

LOT ONE, BLOCK TWO (2), OF TEALLS ADDITION NO. 2
TO NORMAN, CLEVELAND COUNTY, OKLAHOMA. 1.69 ACRES



SOUTHERN PLAINS TREATMENT SERVICES
SCALE: 1" = 30 FT

Southern Plains Treatment Services

Southern Plains Treatment Services exists to provide services that promote and support healthy individual and family life in the community.

We specialize in the treatment of adolescents who are experiencing emotional and/or behavioral difficulties. While at SPTS, our clients will participate in individual, group and family therapy sessions, as well as, receive a formal education.

We are committed to utilizing the best insights and skills from psychodynamic and behavioral traditions, while providing an environment that is sensitive to our client's particular fears and vulnerabilities. Most individuals need affection, affirmation and help in resolving past conflicts

Philosophy

Teaching Model

Dysfunctional ways of thinking and behaving are learned when a person attempts to cope with severe trauma or neglect within the environment. A major focus of the ongoing treatment planning is to identify the specific ways of thinking and behaving that are in need of correction. Then it is possible to develop appropriate techniques for teaching more successful ways of coping.

Developmental Model

We understand the child in terms of where he or she is in an ongoing process of growth and development. Generally, we find that certain aspects of development in social, cognitive, emotional and behavioral spheres have been delayed. The developmental model enables SPTS to begin, without judgment.

Holistic Model

We are concerned about every aspect of the child's functioning. Problem behaviors are generally related both to overwhelming feelings and inadequate thinking patterns.

Behaviors, feelings, and thoughts must all be understood in terms of the situational context in which they occur. Both in assessing the client and in planning and implementing interventions SPTS maintains a focus on the whole pattern.

Commitment to the Client

SPTS is acutely aware of the hurtful consequences that a succession of failed placements have on an individual. Therefore, we make whatever adjustments in the services the child receives that are necessary to help that client succeed.

Client Rights

We are committed to upholding all rights of the client that have not been explicitly removed by the court. Services are provided without regard to race, color, religion, national or ethnic origin, age, handicap or disability. Clients are treated in the least restrictive environment and in the least restrictive manner. The rights of confidentiality are carefully protected. All other rights associated with human dignity and quality of treatment are scrupulously upheld.

Emotional Nurturance and Behavioral Help

SPTS is committed to utilizing the best insights and skills from both psychodynamic and behavioral traditions. Most individuals need affection and affirmation. They need help in resolving past conflicts. They need an environment that is sensitive to their special fears and vulnerabilities. They also need limits that are upheld in a firm, but benign and professional manner in order to feel secure and safe. SPTS concentrates its efforts on developing plans of intervention that are comprehensive and balanced.

Building Community Resources

We believe that children best heal from trauma when they can be treated in local communities. To that end, SPTS understands part of its task to be increasing local resources through employment and training of staff, collaboration with community providers, and building awareness among families, schools, and local businesses.

SPTS clinical staff has an extensive history of providing residential services to adolescent throughout Oklahoma. SPTS has a well-established Youth Advisory Board (YAB) that provides input and relevant feedback on a wide array of issues ranging from food to recreation and other aspects of the residential life experience.

The agency is licensed by the Oklahoma Department of Human Services and has an agreement with the Office of Juvenile Affairs. Psychiatric Residential Treatment Facility candidates must meet medical necessity criteria as determined by a licensed mental health professional. SPTS provides treatment to male / female youths entering the program between the ages of twelve and seventeen who are diagnosed with a mental health disorder and who usually have delinquency problems.

The SPTS treatment philosophy promotes family participation in a client's treatment during his stay. Parent and family involvement in the assessment and treatment process is essential to the provision of quality treatment services. SPTS recognizes that partnering with families enables the client to maintain and improve vital family relationships during his stay in residential treatment. Treatment services at SPTS are provided in a treatment-team format. The client's intra-agency treatment team includes: unit direct care staff, unit case manager, psychiatrist, unit clinical director, referral agency, unit therapist, registered nurse, the client's parents or family resource, and the client. Teams determine the appropriate level of care; service planning and provision; delivery of family services to resolve concerns that would otherwise extend the client's stay; discharge and aftercare planning; and follow-up services. The client's Unit Treatment Team meets weekly to discuss the client's current treatment issues.

City of Norman Predevelopment **May 26, 2011**

Applicant	Southern Plains Treatment Center
Location	NE corner of 24th Avenue NW and Harriet Road
Case Number	PD11-18
Time	5:00-6:30 PM

Attendee	Stakeholder	Address	Phone
Todd Acton	Applicant	310 12th Avenue NE	201-8098
Sean Rieger	Applicant's attorney	136 Thompson Dr	329-6070
Bill Kaiser	Applicant's engineer	PO Box 2013 Edmond, OK	330-0227
Kathy Hubbart	Neighboring owner	13501 SE 79th Street OKC	386-3055
Sandy Burleson	Neighbor	2208 Harriet Road	664-6171
Billy Don Burleson	Neighbor	2208 Harriet Road	684-6717
Gary E. O'Neal	Neighbor	4013 24th Avenue NW	255-0610
Janell O'Neal	Neighbor	4013 24th Avenue NW	826-9126
Nina Jones	Neighbor	2191 Harriet Road	417-1048
Susan Atkinson	City Staff		366-5392
Doug Koscinski	City staff		366-5437
Ken Danner	City staff		366-5458
Leah Messner	City staff		366-7748

Application Summary. Applicants are seeking to amend the *Norman 2025 Land Use Plan* and Growth Boundary. The current plan designation is Industrial, Future Urban Service Area. The applicant is also seeking to rezone the property from the current RE Residential Estates to a combination of O-1 Office-Institutional and I-1 Light Industrial with a Special Use Permit for a High Impact Institutional Use.

Applicant's Opportunity. The applicant, who has already purchased this property and runs a similar treatment facility on 12th Avenue NE in Norman, is seeking to develop an adolescent treatment facility on a total of 12.26 acres. The proposed office use would include 2.81 acres and the treatment facility would include 9.45 acres.

The applicant stated that the center would treat boys ages 13-18, would have a maximum of 48 beds, and would not be an incarceration-type facility. He stated that patients or clients are admitted voluntarily for a maximum of 30 days. Patients/clients are nearly always admitted by parent referral and usually have not entered the law enforcement system. He stated that the facility would be "hardware secure and staff secure" with a perimeter fence. The facility would be funded by the Oklahoma Health Care Authority. Applicant added that the facility is monitored 10-12 times a year by the various state and federal agencies that oversee adolescent treatment.

Neighbors' Comments. Neighbors were concerned about this proposal for a variety of reasons summarized below.

Saturation with detention facilities. Neighbors commented that with the county jail under construction and two existing adolescent treatment facilities on nearby Venture Drive, the area was already saturated with detention facilities.

Property values. Neighbors with small acreages in the vicinity were very concerned that their properties "would be worth nothing" with the addition of this treatment facility. They were concerned that the existing houses would be surrounded by industrial land uses and would lose all their value and that their quality of life would be diminished.

> **Applicant's Attorney's Response**. Attorney stated that the *Norman 2025 Land Use Plan* had identified this area of Norman as appropriate for future industrial use. He acknowledged that while it might be true that the value of the land for future residential use could be low, the land was likely to increase in value for industrial use.

Security. Neighbors were very concerned that another treatment facility would create a security risk to neighbors. One neighbor stated that they are routinely approached at home by kids on foot seeking to use the phone. Another neighbor stated that there had been "thefts and other problems" in the neighborhood.

Power lines. Neighbors asked where facilities would be located relative to the OGE transmission lines.

> **Applicant's Attorney's Response**. Attorney stated that the buildings would be setback considerably from the power lines and front property line along Harriet Road.
>
> **Applicant's Engineer's Response**. Engineer stated that the mandatory 130 foot utility easement allows driveways to cross the easement and would permit parking lots to be located under the lines.

Aesthetics. Neighbors asked what the building would look like.

> **Applicant's Engineer's Response**. Engineer showed a concept drawing that depicted a metal building.
>
> **Staff Comment**. Staff commented that City Building Code would require a masonry front building with landscaping.

NORMAN PLANNING COMMISSION
REGULAR SESSION MINUTES

SEPTEMBER 8, 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 8th day of September 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 Curtis McCarty Roberta Pailes Andy Sherrer Zev Trachtenberg Jim Gasaway
MEMBERS ABSENT	None

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 Jane Hudson, Planner II

* * *

Item No. 8, being:
CONSIDERATION OF A REQUEST SUBMITTED BY SOUTHERN PLAINS TREATMENT SERVICES, INC. FOR PROPERTY GENERALLY LOCATED AT THE NORTHEAST CORNER OF 24TH AVENUE N.W. AND HARRIET ROAD.

8A. RESOLUTION NO. R-1112-5
SOUTHERN PLAINS TREATMENT SERVICES, INC. REQUESTS AMENDMENT OF THE NORMAN 2025 LAND USE AND TRANSPORTATION PLAN (LUP-1112-01) FROM FUTURE URBAN SERVICE AREA TO CURRENT URBAN SERVICE AREA AND FROM INDUSTRIAL DESIGNATION TO OFFICE DESIGNATION FOR APPROXIMATELY 2 ACRES OF PROPERTY GENERALLY LOCATED AT THE NORTHEAST CORNER OF 24TH AVENUE N.W. AND HARRIET ROAD.

ITEMS SUBMITTED FOR THE RECORD:
1. NORMAN 2025 Map
2. Staff Report

8B. ORDINANCE NO. O-1112-2
SOUTHERN PLAINS TREATMENT SERVICES, INC. REQUESTS REZONING FROM RE, RESIDENTIAL ESTATE DWELLING DISTRICT, TO O-1, OFFICE INSTITUTIONAL DISTRICT WITH SPECIAL USE FOR HIGH IMPACT INSTITUTIONAL USE, FOR APPROXIMATELY 2 ACRES OF PROPERTY GENERALLY LOCATED AT THE NORTHEAST CORNER OF 24TH AVENUE N.W. AND HARRIET ROAD.

ITEMS SUBMITTED FOR THE RECORD:
1. Location Map
2. Staff Report
3. Site Plan
4. Southern Plains Treatment Services
5. Pre-Development Meeting Summary

PRESENTATION BY STAFF:
1. Mr. Koscinski noted there is not a preliminary plat with these items. This property is currently platted as a Residential Estates subdivision, permit ready for homes, but no homes have ever been built in Section 2 of the Teall Addition. The applicant is asking for rezoning on one of the platted lots. The Land Use Plan indicates future Industrial; at the time the 2025 Plan was adopted there was no sewer service in the area. The northwest sewer solution has provided sewer service to this general area and this applicant will be able to take advantage of that. Staff is fully in support of a change from Future Urban Service Area to Current Urban Service Area because that was already programmed once utilities were available to the area. The development started in approximately 1964 on the south side of the road. The north part was platted a little bit later. The specific Land Use Plan change is to Office use rather than Industrial zoning. The applicants wish to have a High Impact Institutional Use, and they have asked for the institutional zoning that would allow that to happen. In order to support that rezoning, the designation on the Plan would need to be an office designation, which is compatible with industrial areas. We allow office uses in industrial zones. Again, the specific rezoning request that comes with this is O-1, with Special Use for High Impact Institutional Use. The applicants are here to outline what they plan with their proposal, but it is a voluntary treatment facility for youth. It is a secure facility, but it is not a jail. You are not adjudicated to this location. You don't serve time, in that sense. You are constrained and restrained, is my understanding.

This went to Pre-Development a month or so ago, and the applicants intended to try to gain rezoning on the entire north half of this area all along Harriet Road. They received some opposition from some of the neighbors. There are a couple of existing houses that expressed some concerns about the major change in zoning, as well as the treatment facility itself. The applicants have since submitted what you see in front of you, which is a one-lot change just to allow the treatment facility and located it directly on 24th Avenue, which is right up the road from the new County Jail facility. There is a 130' easement that runs across the front of all these lots for high-voltage power lines. There are some scattered residences in the area. The property immediately north of the site is vacant, but there is a house north of that. The property to the east is all vacant and impacted by the power line running east/west through this area. South is

another existing residence. All these homes are on two-acre or five-acre tracts. West across 24th Avenue, the power line continues, but you're starting to see the back of other industrial uses, which is what the 2025 Plan calls for in this area. There are no filed protests on the requests. Staff is able to support the specific rezoning and Plan change for the one lot in front of you tonight.

2. Mr. Trachtenberg asked if the applicant owns all the lots on the north side of Harriet Road. Mr. Koscinski indicated he did not know.

PRESENTATION BY THE APPLICANT:

1. Sean Rieger, 136 Thompson Drive, representing the applicant – The owner of this site owns the four lots on Harriet Road and the lot to the north of them. What you're going to see tonight is quite a bit of a change from what we originally brought forward. What originally came forward in this proposal at the Pre-Development hearing was a request to change that entire area to industrial, in keeping with 2025, which says this is all to be industrial. At the Pre-Development hearing, what we heard from these few scattered residences who came was they weren't ready for the entire area to be rezoned industrial. I think they needed to ease into it, more or less. So what we came back with was to change the proposal to just this corner lot. The original proposal when we came to Pre-Development hearing actually had the facility down at the corner at the end of Harriet Road. We heard from the neighbors that basically said I'm not sure we want folks driving down here for the treatment facility when I'm right down here at the end of Harriet Road. So what we did was change it based on those comments to the corner lot. And I think that was well-received. Obviously, no protests were filed thereafter and that's kind of what we heard them telling us. The other thing we heard, again, was let's ease into this, more or less. I think it was a little bit of a shock to those residents at that Pre-Development hearing when they learned that this entire area was to be industrial and fairly intense uses. We heard a couple of comments from folks saying this is a residential addition -- I bought my home here; I want it to stay a residential addition. It took a little bit of discussion to have them realize that this is really a residential addition in name only. Again, as Mr. Koscinski said, these homes are all 1950s and 1960s homes. There has not been a new home or residence in this area in well over 40 years – more on the order of 50 years. So it long ago, I think, left the notion that this area was going to be a residential area. But that obviously took some discussion and time to get through that moment. But that's the big change. I think staff had big concerns that at the end of Harriet Road we were going to use this road for access into this facility. We moved it up here. The only access now is off 24th Avenue, and I think that helped us with staff quite a bit. I think staff originally was probably opposed for some of those reasons. What you'll see tonight is now they're in support of this project. So we appreciate very much the Pre-Development process. I think it's another example of how it worked. We heard the comments from staff and residents. We responded to those. And, as you see, we now have staff support and no protests filed. So it's a testament, again, to the Pre-Development process that I think has worked very well.

I want to show you a little more detail of the project. This is 2025. The little red box is the proposed site. And, as you can see, between the railroad tracks and I-35 and really down to Robinson and all the way out to Johnson Controls, you see all of the blue and the gray. Gray is industrial; blue is institutional. This area is very much intended for intense, high-impact uses. That's what this area is to be. If you look closely at 24th Avenue, where we're fronting on, you have industrial parks, the Guard facility, the jail, Johnson Controls – all of this a very intense use area. So that is really why this site was chosen and why, I think, it's in large measure appropriate. Doug mentioned office. That really is kind of a caveat of what our zoning designations are. To do a high-impact treatment facility, that's the zoning category it fits under, but it's a treatment center, not really an office space. But as our code books are laid out, that's where it happens to fall into. Just to show you again, this is the house to the south. If you've been out there, you'll notice there's really a large number of cars and salvage items – kind of junked parts – out around the facility. That is between the proposed building location and the house to the south. That is the large transmission line facility that really dissects this addition. And then these are the houses to the south of Harriet Road that I mentioned. They're tucked back in behind the trees.

You really can't even see them. But these were the neighbors that were concerned about us putting the facility at the end of Harriet Road. And now we've moved it away from them. So they're really tucked back in the trees and far away from where the facility is proposed now.

I want to show you this just to show you an example of other high-impact institutional kind of uses that are in this general area. This facility – and the gentleman with the use is going to speak with you in just a few minutes about it – but this facility is for adolescent use and treatment center for that. There are other centers for adolescents in this area. Of course, we have the Couch Center – this is a juvenile detention facility, but it's just down here. Here's our site, right in the middle. This is an aerial. So there's the Couch. Varangon is another youth center. Then over here we have three different youth centers, and then just to the north, as Mr. Koscinski said, perhaps the biggest change in this area in a long time is the 500+ bed jail. That is just 1,000 feet off the corner of our site to the north on the same street with access points just down the road. These are some of those facilities in the area, again – adolescent facilities. As Mr. Koscinski noted, though, we are not a detention facility. You are not sentenced to this facility. It is a private, voluntary treatment center, where you can be released upon your parents' demand and you would go. Todd is going to talk a little bit more about that. That's the jail, again, to the north. I'm standing on the site right here taking a picture. You see an entry point right there to the jail to the left. So, again, the jail is right down the road from us. What I want to show you, too, is some changes that happened on the planning of the site itself that I think helped us in achieving the support of staff and the no protests. Originally, when this was proposed, it was one large block building at the end of that street. What the applicant has done is come back and proposed multiple pod buildings, which break down the scale, as you're aware, of buildings. These are one-story buildings. It breaks down that scale so that it doesn't look like some ominous structure there on the corner. And they've used the administrative building, which is right here, to be the focal point off the corner. That one house that I showed you that is adjacent is down to the south here, so they will be looking across the street at an administrative building basically. And you see the parking lot here. What's so notable about this corner is the 105' transmission line easement across the south – a huge easement that crosses all the way across that site, and then you have a 50' building setback on this already platted lot. That, also, is quite huge. You usually see 20' building setbacks, or something of that nature. So large setbacks and they've taken the building away from the frontage. Predominantly masonry buildings. Of course, by code, it has to be that. Lighting ordinance will be in play. So much work done here to break down the scale of this facility. Staff, again, graciously supports this project and I want to read just briefly from their report. It says this use would be compatible with industrial uses. Conversion of a single lot within this area should minimize the short-term impacts on the few residences in the immediate area and may start the transition to industrial uses that 2025 envisioned. So, again, we envision this area going very much as you see on the lower right to industrial and institutional. I think just doing one lot now at a time, instead of all these lots, is the best way to go and that's where we came after the Pre-Development hearing. At this time I want to ask Todd Acton to come up and talk about his facility, very briefly give you a sense of their operations and how he does it.

2. Todd Acton, Executive Director of Southern Plains Treatment Services, 310 12th Avenue N.E. – I wanted to talk a little bit about the impact we'll make in Norman. I want to reiterate that we're already in Norman. We are on the east side; we've been there several years. We have good relations with our neighbors. We have good relations with the community. I wanted to emphasize that we're not bringing a new group in – that we're already here. And I wanted to make some distinctions about our treatment center, which has already been done, because I'm sensitive to community members thinking, well, yet again, we've brought in another jail, or a penal type facility. And that's not what we are. I do want to be clear. That doesn't mean that we will have all church campers – we will have difficult kids. But it is different in that they're not sentenced there by a state agency. They're not sentenced there by court order. That can't be done. We have the right to refusal. Parents have the right to remove them. And I think that's important and significant, and I want to make sure that's well understood. The reason that we

want to relocate is we think we can deliver better services, and more cost-effective services, in a newer, modern facility than where we are. That's our primary motivating factor for building. As all of you are well aware, we're in tough times, and we think long-term this is a strategy that helps us survive and really deliver more effective services. And that's our motivation and what we want to do. Thank you for your time.

3. Mr. Knotts asked if this is a replacement for the facility on 12th Street. Mr. Acton indicated it is. Mr. Knotts asked if someone could be sentenced to this facility if the facility didn't refuse them. Mr. Acton said they cannot be sentenced to this facility. The type of kids we're talking about would be like Charlie Sheen, not Charlie Manson. So we won't be talking about a prison sentence or that type of classic mentally ill depiction that is usually wrong.

4. Mr. Trachtenberg asked how clients are referred to the facility. Mr. Acton responded that a large percentage are referred through school systems. Our culture is changing in lots of ways – in ways that, even as young as I am, I never envisioned. We have gambling epidemics. We have methamphetamine epidemics. We have kids that are lost – they're not tethered – they have no place to go. And, obviously, untethered children are going to exhibit difficulties coping at school, being where they're supposed to be, being appropriate. So the school system is a huge referral source for kids who are struggling to cope. Mr. Trachtenberg asked the percentage of clients who have substance abuse difficulties. Mr. Acton indicated a high percentage. Our primary treatment is psychiatric, so those would be secondary.

5. Mr. Trachtenberg asked if the perimeter will be fenced. Mr. Acton said it will be, but it will be done tactfully. The fence is meant to constrain people from getting out or in. Mr. Trachtenberg asked whether there will be armed people on staff. Mr. Acton said there will not. We're staff secured. And let me clarify this, our view is we're not going to bring them in and then they're going to interact in the community. It's intensive treatment that lasts typically between 30 and 50 days, and while they're there they won't interact in the community. It's residential based. We have a short window and we have a lot of work to do. Our view is if you're well enough to be in the community, you don't need to be here. So we try to do that quickly and relocate them. Mr. Trachtenberg asked if they have had the experience, or are prepared to deal with the possibility of friends showing up to reconnect with your clients. Mr. Acton responded that they are very experienced. We have done this for many years and we have protocols and procedures in place for those sorts of things.

6. Mr. Trachtenberg asked whether they have ownership of the four lots altogether. Mr. Acton said they do. Mr. Trachtenberg asked about future expansion. Mr. Acton said they don't have any immediate plans. It's more of a buffer zone is our intent at the moment. Typically people don't want to be right next to that. Mr. Rieger added that it was a package sale, more or less, and that's how it was bought.

7. Ms. Hartley asked if they are increasing the total number of beds, or is 48 how many they have currently. Mr. Acton indicated they currently have 40. We could have more. We just have chosen not to. We don't necessarily think we'll use 48, and frankly, I don't think the market would bear that, so to speak. But as we look at the economy of scale of building it, that's our preliminary. There are reasons for building it that size. Some of it is the way that, demographically, we have to split the kids up – for service reasons we have to do that, but we don't plan on expanding and I doubt we would ever have 48. Ms. Hartley asked if they are a non-profit or a for-profit. Mr. Acton said they are a for-profit corporation.

8. Mr. Rieger – One other point. Realize we're only rezoning the one lot. The rest are remaining RE, Residential Estates. So, if he wishes to expand into those lots, it will be back right here in front of you. There's no ability to go beyond those borders unless he comes back through this process.

9. Ms. Pailes asked if there is any outdoor recreation area associated with this. Mr. Acton said it will have an outdoor recreation area, and an indoor one. Mr. Rieger added that it will probably be right in front of the residential pods. You have a very large area out here to do that within, with the large 50 foot setback and other space. Right now on 12th they have that as well. And something we didn't mention earlier, but they're on 12th right now and we're certainly not aware of any problems that the neighborhood immediately to the east of that facility has had with this facility. There is a neighborhood right across 12th from where they're at now. So they have a good track record with neighbors.

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:
Diana Hartley moved to recommend adoption of Resolution No. R-1112-5, Ordinance No. O-1112-2, the Site Development Plan and accompanying documentation, to the City Council. Zev Trachtenberg seconded the motion.

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

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

Recording Secretary Roné Tromble announced that the motion, to recommend adoption of Resolution No. R-1112-5, Ordinance No. O-1112-2, the Site Development Plan and accompanying documentation, to the City Council, passed by a vote of 9-0.

* * *

City of Norman, OK

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

Master

File Number: O-1112-11

File ID:	O-1112-11	**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:**	08/15/2011
File Name:	O-1112-11 Hunter B&B			**Final Action:**	

Title: CONSIDERATION OF ORDINANCE NO. O-1112-11 UPON FIRST READING BY TITLE: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 460 OF CHAPTER 22 OF THE CODE OF THE CITY OF NORMAN SO AS TO GRANT SPECIAL USE FOR A TYPE I BED AND BREAKFAST IN THE A-2, RURAL AGRICULTURAL DISTRICT, FOR A TRACT OF LAND LYING WITHIN THE NORTHEAST QUARTER OF SECTION 15, TOWNSHIP 9 NORTH, RANGE 2 WEST OF THE INDIAN MERIDIAN, CLEVELAND COUNTY, OKLAHOMA; AND PROVIDING FOR THE SEVERABILITY THEREOF. (3100 26TH AVENUE N.E.)

ACTION NEEDED: Motion to Introduce and adopt Ordinance No. O-1112-11 upon First Reading by title.

ACTION TAKEN: _____

Notes: October 11, 2011, City Council Agenda

Agenda Date: 10/11/2011

Agenda Number: 8

Attachments: O-1112-11 Hunter Bed and Breakfastl, Hunter BB Location Map, Hunter Special Use Staff Report, Hunter BB Site Plan, Hunter BB Project Description, Hunter BB Pre-Development, 9-8-11 PC Minutes - Hunter BB

Project Manager: Doug Koscinski, Current Planning Manager

Entered by: rone.tromble@normanok.gov

Effective Date:

History of Legislative File

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

1	Planning Commission	09/08/2011	Recommended for Adoption at a subsequent City Council Meeting	City Council	Pass

Action Text: Recommended for Adoption at a subsequent City Council Meeting to the City Council

1 Planning Commission 09/08/2011

Text of Legislative File O-1112-11

Body

SYNOPSIS: The owners of this property, Thomas and Lisa Hunter, are asking for a Special Use for a Type I Bed and Breakfast to be granted for a structure on their property. The structure is an existing guest house located on their property, which is located at 3100 26th Avenue N.E. A Type 1 Bed and Breakfast is defined by ordinance as "a use clearly subordinate to the principal use and appearance of the structure as a residence, containing no more than four guest rooms, (none with individual cooking facilities) in which the owner/operator provides lodging which includes meal service to transient guests for compensation".

ANALYSIS: The applicants initially constructed the guest house for relatives to use as they were in declining health. Health conditions have continued to decline and the applicants can no longer allow the relatives to stay in the guest house. Since the owners have no other use for the guest house they believe they have an opportunity to operate a Type 1 Bed and Breakfast. It should be noted in the "Operating Characteristics" that there is a kitchen in the guest house, which technically violates one of the ordinance provisions. They would prefer not to go to the expense of removing the kitchen area. The applicant stated she will be preparing the meals for any guest, which keeps the use in line with the definition of a Type 1 Bed and Breakfast. The property is serviced by private septic systems and water well.

The property is located in a secluded area, and can only be accessed via a private road. That was the principal issue raised by a nearby property owner who shares that roadway, and believes that the increase in traffic will adversely impact their home. Their protest amounted to a filed protest of 2.8 percent. While the road to these houses is gravel, this parcel has a paved drive and the proposed Bed & Breakfast has an attached one car garage to house visitor parking. Maintenance of the roadway is commonly shared by all owners in the neighborhood.

STAFF RECOMMENDATION: Granting of this request should not impact the neighbors any more than the traffic from the previous residents/relatives staying in the guest house. Since there is only one unit to be rented, traffic impacts will be minimal. The definition of a Bed and Breakfast states there should be no individual kitchen facilities in the unit, but the applicants have asked that they be allowed to keep the structure as it was originally built, and will provide all needed food service. Since the applicant has stated she will be preparing meals for guests to keep in line with the adopted definition of a Bed and Breakfast, staff does not object to the unit having a kitchen. The adjacent properties are shielded by rows of trees between the lots. Therefore, any activity at this unit should not result in a negative impact on

the surrounding neighbors. Staff supports this request for a Special Use, and recommends approval of this request. At their September 8 meeting, the Planning Commission, on a vote of 9-0, recommended approval of this Special Use.

O-1112-11

AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 460 OF CHAPTER 22 OF THE CODE OF THE CITY OF NORMAN SO AS TO GRANT SPECIAL USE FOR A TYPE I BED AND BREAKFAST IN THE A-2, RURAL AGRICULTURAL DISTRICT, FOR A TRACT OF LAND LYING WITHIN THE NORTHWEST QUARTER OF SECTION FIFTEEN, TOWNSHIP NINE NORTH, RANGE TWO WEST OF THE INDIAN MERIDIAN, CLEVELAND COUNTY, OKLAHOMA; AND PROVIDING FOR THE SEVERABILITY THEREOF.
(3100 26TH AVENUE N.E.)

§ 1. WHEREAS, Thomas and Lisa Hunter, the owners of the hereinafter described property, have made application for Special Use for a Type I Bed and Breakfast in the A-2, Rural Agricultural District; and

§ 2. WHEREAS, said application has been referred to the Planning Commission of said City and said body has, after conducting a public hearing as required by law, considered the same and recommended that the same should be granted and an ordinance adopted to effect and accomplish such 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 Type I Bed and Breakfast in the A-2, Rural Agricultural District, to wit:

> Part of the Northwest Quarter of Section Fifteen (15), Township Nine (9) North, Range Two (2) West of the Indian Meridian, Cleveland County, Oklahoma, more particularly described as follows: BEGINNING at the Northwest corner of said Section; Thence South 00°27'02" East 1750.00 feet; Thence North 89°32'58" East 870.00 feet; Thence South 00°27'02" East 350 feet; Thence South 89°32'58" West 870.00 feet; Thence North 00°27'02" West 350 feet to the point of beginning. Less and Except a Thirty-three foot (33') road easement of the West Side of said property.

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

a. The site shall be developed in accordance with the Site Plan (Exhibit A), approved September 8, 2011, and supporting documentation submitted by the applicant and approved by the Planning Commission.

b. The approval is for one guest room in accordance with Exhibit A.

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

ADOPTED this _____ day of

_____, 2011.

_____
(Mayor)

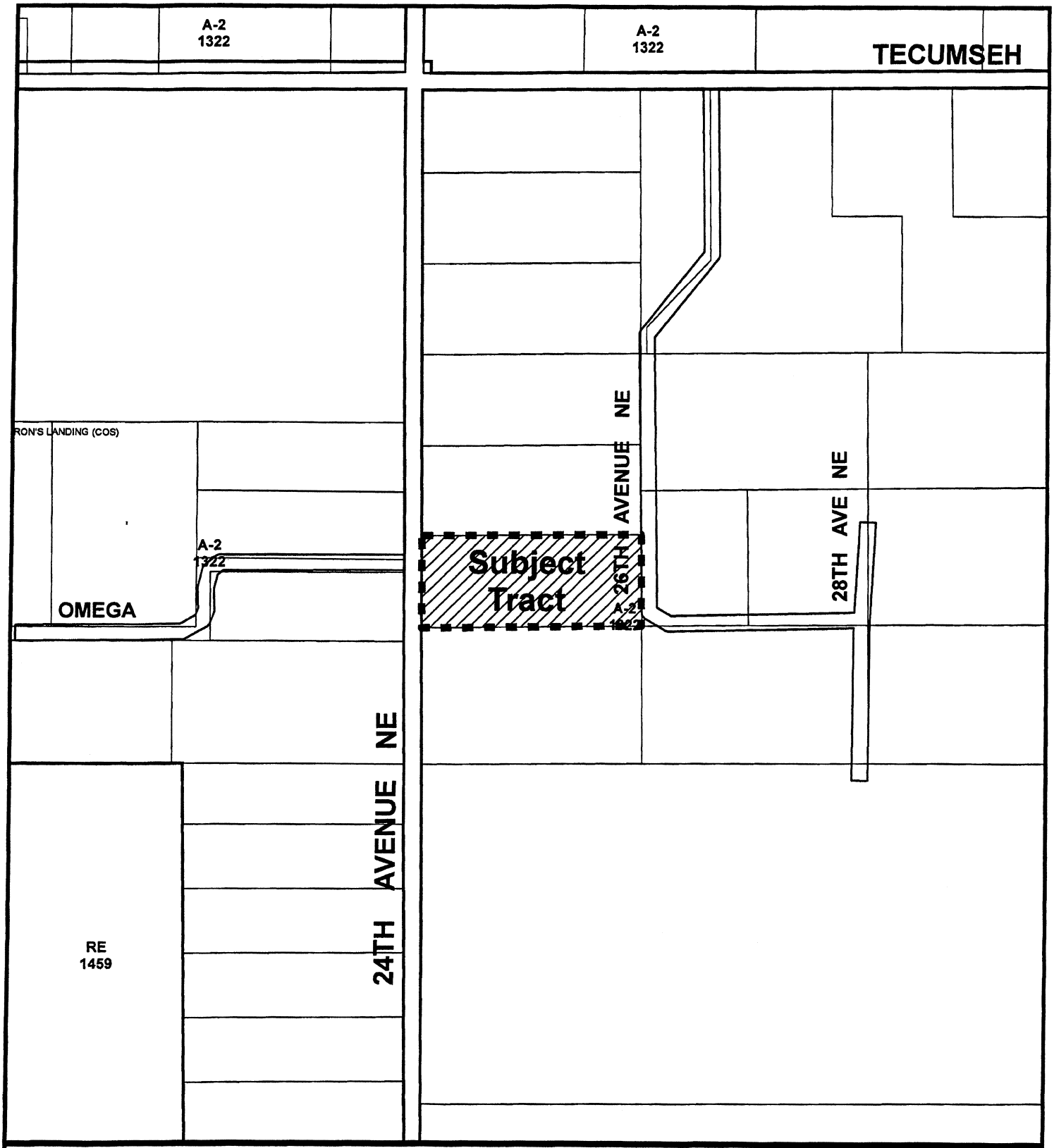
NOT ADOPTED this _____day of

_____, 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

July 12, 2011

0 250 500 Ft.

Subject Tract

Zoning

ORDINANCE NO. O-1112-11 ITEM NO. 9

STAFF REPORT

GENERAL INFORMATION

APPLICANT	Thomas & Lisa Hunter
REQUESTED ACTION	Special Use for a Type I Bed & Breakfast
EXISTING ZONING	A-2, Rural Agricultural
SURROUNDING ZONING	North: A-2 East: A-2 South: A-2 West: A-2/24th Avenue N.E. ROW
LOCATION	3100 26th Avenue N.E.
SIZE	6.8 Acres
PURPOSE	Type I Bed & Breakfast
EXISTING LAND USE	Residential
SURROUNDING LAND USE	North: Residential East: Residential South: Residential West: Residential/24th Avenue N.E.
LAND USE PLAN DESIGNATION	Very Low Density Residential

SYNOPSIS: The applicants, Thomas and Lisa Hunter, are requesting a Special Use for a Type I Bed and Breakfast. They would like to establish this Bed and Breakfast at the existing guest house located on their property, 3100 26th Avenue N.E. A Type 1 Bed and Breakfast is defined by ordinance as "a use clearly subordinate to the principal use and appearance of the structure as a residence, containing no more than four guest rooms, (none with individual cooking facilities) in which the owner operator provides lodging which includes meal service to transient guests for compensation". This use is permitted under the existing A-2 zoning district as a "Special Use".

ANALYSIS: The applicants initially constructed the guest house for relatives to use as they were in declining health. Health conditions have continued to decline and the applicants can

no longer allow the relatives to stay in the guest house. Since the owners have no other use for the guest house they believe they have an opportunity to operate a Type 1 Bed and Breakfast. It is noted in the "Operating Characteristics" that there is a kitchen in the guest house. The applicant stated she will be preparing the meals for any guest which keeps the use in line with the definition of a Type 1 Bed and Breakfast. The property is serviced by septic systems and water well. The property is located in a secluded area accessed via a private road.

ALTERNATIVES/ISSUES:

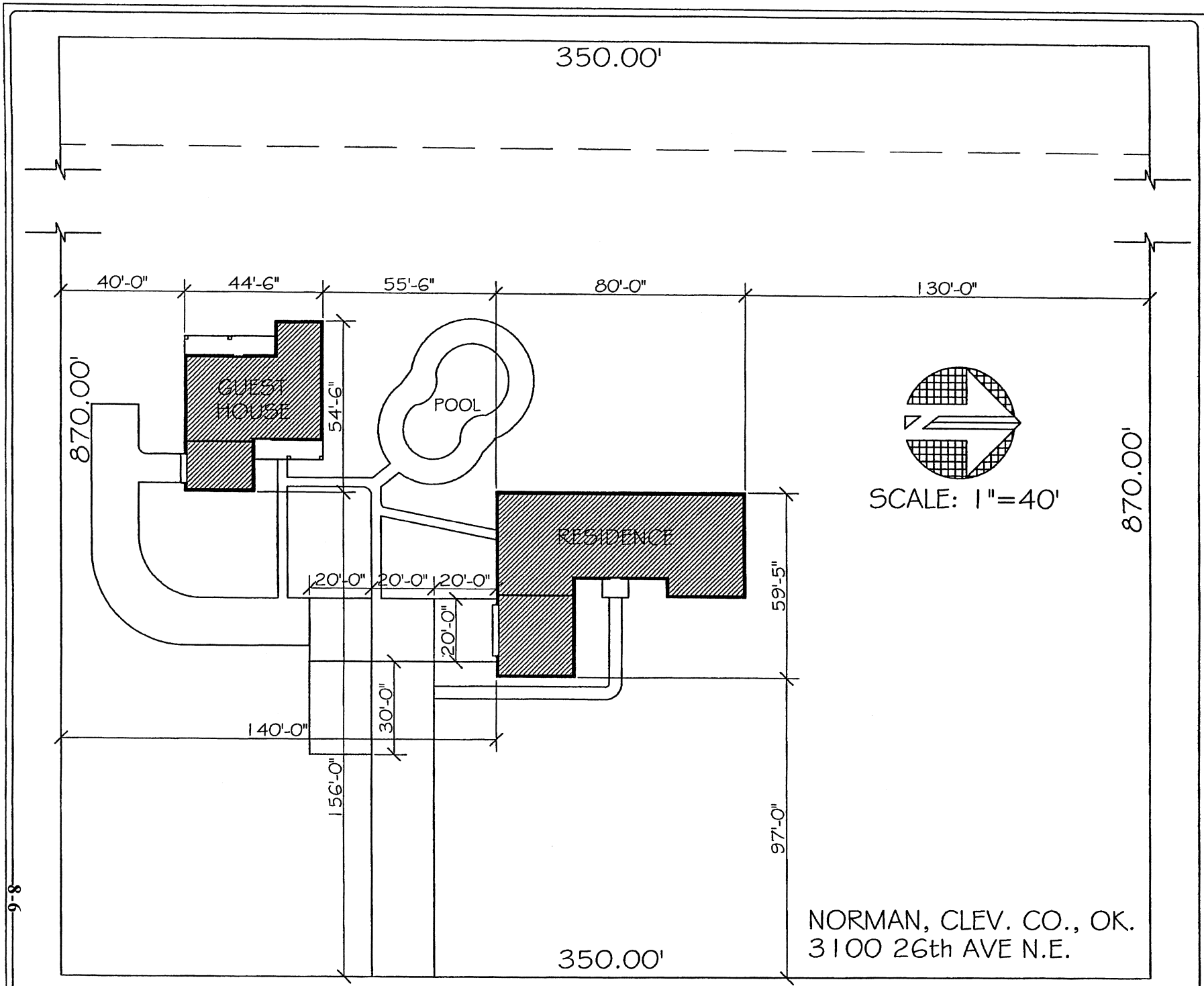
- **IMPACTS** As proposed, minimal impacts are expected. This is a rural area with limited traffic.
- **PARKING** No additional impacts from parking are to be expected. The parcel has a paved drive and the proposed Bed & Breakfast has an attached one car garage to house visitor parking.

OTHER AGENCY COMMENTS:

- **PARK BOARD** This is an existing residential area with no parkland dedication required.

- **PUBLIC WORKS** Based on the fact that this property has access onto a private road there are no maintenance requirements with the Public Works Department.

STAFF RECOMMENDATION: Granting of this request should not impact the neighbors any more than the traffic from the previous residents/relatives staying in the guest house. Since there is only one unit to be rented, traffic impacts will be minimal. The adopted definition of a Bed and Breakfast states there are no kitchen facilities in the unit, as noted in the application this unit has kitchen facilities. Since the applicant has stated she will be preparing meals for guests to keep in line with the adopted definition of a Bed and Breakfast, staff does not object to the unit having a kitchen. The adjacent properties are shielded by rows of trees between the lots. Therefore, any activity at this unit should not result in a negative impact on the surrounding neighbors. Staff supports this request for a Special Use, and recommends approval of this request.



Preferred Plans, Inc. makes no claims and assumes no liabilities as to the accuracy and or completeness, including but not limited to all dimensions, locations, setbacks, sideyards, backyards or easements whether shown or not shown on this plot. Anyone using this plot must verify its accuracy and completeness in all regards including any and all code requirements and compliances.

HUNTER RESIDENCE

DATE: 07/07/2011
SCALE: 1"=40'

© COPYRIGHT 2000 PREFERRED PLANS, INC.

PREFERRED PLANS INC.
2160 McKOWN DR.
NORMAN, OK 73072
(405) 447-8999

PLOT PLAN
1

9-8

Statement describing the Nature and Operating Characteristics of our Proposed Bed and Breakfast

(Thom and Lisa Hunter's Application for Special Use)

In 2007 ~~1997~~, with the City of Norman's permission, we built an addition to our home so that my parents would be able to stay with us. At the time, my dad had been diagnosed with Alzheimer's. Our plan was that mother would be able to continue to care for him with our support. The addition to our home came in the form of a guest house, but it is connected in the fact that it operates off of the main house for water and heating (i.e. one well, one pressure tank and one propane tank.) It cannot be run independently because of these utilities. Also, we understand it is and always will be part of our home. Our property cannot be divided to sell or rent to another individual.

We discovered after my parents moved here that my dad's illness had progressed faster than we realized and he only lived a few months. Soon after he died, Mother was also diagnosed with dementia. Fortunately she was able to live in her part of our home relatively independently until she fell last fall. She now requires constant supervision because of the dementia and she lives in our part of the home and can never be left alone. Other than a couple of days a week at Full Circle I am now tied to the house and am a full-time caretaker like so many people are these days. In other words, I am not able to work outside our home as I used to be able to do. The cost of her care is increasing and it would be very helpful if I could add to our monthly income. Thom is retired from ATT and also works from home most of the time as a writer, though he is also supplementing our income with some part-time work. So he is available to help run our proposed bed and breakfast.

The guest house has one large bedroom so we would only be able to offer it to one guest, couple or small family at a time. It also has a small sitting room, living room, and a kitchen. There are no cooking facilities in the bedroom! It is all built according to Norman city's codes. The guests would have the same access to kitchen facilities that they would in the main part of our home.

Other things this part of our home affords are - -

A large shower easily accessible for walkers or wheelchairs.

A large jetted bathtub. (We built it to please Mother and Pop)

A large safe room built as the walk-in closet in the bedroom.

One car garage.

Plenty of parking to the side as you request (my preference, too!)

No steps to enter this part of the house. It's all flat.

Swimming pool.

Incredible view (we are watching the Devon building go up.) Gorgeous sunsets. And a walking trail through the woods at the east end of the property.

With only one set of guests at a time, the traffic will be minimal.

I do my own cooking and cleaning and should be able to accommodate special dietary needs and flexible schedules. That's what I do now.

Thank you for taking time to read our proposal and we look forward to meeting with you soon.

Lisa Hunter

City of Norman Predevelopment **July 28, 2011**

Applicant	Thomas and Lisa Hunter
Location	3100 26th Avenue NE
Case Number	PD11-20
Time	5:30-6:00 PM

Attendee	Stakeholder	Address	Phone
Thomas and Lisa Hunter	Applicants	3100 26th Avenue NE	550-7882
Joan Mustoe	neighbor	3101 26th Avenue NE	329-4340
Don & Diane Mitchell	neighbors	PO Box 6078 Norman, OK 73070	321-0860
Susan Atkinson	City Staff		366-5392
Doug Koscinski	City staff		366-5437
Leah Messner	City staff		366-7748

Application Summary. Applicants are seeking a Special Use Permit for this property which is zoned A-2. *The Norman 2025 Land Use Plan* designation is Very Low Density Residential.

Applicant's Opportunity. The applicants are seeking to use their existing guest house as a one-bedroom Bed & Breakfast. The facility would be available by reservation only and could accommodate at most one person, a couple, or a couple with one child. They envision that this unit would get fairly infrequent use and see it as a small supplement to their income.

Neighbors' Comments. The across-the-street neighbor spoke in favor of the proposal. She stated that she and her husband foresaw no negative impacts from this use.

Adjacent neighbors spoke against the proposal. They felt that it would generate extra traffic, bring strangers into the neighborhood, and cause more light to shine into their windows at night.

Applicants' Response. Applicants assured their neighbors that the proposed Bed & Breakfast would have a minor traffic impact on neighborhood traffic because it is only one unit which would have at most one car associated with it. They added that they would make directions to the unit very clear for guests so that neighbors would not be disturbed by being asked for directions. They added that this facility would be available by reservation only and would certainly not be used as a party house.

NORMAN PLANNING COMMISSION
REGULAR SESSION MINUTES

SEPTEMBER 8, 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 8th day of September 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 Curtis McCarty Roberta Pailes Andy Sherrer Zev Trachtenberg Jim Gasaway
MEMBERS ABSENT	None

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 Jane Hudson, Planner II

* * *

Item No. 9, being:
ORDINANCE NO. O-1112-11 – THOMAS & LISA HUNTER REQUEST SPECIAL USE FOR A TYPE I BED & BREAKFAST ESTABLISHMENT FOR PROPERTY CURRENTLY ZONED A-2, RURAL AGRICULTURAL DISTRICT, LOCATED AT 3100 26TH AVENUE N.E.

ITEMS SUBMITTED FOR THE RECORD:
1. Location Map
2. Staff Report
3. Site Plan
4. Applicant's Statement
5. Pre-Development Meeting Summary
6. Protest Letter and Map

PRESENTATION BY STAFF:
1. Mr. Koscinski indicated this is a simple rezoning request, no plat with it and no Plan change required. About 2007 the applicant built what was called a guest house. They actually moved their mother into it so they could take care of her. She is now moved into the main home. The guest house is still there, but they don't need it for a guest house and so they've submitted a request for a special use for it to be used as a one-bedroom bed and breakfast. There is a swimming pool between the main house and the guest house. They are on a private gravel road, which they share with some other residences. They have on-site parking – parking is certainly not an issue, and it is paved parking. No changes to the site plan are anticipated. It will be a one-bedroom rental unit for occasional guests. Staff supported the request, essentially because it is a one-bedroom unit. Being a guest house, it does have kitchen facilities, which the ordinance actually prohibits, but they intend not to use it that way. The owners will provide the cooking for whatever guests show up.

There was a filed protest. Two of the people that live at the entrance to the neighborhood filed a protest based on impacts of traffic going up and down a gravel road. It represents 2.8 percent. Staff does support the request. Again, it's a minor change. We don't expect traffic to be much worse than it would have been if somebody had occasionally lived there, which is about what will happen. We didn't foresee the traffic impacts, but those are issues that some of the neighbors are concerned with. Staff did support the request.

2. Mr. McCarty asked if the road maintenance is split by the. Mr. Koscinski said it is supposed to be. That is one of the concerns that was raised.

3. Mr. Trachtenberg asked if the development is built out. Mr. Koscinski reported there are vacant lots. There are residences on some of the lots. These are very large lots – five-acre lots, typically, if not larger, so they aren't right next to each other.

4. Ms. Hartley noted the protest complaint is about traffic and dust. Mr. Koscinski responded that it is exactly what it already is. It will just be used differently.

PRESENTATION BY THE APPLICANT:
1. Thom Hunter, 3100 26th Avenue, the applicant – Really the only thing I wanted to say is we have a very good relationship with all of our neighbors, including the Mitchells. We've talked to them about that issue, as far as the traffic on the road. To answer the other question, all of the homeowners on the road – and really there are only about 5 or 6 in the whole area – do contribute to the upkeep of the road. In fact, a few years ago we all put in quite a bit of money to bring the road up to better use for the neighborhood. There was a time when we actually, living out there on the property, had five teenagers, because all of our children kind of became one at the same time, and so there was considerably more traffic on the road in the past than there will be now. With it being a one-bedroom guest house, we anticipate having one car going up the road on occasion and really not having much of an impact on that area at all. Most of the neighbors have expressed not only approval, but interest. You know, I guess they

want to have their relatives nearby but not in their own home. So we are looking forward to that. Basically, my wife, because of her mother, who is in great health but has dementia, has to be home with her all day long, and my office actually is in the home, so we're both there pretty much all the time. This seemed like a good use for us, otherwise it would just be an empty one-bedroom sitting there with no real use. But I would be happy to answer any questions at all.

2. Ms. Gordon noted the Pre-Development summary, which talks about the across-the-street neighbor spoke in favor, but that adjacent neighbors spoke against the proposal. Mr. Hunter responded that actually they're not adjacent, but that would be Don and Diane Mitchell. And the way the road comes in off of Tecumseh, it does, and always has, goes straight up and then turns. Ms. Gordon asked if they have ever thought about moving the road. Mr. Hunter explained that they didn't build the house – they bought the house there. In other words, the house was already there on that part of the road. There has been some discussion among the homeowners about moving the road and just going straight out, and that would impact the Mitchells in a sense because they own that piece of property that the road would go straight through, but if that decision were made, it would be something that all of the homeowners would need to pitch into. And through the years, I understand it has been discussed and the Mitchells have actually not been in favor of it. The only other thing that the Mitchells mentioned, which really didn't make the comments – they talked about the possibility of someone stopping and asking for directions at their house. But we would make it real clear to anyone coming – because this is not something like we're going to put up a neon sign and you come and ask do you have a room. It's all going to be by reservation. The Mitchells themselves have a high fence, two big dogs, and it says beware of dogs, so I doubt that people are going to stop and open the gate and go in to ask for directions. So I really think the impact will be very minimal on the Mitchells. And they're good neighbors and I understand their concerns and we want to keep a good relationship with our neighbors, so we'll work very carefully to make sure it doesn't impact them. There's a family around the corner with four teenagers and, much like we were at one time, and that's much more impacting traffic-wise.

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:
Curtis McCarty moved to recommend adoption of Ordinance No. O-1112-11, the Site Development Plan and accompanying documentation, to the City Council. Diana Hartley seconded the motion.

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

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

Recording Secretary Roné Tromble announced that the motion, to recommend adoption of Ordinance No. O-1112-11, the Site Development Plan and accompanying documentation, to the City Council, passed by a vote of 9-0.

* * *

City of Norman, OK

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

Master

File Number: RPT-1112-10

File ID: RPT-1112-10 **Type:** Communication or Report **Status:** Consent Item

Version: 1 **Reference:** Item No. 9 **In Control:** City Council

Department: City Manager Department **Cost:** **File Created:** 09/12/2011

File Name: Monthly Dept Report August 2011 **Final Action:**

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

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

ACTION TAKEN: _____

Notes: October 11, 2011, City Council Agenda

Agenda Date: 10/11/2011

Agenda Number: 9

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:
1	Approvers	09/27/2011	postpone	City Council			
	Action Text:	postpone to the City Council					
1	City Council	09/27/2011					

Text of Legislative File RPT-1112-10

City of Norman, OK

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

Master

File Number: RPT-1112-1

File ID: RPT-1112-1 **Type:** Communication or Report **Status:** Consent Item

Version: 1 **Reference:** Item No. 10 **In Control:** City Council

Department: City Clerk Department **Cost:** **File Created:** 05/23/2011

File Name: Final Enforcement Authority Report **Final Action:**

Title: SUBMISSION OF A REVISED FINAL REPORT FROM THE ENFORCEMENT AUTHORITY FOR THE 2011 CITY COUNCIL ELECTION CYCLE.

INFORMATION: In accordance with the requirements of Section 7.5-26(7) of the Code of the City of Norman, the above-described report is due within 90 days after the general election. This report was submitted to City Council on July 26, 2011, and was not accepted. The report has been amended and is now submitted for City Council's consideration in order that acknowledgment of the receipt of the report may be noted in the minutes as a matter of permanent record.

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

ACTION TAKEN: _____

Notes: October 11, City Council Agenda

Agenda Date: 10/11/2011

Agenda Number: 10

Attachments: Amended Final Report 2011.pdf, August 29 Enforcement Authority Minutes.pdf, Pert Exc Cc Minutes July 26, July 1, 2011 Minutes.pdf

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:
1	City Council	07/26/2011	Rejected				
	Action Text: Rejected						
1	City Council	07/26/2011					

Norman Enforcement Authority Report

To: Norman City Council

August 30, 2011

Re: Final Report, 2011 Municipal Election cycle

The Norman Enforcement Authority (EA) met seven (7) times during the 2011 City Council election cycle. All required reports were filed and some minor corrections were requested and received. Copies of the minutes from each meeting are included as part of this report.

Four (4) reports were filed late, per Art. II, Sec. 7.5-22 of Chapter 7.5 of the Code of the City of Norman. Three of the four fines have been paid. The other, incurred on March 4, 2011, is still outstanding. The EA understands that action on this matter is up to the City Attorney and the Municipal Court and, therefore, has made no recommendation concerning the outstanding fine.

Respectfully submitted,

Mary Francis, Chair
Dr. Richard Hilbert, Vice Chair
Nina Flannery, Member
Ty Hardiman, Member

ENFORCEMENT AUTHORITY MINUTES

August 29, 2011

The Enforcement Authority of the City of Norman, Cleveland County, Oklahoma, met in the Municipal Building Conference Room at 201 West Gray on the 29th day of August, 2011, at 3:10 p.m. Notice and agenda of the meeting were posted at the Municipal Building 48 hours prior to the beginning of the meeting.

Item 1. Roll Call. City Clerk Hall called the roll.

MEMBERS PRESENT:	Nina Flannery Ty Hardiman Richard Hilbert Chair Mary Francis
MEMBERS ABSENT:	None
OTHERS PRESENT:	Brenda Hall, City Clerk Jeff Bryant, City Attorney

City Clerk Brenda Hall announced the resignation of Dorinda Harvey to the Enforcement Authority.

* * * * *

Item 2. Approval of minutes from the July 1, 2011, meeting. Member Flannery moved that the minutes from the July 1, 2011, meeting be approved, which motion was duly seconded by Member Hilbert;

Items submitted for the record
1. Enforcement Authority Minutes from July 1, 2011

and the question being upon approving the minutes from the July 1, 2011, meeting, a vote was taken with the following result:

YEAS:	Members Flannery, Hardiman, Hilbert, Chair Francis
NAYES:	None

The Chair declared the motion carried and the minutes from the July 1, 2011, meeting were approved.

* * * * *

Item 3. Discussion regarding reconsideration of the Final Election Report.

Chair Francis said the Enforcement Authority Final Report was sent to City Council for their acceptance in July. Questions were raised by members of Council and the public about the inclusion of the educational flyer printed and distributed by the GOP PAC, Bobby Cleveland, President, as part of the final report. Chair Francis said when she received a copy of the flyer it was forwarded to the City Clerk, who after review, told her since it did not advocate one candidate over another, it was seen as an educational flyer and would not be subject to reporting requirements. Chair Francis said the flyer contained the party affiliation of each candidate and although this activity was not something that fell under the Enforcement Authority's purview, she thought Council would be concerned that partisan literature was distributed in a non-partisan election. She said it was included for informational purposes only. She said the report was sent back to the Enforcement Authority by the Council for reconsideration and asked the City Clerk to brief members on the discussion that took place at the Council meeting.

City Clerk Brenda Hall said several members of Council and the public questioned why the flyer was included in the report since it was determined to be educational and not subject to reporting requirements. Some members of Council were aware of other educational flyers that were circulated in the community, which were not included as a part of the report and felt the flyer from the GOP was singled out. Ultimately, Council voted to return the final report to the Enforcement Authority and instructed the Authority to remove the flyer and all mention of the flyer from the final report.

Ms. Hall said some members of Council discussed whether the Enforcement Authority may have acted outside the parameters of their duties and asked that review of the ordinance containing their duties be placed on a future Council Oversight Committee. She said Council also expressed a desire to have a more comprehensive report including all election cycle activities, reports, and educational efforts and felt specific criteria could be developed for future use.

Chair Francis asked what entity or board would have purview over a potential violation regarding partisan information in a non-partisan election. City Attorney Jeff Bryant said it is against state law for municipalities to conduct partisan elections and any complaint regarding such a violation would be filed at the District Attorney's Office.

Enforcement Authority members discussed amending the report and what should be included in the amended report to send back to Council. Since the 2011 Election cycle was completed last May, members felt simply removing the flyer and discussion regarding the flyer as requested by Council would be sufficient to close out this report. Members welcomed direction from Council regarding specific criteria to be included in future reports and expressed a desire to work with the Council Oversight Committee in this effort.

Member Flannery moved that the last paragraph of the final report containing reference of the flyer distributed by the GOP be stricken from the report, which motion was duly seconded by Member Hardiman; and the question being upon striking the last paragraph of the final report containing reference of the flyer distributed by the GOP, a vote was taken with the following result:

YEAS:	Members, Flannery, Hardiman, Hilbert, and Chair Francis
NAYES:	None

Chair Francis declared the motion carried and the last paragraph of the final report containing reference of the flyer distributed by the GOP was stricken from the report.

Item 3, continued:

Member Hilbert moved that the first two paragraphs stand as the final report, which motion was duly seconded by Member Flannery; and the question being upon the first two paragraphs standing as final report, a vote was taken with the following result:

YEAS:	Members, Flannery, Hardiman, Hilbert, and Chair Francis
NAYES:	None

Chair Francis declared the motion carried and the first two paragraphs stood as the final report.

* * * * *

Item 4. Discussion regarding possible recommendation on amendments to Chapter 7.5, Elections

City Clerk Brenda Hall said the Council Oversight Committee reviewed the recommended potential amendments to Chapter 7.5, Elections, regarding reporting criteria in their meeting in May, 2011. She said the recommendation was to eliminate the supplemental report required to be filed on Monday preceding the election and establish a $500 threshold when reports would be required for committees supporting or opposing a candidate, which mirrors state statute. She said the Authority members previously expressed their desire to attend the Council study session when the proposed amendments would be reviewed. She said some members of Council requested the Oversight Committee review and consider possible amendments of the duties of the Enforcement Authority outlined in Chapter 7.5, Elections, as well as reporting criteria to be used in future reports, which is scheduled for their meeting on September 7, 2011. Ms. Hall said this is the Authority's opportunity to recommend and/or provide comments for the Council Oversight Committee's consideration during their review of the proposed ordinance.

Members expressed the desire to be seen as a committee who oversees and assists candidates and candidate committees in their reporting activities to ensure compliance with the City's ordinances and felt the name "Enforcement Authority" was seen in a negative light. Members would like for Council to consider changing the name of the Enforcement Authority to better identity the committee as a compliance committee and not an enforcement committee. Names suggested included Norman Council Election Compliance Committee and Election Compliance Committee.

Members also discussed the proposed amendment as recommended by the Council Oversight Committee to delete the supplemental report requirement and asked that the Oversight Committee reconsider that recommendation. Authority members felt strongly that the filing of the report remain to maintain full disclosure and transparency of campaign activities for the voting public. Chair Francis said the report was created after an election where one candidate spent and received several thousand dollars over the weekend after filing the Friday report and voters were not aware of the activity until after the election. She felt transparency for the voters was important and other Members agreed. Additionally, Chair Francis said there seemed to be some confusion in this year's election with one committee that formed over the weekend after the Friday deadline as to whether or not they were required to file a report on Monday since it was called a "supplemental" report and the very name supplemental, implied there had been a previous report filed. Instead of deleting the requirement for the Monday report, members recommended amending the language to remove the word supplemental. Members reviewed the ordinance and recommended the amendments outlined below be considered.

Item 4, continued:

Member Hardiman moved that Enforcement Authority recommend to the Council Oversight Committee that Sections 7.5-22 and 7.5-27(b) and (c) be amended as outlined below, which motion was duly seconded by Member Hilbert;

Section 7.5-22. Campaign statements filing.

Each candidate for nomination or election to the Office of Council Member or Mayor and any committee acting on behalf of or in opposition to a candidate shall file a campaign statement no later than 12:00 noon on the Friday preceding each Municipal or Municipal runoff election in which he or she is a candidate, a ~~supplemental~~ campaign statement no later than 12:00 noon on the Monday preceding each election in which he or she is a candidate, and a final campaign statement within forty (40) days subsequent to the final election. The ~~supplemental~~ Monday campaign statement shall not be required to be filed by any candidate who has no additional campaign contributions or expenditures to report ~~since the filing of the initial campaign statement~~ previous Friday. Any such statements shall be filed in the office of the City Clerk during regular business hours. If the time for filing expires on a Sunday or on a holiday, the statement may be filed on the next regular business day. Every candidate or candidate committee or every other committee failing to file registrations, designations of agents, and reports of contributions and expenditures on or before the days specified herein shall be assessed a late filing fee of up to ten dollars ($10.00) for each day after a report of contributions and expenditures is due that said report remains unfiled; provided, the total amount of such fees assessed per report shall not exceed one hundred dollars ($100.00). The agent, except for agents for candidates or candidate committees, may be liable for the late fee. Failure to file a report shall be deemed to be a separate offense for each day that the report remains unfiled after it becomes due.

Section 7.5-27. Enforcement Authority procedure.

(b)

Whenever the Enforcement Authority has reason to believe a willful violation of this article has occurred, it will send its documentation to the City Attorney with a recommendation for the appropriate legal action ~~to prevent further violations and to punish the offender(s)~~.

(c)

Whenever the Enforcement Authority has reason to believe a willful violation of the State Election Laws has occurred, it shall send its documentation to the District Attorney of Cleveland County with a recommendation for appropriate legal action ~~to prevent further violations of the State Election Laws and to punish the offender(s)~~.

Item 4, continued:

and the question being upon the Enforcement Authority recommending to the Council Oversight Committee that Sections 7.5-22 and 7.5-27(b) and (c) be amended as stated above, a vote was taken with the following result:

YEAS:	Members, Flannery, Hardiman, Hilbert, and Chair Francis
NAYES:	None

Chair Francis declared the motion carried and the Enforcement Authority recommended to the Council Oversight Committee that Sections 7.5-22 and 7.5-27(b) and (c) be amended as stated above.

*****

Item 5. Nomination of officers for 2012.

Chair Francis opened the floor for nominations for Chair. Member Hilbert nominated Ty Hardiman. No other nominations were received. Ty Hardiman was elected by acclamation as Chair.

Thereupon, Chair Francis opened the floor for nominations for Vice Chair. Member Flanner nominated Richard Hilbert as Vice-Chair. No other nominations were received. Richard Hilbert was elected by acclamation as Vice Chair.

Item 6. Miscellaneous Discussion.

Member Hardiman said the State Ethics Commission was recently scheduled to rule on an inquiry regarding who has jurisdiction over complaints about the failure to file contribution and expenditure reports in municipal elections. Although they did not discuss the item, he was assuming this would be discussed in a future meeting and asked the City Attorney if he felt there were decisions that could be made by the Ethics Commission that could directly affect the function of the Enforcement Authority. City Attorney Jeff Bryant said it is very possible, although it is hard to speculate at this time.

*****

Item 7. Adjournment.

Member Hardiman moved that the meeting be adjourned, which motion was duly seconded by Member Hilbert; and the question being upon adjourning the meeting, a vote was taken with the following result:

YEAS:	Members, Flannery, Hardiman, Hilbert, and Chair Francis
NAYES:	None

Chair Francis declared the meeting be adjourned at 4:35 p.m.

Item 8, being:

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

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

Items submitted for the record
1. RPT-111-2 dated July 11, 2011, by Anthony Francisco, Director of Finance
2. Finance Director's Investment Report of June 30, 2011

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

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

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

* * * * *

Item 9, being:

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

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

Items submitted for the record
1. Text File No. RPT-1112-3 dated June 11, 2011, by Brenda Hall, City Clerk
2. Monthly Departmental Reports for the month of June, 2011

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

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

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

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

* * * * *

Item 10, being:

SUBMISSION OF A FINAL REPORT FROM THE ENFORCEMENT AUTHORITY.

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

Items submitted for the record
1. Text File No. RPT-111-1 dated May 23, 2011, by Brenda Hall, City Clerk
2. Final Report from the Enforcement Authority dated July 13, 2011, with attached informational mailer paid for by Bob Cleveland, President, Republican Party (GOP) Political Action Committee (PAC)
3. Enforcement Authority minutes of December 10, 2010, and February 25, March 4, April 15, May 6, and July 1, 2011

Item 10, continued:

Participants in discussion
1. Ms. Brenda Hall, City Clerk
2. Mr. Bobby Cleveland, 10701 York Road, Lexington, asked questions
3. Ms. Jeanette Coker, 620 East Main Street, made comments

Thereupon, Councilmember Spaulding moved that the report be returned to the Enforcement Authority to remove the attached postcard and any comments related thereto, which motion was duly seconded by Councilmember Dillingham; and the question being upon returning the report to the Enforcement Authority to remove the attached postcard and any comments related thereto, 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 report will be returned to the Enforcement Authority to remove the attached postcards and any comments related thereto.

* * * * *

Item 11, being:

CONSIDERATION OF AWARDING OF BID NO. 1011-76, APPROVAL OF CONTRACT NO. K-1011-174 WITH CENTRAL CONTRACTING SERVICES, INC. IN THE AMOUNT OF $178,311.50; CHANGE ORDER NO. ONE INCREASING THE CONTRACT AMOUNT BY $14,898.50; AND RESOLUTION NO. R-1011-62 FOR THE FYE 2012 CONCRETE PROJECTS AND BUDGET TRANSFERS.

Councilmember Kovach moved that all bids meeting specifications be accepted; the bid in the amount of $178,311.50 be awarded to Central Contracting Services, Inc., as the lowest and best bidder meeting specifications; Contract No. K-1011-174 and Change Order No. One increasing the contract by $14,898.50 be approved; the Mayor be authorized to execute the contract and change order and to sign Performance Bond No. B-1011-100, Statutory Bond No. B-1011-101, and Maintenance Bond No. MB-1011-97 contingent upon the City Attorney's approval; Resolution No. R-1011-62 be adopted; and $8,210 be transferred from Project No. EF0134, Fire Station No. 1 Repair, Construction (050-9677-419.61-01) to Project No. TC00245, Citywide Sidewalk Reconstruction Project, Construction (050-9052-431.61-01) in the amount of $1,464, Project TC0238, Sidewalk Accessibility Project, Construction (050-9316-431.61-01) in the amount of $5,363, and Project TC0246, Downtown Area Sidewalks and Curbs, Construction (050-9716-431.61-01) in the amount of $1,383, which motion was duly seconded by Councilmember Dillingham;

Items submitted for the record
1. Text File No. K-1011-174 dated July 7, 2011, by Jack Burdett, Engineering Assistant with attached table detailing the FYE 2012 Concrete Projects and the FYE 2012 Concrete Projects Budget
2. Bid tabulation for the FYE 2012 Concrete Projects
3. FYE 2012 Concrete Project Locations
4. Contract No. K-1011-174
5. Change Order No. One to Contract No. K-1011-174
6. Resolution No. R-1011-62

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

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

City of Norman, OK

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

Master

File Number: K-1112-42

File ID:	K-1112-42	**Type:**	Contract	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 11	**In Control:**	City Council
Department:	Public Works Department	**Cost:**	$582,262.00	**File Created:**	08/30/2011
File Name:	K-1112-42 Road Reconstruction 2010 Bond Projects			**Final Action:**	

Title: CONSIDERATION OF AWARDING OF BID NO. 1112-22 AND APPROVAL OF CONTRACT NO. K-1112-42 WITH SHELL CONSTRUCTION COMPANY, INC. IN THE AMOUNT OF $582,262; PERFORMANCE BOND NO. B-1112-3; STATUTORY BOND NO. B-1112-4, MAINTENANCE BOND NO. MB-1112-6; AND RESOLUTION NO. R-1112-27 FOR THE 2010 ROAD RECONSTRUCTION BOND PROJECTS.

ACTION NEEDED: Motion to accept or reject all bids meeting specifications; and, if accepted, award the bid in the amount of $582,262 to Shell Construction Company, Inc., as the lowest and best bidder meeting specifications; and, if accepted, approve Contract No. K-1112-42 and performance, statutory, and maintenance bonds; authorize execution of the contract; direct the filing of the bonds, and adopt Resolution No. R-1112-27.

ACTION TAKEN: _____

Notes: October 11, 2011, City Council Agenda

Agenda Date: 10/11/2011

Agenda Number: 11

Attachments: Tab Bid No. 1112-22, K-1112-42 Shell, Perf B-1112-3 Shell, Stat B-1112-4 Shell, MB-1112-6 Shell, R-1011-27, PR Shell

Project Manager: Greg Hall, Street Superintendent

Entered by: patsy.sayers@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-1112-42

Body

BACKGROUND: In the Norman General Obligation Bond Election of March 2, 2010, voters approved the Urban Road Reconstruction 2010 Bond Projects. This improvement program involves the complete removal and replacement of the failed pavement at the following locations:

BP0312 Hayes Street B/Flood Avenue - James Garner Avenue FYE 2011
BP0312 Mosier Street B/Flood Avenue - James Garner Avenue FYE 2011
BP0312 Himes Street B/ Flood Avenue - James Garner Avenue FYE 2011
BP0342 Johnson Street B/Flood Avenue - James Garner Avenue FYE 2012

The FYE 2011 and FYE 2012 locations are funded in Account No. 050-9385-431.61-01 as Project Nos. BP0312 and BP0342. Bid specifications and documents were advertised on August 18, 2011, and August 25, 2011. Six (6) paving contractors received a set of documents. If approved, the base bid for this project will complete all FYE 2011 and one (1) of the FYE 2012 locations for Urban Road Reconstruction projects included in the 2010 Bond Election.

DISCUSSION: The bid opening was conducted on September 08, 2011, and six (6) contractors submitted bids. The lowest bid in the amount of $582,262 was submitted by Shell Construction Company, Inc. of Oklahoma City, OK. The low bid is below the engineer's estimate of $801,035 by $218,773 (27% percent). The average of the six (6) bids is $699,251.17. Shell Construction Company, Inc. has previously worked for the City of Norman and the firm received favorable references from other cities on similar projects, including the City of Oklahoma City.

If approved, construction will begin on these projects in October, 2011. Access to adjacent residential properties will be provided throughout the construction project. Neighborhood meetings will be conducted prior to construction.

RECOMMENDATION NO. 1: Staff has reviewed the bids and recommends that Bid No. 1112-22 for the Urban Road Reconstruction 2010 Bond Program, be awarded to the low bidder, Shell Construction Company, Inc. in the amount of $582,262.00.

RECOMMENDATION NO. 2: Staff further recommends that, upon approval of Bid No. 1112-22, that Contract No. K-1112-42, Performance Bond No. B-1112-3, Statutory Bond No. B-1112-4, and Maintenance Bond No. MB-1112-6 be approved and Resolution No. R-1112-27 be adopted authorizing Shell Construction Company, Inc. as project agent.

CITY OF NORMAN
TABULATION OF BIDS
URBAN ROAD RECONSTRUCTION 2010 BOND PROJECTS
ALL FYE 2011 & ONE (1) FYE 2012 PROJECT BOND LOCATION

Bid No. 1112-22
Bid Opening: September 08, 2011

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

BIDDER	BID PRICE
Shell Construction Company, Inc.	$ 582,262.00
Oklahoma City, OK	
A-Tech Paving	$ 606,632.25
Edmond, OK	
Silver Star Construction	$ 709,140.00
Moore, OK	
Rudy Construction Co.	$ 719,493.20
Oklahoma City, OK	
T. J. Campbell Construction Co.	$ 752,765.55
Oklahoma City, OK	
Nash Construction Co.	$ 825,214.00
Oklahoma City, OK	

Engineer's Estimate $801,035.00

RECOMMENDATION:

Staff recommends the bid be awarded to Shell Construction Company, Inc., as the lowest and best bidder meeting all specifications in the amount of $582,262.00.

Forwarded by:

Greg Hall, Street Superintendent

ps

CONTRACT

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

WITNESSETH

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

BID 1112-22 ROAD RECONSTRUCTION 2010 BOND PROJECTS

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

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

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

(WRITTEN) FIVE HUNDRED EIGHTY-TWO THOUSAND TWO HUNDRED SIXTY-TWO AND 00/100-- (DOLLARS);

(NUMERALS) ($ 582,262.00).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

STATE OF Oklahoma)
) ss:
COUNTY OF OKLAHOMA)

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

Shell Construction Company, Inc.

Contractor

Subscribed and sworn to before me this 14th day of Sept., 20 11.

Notary Public

Expires: 07/31/2015
Commission #: 99010511

C. RAY HUDSON NOTARY # 99010511 EXP. 07/31/15 PUBLIC STATE OF OKLAHOMA

IN WITNESS WHEREOF, the said parties of the First and Second Part have hereunto set their hands and seals respectively the 14th day of Sept. 2011, and the _____ day of _____, 20___.

(Corporate Seal) (where applicable)

Shell Construction Company, Inc.
Principal

ATTEST:
Authorized Representative

Signed: _____

Title: President

Corporate Secretary (where applicable)

Address 336 N. Falcon Drive, Oklahoma City, OK 73127

Telephone: (405)495-2063

CITY OF NORMAN:

Approved as to form and legality this 3rd day of October 2011.

_____
Attorney

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

ATTEST:

_____ _____
City Clerk Mayor

Contract No. K-1112-42
Page 4 of 4

Bond No: 09037752

PERFORMANCE BOND

Known all men by these presents, that Shell Construction Company, Inc. as PRINCIPAL, and Fidelity and Deposit Company of Maryland Corporation organized under the laws of the State of Maryland and authorized to transact business in the State of Oklahoma, as SURETY, are held and firmly bound unto THE CITY OF NORMAN, a Municipal Corporation of the State of Oklahoma, herein called CITY, in the sum of Five Hundred Eighty Two Thousand Two Hundred Sixty Two and 00/100----- DOLLARS, ($ 582,262.00), for the payment of which sum PRINCIPAL and SURETY bind themselves, their heirs, executors, administrators, successors and assigns jointly and severally.

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

BID 1112-22 ROAD RECONSTRUCTION 2010 BOND PROJECTS

has entered into a written CONTRACT (K-1122-42) with THE CITY OF NORMAN, dated this _____ day of _____, 20___ for the erection and construction of this PROJECT, that CONTRACT being incorporated herein by reference as if fully set forth.

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

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

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

IN WITNESS WHEREOF, the PRINCIPAL has caused these presents to be executed in its name and its corporate seal (where applicable) to be hereunto affixed by its duly authorized representative(s), and the 14th day of Sept., 20 11 and the SURETY has caused these presents to be executed in its name and its corporate seal to be hereunto affixed by its authorized representative(s) on the day of Sept. 14, 20 11.

Performance Bond No. PB-1112-3
Page 1 of 3

Shell Construction Company, Inc.
Principal

(Corporate Seal) (where applicable)

ATTEST:

Corporate Secretary (where applicable)

Principal Signed: _____
Authorized Representative

Title: President

Address: 336 N. Falcon Drive
Oklahoma City, OK 73127

Telephone: (405)495-2063

(Corporate Seal) (where applicable)

ATTEST:

Patti Jackson, Secretary

Surety: Fidelity and Deposit Company of Maryland

Signed: _____
Authorized Representative

Printed: Deborah L. Raper
Authorized Representative

Title: Attorney-in-Fact

Address: 1608 NW Expressway, Suite 100, OKC, OK

Telephone: 405.418.8600

CORPORATE ACKNOWLEDGEMENT

STATE OF OKLAHOMA)
) ss:
COUNTY OF OKLAHOMA)

The foregoing instrument was acknowledge before me this 14th day of September, 20 11, by Donny Niebrugge, President (Name and Title), of Shell Construction Company, Inc., a(n) corporation, on behalf of the corporation.

WITNESS my hand and seal this 14th day of September, 20 11.

#99010511
My Commission Expires:
07/31/2015

C. RAY HUDSON NOTARY # 99010511 EXP. 07/31/15 PUBLIC STATE OF OKLAHOMA

Notary Public

Performance Bond No. PB-1112-3
Page 2 of 3

INDIVIDUAL ACKNOWLEDGEMENT

STATE OF _____)
) ss:
COUNTY OF _____)

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

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

_____
Notary Public

My Commission Expires:
_____

PARTNERSHIP ACKNOWLEDGEMENT

STATE OF _____)
) ss:
COUNTY OF _____)

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

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

_____
Notary Public

My Commission Expires:
_____

CITY OF NORMAN

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

_____
City Attorney

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

ATTEST:

_____ _____
City Clerk Mayor

Bond No: 09037752

STATUTORY BOND

Known all men by these presents that Shell Construction Company, Inc. as PRINICPAL, and Fidelity and Deposit Company of Maryland, a corporation organized under the laws of the State of Maryland, and authorized to transact business in the State of Oklahoma, as Surety, are held and firmly bound unto the State of Oklahoma in the sum of Five Hundred Eighty Two Thousand Two Hundred Sixty Two and 00/100--- DOLLARS ($ 582,262.00), or the payment of which sum PRINCIPAL and SURETY bind themselves, their heirs executors, administrators, successors and assigns jointly and severally.

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

BID 1112-22 ROAD RECONSTRUCTION 2010 BOND PROJECTS

has entered into a written CONTRACT (K-1122-42) with THE CITY OF NORMAN, dated this 14th day of Sept., 2011, for the erection and construction of this PROJECT, that CONTRACT being incorporated herein by reference as if fully set forth.

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

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

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

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

(Corporate Seal) (where applicable)

ATTEST:

Kathleen G. Paul

Corporate Secretary (where applicable)

Shell Construction Company, Inc.

Principal Signed: _____

Authorized Representative

Title: President

Address: 336 N. Falcon Drive
Oklahoma City, OK 73127

Telephone: (405)495-2063

Statutory Bond No. B-1112-4
Page 1 of 3

(Corporate Seal) (where applicable)

Surety: Fidelity and Deposit Company of Maryland

ATTEST:

Patti Jackson, Secretary

Signed: Deborah L. Raper
Authorized Representative

Printed: Deborah L. Raper
Authorized Representative

Title: Attorney-in-Fact

Address: 1608 NW Expressway, Suite 100, OKC, OK

Telephone: 405.418.8600

CORPORATE ACKNOWLEDGEMENT

STATE OF OKLAHOMA)
) ss:
COUNTY OF OKLAHOMA)

The foregoing instrument was acknowledge before me this 14th day of September, 2011, by Donny Niebrugge, President (Name and Title), of Shell Construction Company, Inc, a(n) corporation, on behalf of the corporation.

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

#99010511

C. RAY HUDSON NOTARY # 99010511 EXP. 07/31/15 PUBLIC STATE OF OKLAHOMA

Notary Public

My Commission Expires:
07/31/2015

INDIVIDUAL ACKNOWLEDGEMENT

STATE OF _____)
) ss:
COUNTY OF _____)

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

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

_____
Notary Public

My Commission Expires:

_____

Statutory Bond No. B-1112-4
Page 2 of 3

PARTNERSHIP ACKNOWLEDGEMENT

STATE OF _____)
) ss:
COUNTY OF _____)

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

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

_____
Notary Public

My Commission Expires:

_____

CITY OF NORMAN

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

_____
City Attorney

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

ATTEST:

_____ _____
City Clerk Mayor

Bond No: 09037752

CITY OF NORMAN

MAINTENANCE BOND

Know all men by these presents that Shell Construction Company, Inc. as Principal, and Fidelity and Deposit Company of Maryland a corporation organized under the laws of the State of Maryland, and authorized to transact business in the State of Oklahoma, as SURETY, are held and firmly bound unto THE CITY OF NORMAN, a Municipal Corporation of the State of Oklahoma, herein called CITY, in the sum of Five Hundred Eighty Two Thousand Two Hundred Sixty Two and 00/100------ DOLLARS ($ 582,262.00), for the payment of which sum PRINCIPAL and SURETY bind themselves, their heirs, executors, administrators, successors and assigns, jointly and severally.

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

BID 1112-22 ROAD RECONSTRUCTION 2010 BOND PROJECTS

has entered into a written CONTRACT (K-1122-42) with the CITY OF NORMAN, dated this _____ day of _____, 20___ for the erection and construction of this PROJECT, that CONTRACT being incorporated herein by references as if fully set forth; and,

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

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

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

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

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

(Corporate Seal) (where applicable)

ATTEST:

Corporate Secretary (where applicable)

Shell Construction Company, Inc.
Principal
Signed: _____
Authorized Representative
Title: President
Address: 336 N. Falcon Drive
Oklahoma City, OK 73127
Telephone: (405)495-2063

(Corporate Seal) (where applicable)

ATTEST:

Patti Jackson, Secretary

Surety: Fidelity and Deposit Company of Maryland
Signed: _____
Authorized Representative
Printed: Deborah L. Raper
Authorized Representative
Title: Attorney-in-Fact
Address: 1608 NW Expressway, Suite 100, OKC, OK
Telephone: 405.418.8600

CORPORATE ACKNOWLEDGEMENT

STATE OF OKLAHOMA)
) ss:
COUNTY OF OKLAHOMA)

The foregoing instrument was acknowledge before me this 14th day of September, 2011, by Donny Niebrugge, President (Name and Title), of Shell Construction Company, Inc. a(n) corporation, on behalf of the corporation.

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

C. RAY HUDSON NOTARY # 99010511 EXP. 07/31/15 PUBLIC STATE OF OKLAHOMA

#99010511 Notary Public

My Commission Expires:
07/31/2015

Resolution

R-1112-27

A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AUTHORIZING AND APPOINTING SHELL CONSTRUCTION COMPANY, INC., AS PROJECT AGENT FOR THE 2010 ROAD RECONSTRUCTION BOND PROJECTS.

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

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

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

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

§ 4. That the City of Norman, Oklahoma, on the 11th day of October, 2011, did appoint Shell Construction Company, Inc., who is involved with the 2010 Road Reconstruction Bond Projects, an agent of the City of Norman, Oklahoma, solely for the purpose of purchasing, on a tax-exempt basis, materials and tangible personal property to be used exclusively for the construction of 2010 Road Reconstruction Bond Projects.

PASSED AND ADOPTED THIS 11th day of October, 2011.

_____
Mayor

ATTEST:

_____
City Clerk

PURCHASE REQUISITION NBR: 0000191523

STATUS: ALL ITEMS ON ORDER

REQUISITION BY: PSAYERS
REASON: BP 0312/BP 0342 RD RECONST 2011-2012 PROJECTS
DATE: 9/13/11

SHIP TO LOCATION: LINDSEY STREET YARD
SUGGESTED VENDOR: 183 SHELL CONSTRUCTION COMPANY INC
DELIVER BY DATE: 10/11/12

LINE NBR	DESCRIPTION	QUANTITY	UOM	UNIT COST	EXTEND COST	VENDOR PART NUMBER
1	HAYES ST/HIMES ST/MOSIER ST RD RECONST PROJ COMMODITY: CONSTRUCTION SERVICES, HE SUBCOMMOD: CONSTRUCTION, STREET (MAJ	409523.00	DOL	1.0000	409523.00	
2	JOHNSON ST - RD RECONST PROJ - BID 1112-22 K-1112-42 - PENDING CITY COUNCIL APPROVAL 10-11-2011 - ENCUMBERING PURCHASE ORDER - DO NOT MAIL - COMMODITY: CONSTRUCTION SERVICES, HE SUBCOMMOD: CONSTRUCTION, STREET (MAJ	172739.00	DOL	1.0000	172739.00	

REQUISITION TOTAL: 582262.00

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

LINE #	ACCOUNT		PROJECT	%	AMOUNT
1	05093854316101	Capital Projects Construction	BP0312 Road Const FYE 2011	100.00	409523.00
2	05093854316101	Capital Projects Construction	BP0342 Road Reconstruction 2012	100.00	172739.00
					582262.00

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-1112-48

File ID:	K-1112-48	**Type:**	Contract	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 12	**In Control:**	City Council
Department:	Public Works Department	**Cost:**	$179,440.00	**File Created:**	09/26/2011
File Name:	K-1112-48 FYE 2010 Drainage Projects			**Final Action:**	

Title: CONSIDERATION OF BID NO. 1112-23, CONTRACT NO. K-1112-48 WITH CIMARRON CONSTRUCTION COMPANY IN THE AMOUNT OF $179,440; PERFORMANCE BOND NO. B-1112-5; STATUTORY BOND NO. B-1112-6; MAINTENANCE BOND NO. MB-1112-8; AND RESOLUTION NO. R-1112-41 FOR THE FYE 2010 DRAINAGE PROJECTS.

ACTION NEEDED: Motion to accept or reject all bids meeting specifications; and, if accepted, award the bid in the amount of $179,440 to Cimarron Construction Company as the lowest and best bidder meeting specifications; approve Contract No. K-1112-48 and the performance, statutory, and maintenance bonds; authorize execution of the contract, direct the filing of the bonds; and adopt Resolution No. R-1112-41.

ACTION TAKEN: _____

Notes: October 11, 2011, City Council Agenda

Agenda Date: 10/11/2011

Agenda Number: 12

Attachments: Bid Tab-2010 Drainage Project, Location Maps, K-1112-48 Cimarron, Perf B-1112-5 Cimarron, Stat B-1112-6 Cimarron, MB-1112-8 Cimarron, R-1112-41, Requisition

Project Manager: Greg Hall, Street Superintendent

Entered by: pam.jones@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-1112-48

Body

BACKGROUND: The FYE 2010 Drainage Projects consist of two separate projects. Project No. 1, Merkle Creek Tributary Channel Improvements Project, is located about 800 feet north of West Main Street and 600 feet east of 24th Avenue N.W. (behind Big Lots) along a tributary of Merkle Creek. The project extends 1540 feet from Crestmont Street to Merkle Drive. This project was recommended by the Street Superintendent and will correct erosion problems along the flow line of the drainage channel. Instead of the traditional concrete lined channel, staff elected to use Bermuda sod and Turf Reinforcement Mat (TRM) to stabilize the flow line. TRM is a Low Impact Development (LID) design standard included in the City's recently adopted Storm Water LID Manual. The TRM will stabilize the Bermuda sod allowing it to resist erosion. TRM is less expensive than concrete.

Project No. 2, Sooner Dialysis Center Storm Water Improvements Project, is located at 1561 North Porter Avenue along the north property line. The Sooner Dialysis Center is located in Sutton Place Addition, Section 4. This project will correct a long-standing drainage problem on Wilderness Drive and Sandpiper Lane which has existed since 1986. Currently, storm water drains from Sutton Place Addition, Section 4 (3.29 acres) onto Wilderness Drive via a concrete flume. During a heavy rain event Wilderness Drive and Sandpiper Lane experience street flooding. To correct this problem, this project will construct a storm sewer pipe from the concrete flume west to Porter Avenue. This will carry the storm water away from Wilderness Drive and greatly reduce street flooding.

The FYE 2010 Drainage Projects were designed by the City's Storm Water Engineer, thus saving the cost of private engineering services or about $30,000. The project is behind schedule due to staff vacancies and the heavy workload in the Engineering Division.

DISCUSSION: Bid documents and specifications were advertised according to state law. Six (6) contractors received the bid documents and three (3) bids were received on September 8, 2011. The low bidder, in the amount of $179,440.00, (Project No. 1, Merkle Creek Tributary Channel Improvements Project, $135,370 and Project No. 2, Sooner Dialysis Center Storm Water Improvements Project $44,070) is Cimarron Construction Company of Oklahoma City, Oklahoma. The engineer's estimate is $160,000.00 (Project No. 1, Merkle Creek Tributary Channel Improvements Project, $107,000 and Project No. 2, Sooner Dialysis Center Storm Water Improvements Project, $53,000). The bid was over the engineer's estimate for Project No. 1 and under the engineer's estimate for Project No. 2. The LID construction materials proposed for Project No. 1 had not been bid before in Norman so previous bids were not available to use in the preparation of the engineer's estimate.

The budget for the FYE 2010 Drainage Projects is $250,000; therefore, the bid is $70,560 ($250,000-$179,440=$70,560) less than the budgeted amount. Funds for this work have been appropriated and are available in the Capital Fund, FYE 2010 Drainage Projects, Construction (Account No. 050-9968-431-61.01, Project No. DR0057). If approved, the remaining funds will be added to the Capital Fund balance.

Resolution No. R-1112-41 confers upon Cimarron Construction Company, the limited agent status for the purchase of materials to be incorporated in the project on a sales tax-exempt basis. The bid documents offered tax-exempt status to all bidders.

If approved, construction will begin on these projects in October, 2011. Completion of the projects is anticipated by January, 2012 (weather permitting).

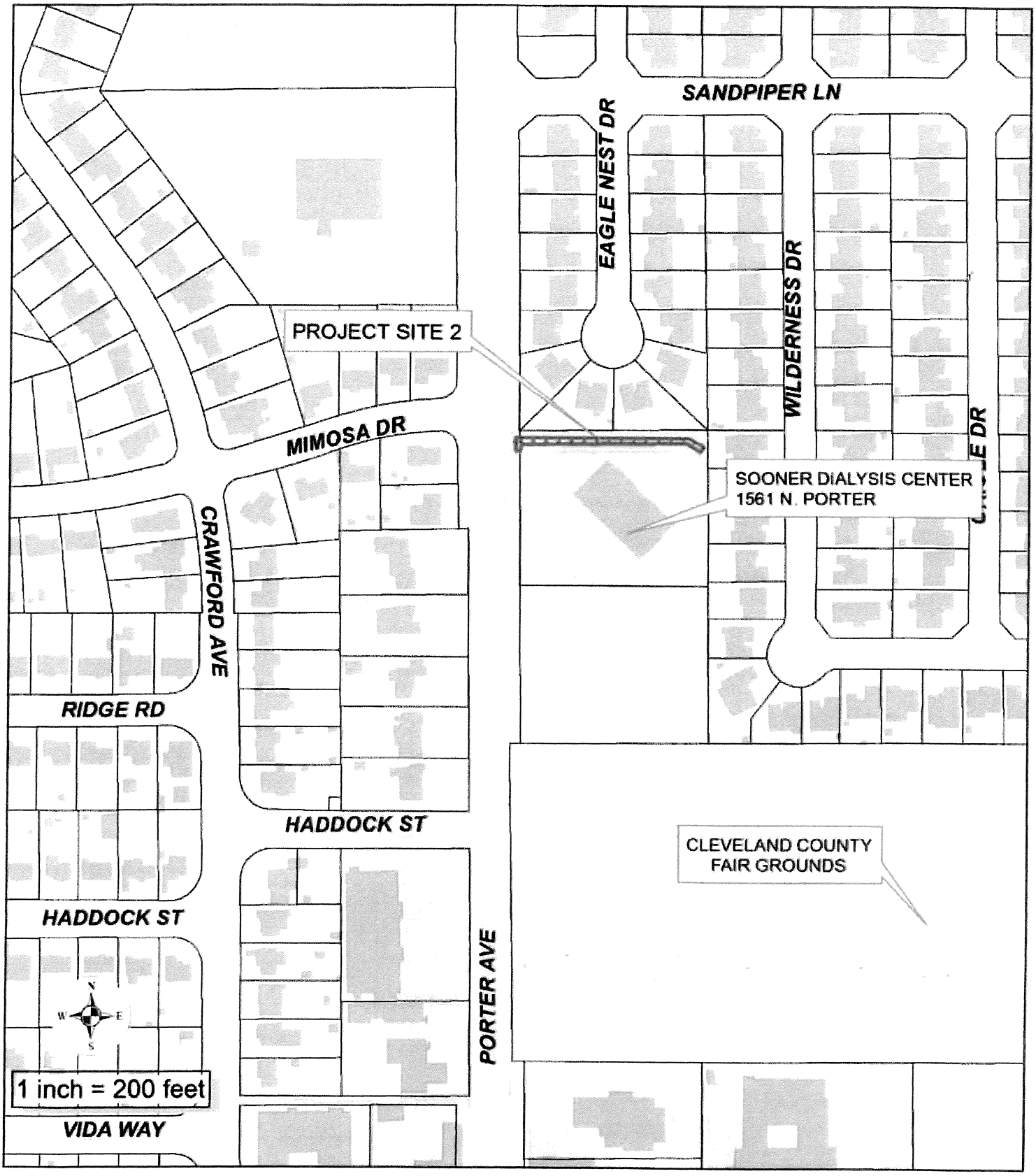
RECOMMENDATION NO 1: Staff has reviewed the bids and recommends that Bid No. 1112-23 for the FYE 2010 Drainage Projects, be awarded to the low bidder, Cimarron Construction Company, in the amount of $179,440.00

RECOMMENDATION NO. 2: Staff further recommends that, upon approval of Bid No. 1112-23, Contract No. K-1112-48, Performance Bond No. B-1112-5, Statutory Bond No. B-1112-6, and Maintenance Bond No. MB-1112-8 be approved and Resolution No. 41 be adopted granting tax exempt status to Cimarron Construction Company.

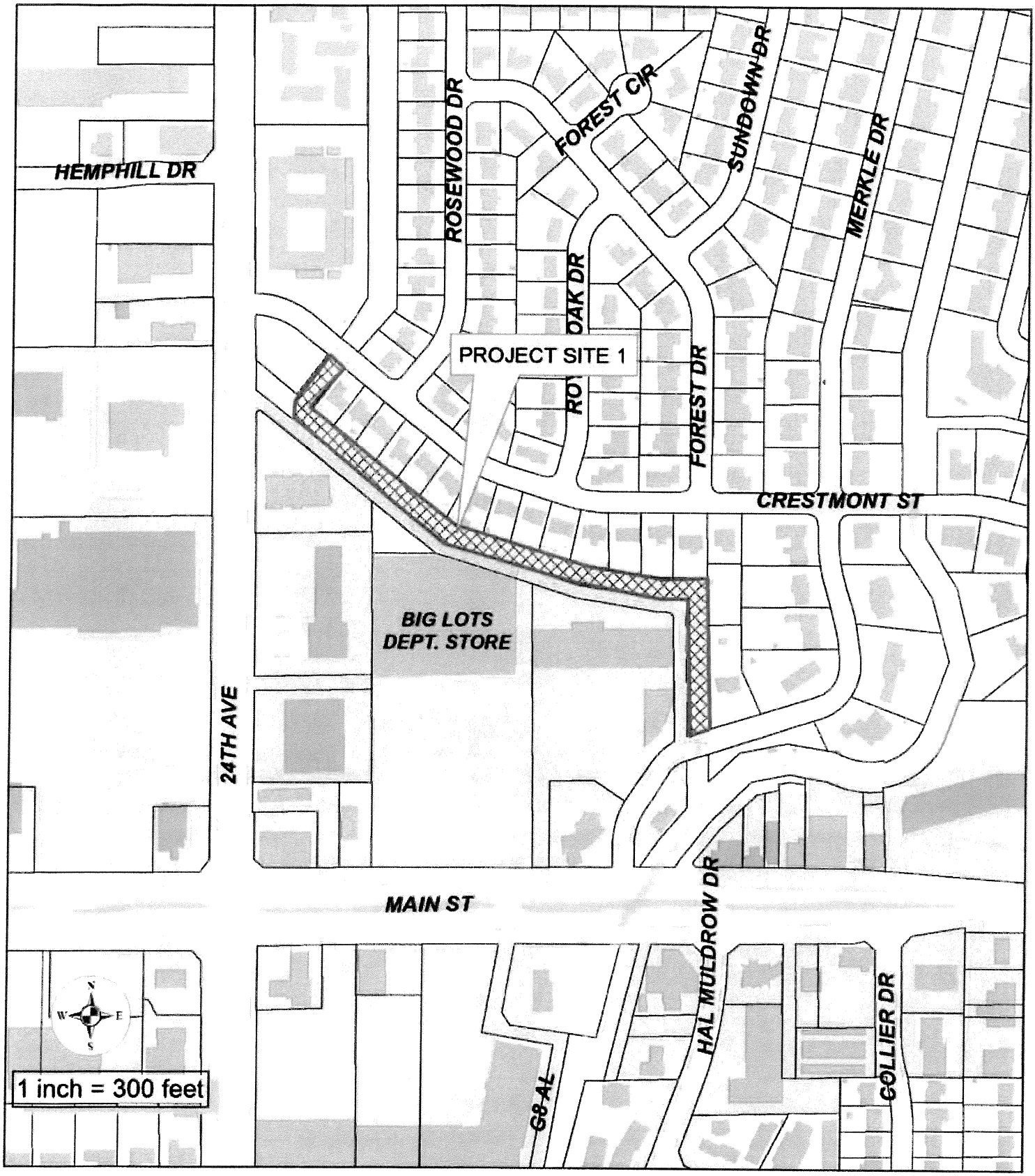
TABULATION OF BIDS
FYE 2010 DRAINAGE PROJECT

Contract No. K-1112-48

	CONTRACTOR	CITY/STATE	AMOUNT
	Engineer's Estimate	Norman, OK	$ 160,000.00
1	Cimarron Construction Company	Oklahoma City, OK	$ 179,440.00
2	SAC Services, Inc.	Oklahoma City, OK	$ 225,620.31
3	Central Contracting Services Inc.	Norman, OK	$ 250,000.00



LOCATION PLAN
FYE 2010 DRAINAGE PROJECT
SITE NO. 2: SOONER DIALYSIS CENTER
STORM WATER IMPROVEMENTS



LOCATION PLAN

FYE 2010 DRAINAGE PROJECT

SITE NO. 1: MERKLE CREEK CHANNEL IMPROVEMENTS

CONTRACT

THIS CONTRACT made and entered into this 11th October, 2011, by and between as Party of the First Part, hereinafter designated as the CONTRACTOR, and the City of Norman, a municipal corporation, hereinafter designated as the CITY, Party of the Second Part.

WITNESSETH

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

FYE 2010 DRAINAGE PROJECTS

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

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

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

ONE HUNDRED SEVENTY NINE THOUSAND FOUR HUNDRED FORTY & /100 (DOLLARS);

($179,440.00) ;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

l0) IN WITNESS WHEREOF, the parties hereto have caused this instrument to be executed, in four (4) duplicate originals, the day and year first above written.

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

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

STATE OF Oklahoma)
) ss:
COUNTY OF Oklahoma)

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

Don E Noble Pres.
Contractor

Subscribed and sworn to before me this 19 day of September, 20 11.

Gina Hall
Notary Public

My Commission Expires: January 28, 2013
01000820

GINA HALL
Notary Public
State of Oklahoma
Commission # 01000820 Expires 1/28/13

IN WITNESS WHEREOF, the said parties of the First and Second Part have hereunto set their hands and seals respectively the 19 day of September 2011, and the _____ day of _____, 2011.

(Corporate Seal) (where applicable)

Principal Cimarron Construction Company

ATTEST:
Authorized Representative

Signed: _____

Title: President

Corporate Secretary (where applicable)

Address 7409 NW 85th Street, OKC OK 73132

Telephone: (405) 728-1555

CITY OF NORMAN:

Approved as to form and legality this 3rd day of October 2011.

City Attorney

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

ATTEST:

City Clerk

Mayor

Contract No. K-1112-48
Page 4 of 4

PERFORMANCE BOND

Known all men by these presents, that Cimarron Construction Company as PRINCIPAL, and Fidelity and Deposit Company of Maryland Corporation organized under the laws of the State of Maryland and authorized to transact business in the State of Oklahoma, as SURETY, are held and firmly bound unto THE CITY OF NORMAN, a Municipal Corporation of the State of Oklahoma, herein called CITY, in the sum of One Hundred Seventy Nine Thousand Four Hundred & 00/100 (DOLLARS); ($ 179 , 440 . 00), for the payment of which sum PRINCIPAL and SURETY bind themselves, their heirs, executors, administrators, successors and assigns jointly and severally.

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

FYE 2010 DRAINAGE PROJECT

has entered into a written CONTRACT (K- 1112-48) with THE CITY OF NORMAN, dated October 11, 2011, for the erection and construction of this PROJECT, that CONTRACT being incorporated herein by reference as if fully set forth.

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

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

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

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

Cimarron Construction Company
Principal

(Corporate Seal) (where applicable)

ATTEST:

Corporate Secretary (where applicable)

Principal
Signed: Don G. Noble
Authorized Representative
Title: President
Address: 7409 NW 85th Street
OKC OK 73132
Telephone: 405-728-1555

(Corporate Seal) (where applicable)

ATTEST:
Debbie Raper
Debbie Raper

Surety: Fidelity and Deposit Company of Maryland
Signed: Travis E. Brown
Authorized Representative
Printed: Travis E. Brown
Authorized Representative
Title: Attorney-in-Fact
Address: 1608 NW Expressway, Suite 100, OKC, OK
Telephone: 405.418.8600

CORPORATE ACKNOWLEDGEMENT

STATE OF Oklahoma)
) ss:
COUNTY OF Oklahoma)

The foregoing instrument was acknowledge before me this 19 day of September, 2011, by Don G. Noble, President (Name and Title), of Cimarron Construction Co., a(n) corporation, on behalf of the corporation.

WITNESS my hand and seal this 19 day of September, 2011.

Gina Hall
Notary Public

My Commission Expires:

GINA HALL
Notary Public
State of Oklahoma
Commission # 01000820 Expires 01/28/13

Performance Bond No. B 1112-5
Page 2 of 3

INDIVIDUAL ACKNOWLEDGEMENT

STATE OF _____)
) ss:
COUNTY OF _____)

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

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

_____
Notary Public

My Commission Expires:

_____

PARTNERSHIP ACKNOWLEDGEMENT

STATE OF _____)
) ss:
COUNTY OF _____)

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

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

_____
Notary Public

My Commission Expires:

_____

CITY OF NORMAN

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

_____
City Attorney

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

ATTEST:

_____ _____
City Clerk Mayor

Bond No: 09037754

STATUTORY BOND

Known all men by these presents that Cimarron Construction Company as PRINICPAL, and Fidelity and Deposit Company of Maryland, a corporation organized under the laws of the State of Maryland, and authorized to transact business in the State of Oklahoma, as Surety, are held and firmly bound unto the State of Oklahoma in the sum of One Hundred Seventy Nine Thousand Four Hundred Forty & 00 /100 (DOLLARS); ($179 ,440 ,00), or the payment of which sum PRINCIPAL and SURETY bind themselves, their heirs executors, administrators, successors and assigns jointly and severally.

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

FYE 2010 DRAINAGE PROJECT

has entered into a written CONTRACT (K-1112-48) with THE CITY OF NORMAN, dated October 11, 2011, for the erection and construction of this PROJECT, that CONTRACT being incorporated herein by reference as if fully set forth.

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

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

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

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

(Corporate Seal) (where applicable)

ATTEST:

Corporate Secretary (where applicable)

Principal Cimarron Construction Company

Signed: [signature]

Authorized Representative

Title: President

Address: 7409 NW 85th Street
OKC OK 73132

Telephone: 405-728-1555

Statutory Bond No. B-1112-6
Page 1 of 3

(Corporate Seal) (where applicable)

ATTEST:
Debbie Raper
Debbie Raper

Surety: Fidelity and Deposit Company of Maryland

Signed: Travis E Brown
Authorized Representative

Printed: Travis E. Brown
Authorized Representative

Title: Attorney-in-Fact

Address: 1608 NW Expressway, Suite 100, OKC, OK

Telephone: 405.418.8600

CORPORATE ACKNOWLEDGEMENT

STATE OF Oklahoma)
) ss:
COUNTY OF Oklahoma)

The foregoing instrument was acknowledge before me this 19 day of September, 2011, by Don G. Noble, President (Name and Title), of Cimarron Construction a(n) corporation, on behalf of the corporation.

WITNESS my hand and seal this 19 day of September, 2011.

Gina Hall
Notary Public

My Commission Expires:

GINA HALL
Notary Public
State of Oklahoma
Commission # 01000820 Expires 01/28/13

INDIVIDUAL ACKNOWLEDGEMENT

STATE OF _____)
) ss:
COUNTY OF _____)

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

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

_____
Notary Public

My Commission Expires:

_____

Statutory Bond No. B-1112-6
Page 2 of 3

12-12

PARTNERSHIP ACKNOWLEDGEMENT

STATE OF _____)
) ss:
COUNTY OF _____)

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

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

_____
Notary Public

My Commission Expires:

_____

CITY OF NORMAN

Approved as to form and legality this 3rd day of October, 20 11.

_____
City Attorney

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

ATTEST:

_____ _____
City Clerk Mayor

Bond No: 09037754

CITY OF NORMAN
MAINTENANCE BOND

Know all men by these presents that Cimarron Construction Company as Principal, and Fidelity and Deposit Company of Maryland corporation organized under the laws of the State of Maryland, and authorized to transact business in the State of Oklahoma, as SURETY, are held and firmly bound unto THE CITY OF NORMAN, a Municipal Corporation of the State of Oklahoma, herein called CITY, in the sum of One Hundred Seventy Nine Thousand Four Hundred Forty and 00 /100 (DOLLARS); ($179,440.00), for the payment of which sum PRINCIPAL and SURETY bind themselves, their heirs, executors, administrators, successors and assigns, jointly and severally.

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

FYE 2010 DRAINAGE PROJECTS

has entered into a written CONTRACT (K-1112-48) with the CITY OF NORMAN, dated October 11, 2011 for the erection and construction of this PROJECT, that CONTRACT being incorporated herein by references as if fully set forth; and,

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

NOW, THEREFORE, if the PRINCIPAL shall keep and maintain, subject to normal wear and tear, the construction, except for defects not occasioned by improper workmanship, materials, or failure to protect new work until it is accepted, and if the PRINCIPAL shall promptly repair, without notice from the CITY or expense to the CITY any and all defects arising from improper workmanship, materials, or failure to protect new work until it is accepted; all for a period of five (5) years from the date of the written final acceptance by the CITY, then this obligation shall be null and void. The amount of the Maintenance Bond shall be 100 % of the contract amount for the first year and 15% for the second year through fifth year. Otherwise, this obligation shall remain in full force and effect at all times.

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

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

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

(Corporate Seal) (where applicable)

ATTEST:

Corporate Secretary (where applicable)

Principal: Cimarron Construction Company

Signed: Don E Nohl

Authorized Representative

Title: President

Address: 7409 NW 85th Street
OKC OK 73132

Telephone: 405-728-1555

(Corporate Seal) (where applicable)

ATTEST:

Debbie Raper

Debbie Raper

Surety: Fidelity and Deposit Company of Maryland

Signed: Travis E Brown

Authorized Representative

Printed: Travis E. Brown

Authorized Representative

Title: Attorney-in-Fact

Address: 1608 NW Expressway, Suite 100, OKC, OK

Telephone: 405.418.8600

CORPORATE ACKNOWLEDGEMENT

STATE OF Oklahoma)
) ss:
COUNTY OF Oklahoma)

The foregoing instrument was acknowledge before me this 19 day of September, 2011, by Don E. Nohl, President (Name and Title), of Cimarron Construction, a(n) corporation, on behalf of the corporation.

WITNESS my hand and seal this 19 day of September, 2011.

Gina Hall

Notary Public

My Commission Expires:

GINA HALL
Notary Public
State of Oklahoma
01000820 Expires 01/28/13

Maintenance Bond No. MB-1112-8
Page 2 of 3

INDIVIDUAL ACKNOWLEDGEMENT

STATE OF _____)
) ss:
COUNTY OF _____)

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

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

_____
Notary Public

My Commission Expires:

_____

PARTNERSHIP ACKNOWLEDGEMENT

STATE OF _____)
) ss:
COUNTY OF _____)

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

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

_____
Notary Public

My Commission Expires:

_____

CITY OF NORMAN

Approved as to form and legality this 3rd day of October, 20 11.

_____
City Attorney

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

ATTEST:

_____ _____
City Clerk Mayor

Resolution

R-1112-41

A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AUTHORIZING AND APPOINTING CIMARRON CONSTRUCTION COMPANY AS PROJECT AGENT FOR THE FYE 2010 DRAINAGE PROJECTS.

§ 1. WHEREAS, the City of Norman, Oklahoma, does hereby acknowledge that the tax-exempt status of this political subdivision is a significant factor in determining the agreed contract price bid by Cimarron Construction Company for the FYE 2010 Drainage Projects; and

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

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

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

§ 4. That the City of Norman, Oklahoma, on the 11th day of October, 2011, did appoint Cimarron Construction Company who is involved with the FYE 2010 Drainage Projects an agent of the City of Norman, Oklahoma, solely for the purpose of purchasing, on a tax-exempt basis, materials and tangible personal property to be used exclusively for the construction of FYE 2010 Drainage Projects.

PASSED AND ADOPTED THIS 11th day of October, 2011.

_____
Mayor

ATTEST:

_____
City Clerk

PURCHASE REQUISITION NBR: 0000191653

STATUS: DIVISION APPROVAL

REQUISITION BY: PJONES
REASON: FYE 2010 DRAINAGE PROJECTS
DATE: 9/14/11

SHIP TO LOCATION: PUB WKS- ENGINEERING
SUGGESTED VENDOR: 5077 CIMARRON CONSTRUCTION COMPANY
DELIVER BY DATE: 9/16/11

1	FYE 2010 DRAINAGE PROJECTS COMMODITY: CONSTRUCTION SERVICES, GE SUBCOMMOD: MAINTENANCE AND REPAIR, G	179440.00	DOL	1.0000	179440.00

REQUISITION TOTAL: 179440.00

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

LINE #	ACCOUNT		PROJECT	%	AMOUNT
1	05099684316101	Capital Projects Construction	DR0057 Drainage Project FYE10	100.00	179440.00
					179440.00

REQUISITION IS IN THE CURRENT FISCAL YEAR.

REQUISITION COMMENTS:

FYE 2010 DRAINAGE PROJECTS (CAPITAL PROJECT)
PENDING APPROVAL OF CITY COUNCIL ON 10-11-11.
CONTRACT NO. K-1112-48

City of Norman, OK

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

Master

File Number: K-1112-49

File ID:	K-1112-49	**Type:**	Contract	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 13	**In Control:**	City Council
Department:	City Clerk Department	**Cost:**	$514,998.00	**File Created:**	10/03/2011
File Name:	Fire Station 5/Little Axe, 12th Ave & Whittier Rec Ctrs Roof Replacement Project			**Final Action:**	

Title: CONSIDERATION OF BID NO. 1112-24; CONTRACT NO. K-1112-49 WITH ALVA ROOFING COMPANY IN THE AMOUNT OF $514,998; PERFORMANCE BOND NO. B-1112-7; STATUTORY BOND NO. B-1112-8; MAINTENANCE BOND NO. MB-1112-9; AND RESOLUTION NO. R-1112-49 FOR THE ROOF REPLACEMENT PROJECT FOR FIRE STATION NO. FIVE/LITTLE AXE RECREATION CENTER, 12TH AVENUE RECREATION CENTER, AND WHITTIER RECREATION CENTER.

ACTION NEEDED: Motion to accept or reject all bids meeting specifications; and, if accepted, award the base bid in the amount of $483,739 plus Alternate E in the amount of $31,259 for a total bid amount of $514,998 to Alva Roofing Company as the lowest and best bidder meeting specifications; approve Contract No. K-1112-49 and the performance, statutory, and maintenance bonds; authorize execution of the contract; direct the filing of the bonds; and adopt Resolution No. R-1112-49.

ACTION TAKEN: _____

Notes: October 11, 2011, City Council Agenda

Agenda Date: 10/11/2011

Agenda Number: 13

Attachments: Bid tab Fire #5-Little Axe, 12th & Whittier Rec Ctrs.pdf, Project Agent Resolution

Project Manager: Matthew Smith, Facility Maintenance Superintendent

Entered by: brenda.hall@normanok.gov

Effective Date:

History of Legislative File

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

Text of Legislative File K-1112-49

Body

BACKGROUND: The FYE 2012 Capital Budget included funds in the amount of $570,000 for the replacement or repair of roofs on the following four City facilities:

Fire Station No. 5/Little Axe Recreation Center
12th Avenue Recreation Center
Whittier Recreation Center
Senior Citizens Center (repair work)

DISCUSSION: This contract includes the replacement of the roofs on the Fire Station No. 5/Little Axe Recreation Center located at 1000 168th Avenue S.E., 12th Avenue Recreation Center located at 1701 12th Avenue N.E., and the Whittier Recreation Center located at 2000 West Brooks.

Fire Station No. 5/Little Axe Recreation Center - The project scope includes removal of the existing 8,318 square foot roof down to the steel deck and replacing it with a cold process built up asphalt roof. The current thermoplastic polyolefin single-ply membrane system was placed over the original asphalt approximately five years ago as a temporary repair and is showing signs of age. Additionally, the staples have punched through the membrane material and the base flashing material around the air conditioning units is inadequate allowing water to leak into the facility.

12th Avenue Recreation Center - The 12th Avenue Recreation Center includes an upper and lower roofing system over the gymnasium and an office section totaling 19,748 square feet. The project scope for the base bid includes removal of the existing two ply bitumen hot asphalt roof on the upper and lower decks of the gymnasium down to the deck and replacing it with a cold process built up asphalt roof. The current roof is over 20 years old and its overall condition is poor due to holes in the membrane, blistering and large areas where water is ponding. Leakage is also occurring in the facility.

Alternate E(2) to the base bid would add replacement of the office area roof as well. The office roof received repair maintenance six years ago and was not fully replaced at that time.

Whittier Recreation Center - The project scope includes removal of the existing 5,841 square foot lower roof section down to the concrete deck and replacing it with a cold process built up asphalt roof. The current roof is over 20 years old and the overall condition is poor due to open lap seams and quality of asphalt flood coat. Leakage is occurring throughout the facility.

All the new roofs will include a 20-year manufacturer's warranty on materials and two years on labor. The manufacturer will inspect and provide written executive summaries in years two, five, 10, and 15.

Bid packets were mailed to six contractors as well as solicited through a legal notice published in the Norman Transcript. The contractors attended a mandatory site visit and pre-bid conference on September 22, 2011, prior to submittal of their bids. Bids were opened on September 29, 2011, and four bids were received ranging from $483,739 to $643,800 for the base bid. The low bid in the amount of $483,739 was received from Alva Roofing Company from Edmond. Alternate items for additions and/or deletions were included in the original bid in the event the bids received exceeded budgeted funds or the bids received were less than the budgeted funds and additional work could be included. The bid received for the 12th Avenue Recreation Center portion of the contract was $64,669 below the budgeted amount; therefore, staff would like to add Alternate E(2) in the amount of $31,259 for the roof over the office area for a total contract amount of $514,998. Bids for Alternate E(2) ranged from $31,259 to $41,000. Adequate funds in the amount of $565,000 are available in the project budget.

If awarded this contract, Alva Roofing Company will begin these series of roofs on October 19, 2011, and be completed within 120 days. No interruption of City services is anticipated during the projects.

The FYE 2012, Capital Budget, Project No. EF1002, Building Roofs, Construction (050-9540-419.61-01) includes $565,000 for the replacement of the four roofs.

STAFF RECOMMENDATION: Staff recommends all bids submitted under Bid No. 1112-24 be accepted, Contract No. K-1112-49 with Alva Roofing Company in the amount of $514,998 and the subsequent performance, statutory, and maintenance bonds be approved, and Project Agent Resolution No. R-1112-49 granting tax-exempt status to Alva Roofing Company be adopted.

Bid No. 1112-24
Fire Station No. Five/Little Axe Recreation Center
12th Avenue Recreation Center
Whittier Recreation Center
Roof Replacement Project
September 29, 2011

The following is a tabulation of bids received by the City of Norman for the Fire Station No. Five/Little Axe Recreation Center, 12th Avenue Recreation Center, and the Whittier Recreation Center Roof Replacement Project.

BIDDER	Fire Station No. 5/ Little Axe Rec. Ctr.	12th Avenue Recreation Center	Alternate E(2) 12th Avenue Rec. Ctr.	Whittier Recreation Center	TOTAL
Alva Roofing Co. Edmond, OK	**$119,688**	**$250,331**	**$31,259**	**$113,720**	**$514,998**
Crawford Roofing, Inc. Chickasha, OK	$151,900	$341,000	$41,000	$150,900	$684,800
Standard Roofing Company, Inc. Oklahoma City, OK	$135,005	$305,937	$36,400	$113,870	$591,272
Universal Roofing and Sheet Metal, Inc. Moore, OK	$143,200	$301,000	$39,300	$137,400	$620,900

RECOMMENDATION: Staff recommends Alva Roofing Company be awarded the bid for the above-described project. Funds are available in Project No. EF1002, Building Roofs, Construction (050-9540-419.61-01).

Forwarded by:

Matthew Smith
Facility Maintenance Superintendent

281,590.00 12th Ave

CONTRACT

THIS CONTRACT made and entered into this_____ day of _____, 2011, by and between Allen Roofing Company, as Party of the First Part, hereinafter designated as the CONTRACTOR, and the City of Norman, a municipal corporation, hereinafter designated as the CITY, Party of the Second Part.

WITNESSETH

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

Fire Station #5 / Little Axe Recreation Center, Twelfth Avenue Recreation Center, Whittier Recreation Center, ROOF REPLACEMENT PROJECT

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

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

WHEREAS, the CITY, in the manner provided by law, has publicly opened, examined, and canvassed the proposals submitted and has determined and declared the above-named CONTRACTOR to be the lowest and best Bidder on the above-prepared project, and has duly awarded this CONTRACT to said CONTRACTOR, for the sum named in the proposal, to wit: Five hundred fourteen thousand nine hundred ninety-eight Dollars ($ 514,998); Includes Alt E Price

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

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

2) Contractor shall receive payment for 100% completed and accepted work at each location. Completion is to be determined by the project manager who has sole authority in this matter.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

10) The CONTRACTOR shall furnish surety bonds and certificate of insurance as specified herein which bonds and insurance must be approved by the CITY prior to issuance of the Work Order and commencement of work on the project.

11) IN WITNESS WHEREOF, the parties hereto have caused this instrument to be executed, in three (3) duplicate originals, the day and year first above written.

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

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

STATE OF Oklahoma)
COUNTY OF Oklahoma)

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

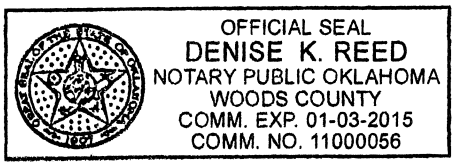
Greg Goodpasture

Submitted and sworn to before me this 4th day of October, 2011.

Denise K Reed
Notary Public

My Commission Expires:

1-3-2015



IN WITNESS WHEREOF, the said parties of the First and Second Part have hereunto set their hands and seals respectively the 4th day of October, 2011, and the ____ day of _____, 2011.

(Corporate Seal) (Where applicable)

ATTEST:

_____
Corporate Secretary (where applicable)

Alva Roofing Co - Greg Goodpasture
Principal

Signed: _____
Authorized Representative

Vice President
Title

Address: 2613 Linda Lane
Edmond, OK 73013

Telephone: 405-359-8739

CITY OF NORMAN

Approved as to form and legality this_____ day of_____, 2011.

_____
City Attorney

Approved by the City of Norman this_____ day of _____, 2011.

ATTEST:

_____
City Clerk

_____
Mayor

PERFORMANCE BOND

Know all men by these presents, that Alva Roofing Company as PRINCIPAL, and Granite Re. Inc., a corporation organized under the laws of the State of Oklahoma, and authorized to transact business in the State of Oklahoma, as SURETY, are held and firmly bound unto THE CITY OF NORMAN, a Municipal Corporation of the State of Oklahoma, herein called CITY, in the sum of Five Hundred Fourteen Thousand, Nine Hundred Ninety-Eight Dollars and 00/100 DOLLARS, ($ 514.998.00), for the payment of which sum PRINCIPAL and SURETY bind themselves, their heirs, executors, administrators, successors and assigns jointly and severally.

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

Fire Station #5 / Little Axe Recreation Center, Twelfth Avenue Recreation Center, Whittier Recreation Center, ROOF REPLACEMENT PROJECT

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

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

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

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

IN WITNESS WHEREOF, the PRINCIPAL has caused these presents to be executed in its name and its corporate seal (where applicable) to be hereunto affixed by its duly authorized representative(s), and the 4th day of October, 2011, and the SURETY has caused these presents to be executed in its name and its corporate seal to be hereunto affixed by its authorized representative(s) on the 4th day of October, 2011.

(Corporate Seal) (where applicable)

ALVA ROOFING CO. CORPORATE SEAL 1976 OKLAHOMA

ATTEST:

Corporate Secretary (where applicable)

Alva Roofing Company
Principal

Signed: Greg Goodpasture
Authorized Representative

Vice President
Title

Address: 7613 Linda Lane, Edmond, OK 73013
Telephone: 405-359-8739

(Corporate Seal) (where applicable)

Granite Re, Inc.
Surety

ATTEST:

Signed: Vicky Jarvis
Authorized Representative

Shannon Nicholas
Corporate Secretary (where applicable)

Vicky Jarvis, Attorney-In-Fact
Title

Address: 121 E. Main, Jenks, OK 74037
Telephone: 918-299-2345

CORPORATE ACKNOWLEDGMENT

STATE OF OKLAHOMA)
COUNTY OF Oklahoma)

The foregoing instrument was acknowledged before me this 4th day of October, 2011, by Greg Goodpasture, Vice Pres (Name & Title) of Alva Roofing Co., a Sub-S corporation, on behalf of the corporation.

WITNESS my hand and seal this 4th day of October, 2011.

Denise K Reed
Notary Public

My Commission Expires: 1-3-2015

OFFICIAL SEAL
DENISE K. REED
NOTARY PUBLIC OKLAHOMA
WOODS COUNTY
COMM. EXP. 01-03-2015
COMM. NO. 11000056

INDIVIDUAL ACKNOWLEDGMENT

STATE OF OKLAHOMA_____)
COUNTY OF _____)

The foregoing instrument was acknowledged before me this ____day of _____, 2011, by _____ of _____, (Name and Title) of _____.

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

_____
Notary Public

My Commission Expires: _____

PARTNERSHIP ACKNOWLEDGMENT

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

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

_____
Notary Public

My Commission Expires: _____

CITY OF NORMAN

Approved as to form and legality this 5th day of October, 2011.

_____
CITY Attorney

Approved by the CITY OF NORMAN this ____ day of _____, 2011.

ATTEST:

_____ _____
City Clerk Mayor

STATUTORY BOND

Know all men by these presents that Alva Roofing Company, as PRINCIPAL, and Granite Re, Inc., a corporation organized under the laws of the State of Oklahoma, and authorized to transact business in the State of Oklahoma, as Surety, are held and firmly bound unto the State of Oklahoma in the sum of Five Hundred Fourteen Thousand, Nine Hundred Ninety-Eight Dollars and 00/100 DOLLARS ($ 514,998.00), for the payment of which sum PRINCIPAL and SURETY bind themselves, their heirs executors, administrators, successors and assigns jointly and severally.

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

Fire Station #5 / Little Axe Recreation Center, Twelfth Avenue Recreation Center, Whittier Recreation Center, ROOF REPLACEMENT PROJECT

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

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

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

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

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

(Corporate Seal) (where applicable)

ATTEST:

Corporate Secretary (where applicable)

Alva Roofing Company

Principal

Signed: Greg Goodpasture

Authorized Representative

Vice President

Title

Address: 2613 Linda Lane Edmond, OK 73013

Telephone: 405-359-8739

(Corporate Seal) (where applicable)

Granite Re, Inc.

Surety

ATTEST:

Signed: Vicky Jarvis

Authorized Representative

Shannon Nicholas

Corporate Secretary (where applicable)

Vicky Jarvis, Attorney-In-Fact

Title

Address: 121 E. Main, Jenks, OK 74037

Telephone: 918-299-2345

CORPORATE ACKNOWLEDGMENT

STATE OF OKLAHOMA)
COUNTY OF Oklahoma)

The foregoing instrument was acknowledged before me this 4th day of October, 2011, by Greg Goodpasture Vice President (Name and Title) of Alva Roofing Co., a Subs' corporation, on behalf of the corporation.

WITNESS my hand and seal this 4th day of October, 2011.

Denise K Reed

Notary Public

OFFICIAL SEAL
DENISE K. REED
NOTARY PUBLIC OKLAHOMA
WOODS COUNTY
COMM. EXP. 01-03-2015
COMM. NO. 11000056

My Commission Expires: 1-3-2015

INDIVIDUAL ACKNOWLEDGMENT

STATE OF OKLAHOMA_____)
COUNTY OF _____)

The foregoing instrument was acknowledged before me this ____day of _____, 2011, By _____ of _____, (Name and Title) of _____.

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

_____
Notary Public

My Commission Expires: _____

PARTNERSHIP ACKNOWLEDGMENT

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

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

_____
Notary Public

My Commission Expires: _____

CITY OF NORMAN

Approved as to form and legality this 5th day of October, 2011.

_____
City Attorney

Approved by the CITY OF NORMAN this ____ day of _____, 2011.

ATTEST:

_____
City Clerk

_____
Mayor

CITY OF NORMAN
MAINTENANCE BOND

Know all men by these present that Alva Roofing Company, as Principal, and Granite Re. Inc., a corporation organized under the laws of the State of Oklahoma, and authorized to transact business in the State of Oklahoma, as SURETY, are held and firmly bound unto the CITY OF NORMAN, OKLAHOMA, a Municipal Corporation of the State of Oklahoma, herein called CITY, in the sum of Five Hundred Fourteen Thousand, Nine Hundred Ninety-Eight Dollars and 00/100 DOLLARS ($ 514.998.00), for the payment of which sum PRINCIPAL and SURETY bind themselves, their heirs, executors, administrators, successors and assigns, jointly and severally.

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

Fire Station #5 / Little Axe Recreation Center, Twelfth Avenue Recreation Center, Whittier Recreation, ROOF REPLACEMENT PROJECT

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

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

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

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

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

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

(Corporate Seal) (where applicable)

ATTEST:

Corporate Secretary (where applicable)

(Corporate Seal) (where applicable)

Alva Roofing Company
Principal

Signed: Greg Goodpasture
Authorized Representative

Vice President
Title

Address: 2613 Linda Lane Edmond, OK 73013
Telephone: 405-359-8739

Granite Re, Inc.
Surety

ATTEST:

Signed: Vicky Jarvis
Authorized Representative

Shannon Nicholas
Corporate Secretary (where applicable)

Vicky Jarvis, Attorney-In-Fact
Title

Address: 121 E. Main, Jenks, OK 74037
Telephone: 918-299-2345

CORPORATE ACKNOWLEDGMENT

STATE OF OKLAHOMA)
COUNTY OF Oklahoma)

The foregoing instrument was acknowledged before me this 4th day of October, 2011, by Greg Goodpasture, Vice Pres (Name & Title) of Alva Roofing Co. Sub's, a corporation, on behalf of the corporation.

WITNESS my hand and seal this 4th day of October, 2011.

Denise K Reed
Notary Public

My Commission Expires: 1-3-2015

OFFICIAL SEAL
DENISE K. REED
NOTARY PUBLIC OKLAHOMA
WOODS COUNTY
COMM. EXP. 01-03-2015
COMM. NO. 11000056

INDIVIDUAL ACKNOWLEDGMENT

STATE OF OKLAHOMA_____)
COUNTY OF _____)

The foregoing instrument was acknowledged before me this ____day of _____, 2011, by _____ of _____, (Name and Title) of _____.

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

_____
Notary Public

My Commission Expires: _____

PARTNERSHIP ACKNOWLEDGMENT

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

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

_____
Notary Public

My Commission Expires: _____

CITY OF NORMAN

Approved as to form and legality this 5th day of October, 2011.

_____
City Attorney

Approved by the CITY OF NORMAN this____ day of _____, 2011.

ATTEST:

_____
City Clerk

_____
Mayor

Resolution

R-1112-49

A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AUTHORIZING AND APPOINTING ALVA ROOFING COMPANY AS PROJECT AGENT FOR FIRE STATION NO. FIVE/LITTLE AXE RECREATION CENTER, 12TH AVENUE RECREATION CENTER, AND WHITTIER RECREATION CENTER ROOF REPLACEMENT PROJECT FOR THE CITY OF NORMAN.

§ 1. WHEREAS, the City of Norman, Oklahoma, does hereby acknowledge that the tax-exempt status of this political subdivision is a significant factor in determining the agreed contract price bid by **Alva Roofing Company** for the **Fire Station No. Five/Little Axe Recreation Center, 12th Avenue Recreation Center, And Whittier Recreation Center Roof Replacement Project** or the City of Norman; and

§ 2. WHEREAS, the City of Norman, Oklahoma, in compliance with State law, desires to confer on **Alva Roofing Company** its special State and Federal sales tax exemptions and in order to achieve such end, finds it necessary to appoint as its direct purchasing agent, **Alva Roofing Company** to purchase materials which are in fact used for the **Fire Station No. Five/Little Axe Recreation Center, 12th Avenue Recreation Center, And Whittier Recreation Center Roof Replacement Project** for the City of Norman; and

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

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

§ 4. That the City of Norman, Oklahoma, on the 8th day of March, 2011, did appoint **Alva Roofing Company** who is involved with the **Fire Station No. Five/Little Axe Recreation Center, 12th Avenue Recreation Center, And Whittier Recreation Center Roof Replacement Project** for the City of Norman, an agent of the City of Norman, Oklahoma, solely for the purpose of purchasing, on a tax-exempt basis, materials and tangible personal property to be used exclusively for the above-described project for the City of Norman.

PASSED AND ADOPTED THIS 11th day of October, 2011.

ATTEST: _____ Mayor

_____
City Clerk

PURCHASE REQUISITION NBR: 0000192536

STATUS: DIVISION APPROVAL

REQUISITION BY: SRUNYON
REASON: ROOF CONSTRUCTION
DATE: 10/05/11

SHIP TO LOCATION: BUILDING MAINTENANCE
SUGGESTED VENDOR: ALVA ROOFING COMPANY
DELIVER BY DATE: 11/15/11

LINE NBR	DESCRIPTION	QUANTITY	UOM	UNIT COST	EXTEND COST	VENDOR PART NUMBER
1	NEW ROOF FOR FIRE STATION #5/LITTLE AXE REC. CTR. COMMODITY: ROOFING SUBCOMMOD: ROOFING SUPPLIES (NOT OTH	1.00	EA	119688.0000	119688.00	
2	NEW ROOF 12 AVE. RECREATION CENTER AND ALTERNATE E COMMODITY: ROOFING SUBCOMMOD: ROOFING SUPPLIES (NOT OTH	1.00	EA	281590.0000	281590.00	
3	NEW ROOF WHITTIER RECREATION CENTER COMMODITY: ROOFING SUBCOMMOD: ROOFING SUPPLIES (NOT OTH	1.00	EA	113720.0000	113720.00	
				REQUISITION TOTAL:	514998.00	

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

LINE #	ACCOUNT		PROJECT	%	AMOUNT
1	05095404196101	Capital Projects Construction	EF1002 Building Roofs	100.00	119688.00
2	05095404196101	Capital Projects Construction	EF1002 Building Roofs	100.00	281590.00
3	05095404196101	Capital Projects Construction	EF1002 Building Roofs	100.00	113720.00
					514998.00

REQUISITION IS IN THE CURRENT FISCAL YEAR.

REQUISITION COMMENTS:

NEW VENDOR
ALVA ROOFING COMPANY
2513 LINDA LANE
EDMOND, OKLA. 73130
405-359-8739
405-359-8596 (FAX)
FAXING W-9 - WILL FORWARD WHEN RECEIVED

City of Norman, OK

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

Master

File Number: GID-1112-19

File ID:	GID-1112-19	**Type:**	Authorization for Purchase	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 14	**In Control:**	City Council
Department:	Utilities Department	**Cost:**	$88,144.00	**File Created:**	09/13/2011
File Name:	Purchase of water metering assemblies			**Final Action:**	

Title: CONSIDERATION OF AUTHORIZATION FOR THE PURCHASE OF TEN (10) EIGHT-INCH WATER METERING ASSEMBLIES FROM BADGER METER, INC., IN THE AMOUNT OF $88,144.80 FOR THE WATER LINE MAINTENANCE DIVISION.

ACTION NEEDED: Acting as the Norman Utilities Authority, motion to approve or reject authorization for the purchase of ten (10) eight-inch water metering assemblies in the amount of $8,814.48 each for a total of $88,140 from Badger Meter, Inc., for the Water Line Maintenance Division.

ACTION TAKEN: _____

Notes: October 11, 2011, City Council Agenda

Agenda Date: 10/11/2011

Agenda Number: 14

Attachments: Badger 8-inch Meter quote, Badger Meter Requisition

Project Manager: David Hager, Utilities Superintendent

Entered by: mark.daniels@normanok.gov

Effective Date:

History of Legislative File

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

Text of Legislative File GID-1112-19

Body

BACKGROUND: The Norman Utilities Authority (NUA) sells water throughout Norman including several government owned facilities that are exempt from many permitting processes. In several instances, waterlines constructed without City of Norman permits or without dedication of proper utility easements have become problematic where the NUA can no longer access and maintain the waterlines or guarantee the integrity of the water system.

The Master Meter Installation project (WA0173) will remedy these situations. The project will install proper metering and backflow prevention devices in valve vaults at points where public waterlines enter governmental property. The governmental agency will be billed based on the data collected at the master meter. This system will relieve the NUA of the maintenance responsibility for waterlines that have not been dedicated to the city via utility easements, that may be of substandard construction or waterlines that are no longer accessible for maintenance.

Three meters will be installed at both the Moore-Norman Vo-tech and the Postal Training Facility with two meters each at JD McCarty and the Oklahoma Veterans Center. Ten master metering locations costing approximately $25,000 each are anticipated.

DESCRIPTION: The project will be completed in two phases. The ten metering assemblies will be purchased directly by the NUA saving contractor markup on this equipment purchase. Construction of the concrete valve vault and installation of the meters and other miscellaneous piping and appurtenances will be competitively bid and awarded at a later date.

The metering assembly includes a turbine meter, check valve and strainer on the main eight-inch line utilized when larger flows are needed (such as fire flows up to 4500 gallons per minute) and a two-inch bypass line with disc meter, check valve and isolation valves for use during lower domestic flows typically encountered on a daily basis (as low as 2.5 GPM). The meters will be equipped with Automatic Meter Reading (AMR) transmitters compatible with our current AMR devices. These devices (Radix hand held computers) allow transmission of meter readings to our employees automatically as they drive by the meter location, without needing to leave their vehicle. We began using the AMR devices on our larger meters in 2006; at that time, the Badger Meter was selected through a competitive bidding process.

The specifications for these meters require a Badger Meter product. However, to insure there wasn't any artificial markup on a purchase direct from the manufacturer, the NUA requested written quotes from four-meter manufacturers and obtained two quotes for the purchase of ten eight-inch metering assemblies. Badger Meter, Inc. provided the lowest quote at a total cost of $88,144.80 or $8,814.48 each. Neptune Technology Group submitted a quote of $93,200 or $9,320 each; their quote includes an encoder on each meter which allows our AMR devices to collect data from the Neptune meter.

The Fiscal Year Ending 2012 (FYE12) capital budget includes $250,000 in construction account 031-9360-462.61-01, Master Meter Installation, Project WA0173.

RECOMMENDATION: It is recommended that the NUA approve the purchase of ten eight-inch water metering assemblies from Badger Meter, Inc. for $88,144.80.

QUOTATION

Badger Meter

Quotation No.38708

4545 W Brown Deer Road Milwaukee WI 53223
PO Box 245036 Milwaukee WI 53224-9536
Phone: 800-876-3837 Fax: 888-371-5982
Customer Service Rep: Lschleker@badgermeter.com

TO Fred Fitzgerald
CITY OF NORMAN
1307 DAVINCI STREET
NORMAN OK 73070
Phone: 405-329-0703
Fax: 405-292-9712
E-mail: fred.fitzgerald@ci.norman.ok.us

CUSTOMER ID: 3506082

EFFECTIVE DATES: 9/2/2011-2/29/2012

SALESPERSON	PROPOSAL SUBJECT	SHIPPING TERMS/INCO TERMS	PAYMENT TERMS
005341 Daryl W Gibson	8" FSAA	PREPAY/NO CHARGE For Orders > $12,500 FOB FACTORY	CLAIM FORM

LINE #	DESCRIPTION	QTY	UNIT NET PRICE USD	LINE TOTALS USD
1	RCDL Fire Series Assembly LL (NSF 61-G), 8", Round, External UL/FM Strainer Attached, Less Connections, RTR, Gallon, Plastic Shroud / Plastic Lid (Black) ORION, Narrow Band (Metal Pit Lid Only), Indoor-Outdoor, Factory Pre-Wired, 10 ft Wire, UM1-0003-0376	10	$8,814.48	$88,144.80

Notes and Assumptions:
If applicable, sales tax and freight charges will be added at time of invoice.

Actual lead time to be provided at time of order.

If you have any questions concerning this quotation, please contact:Daryl W Gibson, 800-876-3837x17018, bgibson@badgermeter.com
To place an order, please contact: Laura A. Schleker, 800-616-3837, Lschleker@badgermeter.com

Official authorized quote of Badger Meter Inc.
Daryl W Gibson, National Account Mgr. West

THANK YOU FOR YOUR BUSINESS!

This quotation is an offer, made subject to the terms & conditions found on our website: www.badgermeter.com/Company/Legal/Sales-Terms.aspx
Quoted prices are firm for acceptance, via an order, within the effective dates provided, shipping within 60 calendar days past the expiration of this quotation.

Model FSAA-01	8" Model FSAA-01 FM Approved - 175 PSI Flanged UL Listed Fire Series Meter Assembly with Strainer, Turbine Meter, Check Valve and Disc By-Pass Meter	Technical Brief

DESCRIPTION

MODEL FSAA-01 FIRE SERIES METER ASSEMBLY consists of at least a six times open area strainer, an 8" Recordall Turbo Series Meter with AWWA class II measuring chamber, a Check Valve with by-pass piping, valves, and a 2" Recordall Disc Series Meter. The Fire Series Meter Assembly is designed to measure both low flow domestic use and high volume usage, such as when a building's fire sprinklers are activated, through a single water supply line.

INSTALLATION is made similar to placing a length of flanged end pipe in the line. The 175 lb. AWWA Class "D" steel flanged end design permits use in a wide range of applications. The meter must have a full flow of liquid for proper accuracy. It must be installed in horizontal applications only.

STRAINER is at least six times open area and is used exclusively in fire series systems to prevent clogging. The strainer is equipped with a 3" flushing outlet port (or optional valve) for flushing debris from the upstream side of the strainer screen.

TURBINE METER: Water flows into the meter's measuring element contacting the multi-vaned rotor. Flow readings are obtained by rotor revolutions transmitted by magnetic drive coupling through the meter's cover plate to the sealed register. Magnetic drive is achieved by a right angle worm drive, coupling the rotor to a vertical transmission spindle, driving a gear set rotating the magnet carrier. A ceramic magnet in a carrier rotates around a vertical axis. Rotor rotation is transmitted to the register gearing through this magnetic coupling.

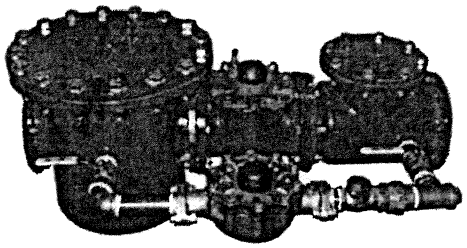
The turbo measuring element is designed to greatly reduce wear by reducing friction potential between the moving parts of the rotor and bearing system. Less wear, in this critical area of the design, provides the utility manager with a lower life cycle cost for meter application. Throughout the normal operating range of the meter, the rotor floats between the thrust bearing system.

CHECK VALVE is a spring loaded check valve on the downstream side of the clapper to hold the clapper in a normally closed position. Small water flows by-pass the clapper and are registered on the 2" by-pass meter. This allows for accurate registration of domestic use, leakage or misuse of water intended for wet stand-by fire protection. When a major flow is required, the water pressure will overcome the mechanical advantages of the spring loaded clapper and push it open, permitting full pipe capacity flow during a fire emergency. A small amount of water will continue to flow through the by-pass when the spring loaded clapper is fully open.

BY-PASS LINE consists of piping with a 2" Recordall Disc Series Meter, (2) isolation valves, a test plug tee and a check valve.

SPECIFICATIONS

TYPICAL OPERATING RANGE (100% ± 1.5%)	2 1/2-4500 GPM.
MAXIMUM OPERATING PRESSURE	175 PSI.
MAXIMUM OPERATINGTEMPERATURE	120° F (49° C)
TYPICAL LOW FLOW (95% MIN.)	1 1/2 GPM.
MAXIMUM CONTINUOUS OPERATION	3500 GPM.
MAXIMUM INTERMITTENT FLOW	4500 GPM.



MATERIALS

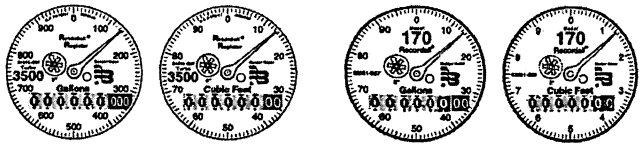
NOSE CONE AND STRAIGHTENING VANES	thermoplastic
ROTOR	thermoplastic
ROTOR RADIAL BEARINGS	lubricated thermoplastic
ROTOR THRUST BEARINGS	sapphire jewels
ROTOR BEARING PIVOTS	passivated 316 stainless steel
CALIBRATION MECHANISM	stainless steel and thermoplastic
MAGNET	ceramic
REGISTER LID AND SHROUD TRIM	thermoplastic, bronze stainless steel
BY-PASS MEASURING CHAMBER	injection molded thermoplastic
TURBINE SHAFTS & BOLTS	stainless steel
METER HOUSING	fusion bonded epoxy coated ductile cast iron
BY-PASS METER HOUSING	Low Lead Alloy (LL)
CLAPPER	stainless steel
CLAPPER SPRING	stainless steel
CLAPPER HINGE & PINS	stainless steel
CLAPPER SEAL	elastomer, EPDM
VALVE SEAT	cast brass
VALVE & STRAINER COVER PLATE	fusion bonded epoxy coated steel
VALVE & STRAINER COVER PLATE GASKET	elastomer sheet
BY-PASS	Water works brass piping conforming to AWWA C800
VALVE BODY	Steel, coated inside and out with fusion bonded epoxy. Standard flange connections (ANSI B16.1)
STRAINER SCREEN	stainless steel
STRAINER BODY	fusion epoxy coated steel
OPTIONAL EQUIPMENT	Includes transmitters with remote read capabilities, companion flanges, and various pipe sizes are available in CI or bronze.
SHIPPING WEIGHT	767 pounds shipped fully assembled.
CERTIFICATION	Valve conforms to UL 312 and FM 1045. Fire Series Meter Assembly conforms to UL 327, FM 1044 and AWWA C703. Strainer conforms to UL 321 and FM 5551. Strainer open area is at least six times the area of the nominal pipe size. Meter measuring chambers are AWWA class II.
ORDERING INFO	Must be specified by the customer and includes: Size, minimum & maximum flow range, totalizer dial units, optional equipment desired. Standard side for by-pass meter is right hand (shown above) unless specified otherwise.

Recordall® is a registered trademark of Badger Meter, Inc.

8" MODEL FSAA-01

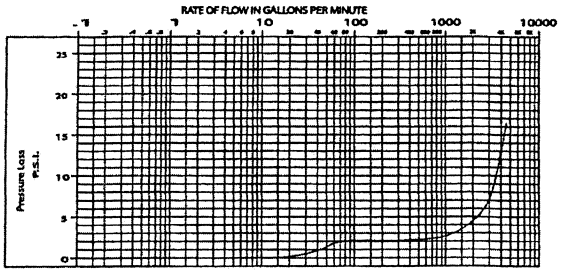
SERVICE APPLICATIONS

DOMESTIC | FIRE SERVICE | LISTED | APPROVED

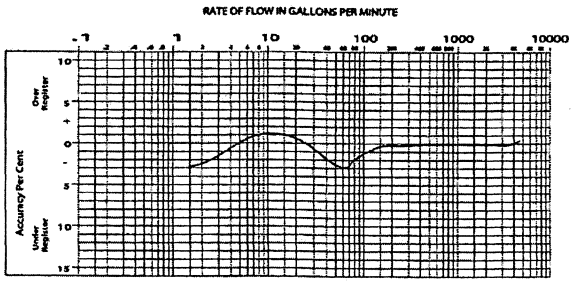


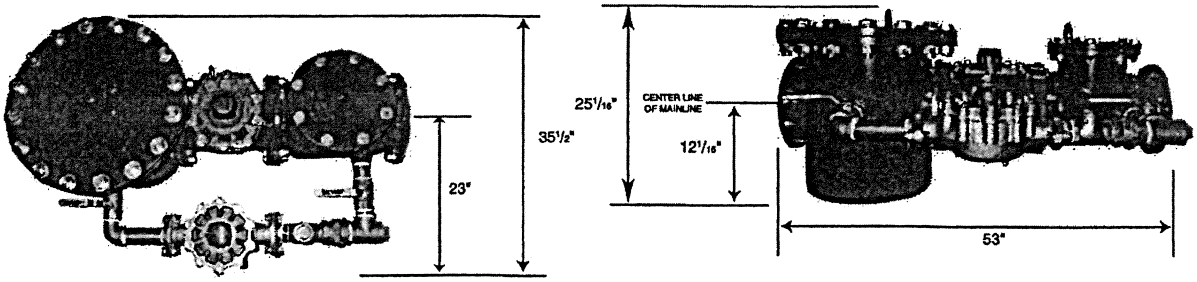
Mainline Registers | By-Pass Registers

PRESSURE LOSS CHART



ACCURACY CHART





ISO 9001

Please see our website at
www.badgermeter.com
for specific contacts.

Due to continuous research, product improvements and enhancements, Badger Meter reserves the right to change product or system specifications without notice, except to the extent an outstanding contractual obligation exists.

BadgerMeter, Inc.
P.O. Box 245036, Milwaukee, WI 53224-9536
(800) 876-3837 / Fax: (888) 371-5982
www.badgermeter.com

Copyright © Badger Meter, Inc. 2006. All rights reserved.

PURCHASE REQUISITION NBR: 0000191585

STATUS: DIVISION APPROVAL

REQUISITION BY: MDANIELS
REASON: PURCHASE 8-INCH METERING ASSEMBLIES
DATE: 9/14/11

SHIP TO LOCATION: P W - UTILITIES DIRECTOR
SUGGESTED VENDOR: 4060 BADGER METER INC
DELIVER BY DATE: 9/27/11

LINE NBR	DESCRIPTION	QUANTITY	UOM	UNIT COST	EXTEND COST	VENDOR PART NUMBER
1	8-INCH TURBINE/DISC METERING ASSEMBLY COMMODITY: ELECTRICAL EQUIPMENT AND SUBCOMMOD: METERS, INDICATING AND RE	10.00	EA	8814.4800	88144.80	

REQUISITION TOTAL: 88144.80

REQUISITION QUOTES

		VENDOR NAME
SELECTED VENDOR:	88144.8000	4060 BADGER METER INC
	93200.0000	9157 HD SUPPLY WATERWORKS LTD

ACCOUNT INFORMATION

LINE #	ACCOUNT		PROJECT	%	AMOUNT
1	03193604626101	Capital Projects Construction	WA0173 Master Meter Installation	100.00	88144.80
					88144.80

REQUISITION IS IN THE CURRENT FISCAL YEAR.

REQUISITION COMMENTS:

CONTINGENT ON NUA APPROVAL 09/27/11.
QUOTES REQUESTED FROM 4 METER VENDORS, 2 RECEIVED
BADGER METER: $8814.48 EACH OR $$88144.80
NEPTUNE METERS: $9320.00 EACH OR $92,200.00 VIA HD SUPPLY

City of Norman, OK

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

Master

File Number: GID-1112-24

File ID:	GID-1112-24	**Type:**	Declare Suplus/Obsolete	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 15	**In Control:**	City Council
Department:	Utilities Department	**Cost:**		**File Created:**	09/28/2011
File Name:	Declaration of Surplus Obsolete Equipment WWT			**Final Action:**	

Title: CONSIDERATION OF THE DECLARATION OF EQUIPMENT AT THE WASTEWATER TREATMENT PLANT AS SURPLUS AND/OR OBSOLETE AND AUTHORIZATION OF THE SALE THEREOF.

ACTION NEEDED: Motion to declare equipment at the Wastewater Treatment Plant to be surplus and/or obsolete; and, if so declared, authorize the sale thereof.

ACTION TAKEN: _____

Notes: October 11, 2011, City Council Agenda

Agenda Date: 10/11/2011

Agenda Number: 15

Attachments: Obsolete Equipment

Project Manager: Steve Hardeman, Utilities Superintendent

Entered by: Loretta.englett@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-1112-24

Body

BACKGROUND: On December 28, 2010, the Norman Utilities Authority (NUA) approved Contract K-1011-42 with Oil Capital Electric to proceed with construction of the Wastewater Treatment Plant (WWTP) Energy and Supervisory Control and Data Acquisition (SCADA) Improvements Project. One aspect of the project involves removal of 4160-volt motors and motor control centers (MCC) located at the Aeration Blower Building and replacement with a more efficient 480-volt system. The contract allowed for the removed equipment to be scrapped by the contractor or retained by NUA. NUA will retain ownership of the components of the 4160-volt system being removed.

There is a potential to generate revenue from the sale of salvaged equipment such as the 4160-volt motors, MCC, switchgears and associated electrical equipment. The value of the salvaged equipment should be in excess of $15,000. The buyer will remove and transport said equipment at their cost for use elsewhere. Revenue generated from the sale, if any, will be transferred back to the Phase 2 Wastewater Treatment Plant (WWTP) Expansion (WW0065).

Section 8-301 of the Code of Ordinances of the City of Norman provides that "The City Council must declare surplus or obsolete any supplies, materials, or equipment where the valuation exceeds one thousand dollars ($1,000) prior to the selling of such supplies, materials, or equipment."

DISCUSSION: A list of surplus or obsolete equipment and materials is attached; additional associated items may also be disposed. Staff will prepare advertisements soliciting a bid or bids to remove the surplus equipment.

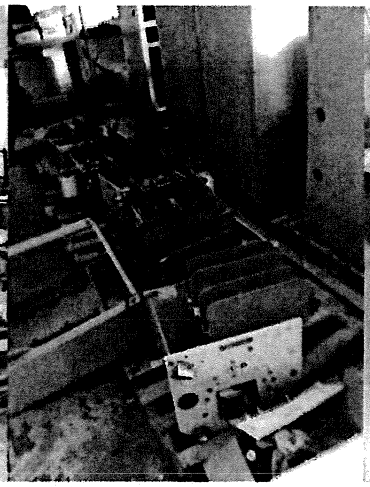
RECOMMENDATION: It is recommended that the attached list of supplies, materials, or equipment be declared surplus or obsolete, and approved for disposition.

Surplus or Obsolete Equipment at WWTP
September 19, 2011

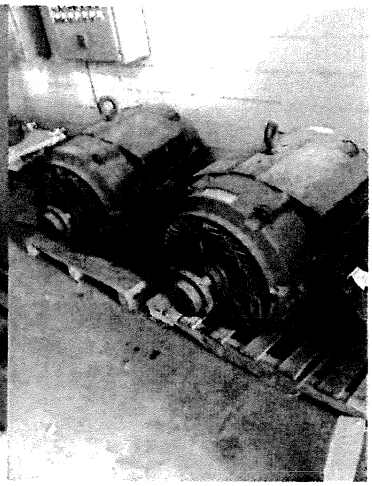
Estimated Quantities:

4160 volt motor control center	Each	2
4160 volt electric motors	Each	4
4160 volt fuse blocks and other miscellaneous parts.		

4160v Motor Control Centers



Miscellaneous Parts



2 of the 4160v motors (others will be removed)

City of Norman, OK

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

Master

File Number: GID-1112-26

File ID:	GID-1112-26	**Type:**	Easement	**Status:**	ATS Review
Version:	1	**Reference:**	Item No. 16	**In Control:**	City Council
Department:	Legal Department	**Cost:**		**File Created:**	10/06/2011
File Name:	Release of Easement			**Final Action:**	

Title:

PARTIAL RELEASE OF EASEMENT GRANTED TO PSC LAND, INC., IN THE AMOUNT OF $5,000 ORIGINALLY INCLUDED IN CONTRACT NO. K-9798-53 WITH KOCH INDUSTRIES, INC., IN CONNECTION WITH THE TECUMSEH ROAD WIDENING PROJECT, PHASE I, 36TH AVENUE WIDENING.

ACTION NEEDED: Motion to approve or reject a partial release of easement granted to PSC Land, L.L.C., in the amount of $5,000; and, if approved, direct the execution and filing thereof.

ACTION TAKEN: _____

Notes:

Agenda Date: 10/11/2011

Agenda Number: 16

Attachments: Release of Easement - Moore 36th Map, Release of Easement, K-9798-53

Project Manager: Blaine Nice, 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:

Text of Legislative File GID-1112-26

Body

BACKGROUND: In 1997, in connection with the Tecumseh Road and 36th Avenue NW Widening Project, the City of Norman (Norman) obtained an easement from Koch Industries (Koch). This easement is about 7.5 miles in length and runs north, parallel to 36th Avenue NW, from the Canadian River into the City of Moore. At that time, there were several conflicts between the proposed roadway and the Koch pipeline. Because the pipeline was

abandoned and purged, Koch was unwilling to lower the pipeline for the project. However, Koch was willing to sell the pipeline and the related easements to Norman. On November 24, 1997, Council approved purchase of the pipeline from Koch Industries in the amount of $150,000.

With one exception, the pipeline easement outside the city limits of Norman is of no use. The lone exception is the use of the right-of-way for Norman to connect with Oklahoma City's water line in order to purchase water from Oklahoma City. Norman has recently received a request from an attorney representing PSC Land, LLC, who is in the process of constructing an ambulatory surgery center in the 3100 block of North Telephone Road in Moore. This facility will be located between 34th Street and 19th Street, on the west side of Telephone Road. In the process of constructing a ditch for a storm drain pipeline, the contractor encountered the abandoned Koch pipeline which now belongs to Norman.

DISCUSSION: The attorney for PSC Land, LLC has requested that the City execute a release of all or part of the easement held by the City of Norman in the SE¼ of Sec. 27, T10N, R3W, City of Moore, Cleveland County, Oklahoma (property located at the northwest corner of Telephone Road and 34th Street in Moore).

The easement that the City obtained from Koch Industries is a blanket easement and, as stated above, was purchased for $150,000. The portion of the easement which is being requested to be released serves no purpose for Norman due to it being within the City of Moore. Because the portion of easement in question was extraneous to the easement purchased by Norman for the Tecumseh Road Widening Project and the Oklahoma City water line connection, this portion of the easement was declared surplus by Council in July of 2000.

In 2000, Norman executed a Quit Claim Deed to any right, claim, or interest in the easement with respect to property in this vicinity in the SW1/4 of Sec. 26, T10N, R3W of Indian Meridian, Cleveland County, Oklahoma, at the request of the property owner who was developing the property. At that time, the City received payment in the amount of $5,000 to convey its interest in the easement to the property owner. PSC, LLC, has agreed to compensate the City in the amount of $5,000 to execute the release.

RECOMMENDATION: Based on the above and foregoing, it is the recommendation of the City Attorney's office that the Release of Easement attached hereto, as requested by PSC, LLC be executed in exchange for $5,000.

RELEASE OF EASEMENT

KNOW ALL MEN BY THESE PRESENTS:

WHEREAS, on December 1, 1997, the City of Norman received an assignment of an easement under, through and across the following described land:

A tract of land being a part of the SE/4 of Section 27, T10N, R3W, I.M., in the City of Moore, Cleveland County, Oklahoma, and being more particularly described as follows;

Commencing at the SE corner of said Section 27; Thence N 00°04'30"E a distance of 748.00 feet to the point or place of BEGINNING; Thence S 89°47'38"W a distance of 425.00 feet; Thence N 00°04'30"E a distance of 401.00 feet; Thence N 89°47'38"E a distance of 425.00 feet to a point on the east line of said SE/4; Thence S 00°04'30"W along said east line a distance of 401.00 feet to the point or place of Beginning. Said tract to contain 3.91 gross acres (3.45 net acres) more or less.

said premises situated in Cleveland County, Oklahoma. Said assignment being filed of record on January 2, 1998, and recorded in the office of the County Clerk of Cleveland, Oklahoma, in Book 2911, at Page 761; and

WHEREAS, the CITY OF NORMAN desires to release and relinquish said easement as it pertains to the legal description of said property.

NOW THEREFORE, THE CITY OF NORMAN does hereby quitclaim, release, remise, relinquish and surrender to the record owners thereof, any right, title, or interest in and to the above-described property.

IN WITNESS, WHEREOF, the CITY OF NORMAN has executed this instrument this _____ day of October, 2011.

CITY OF NORMAN, OKLAHOMA

_____
Cindy Rosenthal, Mayor

ATTEST:

_____
Brenda Hall, City Clerk

Approved as to form and legality this 6th day of October, 2011.

_____
City Attorney

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:

_____

K-9798-53

Doc#:R 1998 68
Bk&Pg:RB 2911 761-773
Filed:01-02-1998 SSK
03:02:06 PM ASG
Cleveland County, OK

32.00

PARTIAL ASSIGNMENT OF RIGHT OF WAY

For valuable consideration received, and pursuant to that certain Purchase and Sale Agreement dated December 9, 1997 ("Agreement") by and between Koch Pipeline Company, L.P., ("Koch") having a place of business at 4111 East 37th Street North, Wichita, Kansas 67220, and the **City of Norman, Oklahoma** ("Buyer"), having a place of business at 201A West Gray, Norman, Oklahoma 73070, Koch does hereby sell, transfer, and assign to Buyer, its successors and assigns, without warranty of title Koch's right, title, and interest in and to the right of way easements, permits, and licenses as listed in Exhibit A, which is attached hereto and made a part of this Partial Assignment of Right of Way for all purposes, **to the extent and only to the extent** pertaining to the pipeline transferred to Buyer pursuant to the Agreement, the approximate locations of which pipeline are as shown in Exhibit B, which is attached hereto and made a part of this Partial Assignment of Right of Way for all purposes; provided however, that the parties recognize and acknowledge that Koch is retaining a pipeline(s) across and through the areas covered by the right of way easements, permits, and licenses listed in Exhibit A, and that only the right, title, and interest in such right of way easements, permits, and licenses needed for the pipeline being transferred to Buyer pursuant to the Agreement is hereby being partially assigned to Buyer, with Koch retaining all other right, title, and interest in the right of way easements, permits, and licenses listed in Exhibit A (such right of way easements, permits, and licenses, not including the right, title, and interest being retained by Koch, shall collectively be referred to hereinafter as the "Easements").

For the same consideration, Buyer agrees to be bound by the terms, conditions, and covenants of the assigned Easements subsequent to the date hereof.

This Partial Assignment of Right of Way is executed, delivered, and accepted pursuant to the Agreement and the provisions of the Agreement shall survive the execution, deliverance, and acceptance of this Partial Assignment of Right-of-Way.

Buyer and its successors and assigns shall not use the Easements for the transportation of crude oil, condensate, brine, refined petroleum products, natural gas, natural gas liquids or any other similar liquid. This restriction on use shall be transferred by Buyer to any subsequent purchaser of all or any part of the Easements. This restriction on the use of the Easements shall remain in force for the twenty-one year period immediately following the date of this Assignment of Right-of-Way.

To have and to hold the Easements and all privileges associated therewith unto Buyer, its successors and assigns, without warranty of any kind.

Executed this 3rd day of December, 1997 by:

KOCH PIPELINE COMPANY, L.P.
By: KPL/GP, Inc.

By: _____ JCC
Printed Name: Allen Caldwell
Title: Vice President/Secretary

Executed this 2nd day of December, 1997 by:

CITY OF NORMAN, OKLAHOMA

APPROVED as to Form and Legality

By: _____
City Attorney

APPROVED and ADOPTED by the Council of the City of Norman this 9th day of December, 1997.

_____
Mayor

ATTEST: (Seal)

By: _____
City Clerk

State of Kansas)
) ss
County of Sedgwick)

The foregoing instrument was acknowledged before me this 3rd day of December, 1997 by Allen Caldwell, Vice President/Secretary of KPL/GP, Inc., a Delaware corporation, General Partner of Koch Pipeline Company, L.P., a Delaware limited partnership, on behalf of the corporation.

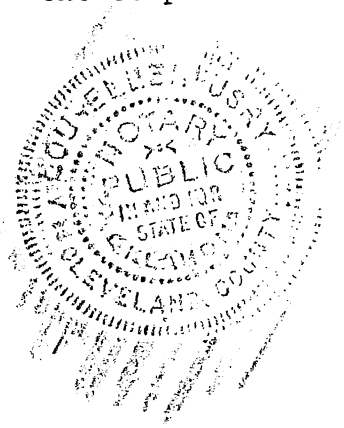
_____
Notary Public

My Commission Expires: 9/14/99

NOTARY PUBLIC - State of Kansas
VICKI SCHUMACHER
My Appt. Exp. 9/14/99

State of Oklahoma)
) ss
County of Cleveland)

The foregoing instrument was acknowledged before me this 9th day of December, 1997 by Bill Nations, Mayor of the City of Norman, Oklahoma, a municipal corporation, on behalf of the corporation.



Notary Public

My Commission Expires: 5-21-2000

EXHIBIT A
Partially Assigned Easements, Permits and Licenses
8 " LPG
CLEVELAND COUNTY, OKLAHOMA

INST	DATE	GRANTOR	GRANTEE	TWSP	RANGE	SEC	DESCRIPTION	BK/PG
R/W	10-13-65	G. H. Fore	Arbuckle Pipe Line Company	009N	003W	034	E/2 SE/4	443/492
Partial Release	2-15-89	Arbuckle Pipe Line Company	Record Owner	009N	003W	034	E/2 SE/4	2150/799
R/W	10-9-65	Elmer T. Mollman Monica D. Mollman	Arbuckle Pipe Line Company	010N	003W	027	SE/4, less tract	443/498

K-9798-53

16-6

EXHIBIT A
Partially Assigned Easements, Permits and Licenses
8 " LPG
CLEVELAND COUNTY, OKLAHOMA

INST	DATE	GRANTOR	GRANTEE	TWSP	RANGE	SEC	DESCRIPTION	BK/PG
			HIGHWAY CROSSINGS					
Permit	12-11-65	City of Moore, Oklahoma	Arbuckle Pipe Line Company	010N	003W	034	NE/4 NE/4, 34th St. & Telephone Ave.	No Data
Permit (CL-6x)	1-14-66	Cleveland County Board of Commissioners	Arbuckle Pipe Line Company	009N	003W	027	SE/4 W. Main St.	No Data
(CL-9x)				009N	003W	027	NE/4 County Rd.	
(CL-11x)				009N	003W	023	SW/4 Robinson St.	
(CL-13x)				009N	003W	014	SW/4 Rock Creek Rd.	
(CL-16x)				009N	003W	011	SW/4 Tecumseh Rd.	
(CL-18x)				009N	003W	002	SW/4 Franklin Rd.	
(CL-20x)				010N	003W	035	SW/4 Indian Hills Rd.	
(CL-23x)				010N	003W	026	SW/4	

K-9798-53

16-7

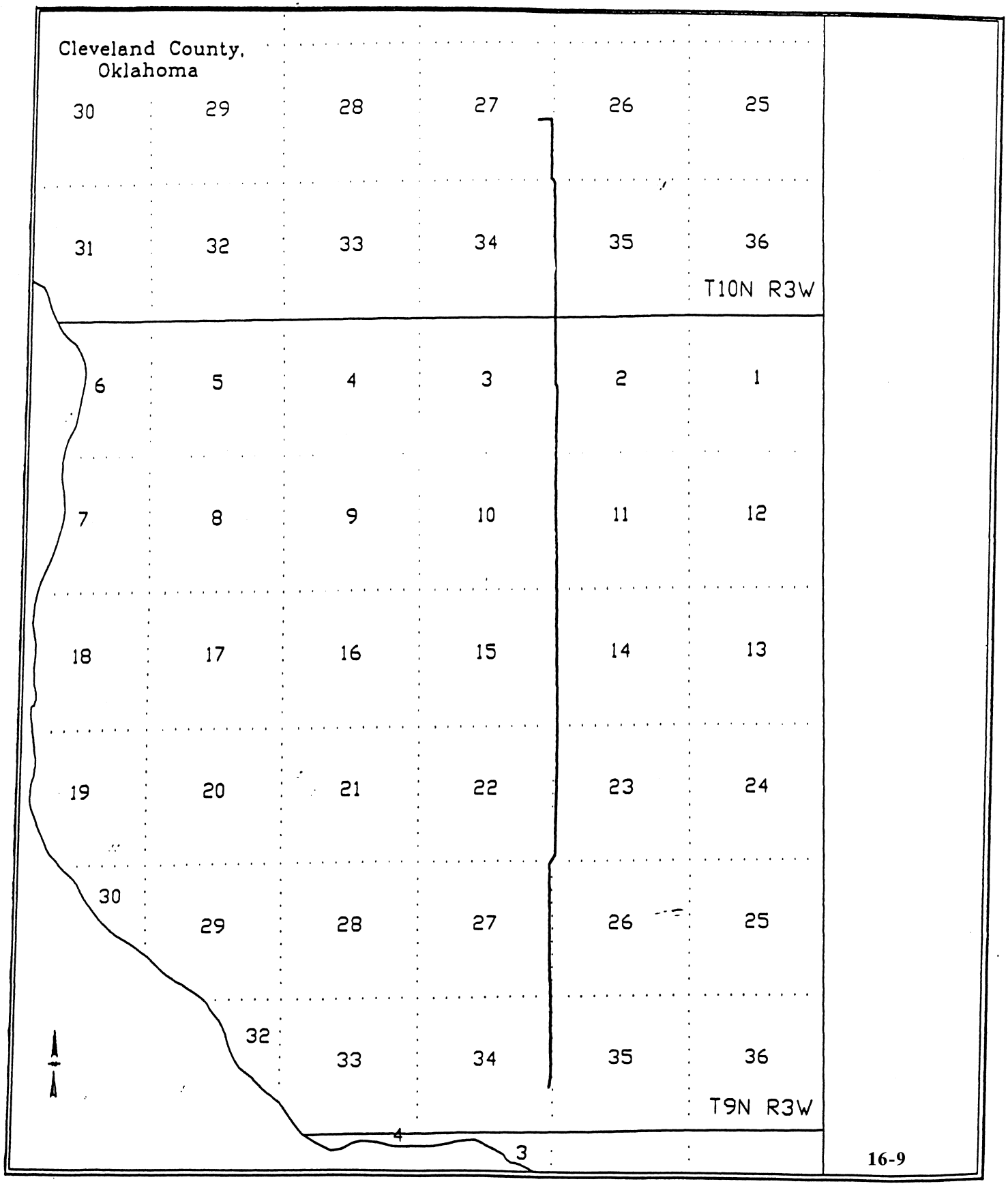
EXHIBIT A
Partially Assigned Easements, Permits and Licenses
8 " LPG
CLEVELAND COUNTY, OKLAHOMA

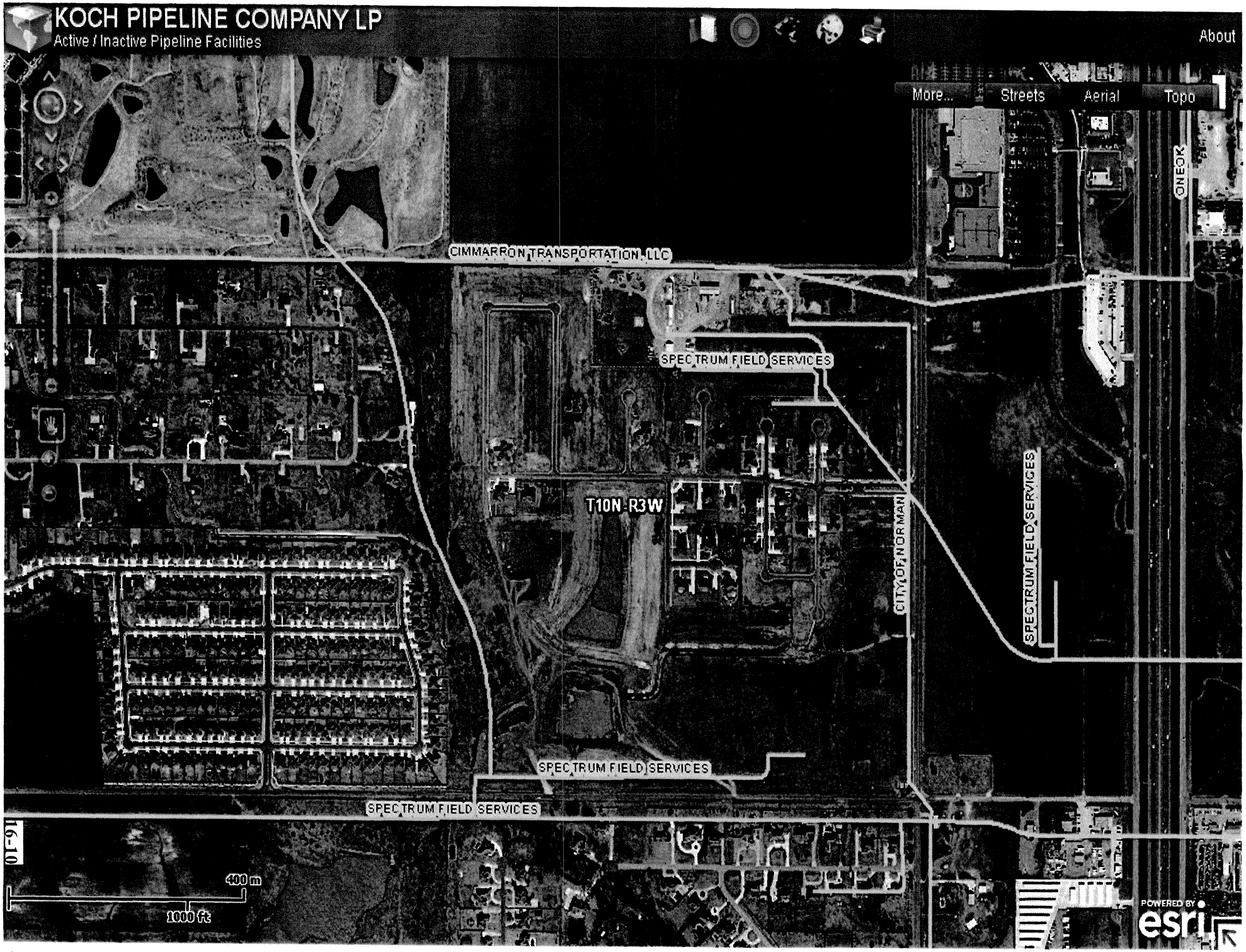
INST	DATE	GRANTOR	GRANTEE	TWSP	RANGE	SEC	DESCRIPTION	BK/PG
							34th St. & Telephone	

K-9798-53

16-8

EXHIBIT B
Approximate Location of Pipeline




KOCH PIPELINE COMPANY LP
Active / Inactive Pipeline Facilities
About
More...
Streets
Aerial
Topo
ONEOK
CIMMARRON TRANSPORTATION LLC
SPECTRUM FIELD SERVICES
T10N-R3W
CITY OF NORMAN
SPECTRUM FIELD SERVICES
SPECTRUM FIELD SERVICES
SPECTRUM FIELD SERVICES
16-10
400 m
1000 ft
POWERED BY esri

City of Norman, OK

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

Master

File Number: COS-1112-2

File ID:	COS-1112-2	**Type:**	Certificate of Survey	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 17	**In Control:**	Planning Commission
Department:	Public Works Department	**Cost:**		**File Created:**	08/15/2011
File Name:	Lot 3 Arms Acres COS			**Final Action:**	

Title: CONSIDERATION OF NORMAN RURAL CERTIFICATE OF SURVEY NO. COS-1112-2 FOR LOT 3, ARMS ACRES, AND A VARIANCE IN THE 400-FOOT BUILDING SETBACK TO 200-FOOT BUILDING SETBACK (LOCATED ON THE SOUTH SIDE OF INDIAN HILLS ROAD APPROXIMATELY ONE-FOURTH MILE WEST OF PORTER AVENUE)

ACTION NEEDED: Motion to approve or reject Norman Rural Certificate of Survey No. COS-1112-2 and a variance in the 400 foot building setback to 200-foot building setback; and, if approved, direct the filing of the certificate of survey with the Cleveland County Clerk.

ACTION TAKEN: _____

Notes: October 11, 2011, City Council Agenda

Agenda Date: 10/11/2011

Agenda Number: 17

Attachments: Lot3ArmsAcres Location Map, Arms Acres 3 COS, Staff Report - Arms Acres 3, Arms Acres 3 Variance Request, Arms Acres - Greenbelt Comments, 9-8-11 Minutes - Arms Acres COS, Original COS

Project Manager: Ken Danner, Development 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	09/08/2011					

Text of Legislative File COS-1112-2

body

BACKGROUND: This item is Norman Rural Certificate of Survey No. COS-1112-2, Lot 3, Arms Acres, generally located on the south side of Indian Hills Road approximately one-quarter mile west of Porter Avenue. The property is located in the A-2, rural agricultural zoning district.

Norman Rural Certificate of Survey COS-0506-3 for Arms Acres was approved by Planning Commission at its meeting of November 10, 2005, and City Council at its meeting of November 22, 2005. Arms Acres was filed of record with the Cleveland County Clerk on November 23, 2005. Norman Rural Certificate of Survey No. COS-0506-3 consisted of four (4) lots consisting of 72.979 acres. A copy of the original Arms Acres certificate of survey is attached.

The owner of Lot 3 desires to subdivide the lot into two (2) lots. An existing drive on Broadway will serve Lot 3B. A proposed drive for Lot 3A is located on Indian Hills Road at a designated location. The remainder of the lot frontage on Indian Hills Road is a "Limits of No Access." The additional seventeen-foot (17') roadway, drainage, and utility easement for Indian Hills Road was filed of record with Norman Rural Certificate of Survey No. COS-0506-3, Arms Acres.

Planning Commission, on September 8, 2011, recommended to City Council the Norman Rural Certificate of Survey No. COS-1112-2, Lot 3, Arms Acres, be approved, with a variance in the 400-foot building setback to a 200-foot building setback as depicted on the Certificate of Survey.

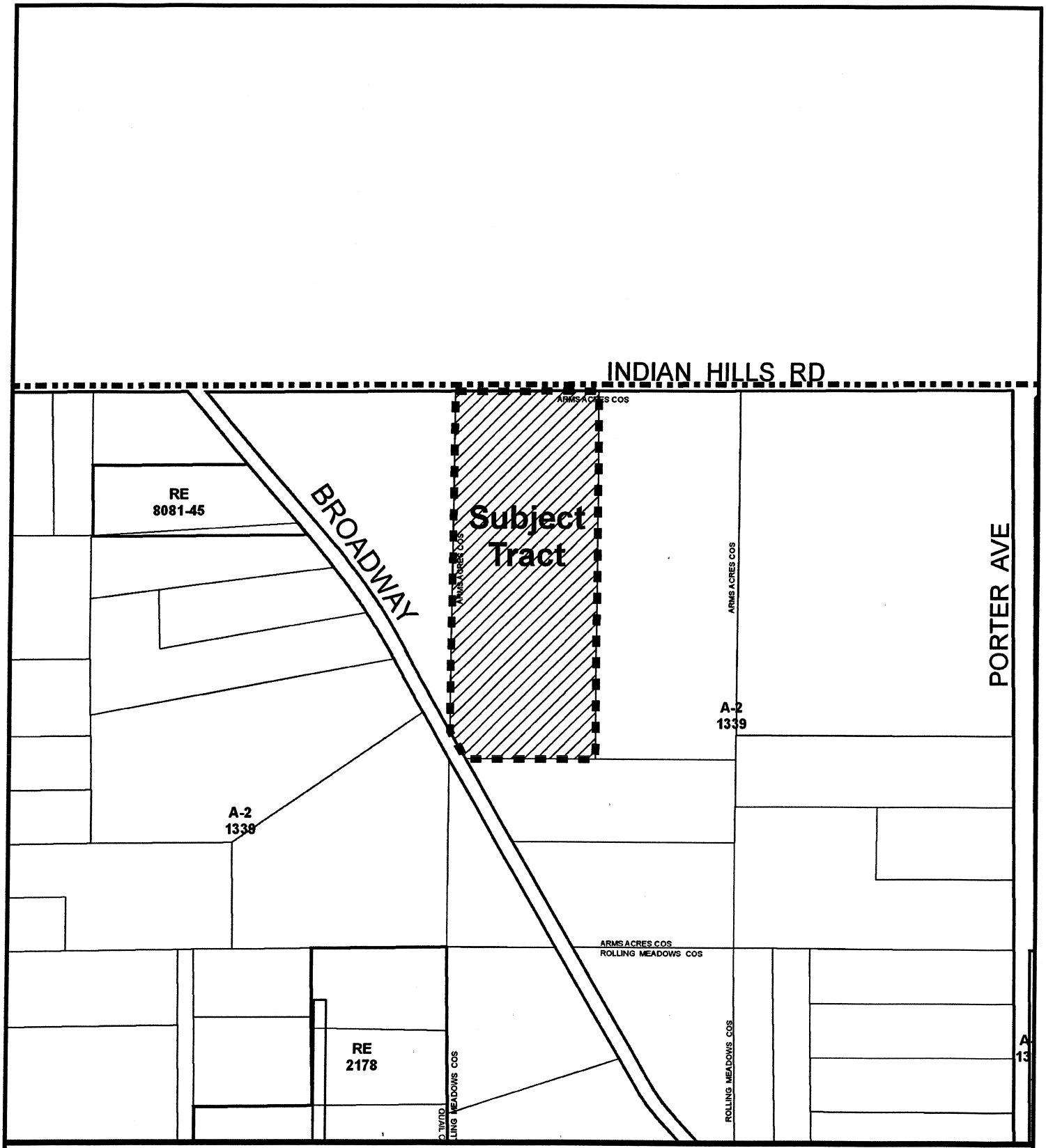
DISCUSSION: Following approval of this item by the Planning Commission, the owner has requested a minor adjustment to the southeast corner of the plat between Lot 3A and Lot 3B. It is probable that the owner of Lot 4a will purchase Lot 3B. If that purchase takes place, the new owner wishes to have the remaining portion of the pond that is contiguous with Lot 4A included in Lot 3B. As a result, Lot 3A now consists of 10.425 acres instead of 10.02 acres and Lot 3B will consist of 16.035 acres instead of 16.43. Since neither lot violates minimum acreage requirements, staff supports the proposal. There are a total of two (2) lots encompassing 26.46 acres in this certificate of survey. This certificate of survey, if approved, will allow one single family structure on each lot. There is currently an existing single family structure on Lot 3B.

This property is the first submittal involving the City's recently adopted Water Quality Protection Zone (WQPZ) ordinance. As a result of the area set aside for the WQPZ, the owner has requested a variance in the 400 foot building setback line established by the Northern Community Separator Overlay District. The Northern Community Separator Overlay was adopted by Council as an element of Norman 2025 Land Use and Transportation Plan. Its purpose is to provide an open space buffer between development in Norman and Cleveland County.

Without the WQPZ, the property owner would have a buildable area of approximately 1.5 acres with a 400 foot building line. With the WQPZ, the property owner will have a buildable area of only 0.60 acres with a 400 foot building line. If the building setback is reduced to 200 feet, the buildable area of Lot 3A is 2.27 acres. The proposal for a 200-foot setback is twice as much as is typically allowed in the A-2, Rural Agricultural District. Lot 3A is the second tract located to the east of the beginning of the Northern Community Separator Overlay District. The property west of this location is developed and the existing house fronts North Broadway. Existing structures located east of North Porter Avenue are located 200 feet and 300 feet south of Indian Hills Road. Since Lot 3A cannot be further subdivided, there will only be one dwelling on this property. Staff supports the request to vary the 400-foot building setback to a 200-foot building setback as depicted on the certificate of survey based upon the area set aside for the WQPZ.

Private individual sanitary sewer systems and water wells will be installed in accordance with the Oklahoma Department of Environmental Quality (ODEQ) standards. There is an existing private sanitary sewer facility and private water well serving Lot 3B. Fire protection will be provided by the City of Norman pumper/tanker trunks.

RECOMMENDATION: Based upon the above information, staff recommends approval of the request of a variance in the 400-foot building setback to 200-foot building setback as depicted on the certificate of survey and approval of Norman Rural Certificate of Survey No. COS-1112-2, Lot 3, Arms Acres.



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

August 8, 2011

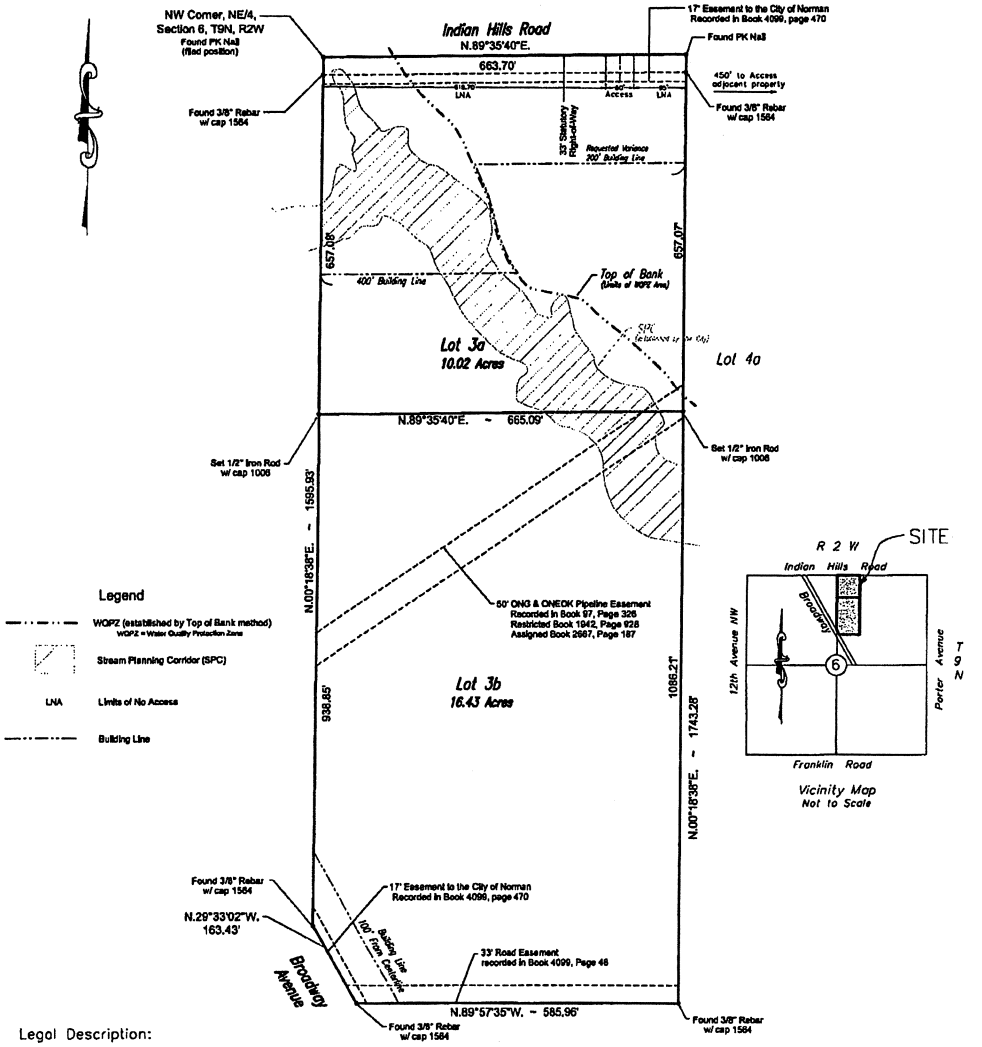
0 300 600 Ft.

Subject Tract

Zoning

NORMAN RURAL CERTIFICATE OF SURVEY PLAT
LOT 3 ARMS ACRES

Part of the NE/4 of Section 6,
Township 9 North, Range 2 West of the Indian Meridian
Cleveland County, Oklahoma



Legal Description:

A part of the West Half (W/2) of the Northeast Quarter (NE/4) of Section Six (6), Township Nine (9) North, Range Two (2) West of the Indian Meridian, lying Northeasterly on the Right-of-Way line of Broadway Avenue, Norman, Cleveland County, Oklahoma, more particularly described as follows:
Beginning at the North Quarter (N/4) Section Corner of said Section Six (6); Thence along the North line of said Section Six (6) on a bearing of North 89°35'40" East a distance of 663.70 feet to a Mag Nail set in the asphalt; Thence on a bearing of South 00°11'23" West a distance of 1743.28 feet to a 3/8 inch Rebar; Thence on a bearing of North 89°57'35" West a distance of 585.96 feet to the Easterly Right-of-Way of Broadway; Thence along said Right-of-Way on a bearing of North 29°33'02" West a distance of 163.43 feet to the intersection of said Easterly Right-of-Way and the West line of said West Half (W/2) of said Northeast Quarter (NE/4); Thence along said West Half (W/2) on a bearing of North 00°18'38" East a distance of 1595.93 feet to the Point of Beginning. AKA LOT # ARMS ACRES

GRAPHIC SCALE
0 250 500

This plat of survey meets or exceeds the "Oklahoma Minimum Standards for the Practice of Land Surveying" as adopted by the Oklahoma State Board of Licensure for Professional Engineers and Land Surveyors.

Due care and diligence have been exercised in researching easement and right-of-way documents for this survey; however no liability is assumed for the correctness or completeness of the information provided.

Basis of Bearings: S.89°35'40"W. – Being the North line of the NE/4 of Section 6, T9N, R2W. as defined on Arms Acres Certificate of Survey Plat, Bk 4099, Pgs 46-49

Boundary information provided by client. Boundary information derived from previous survey from Magner's Land Surveying dated 10-24-2005.

Sheet 1 of 3

Date of Plat or Map: 8-2-2011
Date Signed:

LICENSED PROFESSIONAL LAND SURVEYOR
JAMES S. YAGER
1006
OKLAHOMA

James S. Yager, Licensed Professional Land Surveyor Number 1006
CA Number 2778 Expires: 6-30-2013
1212 South Air Depot Number 19 Suite 102
Midwest City, Oklahoma 73110
Telephone: 405 - 737 - 3412

NORMAN RURAL CERTIFICATE OF SURVEY PLAT

Date: 08-02-2011
Rev. Date: 08-29-2011
Rev. Date: 08-30-2011
Drawn By: JSY
Approved by: JSY
Scale: 1"=250'

Survey and Plat by:
James S. Yager
Licensed Professional Land Surveyor
Certificate of Authorization Number 2778 Expires: 30 June 2013
1212 South Air Depot • Number 19 Suite 102
Midwest City, Oklahoma 73110
Telephone: 405-737-3412/Fax: 405-737-4215

CERTIFICATE OF SURVEY ITEM NO. 4

STAFF REPORT

ITEM: Consideration of NORMAN RURAL CERTIFICATE OF SURVEY NO. COS-1112-2 FOR LOT 3, ARMS ACRES.

LOCATION: Generally located at 5601 North Broadway and 1,200 feet east of North Broadway on the south side of Indian Hills Road.

INFORMATION:

1. Owner. Stephen Kyle Cantrell

2. Surveyor. James S. Yager

HISTORY:

1. The property for the proposed development is A-2 zoning classification.

2. November 10, 2005. Planning Commission, on a vote of 9-0, recommended to City Council Certificate of Survey No. COS-0506-3, Arms Acres be approved.

3. November 22, 2005. City Council approved Certificate of Survey COS-0506-3, Arms Acres.

4. November 23, 2005. Certificate of Survey No. COS-0506-3, Arms Acres was filed of record with the Cleveland County Clerk.

IMPROVEMENT PROGRAM:

1. Fire Protection. Fire protection will be provided by the Norman Fire Department with use of a pumper and tanker trucks.

2. Sewage. Individual septic systems will be installed in accordance with City and Oklahoma Department of Environmental Quality standards. An existing system is located on Lot 3B.

3. Water. Individual water wells will be installed in accordance with City and Oklahoma Department of Environmental Quality standards. An existing system is located on Lot 3B.

4. Easements. Roadway/drainage/utilities have been granted as part of Certificate of Survey, COS-0506-3, Arms Acres, filed of record with the County Clerk on November 23, 2005.

5. Acreage. Tract 3A consists of 10.02 acres and Tract 3B consists of 16.43 acres.

6. Limits of No Access. A note has been placed on the certificate of survey that Indian Hills Road is a Limits of No Access with the exception of a single drive located in a specific location. The Assistant Traffic Engineer has reviewed and approved its location.

7. Covenants. Covenants addressing the WQPZ have been reviewed by Legal staff.

SUPPLEMENTAL MATERIAL: Copies of a location map, Certificate of Survey No. COS-1112-2, Lot 3, Arms Acres and letter of request for a variance in the 400-foot building setback for the Northern Community Separator Overlay District are included in the Agenda Book.

STAFF COMMENTS AND RECOMMENDATION: This property is the first submittal addressing the Water Quality Protection Zone (WQPZ). As a result of the area set aside for the WQPZ, the owner has requested a variance in the 400-foot building setback line established by the Northern Community Separator Overlay District. It is staff's opinion that the approach to protect Lake Thunderbird is of utmost importance. Without the WQPZ, the property owner would have a buildable area of approximately 1.5 acres with a 400-foot building line. With the WQPZ, the property owner would have a buildable area of only .6 acres with a 400-foot building line. The proposal for a 200-foot setback is twice as much as is typically allowed in the A-2, Rural Agricultural District. Lot 3A is the second tract located to the east of the beginning of the Northern Community Separator Overlay. The Separator runs east from Broadway to 72nd Avenue N.E. The property to the west of this property is developed and the existing house fronts North Broadway. Existing structures located east of North Porter Avenue are located 200-feet and 300-feet south of Indian Hills Road. Since Lot 3A cannot be subdivided, there will only be one main dwelling on this property. Staff supports the request to vary the 400-foot building setback to a 200-foot building setback as depicted on the certificate of survey based upon the area set aside for the WQPZ.

ACTION NEEDED: Recommend approval or disapproval of the request in the variance in the 400-foot building setback to a minimum of 200-foot building setback for Lot 3A and approval or disapproval of Certificate of Survey COS-1112-2, Lot 3, Arms Acres to City Council.

ACTION TAKEN:_____

August 26, 2011

Mr. Stephen Kyle Cantrell and
Jeniferr Lynne Cantrell
5601 South Broadway
Norman, OK 73069

Attn: Ken Danner
The City of Norman
201 West Gray, Bldg A
Norman, OK 73070

RE: Request for variance to the 400' no-build setback per the Special Planning Area 6 of the Norman 2025 Land Use and Transportation Plan for Lot 3 of Arms Acres along the south side of Indian Hills Road.

Dear Mr. Danner & Staff,

My wife and I own a home on 26 acres of land south of Indian Hills Road and east of Broadway, at the above address. We are in the process of selling our home and land. Unfortunately a limited number of people are interested in buying all 26 acres. Our best option is to split the property into two lots. The north lot will have 10 acres with access onto Indian Hills Road and the south lot will have the existing house 16 acres of land with accesses onto Broadway.

We are writing to request a variance to the 400 foot setback line for Lot 3 of Arms Acres along the south side of Indian Hills Road imposed on the north 10 acres. We are asking to reduce the setback from 400 feet to 200 foot.

The north 10 acres is also impacted by the City's Water Quality Protection Zone (WQPZ) adopted by Council June of this year. With the property being impacted by the 400 foot setback and the WQPZ there is less then one half (1/2) acre along Indian Hills Road to build a new home. The variance would allow the WQPZ to be protected and not adversely impacted by a home and provide ample space to build a single-family residence.

Our concerns are.

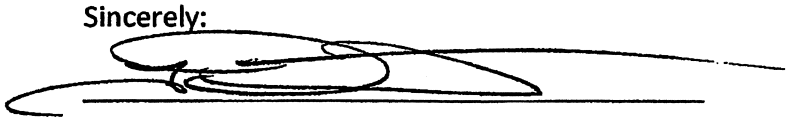
1. Our property has been adversely impacted and the amount of developable land reduced greatly.

2. The Water Quality Protection Zone Ordinance was passed in June of this year, and we are the first property owners impacted by this new ordinance.
3. The 400 foot setback and WQPZ will taken over 80% of the property and reduce our ability to sell and build a home on the north 10 acres.
4. At this time, we are not aware of other properties the 400 foot setback and WQPZ are imposed upon. The vacant property to our east will be impacted by the 400 foot setback and WQPZ when they build a home.
5. At this time, there are approximately 20 existing homes sitting directly on or well within 400 feet along the south side of Indian Hills in Norman City limits west of our property to I-35.
6. The adoption of two ordnances at two different times and for two different purposes has created a hard ship on us and our ability to develop our property.

We have been working with City staff on this matter and have found them to be helpful and willing to listen to our concerns. We understand the need for the WQPZ and have worked with staff to protect this area. As previously stated our concern is the 400 foot setback will reduce our ability to sell the property and cause a greater impact to the WQPZ.

Thank you for your attention to this matter and if you have any questions you can contact us at 405-308-1213 or the above address.

Sincerely:



Todd D. D'Amico as
Agent for the Cantrell family, Property Owners

Cc: Mr. Bob Hanger, P.E.
Mr. Todd McLellan, P.E.
Mr. Drew Norlin
Mr. Doug Koscinski

GBC 11-18

Applicant: Kyle Cantrell
Location: South of Indian Hills Road between Porter Avenue and Broadway Avenue
Proposal: Subdividing Lot 3 of Arms Acres Certificate of Survey

Greenbelt Commission Final Comments - GBC 11-18

The Greenbelt Commission met in regular session on August 15, 2011. The Commission had one Greenbelt Enhancement Statement Application on the consent docket and approved the application unanimously with the following comments and references to the Greenbelt Ordinance.

- The Commission commended the applicant on their efforts to keep open space intact as well as adhering to the requirements of the WQPZ (Water Quality Protection Zone) to not impact the existing stream corridor with construction of a single family home. The following sections of the Greenbelt Ordinance support the Greenbelt Commissions discussion.

    - Sec. 4-2026. Specific Principles, Purposes and goals of the Greenbelt System (d) 2. Protect the environmentally sensitive areas of the City and serve as a wildlife habitat; and (d) 3. Serve as a storm water management resources for urban run-off and regional detention needs;
    - Sec. 4-2028. Guidelines for Evaluating Greenbelt Enhancement Statements (f) Adverse impacts on existing topography, drainage patterns and natural vegetation are minimized. (j) Permeable ground surfaces have been preserved to the extent possible; (p) The development layout is designed to preserve the health and diversity of wildlife affected by development in natural drainage corridor areas.

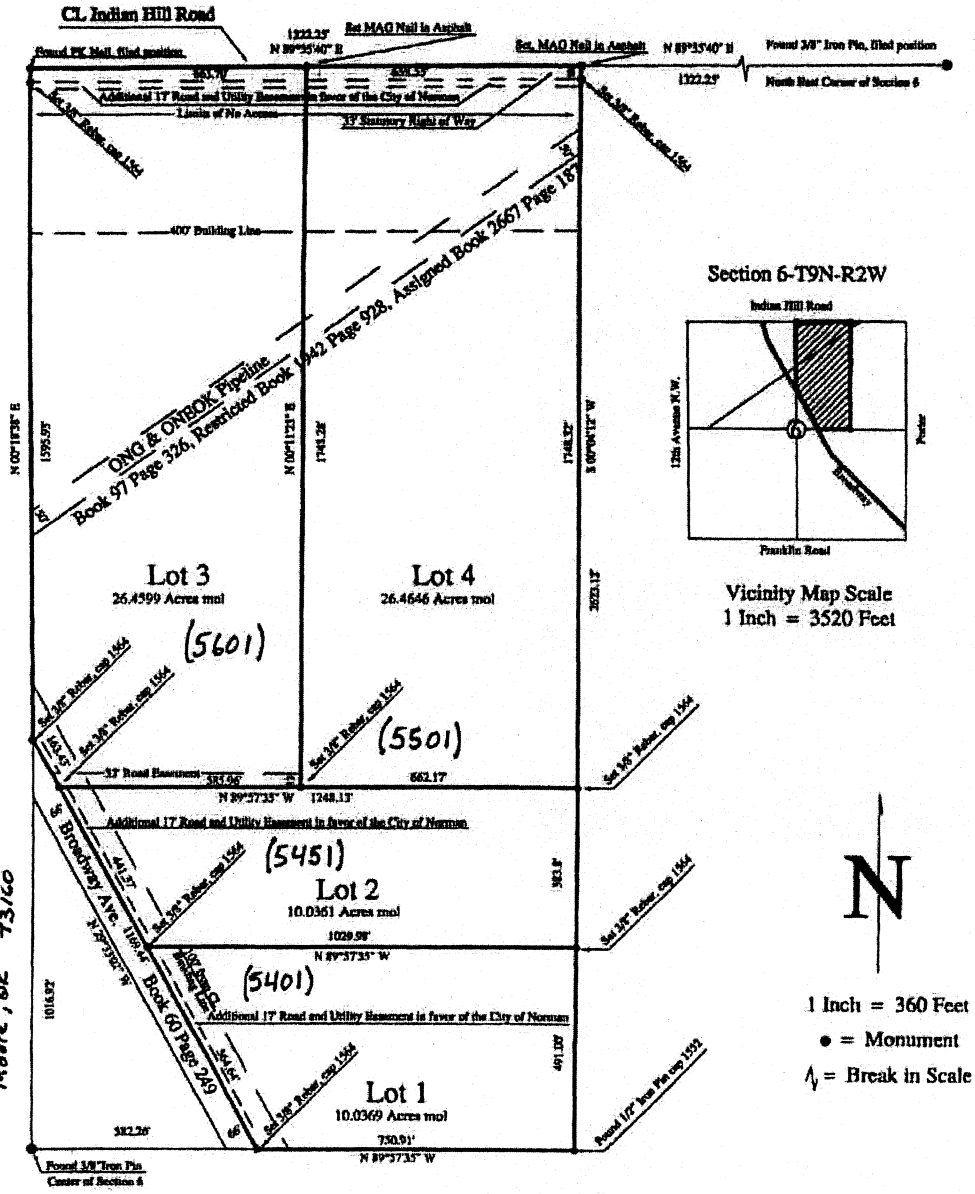
Doc#:R 2005 54860
Bk&Pg:RB 4099 46-49
Filed:11-23-2005 GVH
10:59:21 AM SU
Cleveland County, OK

S 19 10

Norman Rural Certificate of Survey Plat

Arms Acres
A part of the W/2 of the NE/4 of Section 6-T9N-R2W
Cleveland County, Oklahoma

COS-0506-3



* Michael Scott Reed
3601 Meadow Lane
Moore, OK 73160

I, Frank Magner, a Registered Land Surveyor in the State of Oklahoma do hereby certify that: This plat meets the Oklahoma Minimum Standards for the Practice of Land Surveying, as adopted by the Oklahoma State Board of Registration for Engineers and Land Surveyors, and represents a survey made under my supervision of the following described property; to be known as Arms Acres.

Legal Description:
A part of the West Half (W/2) of the Northeast Quarter (NE/4) of Section Six (6), Township Nine (9) North, Range Two (2) West of the Indian Meridian, lying Northeasterly of the Right-of-Way Line of Broadway Avenue, Norman, Cleveland County, Oklahoma; more particularly described as follows: Beginning at the North Quarter (N/4) Section Corner of said Section 6; thence along the North Line of said Section 6 on a bearing of N 89°35'40" E a distance of 1322.25 Feet to the Northeast (NE) Corner of said W/2 of the NE/4; thence along the East Line of said W/2 on a bearing of S 00°04'12" W a distance of 2623.12 Feet to the Southeast (SE) Corner of said W/2; thence along the South Line of said W/2 on a bearing of N 89°57'35" W a distance of 750.91 Feet to the intersection of said South Line with the Easterly Right-of-Way Line of Broadway Avenue, (formerly State Hwy 77); thence along said Right-of-Way Line on a bearing of N 29°33'02" W a distance of 1169.44 Feet to a point on the West Line of said W/2 that is the intersection of said West Line and said Easterly Right-of-Way; thence along said West Line of said W/2 on a bearing of N 00°18'38" E a distance of 1595.93 Feet to the North Quarter (N/4) Section Corner, the Point of Beginning.
All bearings are referenced to Grid North as established by state plane datum.
All monuments have been set or found as shown.

Subscribed and sworn to before me this 24th day of October 2005.
My commission Expires _____

Notary Public

OFFICIAL SEAL
Nyky E. Ware
Commission # 05000412
Expires January 10, 2009

Frank Magner, PLS # 1564
Magner's Land Surveying
P.O. Box 885
Noble, OK 73068
Phone 405 899-4875

Frank Magner, PLS # 1564
10-24-05

FRANK MAGNER 1564

Revised 10-22-2005

NORMAN PLANNING COMMISSION
REGULAR SESSION MINUTES

SEPTEMBER 8, 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 8th day of September 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 Curtis McCarty Roberta Pailes Andy Sherrer Zev Trachtenberg Jim Gasaway
MEMBERS ABSENT	None

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 Jane Hudson, Planner II

* * *

Item No. 2, being:
CONSENT DOCKET
Chairman Gasaway announced that the Consent Docket is designed to allow the Planning Commission to approve a number of items by one motion and vote. He read the items recommended for inclusion on the Consent Docket, as follows:

Item No. 3, being:
APPROVAL OF THE AUGUST 11, 2011 REGULAR SESSION MINUTES

Item No. 4, being:
COS-1112-2 – CONSIDERATION OF A NORMAN RURAL CERTIFICATE OF SURVEY SUBMITTED BY STEPHEN KYLE CANTRELL (JAMES S. YAGER) FOR LOT 3 ARMS ACRES FOR PROPERTY LOCATED AT 5601 N. BROADWAY.

Item No. 5, being:
FP-1112-3 – CONSIDERATION OF A FINAL PLAT SUBMITTED BY UNIVERSITY TOWN CENTER, L.L.C. (SMC CONSULTING ENGINEERS, P.C.) FOR UNIVERSITY NORTH PARK SECTION VII, A PLANNED UNIT DEVELOPMENT, FOR PROPERTY GENERALLY LOCATED 250 FEET EAST OF 24TH AVENUE N.W. AND ON THE SOUTH SIDE OF CONFERENCE DRIVE.

Item No. 6, being:
FP-1112-4 – CONSIDERATION OF A FINAL PLAT SUBMITTED BY SHANNON O'MOORE, L.L.C. (SMC CONSULTING ENGINEERS, P.C.) FOR CAMPUS CREST, A PLANNED UNIT DEVELOPMENT, FOR PROPERTY GENERALLY LOCATED ONE-QUARTER MILE NORTH OF CEDAR LANE ROAD ON THE EAST SIDE OF 12TH AVENUE S.E.

Item No. 7, being:
FP-1112-5 – CONSIDERATION OF A FINAL PLAT SUBMITTED BY BRIDGEVIEW UNITED METHODIST CHURCH (SMC CONSULTING ENGINEERS, P.C.) FOR BRIDGEVIEW UNITED METHODIST CHURCH ADDITION FOR PROPERTY GENERALLY LOCATED ON THE SOUTH SIDE OF INDIAN HILLS ROAD APPROXIMATELY 980 FEET EAST OF 48TH AVENUE N.W.

*

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

Zev Trachtenberg moved to place approval of Item Nos. 3 through 7 on the Consent Docket and approve by one unanimous vote. Tom Knotts seconded the motion.

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

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

Recording Secretary Roné Tromble announced that the motion, to place approval of Item Nos. 3 through 7 on the Consent Docket, passed by a vote of 9-0.

* * *

Item No. 4, being:
COS-1112-2 – CONSIDERATION OF A NORMAN RURAL CERTIFICATE OF SURVEY SUBMITTED BY STEPHEN KYLE CANTRELL (JAMES S. YAGER) FOR LOT 3 ARMS ACRES FOR PROPERTY LOCATED AT 5601 N. BROADWAY.

ITEMS SUBMITTED FOR THE RECORD:
1. Location Map
2. Norman Rural Certificate of Survey
3. Staff Report
4. Setback Variance Request
5. Greenbelt Commission Comments

Approval of the variance request from a 400-foot setback to a minimum 200-foot building setback for Lot 3A, and approval of the Certificate of Survey COS-1112-2 for LOT 3 ARMS ACRES was recommended to the Council on the Consent Docket by a vote of 9-0.

* * *

City of Norman, OK

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

Master

File Number: FP-1112-3

File ID:	FP-1112-3	**Type:**	Final Plat	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 18	**In Control:**	Planning Commission
Department:	Public Works Department	**Cost:**		**File Created:**	08/15/2011
File Name:	UNP Section VII Final Plat			**Final Action:**	

Title: CONSIDERATION OF A FINAL SITE DEVELOPMENT PLAN AND FINAL PLAT FOR UNIVERSITY NORTH PARK ADDITION, SECTION VII, A PLANNED UNIT DEVELOPMENT AND ACCEPTANCE OF PUBLIC DEDICATIONS CONTAINED THEREIN. (GENERALLY LOCATED 250 FEET EAST OF 24TH AVENUE N.W. ON THE SOUTH SIDE OF CONFERENCE DRIVE).

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

ACTION TAKEN: _____

Notes: October 11, 2011, City Council Agenda

Agenda Date: 10/11/2011

Agenda Number: 18

Attachments: UNP 7 Location Map, UNP7 Final Plat, Staff Report - UNP 7, UNP7 Site Plan, UNP7 Landscape Plan, 9-8-11 PC Minutes - UNP Section VII, UNP Revised PP

Project Manager: Ken Danner, Development Coordinator

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	09/08/2011					

Text of Legislative File FP-1112-3

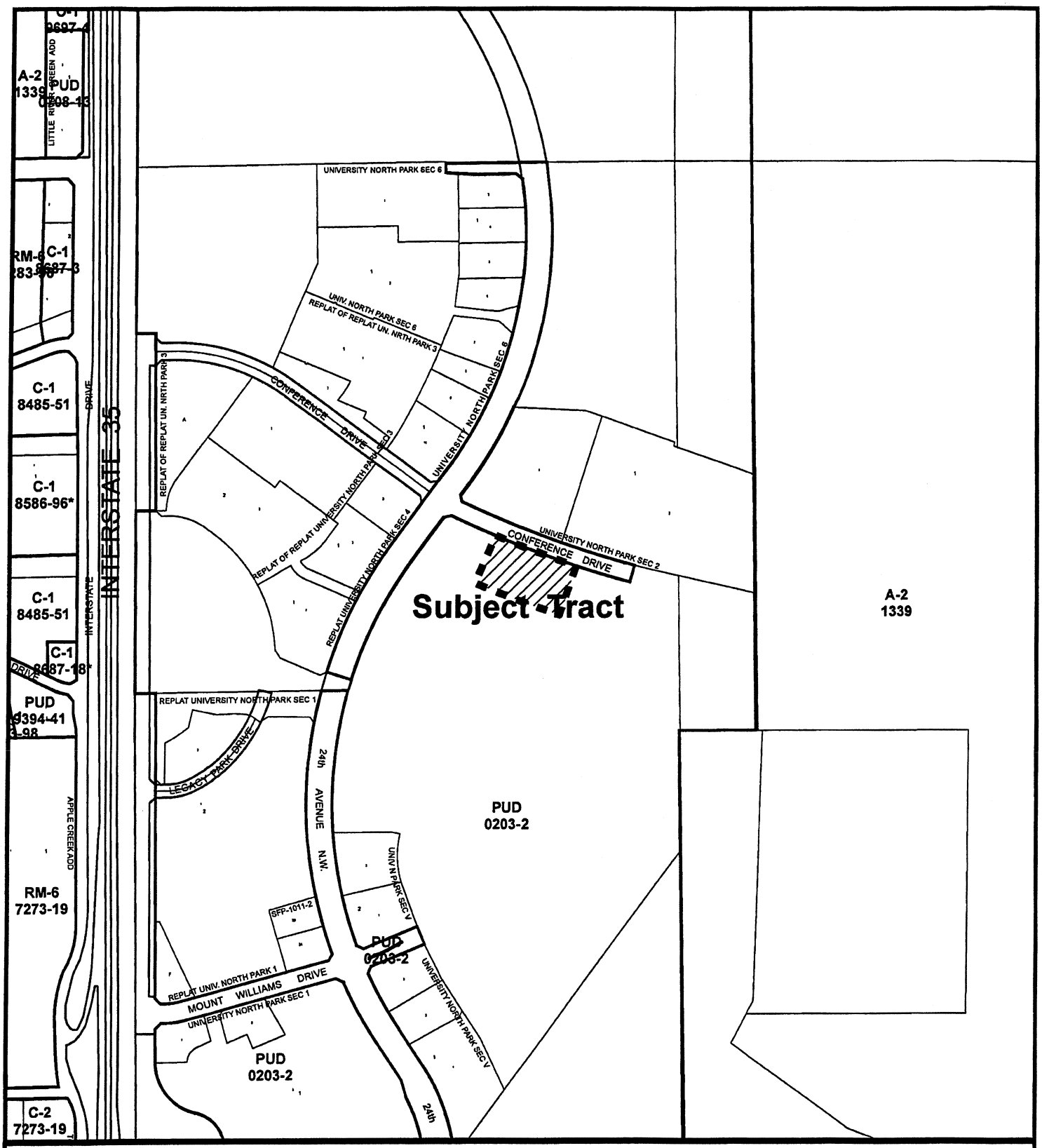
body

BACKGROUND: This item is a final site development plan and final plat for University North Park Addition, Section VII, a Planned Unit Development which is located north of West Robinson Street east of 24th Avenue NW. This property consists of 2.25 acres and one (1) commercial lot zoned as a Planned Unit Development. The final site development plan indicates a four-story Holiday Inn Express and Suites hotel with 116 rooms and 139 parking stalls will be constructed on this lot.

Planning Commission, at its meeting of September 8, 2011, approved the final plat for University North Park Addition, Section VII, a Planned Unit Development.

DISCUSSION: Construction plans have been reviewed for the required public improvements for this property. The public improvements consist of sanitary sewer and water. Storm water runoff will be conveyed to an existing off plat detention pond located east of the property within the airport. Sidewalks are existing. Conference Drive is existing.

RECOMMENDATION: Based upon the above information, staff recommends approval of the final site development plan and final plat and the filing thereof subject to the City Development Committee's acceptance of required public improvements and authorize the Mayor to sign the final plat and maintenance bonds.



Location Map

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

N
W E
S

August 31, 2011

0 300 600 Ft.

Subject Tract

Zoning

FINAL PLAT ITEM NO. 5

STAFF REPORT

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

LOCATION: Generally located 250-feet east of 24th Avenue NW and on the south side of Conference Drive.

INFORMATION:

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

HISTORY:

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

HISTORY (con't):

6. July 11, 2002. Planning Commission, on a vote of 5-0-2, recommended to City Council that this property be placed in the PUD, Planned Unit Development and removed from I-1 and A-2 zoning classification.

7. July 11, 2002. Planning Commission, on a vote of 5-0-2, recommended to City Council that the preliminary plat for University North Park Addition, a Planned Unit Development be approved.

8. August 13, 2002. City Council amended the NORMAN 2020 Land Use and Transportation Plan designating this property as a Special Planning Area.

9. August 13, 2002. City Council adopted Ordinance No. O-0203-2 placing this property in the PUD, Planned Unit Development, and removing it from I-1 and A-2 zoning classification. The approval included the preliminary plat for University North Park Addition.

10. September 14, 2006. Planning Commission, on a vote of 7-0, recommended to City Council the amending of the Planned Unit Development Narrative.

11. September 14, 2006. Planning Commission, on a vote of 7-0, recommended to City Council that the preliminary plat for University North Park Addition, a Planned Unit Development be approved.

12. October 24, 2006. City Council postponed indefinitely Ordinance No. O-0607-13, amending the Planned Unit Development Narrative and Site Development Plan for University North Park Addition, a Planned Unit Development.

13. October 24, 2006. City Council postponed indefinitely the revised Preliminary Plat for University North Park Addition, a Planned Unit Development.

14. December 12, 2006. City Council approved Ordinance No. O-0607-13 amending the Planned Unit Development Narrative and Site Development Plan and approved the revised Preliminary Plat for University North Park Addition, a Planned Unit Development.

IMPROVEMENT PROGRAM:

1. Fire Hydrants. Fire hydrants will be installed in accordance with approved plans. Their locations have been approved by the Fire Department.

2. Permanent Markers. Permanent markers will be installed prior to the filing of the final plat.

IMPROVEMENT PROGRAM (cont):

3. Sanitary Sewers. Sanitary sewer mains will be installed in accordance with approved plans and City and State Department of Environmental Quality standards.

4. Sidewalks. Sidewalks are existing adjacent to Conference Drive. However, if any damage occurs to the existing sidewalks during construction, those areas will be replaced.

5. Storm Sewers. Stormwater and appurtenant drainage structures will be installed in accordance with approved plans and City drainage standards. Several privately-maintained detention ponds have been installed prior to releasing stormwater into Merkle Creek.

6. Streets. Conference Drive is existing.

7. Water Mains. Water mains will be installed in accordance with approved plans and City and State Department of Environmental Quality Standards.

PUBLIC DEDICATIONS:

1. Easements. All required easements are dedicated to the City on the final plat.

2. Rights-of-Way. All street rights-of-way are dedicated to the City on the final plat.

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

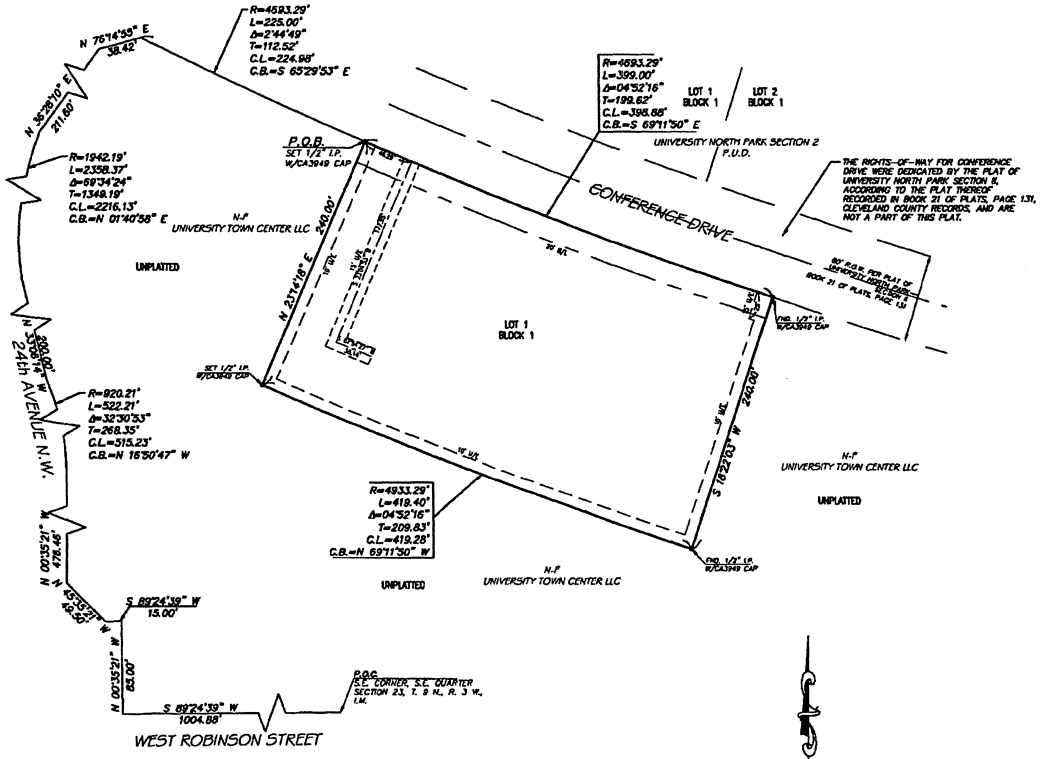
STAFF COMMENTS AND RECOMMENDATION: Staff recommends approval of the final site development plan and approval of the final plat for University North Park Addition, Section VII, a Planned Unit Development.

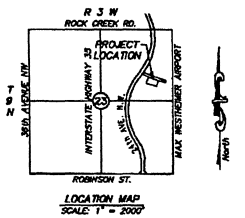
ACTION NEEDED: Approve or disapprove the Final Site Development Plan and the Final Plat for University North Park Addition, Section VII, a Planned Unit Development.

ACTION TAKEN:_____

FINAL PLAT
UNIVERSITY NORTH PARK SECTION VII

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





LOCATION MAP
SCALE: 1" = 2000'

NOTES:

1. COMMON AREAS WILL BE OWNED AND MAINTAINED BY THE PROPERTY OWNER'S ASSOCIATION.
2. EASEMENTS SHOWN HEREON BY SPECIFIC RECORDING INFORMATION ARE SHOWN FOR REFERENCE PURPOSES ONLY AND ARE NOT DEDICATED AS A PART OF THIS PLAT.
3. UNLESS NOTED OTHERWISE, THE UNIT OF MEASUREMENT SHOWN FOR ALL DIMENSIONS ON THE FINAL PLAT IS FEET.

BENCHMARK: BRASS CAP AT INTERSECTION 24th AVE. & CONFERENCE DR.
ELEV. = 1182.70 FT

TOTAL LOTS = 1

C.A. = COMMON AREA
D/E = DRAINAGE EASEMENT
PED/E = PEDESTRIAN EASEMENT
LNA = LIMITS OF NO ACCESS
U/E = UTILITY EASEMENT
B/L = BUILDING LINE
-1000- = ADDRESS

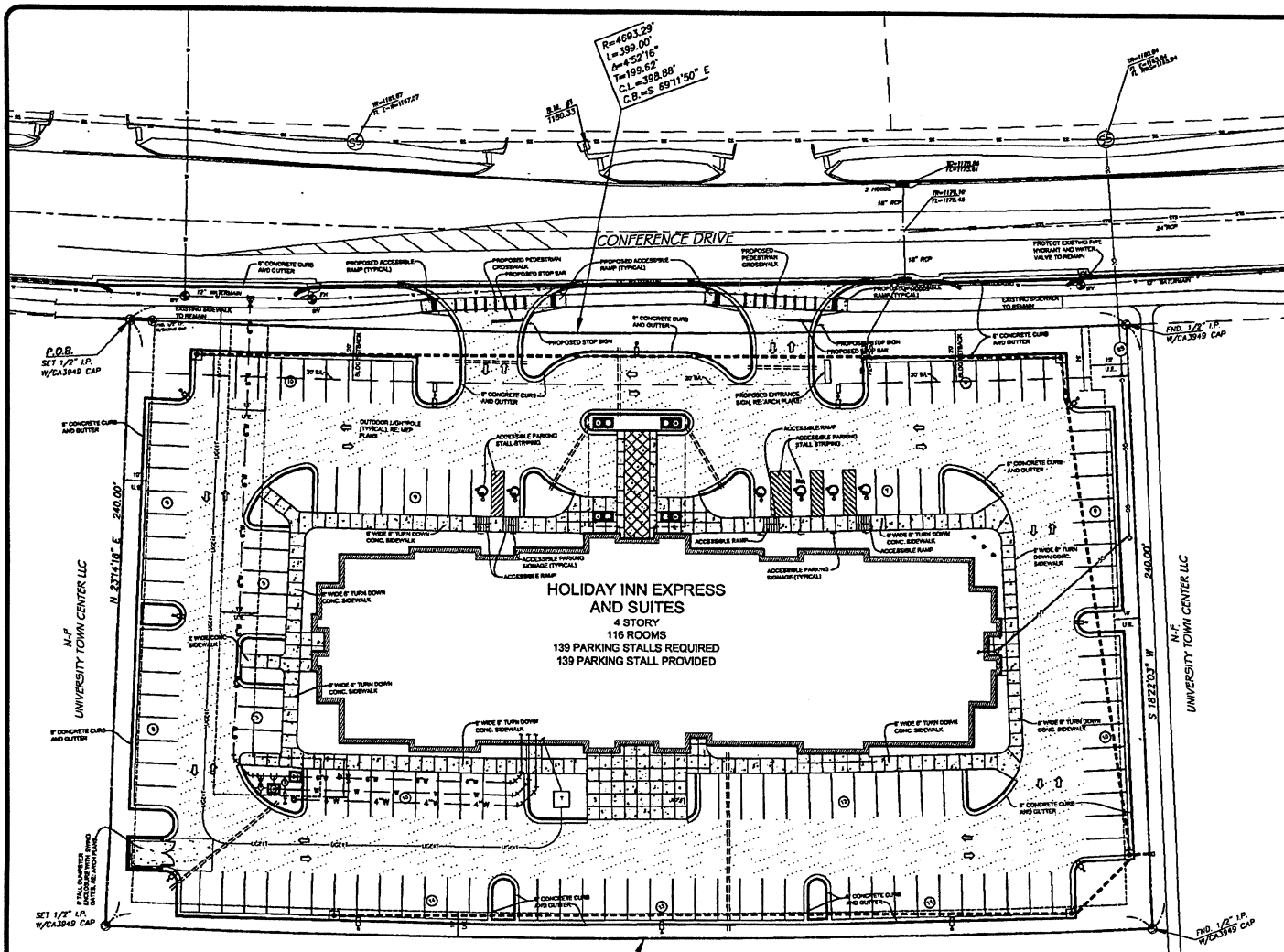
GRAPHIC SCALE
(IN FEET)
1 inch = 60 ft.

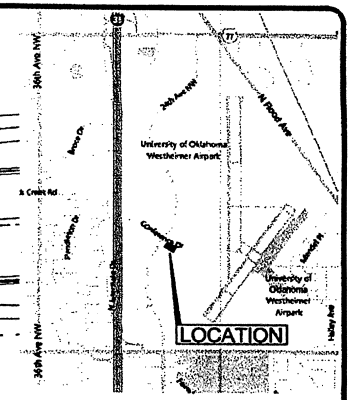
ENGINEER OF RECORD
SMC Consulting Engineers, P.C.
215 WEST MAIN STREET – OKLAHOMA CITY, OKLAHOMA 73102
PHONE (405) 232-7715
CERTIFICATE OF AUTHORIZATION NO. 464 EXPIRES JUNE 30, 2013

SHEET 2 OF 2

ENGINEERS • SURVEYORS • PLANNERS
SMITH ROBERTS BALDISCHWILER, LLC
100 N.E. 3rd STREET – OKLAHOMA CITY, OKLAHOMA 73104 – TELEPHONE (405) 840-7894
CERTIFICATE OF AUTHORIZATION NO. 3048 EXPIRES JUNE 30, 2013

UNIVERSITY NORTH PARK SECTION VII
A PLANNED UNIT DEVELOPMENT





LOCATION MAP

EXISTING LEGEND

- FOUND IRON PIPE (AS NOTED)
- STORM SEWER MANHOLE
- SANITARY SEWER MANHOLE
- FIRE HYDRANT
- WATER VALVE
- WATER LINE
- SANITARY SEWER LINE
- STORM SEWER LINE
- BOUNDARY LINE
- CENTERLINE
- EASEMENT LINE
- CONTOUR LINE

PROPOSED LEGEND

- HEAVY DUTY ASPHALT PAVING
- CONCRETE PAVING
- SIGN, TYPE AS NOTED ON PLAN
- 6" CONCRETE CURB & GUTTER
- PROPOSED PARKING SPACES
- STORM INLET, RE: GRADING PLAN
- LIGHTPOLE, RE: MEP PLANS
- ACCESSIBLE PARKING STALL
- VAN ACCESSIBLE PARKING STALL

PARKING SUMMARY			
	ROOM COUNT	REQUIRED	SPACES
HOTEL	116	139 REQUIRED	139 PROVIDED
ACCESSIBLE PARKING SPACES		6 REQUIRED	6 PROVIDED

SITE AREA CALCULATIONS
TOTAL SITE AREA: 98,154 S.F. OR 2.25 ACRES
TOTAL IMPERVIOUS AREA: 79,908 S.F. OR 1.84 ACRES (81.5%)
TOTAL GREEN SPACE: 18,166 S.F. OR 0.417 ACRE (18.5%)

NOTE:

FIRE LANE STRIPING: "FIRE LANE NO PARKING" MARKING SHALL CONSIST OF A SIX (6) INCH WIDE STRIPE AROUND 100% OF THE BUILDING. THE WORDS "FIRE LANE NO PARKING" SHALL BE MARKED ON THE STRIPES IN WHITE LETTERS NOT LESS THAN FOUR (4) INCHES HIGH AT 35-FT. MAXIMUM INTERVALS. STRIPING AND LETTERS SHALL BE APPLIED ACCORDING TO THE CITY OF NORMAN STANDARDS.

BEFORE YOU DIG. CALLOKIE 800-522-6543

SCALE : 1" = 20 FEET

Gray Rock
Civil Engineering & Landscape Architecture
3208 Village Parkway, Suite 19
Bayou, AR 72209 479-266-6099

JOB NO. 11-215

LICENSED PROFESSIONAL ENGINEER
PHILIP SWOPE
23031
6-18-11
OKLAHOMA

THESE PLANS ARE NOT CONSIDERED FINAL UNLESS SIGNED BELOW BY THE CIVIL ENGINEER

CIVIL ENGINEER

RICHARD HUMISTON
ARCHITECT
4600 S. 96th ST.
FORT SMITH, AR 72903
PHONE: (479) 785-4355
FAX: (479) 785-4855
richard@richardhumiston.com

UNIVERSITY NORTH PARK
SECTION IV P.U.D.

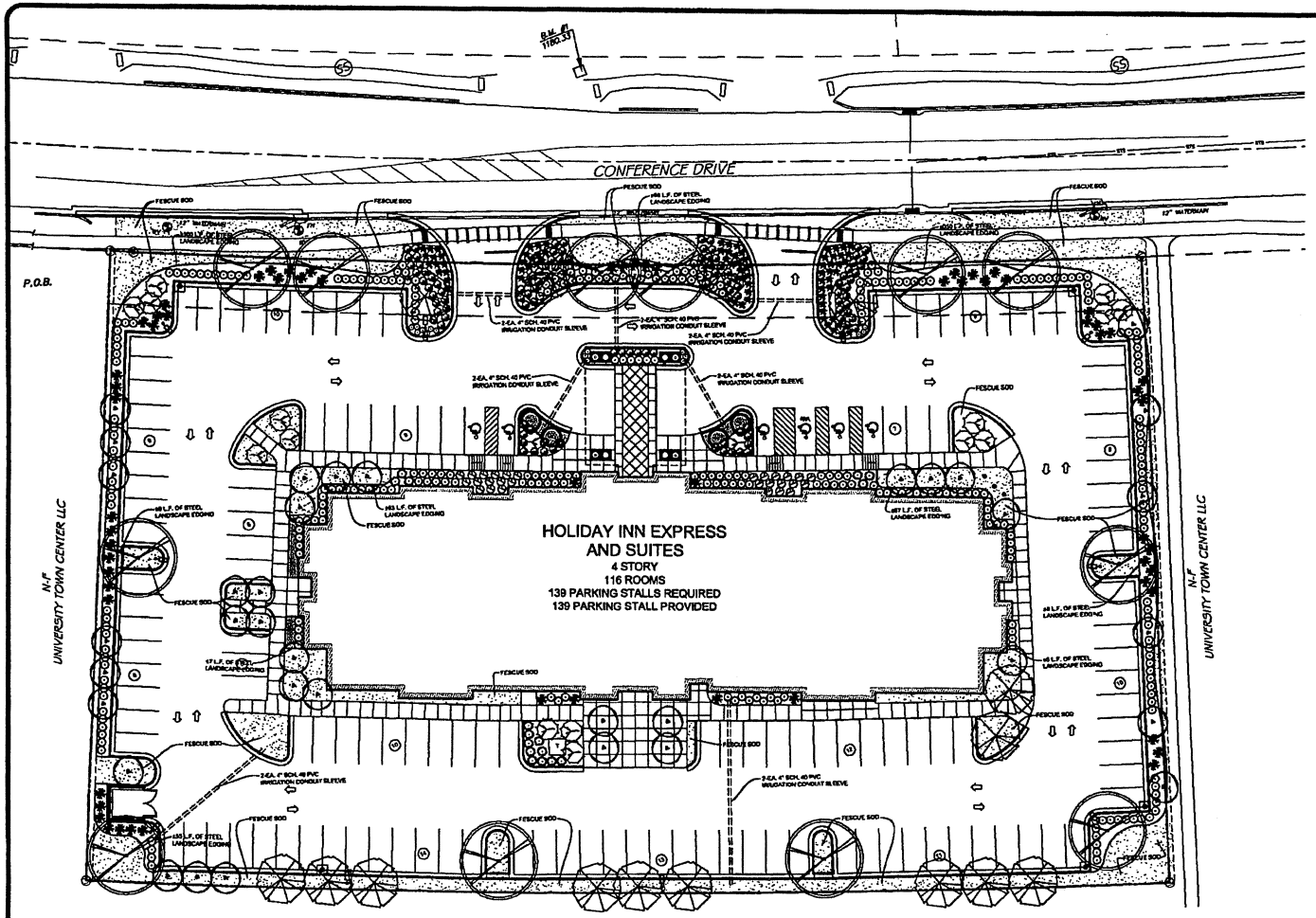
CONFERENCE DR. & 24 TH AVE. N.W.
NORMAN, OKLAHOMA

Contents
FINAL SITE DEVELOPMENT PLAN

Revisions
Plat Review 08-23-11

Date 08-08-11

Category 1 | Sheet No. 1



EXISTING LEGEND

FOUND IRON PIPE (AS NOTED)
STORM SEWER MANHOLE
SANITARY SEWER MANHOLE
FIRE HYDRANT
WATER VALVE
WATER LINE
SANITARY SEWER LINE
STORM SEWER LINE
BOUNDARY LINE
CENTERLINE
EASEMENT LINE
CONTOUR LINE

PROPOSED LEGEND

PLANT SCHEDULE

NO.	SYM.	COMMON NAME / Botanical Name	SIZE/SPACING/ REMARKS
1,200 S.Y.		BERMUDA GRASS	SOLID SOD
600		ANNUALS	4" CONTAINERS" O.C.
16		STELLA DE ORO DAYLILY Hemerocallis 'Stella de Oro'	1 GAL./2' O.C.
75		PINK MUHLY GRASS Muhlenbergia capillaris	1 GAL./3' O.C.
4		GOLDMOUND SPIREA Spiraea x 'Goldmound'	5 GAL./3' O.C.
15		CRIMSON PYGMY BARBERRY Berberis thunbergii autropurpurea nana	5 GAL./3' O.C.
29		AUTUMN RHAPHOIC ENCORE AZALEA Azalea X 'Fedile'	5 GAL./4' O.C.
84		MAIDEN GRASS Miscanthus sinensis 'Gracillimus'	5 GAL./4' O.C.
84		DWARF YAUPON HOLLY Ilex vomitoria 'Nana'	5 GAL./4' O.C.
168		DOUBLE RED KNOCKOUT ROSE Rosa 'RADtko'	5 GAL./4' O.C.
210		WINTER GEM BOXWOOD Buxus microphylla japonica 'Winter Gem'	5 GAL./3' O.C.
17		LITTLE GEM MAGNOLIA Magnolia grandiflora 'Little Gem'	7'-8' B&B AS SHOWN
4		CRIMSON QUEEN JAPANESE MAPLE Acer palmatum dissectum	2 1/2" CAL. AS SHOWN
37		STANDARD RED CRAPEMYRTLE Lagerstroemia X 'Tuscarora'	8'-10' B&B AS SHOWN
19		YOSHINO CHERRY Prunus x yedoensis	3" CAL. AS SHOWN
12		CADDO SUGAR MAPLE Acer saccharum 'Caddo'	3 1/2" CAL. AS SHOWN

SITE AREA CALCULATIONS
TOTAL SITE AREA: 98,154 S.F. OR 2.25 ACRES
TOTAL IMPERVIOUS AREA: 79,998 S.F. OR 1.84 ACRES (81.5%)
TOTAL GREEN SPACE: 18,156 S.F. OR 0.417 ACRE (18.5%)

SCALE : 1" = 20 FEET

LANDSCAPE PLAN NOTES:

1. THE CONTRACTOR SHALL FURNISH ALL LABOR, MATERIALS, TOOLS, EQUIPMENT, AND RELATED ITEMS REQUIRED FOR THE COMPLETE INSTALLATION OF LANDSCAPE.
2. ALL PLANT MATERIAL SHALL BE NURSERY GROWN. PLANT MATERIAL SIZES AND GRADING SHALL COMPLY WITH THE LATEST EDITION OF AMERICAN STANDARDS FOR NURSERY STOCK, PUBLISHED BY THE AMERICAN NURSERY AND LANDSCAPE ASSOCIATION.
3. ALL PLANT MATERIAL SHALL BE HEALTHY AND FREE FROM ALL VISIBLE SIGNS OF DISEASE OR PEST INFESTATION.
4. CONTRACTOR SHALL ASCERTAIN LOCATION OF ALL UTILITIES PRIOR TO EXCAVATION. PRIOR TO COMMENCING WITH ANY WORK, CONTACT 1-800-522-6398.
5. NO CHANGES TO APPROVED PLANT SCHEDULE WILL BE ALLOWED WITHOUT THE APPROVAL OF THE CITY OF NORMAN AND THE OWNER'S REPRESENTATIVE.
6. ALL TREES SHALL BE INSTALLED, MULCHED, GUYED AND STAKED PER THE DETAILS. ALL SHRUBS SHALL BE INSTALLED AND MULCHED PER THE DETAILS.
7. HARDWOOD MULCH, A MINIMUM OF 3" DEEP, SHALL BE APPLIED TO ALL PLANTING BEDS SHOWN ON THIS PLAN.
8. THE CONTRACTOR SHALL PROVIDE A ONE YEAR MINIMUM WARRANTY FOR ALL PLANT MATERIALS AND INSTALLATION FROM THE DATE OF ACCEPTANCE.
9. THE CONTRACTOR SHALL STOCK ANY EXCESS TOPSOIL LOCATED ON THE SITE THAT IS NOT REQUIRED TO PERFORM LANDSCAPE OPERATIONS. IF SUFFICIENT TOPSOIL IS NOT PRESENT ON SITE, THE CONTRACTOR SHALL IMPORT TOPSOIL TO THE SITE IN ORDER TO COMPLETE THE LANDSCAPE OPERATIONS. THE CONTRACTOR SHALL PERFORM A SOIL TEST ON THE EXISTING AND IMPORTED TOPSOIL AND APPLY LIME AND FERTILIZER AS RECOMMENDED BY THE TESTING AGENCY.
10. IN ALL PLANTING BEDS, SOD SHALL BE REMOVED ENTIRELY AND SOIL SHALL BE AMENDED WITH TWELVE INCHES OF TOPSOIL AND A MINIMUM OF SIX INCHES OF COMPOST TILLED INTO THE BEDS.
11. IRRIGATION TO BE DESIGNED AND INSTALLED ON SITE WITH HUNTER PGP ROTARY HEADS, HUNTER "S" TYPE SPRAY HEADS, HUNTER ICC 48 STATION CONTROLLER, RAIN AND FREEZE SENSORS, RAINBIRD PROFESSIONAL SERIES VALVES.
12. ALL LAWN AREAS ARE TO BE IRRIGATED ON SEPARATE STATIONS AS LANDSCAPE BEDS.
13. CONTRACTOR SHALL PROVIDE A THREE YEAR WARRANTY ON THE IRRIGATION SYSTEMS PARTS AND LABOR.

SITE SODDING NOTE:

ALL DISTURBED AREAS UNDER A 15% SLOPE SHALL BE TOPSOILED TO A MINIMUM DEPTH OF 4", FERTILIZED AT A RATE OF 250 POUNDS PER ACRE AND SODDED WITH BERMUDA GRASS. THE AREA MUST ALSO BE MULCHED. ALL SOD LOCATED ON SLOPES 15% OR GREATER SHALL HAVE PINNED EDGES. THE CONTRACTOR SHALL WATER AND MAINTAIN THE GRASS UNTIL A HEALTHY PERMANENT STAND IS ESTABLISHED.

LANDSCAPE REQUIREMENTS:

STREET LANDSCAPING:
ONE TREE PER 40' OF PROPERTY ALONG THE RIGHT OF WAY.

REQUIRED: 390 L.F. / 40 = 10 TREES
PROVIDED: 12 TREES.

REQUIRED: CONTINUOUS SHRUB SCREEN ALONG FRONT OF PARKING LOT
PROVIDED: CONTINUOUS SHRUB SCREEN ALONG FRONT OF PARKING LOT

PERIMETER LANDSCAPING:
ONE TREE PER 40' OF PROPERTY ALONG THE BACK AND SIDES.
CONTINUOUS ROW OF SHRUBS ALONG SIDES OF PARKING LOT

REQUIRED SIDES: 480 L.F. / 40 = 12 TREES
PROVIDED: 22 TREES & CONTINUOUS ROW OF SHRUBS ALONG SIDES OF PARKING LOT.

REQUIRED REAR: 418 / 40 = 11 TREES.
PROVIDED: 13 TREES

RICHARD HUMISTON ARCHITECT
4600 S. 96th ST.
FORT SMITH, AR 72903
PHONE: (479) 783-4355
FAX: (479) 783-4605
rhiston@richardhumiston.com

Holiday Inn
EXPRESS HOTEL & SUITES
NORMAN, OKLAHOMA

Contents: LANDSCAPE PLAN

Revisions	
Plat Review	05-13-11
Date	05-06-11
Category	Sheet No.
C	5.0

Gray Rock
Civil Engineering & Landscape Architecture
2708 Village Parkway, Suite 10
Rogers, AR 72758 479-268-5099

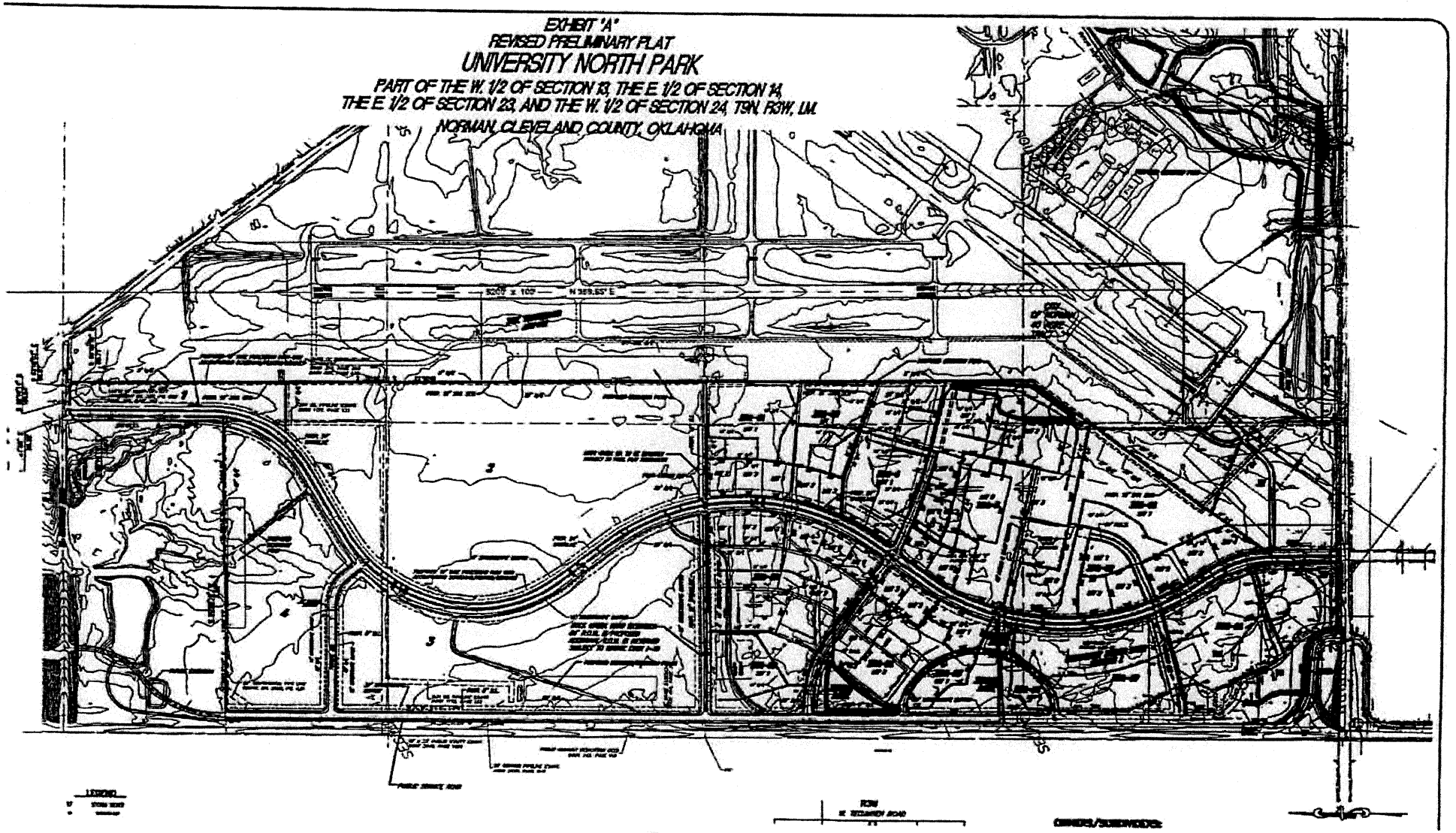


EXHIBIT "A"
REVISED PRELIMINARY PLAT
UNIVERSITY NORTH PARK
PART OF THE W. 1/2 OF SECTION 13, THE E. 1/2 OF SECTION 14,
THE E. 1/2 OF SECTION 23, AND THE W. 1/2 OF SECTION 24, T9N, R3W, I.M.
NORMAN, CLEVELAND COUNTY, OKLAHOMA

NORMAN PLANNING COMMISSION
REGULAR SESSION MINUTES

SEPTEMBER 8, 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 8th day of September 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 Curtis McCarty Roberta Pailes Andy Sherrer Zev Trachtenberg Jim Gasaway
MEMBERS ABSENT	None

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 Jane Hudson, Planner II

* * *

Item No. 2, being:
CONSENT DOCKET
Chairman Gasaway announced that the Consent Docket is designed to allow the Planning Commission to approve a number of items by one motion and vote. He read the items recommended for inclusion on the Consent Docket, as follows:

Item No. 3, being:
APPROVAL OF THE AUGUST 11, 2011 REGULAR SESSION MINUTES

Item No. 4, being:
COS-1112-2 – CONSIDERATION OF A NORMAN RURAL CERTIFICATE OF SURVEY SUBMITTED BY STEPHEN KYLE CANTRELL (JAMES S. YAGER) FOR LOT 3 ARMS ACRES FOR PROPERTY LOCATED AT 5601 N. BROADWAY.

Item No. 5, being:
FP-1112-3 – CONSIDERATION OF A FINAL PLAT SUBMITTED BY UNIVERSITY TOWN CENTER, L.L.C. (SMC CONSULTING ENGINEERS, P.C.) FOR UNIVERSITY NORTH PARK SECTION VII, A PLANNED UNIT DEVELOPMENT, FOR PROPERTY GENERALLY LOCATED 250 FEET EAST OF 24TH AVENUE N.W. AND ON THE SOUTH SIDE OF CONFERENCE DRIVE.

Item No. 6, being:
FP-1112-4 – CONSIDERATION OF A FINAL PLAT SUBMITTED BY SHANNON O'MOORE, L.L.C. (SMC CONSULTING ENGINEERS, P.C.) FOR CAMPUS CREST, A PLANNED UNIT DEVELOPMENT, FOR PROPERTY GENERALLY LOCATED ONE-QUARTER MILE NORTH OF CEDAR LANE ROAD ON THE EAST SIDE OF 12TH AVENUE S.E.

Item No. 7, being:
FP-1112-5 – CONSIDERATION OF A FINAL PLAT SUBMITTED BY BRIDGEVIEW UNITED METHODIST CHURCH (SMC CONSULTING ENGINEERS, P.C.) FOR BRIDGEVIEW UNITED METHODIST CHURCH ADDITION FOR PROPERTY GENERALLY LOCATED ON THE SOUTH SIDE OF INDIAN HILLS ROAD APPROXIMATELY 980 FEET EAST OF 48TH AVENUE N.W.

*

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

Zev Trachtenberg moved to place approval of Item Nos. 3 through 7 on the Consent Docket and approve by one unanimous vote. Tom Knotts seconded the motion.

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

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

Recording Secretary Roné Tromble announced that the motion, to place approval of Item Nos. 3 through 7 on the Consent Docket, passed by a vote of 9-0.

* * *

Item No. 5, being:
FP-1112-3 – CONSIDERATION OF A FINAL PLAT SUBMITTED BY UNIVERSITY TOWN CENTER, L.L.C. (SMC CONSULTING ENGINEERS, P.C.) FOR UNIVERSITY NORTH PARK SECTION VII, A PLANNED UNIT DEVELOPMENT, FOR PROPERTY GENERALLY LOCATED 250 FEET EAST OF 24TH AVENUE N.W. AND ON THE SOUTH SIDE OF CONFERENCE DRIVE.

ITEMS SUBMITTED FOR THE RECORD:
1. Location Map
2. Final Plat
3. Staff Report
4. Final Site Development Plan
5. Landscape Plan
6. Revised Preliminary Plat

The Final Site Development Plan and the Final Plat for UNIVERSITY NORTH PARK SECTION VII, A Planned Unit Development were approved on the Consent Docket by a vote of 9-0.

* * *

City of Norman, OK

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

Master

File Number: GID-1112-21

File ID:	GID-1112-21	**Type:**	Grant	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 19	**In Control:**	City Council
Department:	Police Department	**Cost:**	$8,775.00	**File Created:**	09/23/2011
File Name:	BVP Grant Sept 2011			**Final Action:**	

Title: CONSIDERATION OF THE ACCEPTANCE OF A GRANT IN THE AMOUNT OF $8,775 FROM THE UNITED STATES DEPARTMENT OF JUSTICE/BUREAU OF JUSTICE ASSISTANCE TO BE USED BY THE POLICE DEPARTMENT TO PURCHASE BULLETPROOF VESTS AND BUDGET APPROPRIATION.

ACTION NEEDED: Motion to accept or reject a grant in the amount of $8,775 from the United States Department of Justice/Bureau of Justice Assistance to be used by the Police Department to purchase bulletproof vests; and, if accepted, increase Project No. GP0020, Homeland Security, FBI, Other Revenue/Bullet Proof Vest Grant (022-0000-331.13-23) by $8,775 and appropriate $8,775 to Uniform and Clothing/Safety and Protective (022-6032-421.35-02).

ACTION TAKEN: _____

Notes: October 11, 2011, City Council Agenda

Agenda Date: 10/11/2011

Agenda Number: 19

Attachments: Grant Request for Payment

Project Manager: Jim Spearman, Grants Coordinator

Entered by: jim.spearman@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-1112-21

Body

BACKGROUND: The U.S. Department of Justice/Bureau of Justice Assistance (DOJ/BJA) informed the Norman Police Department of the approval for funding under the Federal

FY2010 Bulletproof Vest Partnership Grant Program (CFDA #16.607) in the amount of $8,775. The purpose of the grant is to provide bulletproof vests for Norman Police Officers.

DISCUSSION: The DOJ/BJA Bulletproof Vest Partnership Program provides up to 50% funding for the purchase of bulletproof vests for police officers. This grant would reimburse the City for bulletproof vests purchased before June 30, 2011. With the approval of the Council, the Norman Police Department also intends to use these funds to purchase additional vests.

STAFF RECOMMENDATION: It is recommended the Council accept the grant and direct the Finance Department to reimburse revenue account 022-000-331.13.23, Project # GP0020 for $8,775 and appropriate $8,775 to expenditure account 022-6032-421.35-02.

Section Payment > Request Payment > Request Payment Results

OMB #1121-0235
(Expires: 10/31/2006)

Your request for payment has been forwarded to the Department of Justice for review and processing.

This process may take several weeks to complete. An email payment advisory will be sent to the Point of Contact and the Financial Point of Contact when the payment is electronically transmitted by the U. S. Treasury to the jurisdiction's bank account. Additionally, you may check the status of your payment request by selecting option 5.2 'Payment History', in the Jurisdiction's Handbook. To avoid late payment charges and interest penalties, jurisdictions should pay vest distributors promptly, if financially able. Otherwise, vest distributors should be advised routinely of the status of their pending invoice(s).

For your reference, a summary of the data which you have submitted appears below.

Receipts Summary

Funds From	Ordered Date	Total Cost	Funds Year Limit	Maximum BVP Payment
Regular Fund	11/23/2010	$17,550.00	up to FY2010	$8,775.000
Total Costs		$17,550.00		$8,775.000
BVP Portion of Payment Requested				$8,775.00

Payment Worksheet

Fund Source	Balance	Deobligate Date	Drawdown Amount
FY2010 Regular Fund	$1,335.27	08/31/2012	$8,775.00
Total Payment			$8,775.00
Short Payment			$0.00

* Important: You can click on the 'Print Screen' button below to keep a copy for your records.

Print Screen

City of Norman, OK

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

Master

File Number: K-1011-2 CO2

File ID:	K-1011-2 CO2	**Type:**	Contract	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 20	**In Control:**	City Council
Department:	Utilities Department	**Cost:**	$63,150.00	**File Created:**	09/26/2011
File Name:	Change Order 2 K-1011-2 FYE 2009 Sewer Project			**Final Action:**	

Title: CHANGE ORDER NO. TWO TO CONTRACT NO. K-1011-2: BY AND BETWEEN THE NORMAN UTILITIES AUTHORITY AND URBAN CONTRACTORS, L.L.C., INCREASING THE CONTRACT AMOUNT BY $63,150 AND ADDING 30 CALENDAR DAYS FOR THE FYE 2009 SEWER MAINTENANCE PROJECT, PHASE 2.

ACTION NEEDED: Acting as the Norman Utilities Authority, motion to approve or reject Contract No. K-1011-2 with Urban Contractors, L.L.C., increasing the contract by $63,150 and adding 30 calendar days; and, if accepted authorize the execution thereof.

ACTION TAKEN: _____

Notes: October 11, 2011, City Council Agenda

Agenda Date: 10/11/2011

Agenda Number: 20

Attachments: Change Order 2 K-1011-2, PO Urban

Project Manager: Charlie Thomas, Capital Projects Engineer

Entered by: charlie.thomas@normanok.gov

Effective Date:

History of Legislative File

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

Text of Legislative File K-1011-2 CO2

Body

BACKGROUND: In 2001, the citizens of Norman approved a five dollar per month sewer maintenance fee to provide for the systematic replacement of aged and deteriorated sewer lines throughout our wastewater collection system. The annual project is rehabilitative in nature. This project was bid in two (2) phases on May 27, 2010, and June 3, 2010. On July 13, 2010, the Norman Utilities Authority (NUA) approved Contract K-1011-2 with Urban

Contractors, LLC (Urban) in the amount of $1,570,100 for the Phase 2 work. On June 14, 2011, the NUA approved Change Order No. 1 in the amount of $69,250.

DESCRIPTION: Recently, our Sewer Line Maintenance Division requested assistance to prevent potential failure of a nearly forty (40) year old defective eight inch (8") sewer line which is not in the project area. The sewer line runs from Imhoff Road, north to near Magnolia Street behind customer homes east of Berry Road, parallel to Imhoff Creek. Utilities staff requested, and Urban agreed, to replace the line and manholes at the contract unit prices. All additional work consists of supplementary PVC pipe installation and is within the scope and unit prices of the bid and contract. For the extra work, and other approved delays, Urban requested, and staff recommends approval of, a thirty (30) day time extension.

Proposed Change Order No. 2 (CO # 2) will increase the contract amount by $63,150 from $1,639,350 to $1,702,500, or about 4%, and extend completion date from October 13, 2011 to November 12, 2011, for a cumulative increase of $132,400 or about 8%. The Fiscal Year Ending 2012 (FYE12) budget includes $688,159 in Construction Account No. 321-9338-432.61-01 (WW0055) to fund CO # 2.

RECOMMENDATION: Recommend approval of Change Order No 2 to Contract K-1011-2 in the amount of $63,150, and time increase of 30 days.

NORMAN UTILITIES AUTHORITY
CITY OF NORMAN
CLEVELAND COUNTY, OKLAHOMA

DATE: September 21, 2011

CHANGE ORDER NO.: 2

CONTRACT NO.: Contract K-1011-2

PROJECT: Sewer Maintenance Project FYE 2009, Phase 2

CONTRACTOR: Urban Contractors, LLC
7113 No. Bryant
Oklahoma City, OK 73121

	Contract Time	Contract Amount
ORIGINAL:	365 calendar days	$1,570,100.00
PREVIOUS CHANGE ORDERS:	30 calendar days	$69,250.00
THIS CHANGE ORDER:	20 calendar days	$63,150.00
REVISED AMOUNT:	415 calendar days	$1,702,500.00

ORIGINAL START DATE: September 13, 2010

ORIGINAL COMPLETION DATE: September 13, 2011

PREVIOUS COMPLETION DATE: October 13, 2011

NEW COMPLETION DATE: November 2, 2011

Replace/re-locate existing sewer between Berry Rd. and Imhoff Creek

Description	Unit	Quantity	Unit Price	Total Price
OSHA Trench Safety	LF	700	$0.50	$350.00
Add 8" PVC Open Trench	LF	700	$80.00	$56,000.00
Add Replace/Construct Manhole	EA	3	$1,400.00	$4,200.00
Add Re-connect Services	EA	6	$250.00	$1,500.00
Add Post Construction Clean & TV	LF	700	$1.00	$700.00
Add Flowable Fill	CY	4	$100.00	$400.00
Total Increase				$63,150.00

SUBMITTED BY CONTRACTOR: James E Parrish — Urban Contractors, LLC — Date: 9/30/11

RECOMMENDED BY STAFF ENGINEER: _____ — Norman Utilities Authority — Date: 9/30/11

APPROVED AS TO FORM AND LEGALITY: _____ — City Attorney — Date: 10/3/11

ACCEPTED BY NORMAN UTILITIES AUTHORITY: _____ — Cindy Rosenthal, Chairman — Date: _____

PURCHASE ORDER

The City of NORMAN

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

P.O. #: 190050
DATE: 08/05/10

VENDOR #
1674

URBAN CONTRACTORS INCORPORATED
P O BOX 12883
OKLAHOMA CITY, OK 73157

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

DELIVER BY:	SHIP VIA:	F.O.B.	TERMS
08/31/10	BEST WAY	DESTINATION	NET/30

CONFIRM BY

FREIGHT

ACCOUNT NO.	REQUISITIONED BY	REQ. NO.	REQ. DATE
32193384326101	WEBB G	173641	07/14/10

LINE#	QUANTITY	UOM	ITEM NO. AND DESCRIPTION	UNIT COST	EXTENDED COST
1	1570100.00	DOL	SEWER MAINTENANCE SMP10 - PHASE 2	1.0000	1570100.00
				SUB-TOTAL	1570100.00
				TOTAL	1570100.00

Change Order No. 1 to Contract K-1011-2 NUA approved 6-14-11	+	69,250.00 1,639,350.00
Change Order No. 2 to Contract K-1011-2 Contingent on NUA approval 10-11-11	+	63,150.00 1,702,500.00

City of Norman, OK

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

Master

File Number: K-1011-131 Final

File ID:	K-1011-131 Final	**Type:**	Contract	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 21	**In Control:**	City Council
Department:	City Clerk Department	**Cost:**		**File Created:**	09/27/2011
File Name:	Final Accpt K-1011-131 Standard Roofing			**Final Action:**	

Title: CONSIDERATION OF FINAL ACCEPTANCE AND FINAL PAYMENT OF CONTRACT NO. K-1011-131 BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, THE NORMAN UTILITIES AUTHORITY, AND STANDARD ROOFING COMPANY, INC., FOR THE ROOF REPLACEMENT PROJECT FOR THE SENIOR CITIZEN CENTER, FIRE STATION NO. FOUR, NORTH AND SOUTH DIGESTER CONTROL BUILDINGS AT THE WASTEWATER TREATMENT PLANT, AND THE WESTWOOD MAINTENANCE, IRRIGATION PUMP, AND POOL FACILITIES.

ACTION NEEDED: Acting as the City Council and the Norman Utilities Authority, motion to accept or reject the project; and, if accepted, direct final payment in the amount of $188,349 to Standard Roofing Company, Inc.

ACTION TAKEN: _____

Notes: October 11, 2011, City Council Agenda

Agenda Date: 10/11/2011

Agenda Number: 21

Attachments: Fire Station 4 Pictures.doc, Senior Center Pictures.doc, Westwood Maint. & Pool Pictures.doc, WWTP Digester Buildings Pictures.doc, Purchase Order.pdf

Project Manager: Matthew Smith, Facility Maintenance Superintendent

Entered by: brenda.hall@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-1011-131 Final

Body

BACKGROUND: City Council, in its meeting of March 8, 2011, approved Contract No. K-1011-131 with Standard Roofing Company, Inc., in the amount of $380,694 for the Roof Replacement Project at the Senior Citizens Center located at 329 South Peters; Fire Station No. Four located at 4145 East Robinson; the North and South Digester Control Building roofs at the Wastewater Treatment Plant; and the Westwood Maintenance and Pool facilities.

Senior Citizen Center - The project scope included removal of the existing 5,621 square foot asphalt roof down to the deck and replacing it with a cold process built up asphalt roof.

Fire Station No. Four - The project scope included removal of the existing 5,250 square foot membrane hot asphalt roof down to the deck and replacing it with a cold process built up asphalt roof.

North and South Digester Control Buildings - Wastewater Treatment Plant - The project scope included removal of the existing 576 square foot roofs down to the concrete deck and replacing them with cold process built up asphalt roofs.

Westwood Maintenance Building and Pool Building - The project scope included removal of the existing roofs down to the wood decks and replacing them with cold process built up asphalt roofs. The Maintenance Building roof is 2,278 square feet and the Pool Building roof is 3,990 square feet.

Change Order No. One increasing the contract amount by $16,153 was approved by Council on August 9, 2011, and added the replacement of the Irrigation Pump Building at Westwood that suffered storm damage and had failed at a cost of $4,253 and the replacement of the existing guttering and downspouts at the Senior Center, which was bid as an alternate in the amount of $11,900 in the original bid. The original bid included the alternate in the event the current guttering was inadequate to provide the best result. Due to favorable bids, the project budget had adequate funds to include the replacement of the guttering and downspouts, which avoided any possible damage to the new roof if guttering was replaced at a later date.

DISCUSSION: The *North and South Digester Control Buildings - Wastewater Treatment Plant* roofs were completed at the end of May 2011, and final inspections were made on June 7, 2011. The *Westwood Maintenance Building, Pool, and Irrigation Pump Building* roofs were completed in early June 2011, and final inspections were made on June 20, 2011. The *Senior Center* roof and guttering were completed the end of July 2011, and final inspection was made on August 1, 2011. *Fire Station No. Four* roof was completed in early September 2011, and final inspection was made on September 20, 2011. The work on all roofs meets or exceeds all bid specifications.

Upon formal acceptance of the project, the contractor will provide two-year maintenance warranties on the installation and the manufacturer will provide 20-year warranties on

materials for all roofs. The manufacturer will perform all maintenance and repair required during the warranty period as well as respond to any leakage within 48 hours. Inspections of the roof will be conducted by the manufacturer the second, fifth, tenth, and fifteenth year of the warranty and an executive summary of those findings will be provided to the City.

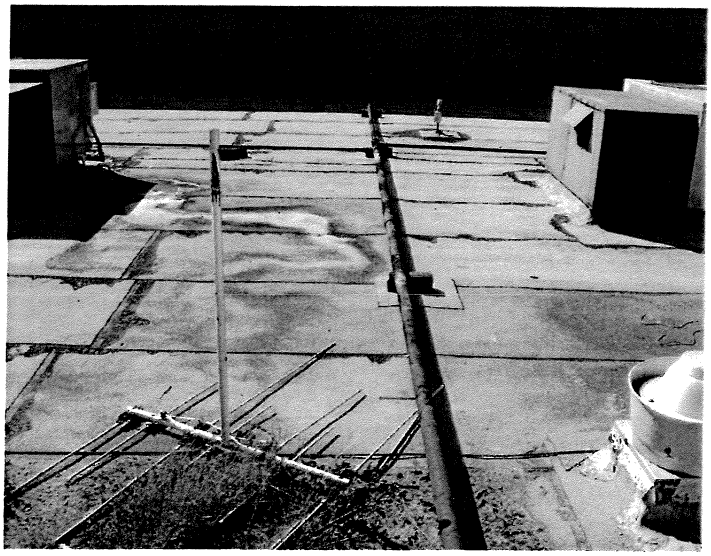
Funds were budgeted in the FYE 2011 Capital Budget, Project No. EF1002, Building Roofs, Construction (050-9540-419.61-01) and Project No. WW0059, WWTP North and South Digester Control Room Roof Replacement, Construction (032-9677-432.61-01).

STAFF RECOMMENDATION: Staff recommends the Roof Replacement Project at the Senior Citizens Center; Fire Station No. Four; the North and South Digester Control Building roofs at the Wastewater Treatment Plant; and the Westwood Maintenance and Pool facilities be accepted and final payment in the amount of $188,349 be authorized.

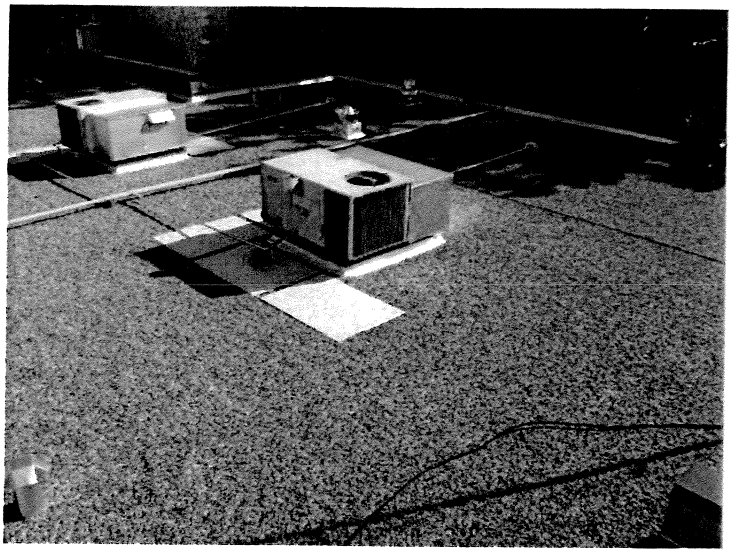
Fire Station No. 4 – Before

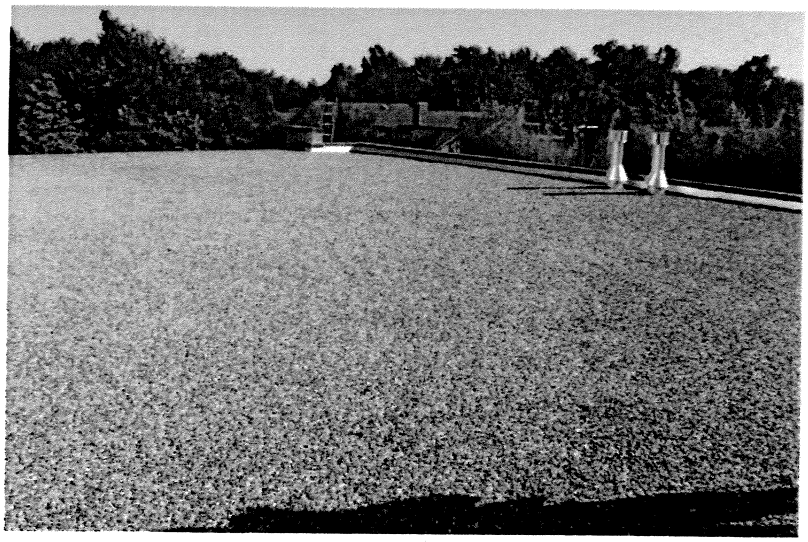
Fire Station No. 4 – After

Fire Station No. 4 – Before



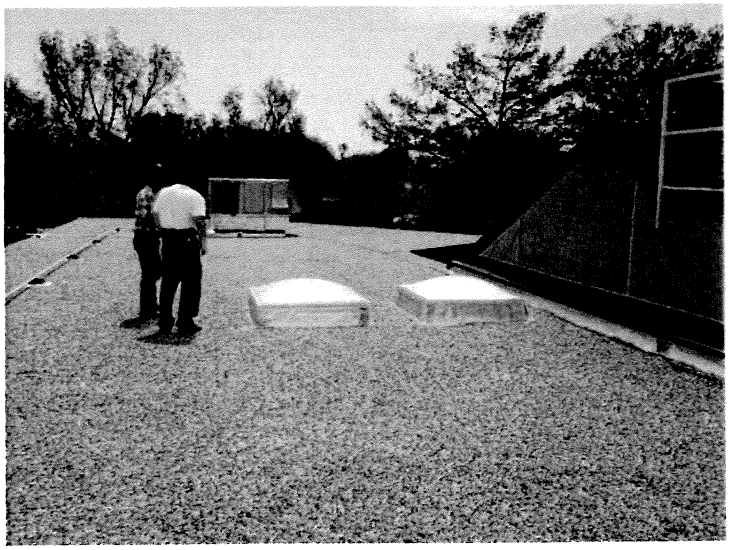
Fire Station No. 4 – After



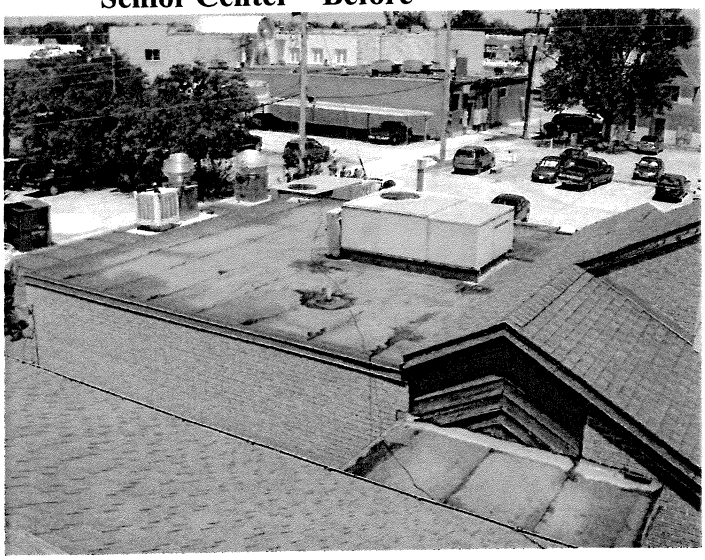


Senior Center – Before

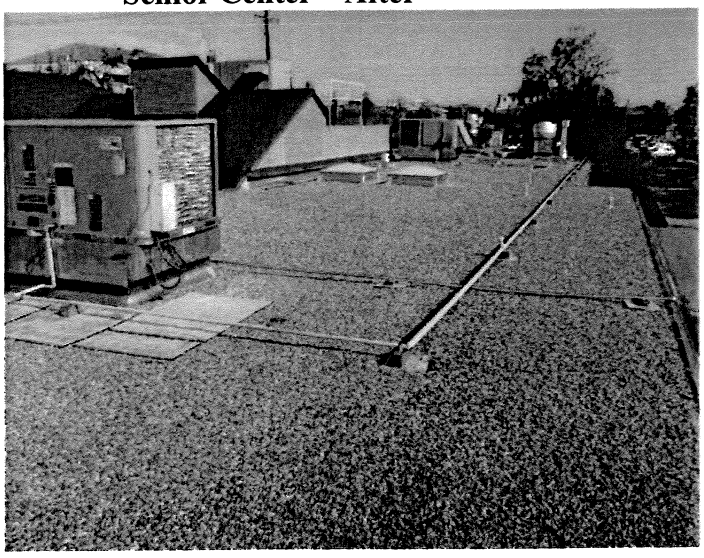
Senior Center – After



Senior Center – Before

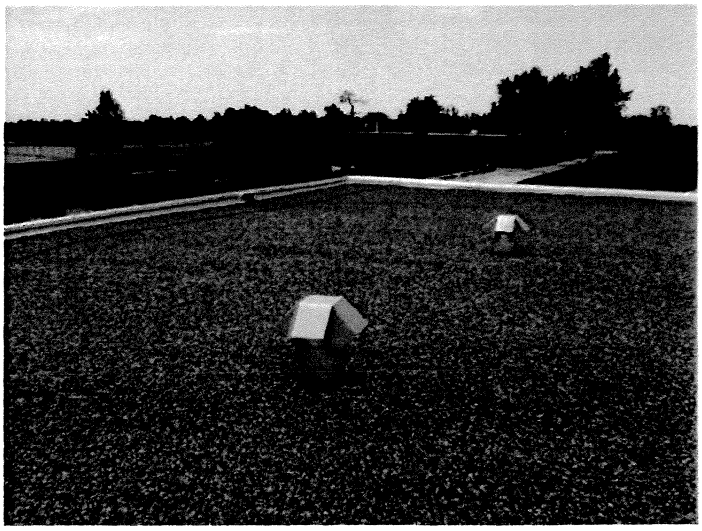


Senior Center – After



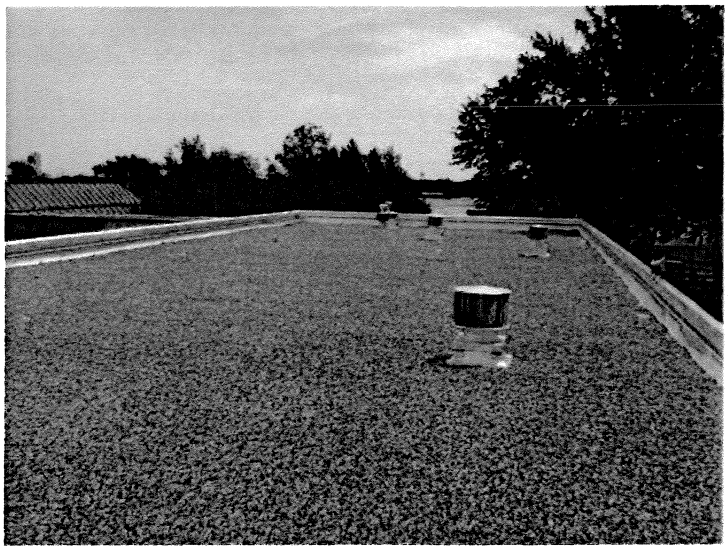
Westwood Maint. – Before

Westwood Maint. – After

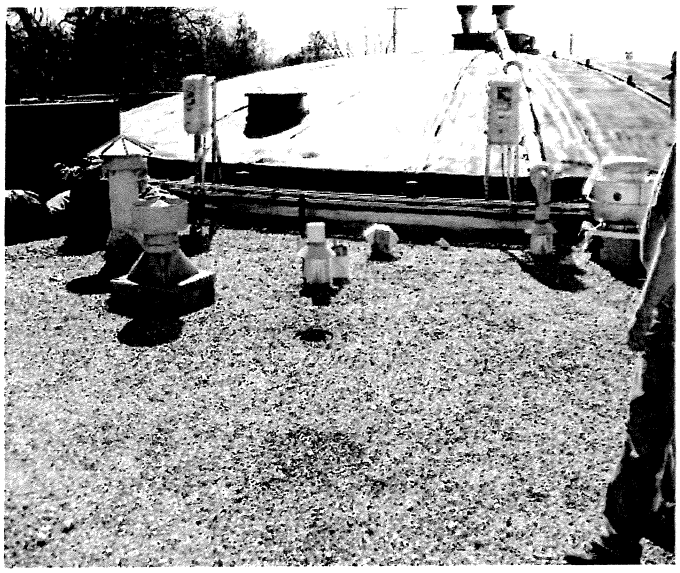


Westwood Pool – Before

Westwood Pool – After



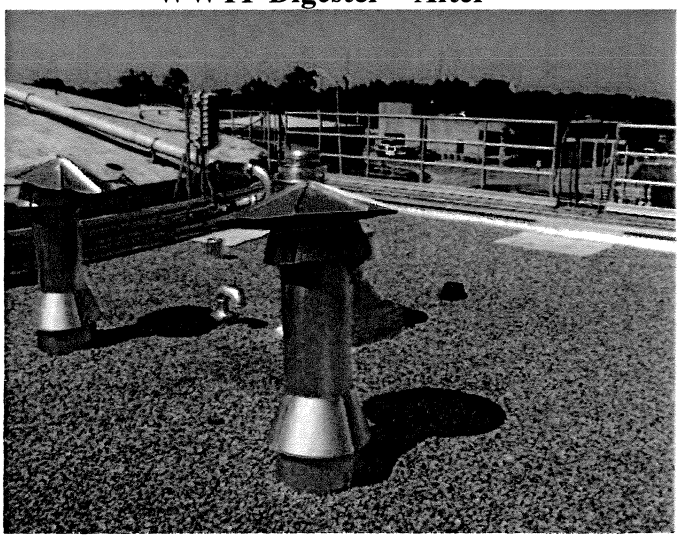
WWTP Digester – Before



WWTP Digester – After

WWTP Digester – Before

WWTP Digester – After



PURCHASE ORDER

The City of NORMAN

INVOICE TO:
City of Norman
CITY CLERK OFFICE
201 WEST GRAY STREET
NORMAN, OK 73069

P.O. #: 199875
DATE: 04/01/11

VENDOR #
10349

STANDARD ROOFING CO INC
19 NW 16TH STREET
OKLAHOMA CITY, OK 73103

SHIP TO:
City of Norman
CITY CLERK OFFICE
201 WEST GRAY STREET
NORMAN, OK 73069

DELIVER BY:	SHIP VIA:	F.O.B.	TERMS
03/08/11	BEST WAY	DESTINATION	NET

CONFIRM BY

FREIGHT

ACCOUNT NO.
SEE BELOW

REQUISITIONED BY

REQ. NO.

REQ. DATE

LINE#	QUANTITY	UOM	ITEM NO. AND DESCRIPTION	UNIT COST	EXTENDED COST
1	1.00	EA	ROOF REPLACEMENT PROJECTS SENIOR CITIZEN CENTER FIRE STATION #4 WESTWOOD MAINTENANCE AND POOL BUILDINGS	326806.0000	326806.00
	1.00	EA	ROOF REPLACEMENT PROJECT FOR THE NORTH AND SOUTH DIGESTER BUILDINGS AT THE WASTEWATER TREATMENT PLANT CONTINGENT UPON CITY COUNCIL APPROVAL ON MARCH 8, 2011	53888.0000	53888.0(

SUB-TOTAL	380694.00
TOTAL	380694.00

CHANGE ORDER NO. ONE	$ 16,153.00
PARTIAL PAYMENTS TOTALLING	$278,498.00
FINAL PAYMENT CONTINGENT UPON COUNCIL APPROVAL ON OCTOBER 10, 2011	$118,349.00

City of Norman, OK

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

Master

File Number: K-1112-44

File ID:	K-1112-44	**Type:**	Contract	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 22	**In Control:**	City Council
Department:	Public Works Department	**Cost:**	$27,000.00	**File Created:**	08/12/2011
File Name:	K-1112-44: McKinney Partnership Building A, Phase II			**Final Action:**	

Title: CONTRACT NO. K-1112-44: A CONTRACT BY AND BETWEEN THE CITY OF NORMAN AND THE MCKINNEY PARTNERSHIP ARCHITECTS, P.C. IN AN AMOUNT NOT-TO-EXCEED $27,000 FOR THE DESIGN, PREPARATION OF CONSTRUCTION DOCUMENTS, BIDDING AND CONSTRUCTION ADMINISTRATION FOR PHASE II OF THE SPACE UTILIZATION PROJECT FOR MUNICIPAL BUILDING A.

ACTION NEEDED: Motion to approve or reject Contract No. K-1112-44 with The McKinney Partnership Architects, P.C., in an amount not-to-exceed $27,000; and, if approved, authorize the execution thereof.

ACTION TAKEN: _____

Notes: October 11, 2011, City Council Agenda

Agenda Date: 10/11/2011

Agenda Number: 22

Attachments: K-1112-44, Attachment A - Building A Space Util Study, Building A Existing, Building A - Project Cost Estimate, Purchase Requisition

Project Manager: Shawn O'Leary, Director of Public Works

Entered by: julie.shelton@normanok.gov

Effective Date:

History of Legislative File

Version:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	City Council	10/11/2011					

Text of Legislative File K-1112-44

Body

BACKGROUND: Building A on the City Hall campus was constructed in 1978 and currently

houses the following the Planning and Community Development and Public Works Departments including 61 employees. Improvements made to the building since it was originally constructed include roof repair and HVAC replacement. The building does not meet current accessibility standards of the Americans with Disabilities Act (ADA). In addition, customer service and public meetings are compromised due to a lack of adequate space. Employees are cramped in small working spaces. The original carpet (33 years old) still remains in the building. Many of the customers of this building are developers, builders, and business and property owners. Regular public meetings in the building include Pre-Development, Flood Plain Permit Committee, Greenbelt Commission, Board of Zoning Appeals, Board of Adjustment, Historic District Commission and Reapportionment Commission.

To address these building concerns, the City's FYE 2010 Capital Improvement Program provided funding for a Space Utilization Study. The McKinney Partnership Architects, P.C. was the firm selected to perform the building analysis. Mr. Rick McKinney, architect, developed a 9-phase building improvement plan in collaboration with the two city departments and in cooperation with the City Facility Maintenance Division of the City Clerk's office. The preliminary building design plan has successfully accomplished the following:

-ADA compliance of restrooms
-ADA compliance of Building A main entrance (south)
-Improved customer service and conference center
-Enhanced employee space utilization
-Better employee security
-Replace all carpet

DISCUSSION: The FYE 2012 City Capital Improvement Program (CIP) includes $200,800 in funding for the construction of part of these building improvements. In order to complete the construction project, final architectural design plans and specifications must be prepared. Staff has negotiated a contract with The McKinney Partnership Architects, P.C. which includes final design services, bidding services and construction observation services at a cost not to exceed $27,000.

If the contract is approved by City Council, The McKinney Partnership Architects, P.C. will provide plans and specifications for all nine (9) phases of the project, but some of the latter phases may be unaffordable at this time. Therefore, the bid package will provide a base bid plus alternates for consideration by City Council during the award of contract. The architectural contract will also provide construction observation services for the first five (5) phases of construction which include most of the bulleted items listed above.

Building A currently contains 14,500 square feet of space. Approximately 30% or 4,350 square feet of space is included in Phases 1-5 of the proposed project. Record storage space

will remain the same in the building due to a program of paperless storage. The life of this project from a space utilization perspective is 5-10 years.

If approved, the design and bidding services will be completed in 12 weeks or less. Construction will take place over a period of approximately 120 days. City services will not be compromised during construction. However, city staff will be required to work in temporary office areas within Building A during certain phases of the construction.

Funds for this project have been appropriated and are available in the Capital Projects/Construction-City Hall Building A Improvements (Account No. 050-9677-419.61-01), Project No. EF0120.

RECOMMENDATION: It is recommended that the City Council approve Contract No. K-1112-44 with The McKinney Partnership Architects, P.C. in the amount not to exceed $27,000.

AGREEMENT FOR ARCHITECTURAL SERVICES BETWEEN OWNER AND ARCHITECT

PHASE II - CITY OF NORMAN BUILDING "A" SPACE UTILIZATION

This Agreement dated _____ August 2011, when executed by the Owner and returned to this office, will constitute an Agreement for Architectural Services

between:

The McKinney Partnership Architects, P.C.
c/o Mr. Richard S. McKinney, Jr.
3600 West Main Street, Suite 200
Norman, OK 73072

Hereinafter referred to as the "Architect"

and:

The City of Norman
c/o Mr. Shawn O'leary
Director of Public Works
201 W. Gray
Norman, Oklahoma 73069

Hereinafter referred to as the "Owner"

for:

The completion of Design, Construction Documents, Bidding, and Construction Administration for Phase II of the Space Utilization Study for Building A, City of Norman Municipal Office Complex.

Article 1 BASE ARCHITECTURAL SERVICES:

1.01 Conduct final site survey of portions of Building A to be affected by the renovation including ceiling, walls, power, data, and existing equipment.

1.02 Complete final design for Owner Review including plan, elevations, and reflected ceiling plan.

1.03 Prepare construction documents for all areas affected including floor plans, elevations, reflected ceiling, millwork, power / data plan, details, schedules, and any other required construction drawings relating to the Master Plan design.

2.03 Prepare City of Norman bid guidelines and front-end specifications (Divisions 0 and 1) for inclusion into Architect's Specifications.

2.04 Provide access to facility to facilitate the final survey, design, bidding, departmental relocations, and construction.

2.05 Provide prompt review, approvals, and comment as required to facilitate the progress of the Project.

2.06 Process timely payments to Architect and contractor.

Article 3 ARCHITECTURAL FEES:

3.01 Architectural fees for PHASE II Architectural Services shall be a fixed fee of $23,800 plus the reimbursable cap fee itemized in Article 6. This fee includes extended construction observation required to cover the first five (5) phases of construction.

3.02 Fees for construction observation services shall be quoted when the scope and duration is established.

Article 4 ARCHITECTURAL FEE PAYMENTS:

4.01 Fees for architectural services shall be billed monthly along with all reimbursable expenses and shall be due and payable within thirty (30) days of receipt.

4.02 Accounts past due shall be charged an interest rate of 1% per month on the unpaid balance.

4.03 Should the Project be canceled prior to completion, only the fees for services performed and reimbursable expenses accrued through the time of Architect's receipt of written notice to cease work shall be due and payable.

Article 5 ADDITIONAL SERVICES:

5.01 Changes or additions to the documents at the Owner's request after documents have been previously approved by the Owner.

5.02 Changes in scope of work other than what is outlined herein or changes in work previously approved by the Owner.

5.03 Additional Services (approved in advance by the Owner) shall be billed hourly as listed in Attachment "B" or quoted as a fixed fee and shall be in addition to fees outlined in Article 3.

Article 6 REIMBURSABLE EXPENSES:

APPROVAL

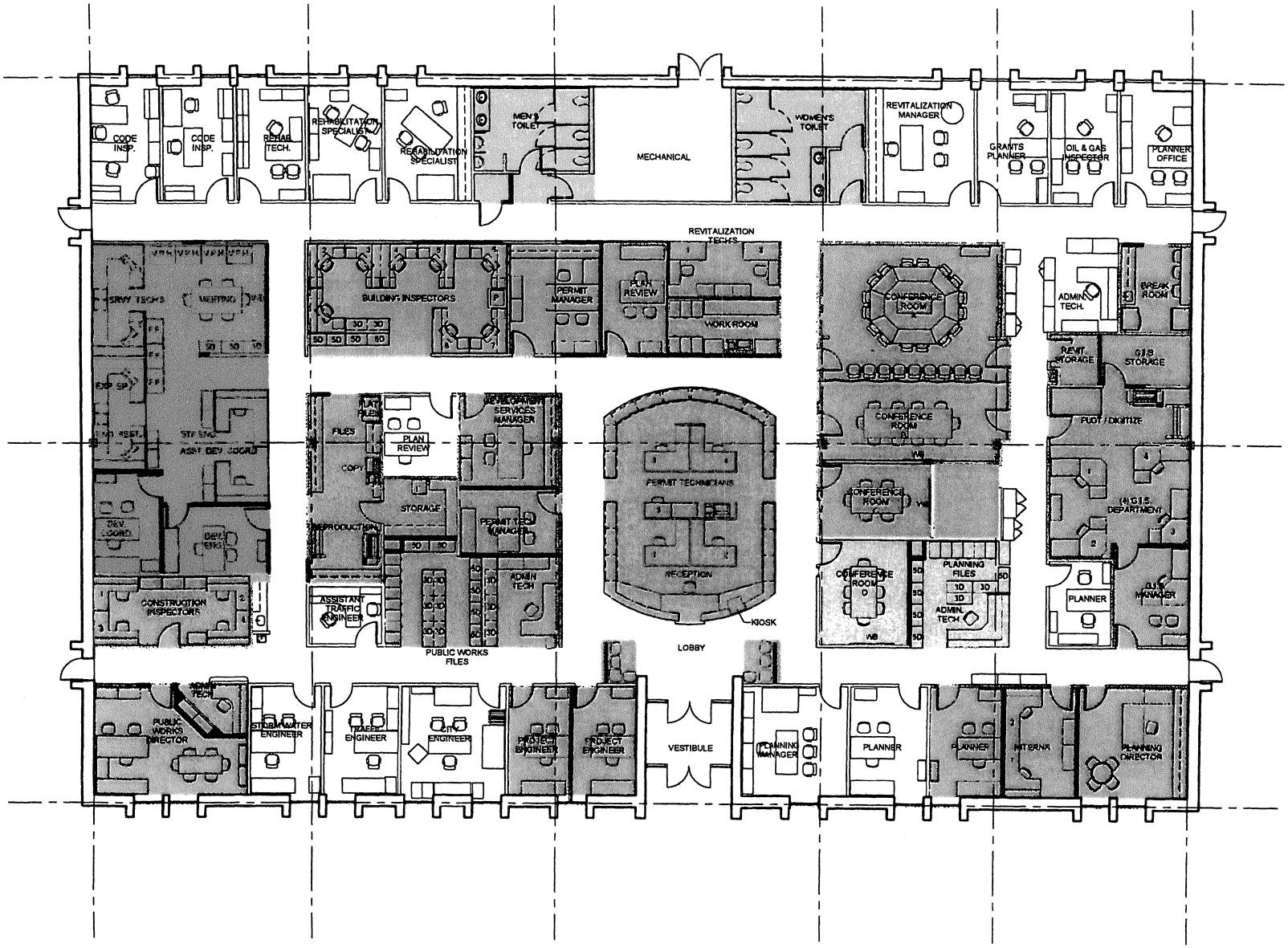
Mayor

Date

ATTEST:

City Clerk

APPROVED BY CITY OF NORMAN LEGAL DEPARTMENT
BY _____ DATE 2/13/14



PROPOSED PHASES

- PHASE 1 — CONFERENCE CENTER
- PHASE 2 — PLAN REVIEW & BUILDING INSPECTORS
- PHASE 3 — ENGINEERING DIVISION & CODE INSPECTORS
- PHASE 4 — RECEPTION & PERMIT TECHNICIANS
- PHASE 5 — RESTROOMS
- FUTURE PROPOSED PHASES

NORTH

PHASING PLAN

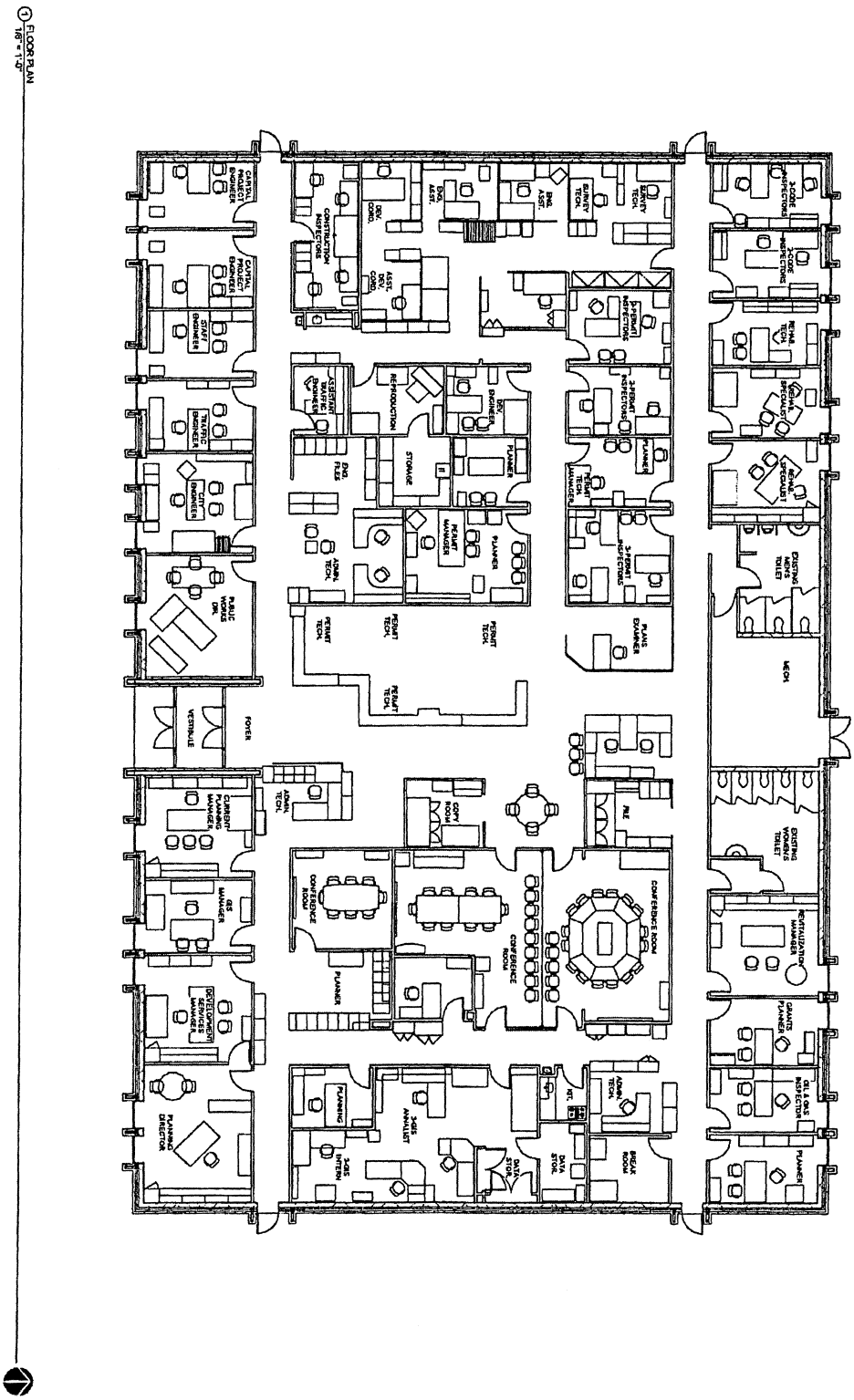
SCALE: 1/8" = 1'-0"

August 2011

ATTACHMENT B
THE MCKINNEY PARTNERSHIP ARCHITECTS
BILLING RATES

Principal	$	175.00
Senior Architect	$	145.00
Technical Level IX	$	80.00
Technical Level VIII	$	75.00
Technical Level VII	$	70.00
Technical Level VI	$	65.00
Technical Level IV	$	55.00
Technical Level III	$	50.00
Technical Level II	$	45.00
Technical Level I	$	40.00
Administrative V	$	65.00
Administrative IV	$	60.00
Administrative III	$	55.00
Administrative II	$	50.00
Administrative I	$	45.00
Clerical	$	30.00

Hourly rates may be adjusted without notice based upon annual employee reviews and salary adjustments.



No.	Description	Date

City of Norman
Space Utilization Study
Building A
Norman, Oklahoma

Existing Floor Plan

Project number: CM056309
Date: 2/17/2010
Drawn by: BDR
Checked by: RSM

A0.0

Building A - Space Utilization Project
September, 2011

FYE 2011 Project				
		Cost		**Cumulative Total**
Phase 1	Conference Center	$10,224.23	$	10,224.23
Phase 2	Plan Review/Building Inspectors	$31,630.88	$	41,855.11
Phase 3	Engineering Division	$29,212.63	$	71,067.74
Phase 4	Reception and Permit Techs	$32,621.42	$	103,689.16
Phase 5	Restrooms	$27,129.59	$	130,818.75
	Carpet Replacement	$35,000.00	$	165,818.75
	ADA Enhancements, Main Entrance	$15,000.00	$	180,818.75
	Architectural Fees	$27,000.00	$	207,818.75
	Sub-Total -Phase 1		$	207,818.75
Future Project				
Phase 6	Development Services/ Reproduction/Public Works Files	$30,005.73	$	30,005.73
Phase 7	Public Works/Engineers	10,306.32	$	40,312.05
Phase 8	GIS & Break Room	23,326.38	$	63,638.43
Phase 9	Planning	$14,208.90	$	77,847.33
	Sub-Total -Phase 2		$	77,847.33
	TOTAL		***$***	***285,666.08***

PURCHASE REQUISITION NBR: 0000190447

STATUS: DIVISION APPROVAL

REQUISITION BY: JSHELTON
REASON: K 1112-44, SPACE UTILIZ.STUDY CITY HALL,BLDG A
DATE: 8/16/11

SHIP TO LOCATION: PUBLIC WORKS ADM
SUGGESTED VENDOR: Z355 MCKINNEY PARTNERSHIP ARCHITECT
DELIVER BY DATE: 8/17/11

LINE NBR	DESCRIPTION	QUANTITY	UOM	UNIT COST	EXTEND COST	VENDOR PART NUMBER
1	K-1112-44, SPACE UTILIZ. STUDY-BLDG A COMMODITY: BUILDING CONSTRUCTION SER SUBCOMMOD: BUILDING CONSTRUCTION, CO	27000.00	EA	1.0000	27000.00	

REQUISITION TOTAL: 27000.00

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

LINE #	ACCOUNT		PROJECT	%	AMOUNT
1	05096774196101	Capital Projects Construction	EF0120 City Hall Bldg A Imp	100.00	27000.00
					27000.00

REQUISITION IS IN THE CURRENT FISCAL YEAR.

REQUISITION COMMENTS:

THIS ITEM IS CONTIGENT UPON COUNCIL APPROVAL ON
8-23-11.
THIS CONTRACT IS FOR THE DESIGN,PREPARATION OF CON
STRUCTION DOCUMENTS, BIDDING AND CONSTRUCTION ADMI
NISTRATION FOR PHASE II OF THE SPACE UTILIZATION
STUDY FOR MUNICIPAL BUILDING A.
THANK YOU. JSHELTON

City of Norman, OK

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

Master

File Number: K-1112-46

File ID:	K-1112-46	**Type:**	Contract	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 23	**In Control:**	City Council
Department:	Utilities Department	**Cost:**		**File Created:**	09/22/2011
File Name:	K-1112-46 Solid Waste Disposal Agreement with OU			**Final Action:**	

Title: CONTRACT NO. K-1112-46: A CONTRACT BY AND BETWEEN THE NORMAN MUNICIPAL AUTHORITY AND THE BOARD OF REGENTS OF THE UNIVERSITY OF OKLAHOMA TO PROVIDE SOLID WASTE DISPOSAL SERVICES FOR THE UNIVERSITY OF OKLAHOMA THROUGH JUNE 30, 2014.

ACTION NEEDED: Acting as the Norman Municipal Authority, motion to approve or reject Contract No. K-1112-46 with the Board of Regents of the University of Oklahoma through June 30, 2014; and, if approved, authorize the execution thereof.

ACTION TAKEN: _____

Notes: October 11, 2011, City Council Agenda

Agenda Date: 10/11/2011

Agenda Number: 23

Attachments: Contract K-1112-46

Project Manager: Scottie Williams, Sanitation Superintendent

Entered by: gay.webb@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-1112-46

Body

BACKGROUND: The University of Oklahoma has contracted their disposal of municipal solid waste at our Transfer Station since January 1996. For the past few years, the average annual tonnage brought to the Transfer Station is about 3,600 tons. This amount is slightly less than previous averages due to the University's recycling program. As such, the waste stream provided by the University is less than 5% of the waste stream collected at the transfer

station. The current contract between the University and the Norman Municipal Authority has expired. The current contracted rate for disposal is $33.00 per ton. Similar to previous contracts, the proposed contract provides for an increase in rates each year for the term of the contract.

DESCRIPTION: The new disposal agreement is for three years with Fiscal Year Ending 2012 (September 1, 2011 through June 30, 2012) rate of $35.00 per ton, Fiscal Year Ending 2013 (July 1, 2012 though June 30, 2013) rate of $37.00 per ton and Fiscal Year Ending 2014 (July 1, 2013 through June 30, 2014) rate of $39.00 per ton.

RECOMMENDATION: Staff recommends approval of the new agreement with the University of Oklahoma and that the Chairman of the Authority be authorized to sign.

SOLID WASTE DISPOSAL AGREEMENT
CONTRACT K-1112-46

This agreement is entered into this _____ of _____, 2011, between THE NORMAN MUNICIPAL AUTHORITY, hereafter referred to as NMA and the Board of Regents of THE UNIVERSITY OF OKLAHOMA.

I. Term of Agreement: The term of this agreement shall be for three years, beginning September 1, 2011, and ending June 30, 2014.

II. Price for Disposal: The price to The University of Oklahoma is $35.00/ton for Fiscal Year Ending 2012 (September 1, 2011 through June 30, 2012), $37.00/ton for Fiscal Year Ending 2013 (July 1, 2012, through June 30, 2013) and $39.00/ton for Fiscal Year Ending 2014 (July 1, 2013, through June 30, 2014. If the scales are not operational they will be repaired as soon as possible. The waste delivered to the site on those occasions will be measured by the cubic yard at a price of $14.00 and per cubic yard.

III. Payment Terms and Condition of Payment: The NMA shall invoice The University of Oklahoma in arrears at the above rate determined in accordance with the volume of waste disposed of at the Norman Transfer Station. Said invoice shall be accompanied by data describing the date and tonnage delivered to the Transfer Station. The University of Oklahoma agrees to pay said invoice within Forty-five (45) days from the invoice date.

IV. Acceptable Waste is defined as any and all waste that is solid waste, as the latter term is defined in the laws of the United States and/or Oklahoma and/or the regulations promulgated thereunder, and that is acceptable for disposal in a landfill. Unacceptable Waste includes "Hazardous Waste" which is also defined by the laws of the United States and the State of Oklahoma. Hazardous Waste includes the following:

a. Because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible illness; or pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise improperly managed.

b. Is identified or listed as a hazardous waste by the administrator, U.S. Environmental Protection Agency, pursuant to the Federal Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976.

c. Is required to be accompanied by a written manifest or shipping document describing the waste as "hazardous waste", pursuant to any state or

federal law, including, but not limited to, the Federal Solid Waste Disposal Act, as amended by RCRA of 1976, and the state and federal regulations promulgated thereunder.

d. Contains polychlorinated biphenyl or any other Substance, the storage, treatment or disposal of which is subject to regulation under the Federal Toxic Substances Control Act as amended and the state and federal regulations promulgated thereunder.

e. Contains a "reportable quantity" of one or more "hazardous substances", as defined in the Federal Liability Act as amended and the state and federal regulations promulgated thereunder or as defined under any other state or federal law and the regulations promulgated thereunder.

f. Sludge waste, including water supply treatment plant sludge and unstabilized sludge from municipal or industrial wastewater treatment plants.

g. Dead animals and/or slaughterhouse waste.

h. Any waste, including "special wastes" and/or "miscellaneous special wastes" as defined herein, which because of its quantity, concentration, frequency of disposal, required disposal procedures, regulatory status, or physical, chemical, infectious or other characteristics jeopardizes or may jeopardize the environmentally sound operation of the Norman Transfer Station, as determined by the City of Norman in its sole discretion. Special waste means any waste, even though it may be part of delivered load of waste, which meets the following:

1) Defined as such by the laws of the United States and/or the State of Oklahoma and/or the regulations promulgated thereunder.

2) Medical waste, including infectious or pathological waste from laboratories, research facilities, and health and veterinary facilities.

3) Liquid waste, which for the purposes of this agreement, means any waste material that is determined to contain "free liquid" by the paint filter test.

4) Waste from an industrial process.

5) Waste from a pollution control process.

6) Waste transported in a bulk tanker.

7) Friable and/or nonfriable asbestos waste.

8) Empty containers used for pesticides, herbicides, fungicides or rodenticide.

9) Containerized waste (e.g. a drum, barrel, portable tank, box, pail, etc.) of a type listed herein.

10) Residue or debris from the cleanup of a spill or release of chemical substances, commercial products or other wastes listed in this definition.

11) Soil, water, residue, debris or articles which are contaminated from the cleanup of a site or facility formerly used for the generation, storage, treatment, recycling, reclamation, or disposal of wastes listed in this definition, including soil contaminated from underground storage tanks used for the storage of petroleum products.

12) Any waste that requires other than normal handling, storage, management and/or disposal.

V. Unacceptable Waste: This defined as any and all waste that is either:

a. Waste which is now or in the future prohibited from disposal at a sanitary landfill by state, federal and/or local laws and/or the regulations promulgated thereunder.

b. Hazardous or Special Waste as defined in paragraph IV of the agreement.

VI. Operating Hours: The Norman Transfer Station will operate 5 days a week Monday through Friday from 7:30 a.m. – 4:30 p.m.; Saturdays from 8:00 a.m. – 2:00 p.m. The Transfer Station will be closed on Thanksgiving, Christmas and New Year's Day. If the University of Oklahoma desires to have the Transfer Station open at another time then prior coordination with the Sanitation Division, Norman Utilities Department (292-9776) can be made on a limited basis.

VII. Termination: Either party may terminate this agreement by giving 30 days notice, in writing, to the other party. In addition, failure to comply with any of the terms and conditions of the agreement shall be grounds for termination.

VIII. IN WITNESS WHEREOF, The University of Oklahoma and the NMA have executed this agreement on the _____ day of _____, 2011.

THE UNIVERSITY OF OKLAHOMA

By: _____
Printed Name BRIAN F. ELLIS
Title: D DIRECTOR, FACILITIES MANAGEMENT

ATTEST:

_____
Secretary

THE NORMAN MUNICIPAL AUTHORITY

By: _____
Chairman

ATTEST:

_____
Secretary

Approved as to form and legality this 29 day of Sept., 2011

_____
City Attorney

City of Norman, OK

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

Master

File Number: K-1112-54

File ID:	K-1112-54	**Type:**	Contract	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 24	**In Control:**	City Council
Department:	Public Works Department	**Cost:**	$22,000.00	**File Created:**	09/26/2011
File Name:	K-1112-54 Safe Routes to School - Kennedy School ct			**Final Action:**	

Title: CONTRACT NO. K-1112-54: A CONTRACT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND JACKSON & JACKSON ENGINEERING, INC., IN THE AMOUNT OF $22,000 TO PROVIDE ENGINEERING SERVICES FOR THE DESIGN OF KENNEDY ELEMENTARY SCHOOL SAFE ROUTES TO SCHOOL PROJECT AGREEMENT NO. 1028 WITH THE OKLAHOMA DEPARTMENT OF TRANSPORTATION.

ACTION NEEDED: Motion to approve or reject Contract No. K-1112-54 with Jackson and Jackson Engineering, Inc., in the amount of $22,000; and, if approved, authorize the execution thereof.

ACTION TAKEN: _____

Notes: October 11, 2011, City Council Agenda

Agenda Date: 10/11/2011

Agenda Number: 24

Attachments: Contract K-1112-54, PR K-1112-54

Project Manager: Mike Rayburn, Assistant Traffic Engineer

Entered by: michelle.rudder@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-1112-54

Body

BACKGROUND: The City of Norman, sponsor of an application with the Norman Public Schools, was selected to receive funding in the second Oklahoma cycle of the federal Safe Routes to School Program (for the combined years 2009-2011). This is a 100% reimbursable

program. The local project chosen by the Oklahoma Department of Transportation (ODOT), the program's administrator in Oklahoma, was for Kennedy Elementary School.

The funds granted for the Kennedy project include $190,000 for infrastructure and $4,900 for non-infrastructure activities. In addition, the Norman Police Department and Norman Regional Hospital have committed a total of $700 for non-infrastructure activities. These local fund commitments were important factors in the selection process. The City Council recently approved an agreement between the City of Norman and the Oklahoma Department of Transportation (ODOT) for the Kennedy School Safe Routes to School grants. When ODOT finalizes the execution of that agreement and issues a Notice to Proceed, there will be a two-year time limit for preparing plans and constructing the infrastructure improvements, and a one-year time limit to do the proposed non-infrastructure activities.

The scope of the infrastructure part of the project consists of sidewalk and ramp improvements around the school, safety guardrails for the sidewalks connecting to the reinforced concrete box (RCB) structure on Beaumont Drive just east of the school, and installation of traffic calming devices on Beaumont Drive west of the school if 60% neighborhood petition support is attained.

DESCRIPTION: On August 9, 2011, the City Council approved Contract No. K-1112-13, the Safe Routes to School Project Agreement Number 1028 for Federal-aid Project Number SRS-114D(294)ST and SRS-114D(295)ST, State Job 28470(13) and 28470(24), between the City of Norman and the Oklahoma Department of Transportation. Since this is a refundable program, it was necessary to set up Capital Fund Construction Account No. 050-9082-431.61-01 (TR-0081) to pay and track the payment of invoices for the Kennedy Safe Routes to School project.

The federal grant does not allow a sponsor to both prepare plans and inspect the construction. To expedite the engineering design process for the infrastructure portions of the Safe Routes to Schools projects, the Oklahoma Department of Transportation (ODOT) contracted with Jackson & Jackson Engineering to be available to cities to prepare plans. The City has negotiated with Jackson & Jackson Engineering to prepare the plans for this project for a fee of $22,000. The City will be responsible for upfronting the $22,000 for this fee, with funds coming from the Capital Fund Design Account No. 050-9082-431.62-01 (TR-0081). There is currently $22,500 in this account. In addition, ODOT has agreed to pay 40% of approved design fees (up to $8,800) for the project.

RECOMMENDATION: Staff recommends approval of Contract No. K-1112-54 with Jackson & Jackson Engineering, consulting engineer, in the amount of $22,000.

JOHN F. KENNEDY SAFE ROUTES PROGRAM
Project No. STPY-155(864)EC, J.P.# 28469(05)
SRA # 1028

AGREEMENT FOR PROFESSIONAL ENGINEERING SERVICES

THIS IS AN AGREEMENT effective as of _____ , _____ ("Effective Date") between

City of Norman ("Owner") and

Jackson & Jackson Engineering, Inc. ("Engineer").

Owner's Project, of which Engineer's services under this Agreement are a part, is generally identified as follows:

John F. Kennedy Safe Routes Program ("Project").

Engineer's services under this Agreement are generally identified as follows:
Design sidewalk along the west right-of-way of Biloxi Drive from Brooks Street to Louisiana Street; and along the north and south rights-of-way of Beaumont Drive from Albany Place to 12th Avenue SE; and at the intersection of Shiloh and Village Drives; two (2) speed tables; and numerous ramps

Owner and Engineer further agree as follows:

ARTICLE 1 – SERVICES OF ENGINEER

1.01 *Scope*

A. Engineer shall provide, or cause to be provided, the services set forth herein and in Exhibit A.

ARTICLE 2 – OWNER'S RESPONSIBILITIES

2.01 *General*

A. Owner shall pay Engineer as set forth in Exhibit C.

B. Owner shall be responsible for, and Engineer may rely upon, the accuracy and completeness of all requirements, programs, instructions, reports, data, and other information furnished by Owner to Engineer pursuant to this Agreement. Engineer may use such requirements, programs, instructions, reports, data, and information in performing or furnishing services under this Agreement.

Copyright © 2008 National Society of Professional Engineers for EJCDC. All rights reserved.

ARTICLE 3 – SCHEDULE FOR RENDERING SERVICES

3.01 *Commencement*

A. Engineer is authorized to begin design services as of the Effective Date.

3.02 *Time for Completion*

A. Engineer shall complete its obligations within a reasonable time. Specific periods of time for rendering services are set forth or specific dates by which services are to be completed are provided in Exhibit A, and are hereby agreed to be reasonable.

B. If, through no fault of Engineer, such periods of time or dates are changed, or the orderly and continuous progress of Engineer's services is impaired, or Engineer's services are delayed or suspended, then the time for completion of Engineer's services, and the rates and amounts of Engineer's compensation, shall be adjusted equitably.

C. If Owner authorizes changes in the scope, extent, or character of the Project, then the time for completion of Engineer's services, and the rates and amounts of Engineer's compensation, shall be adjusted equitably.

D. Owner shall make decisions and carry out its other responsibilities in a timely manner so as not to delay the Engineer's performance of its services.

E. If Engineer fails, through its own fault, to complete the performance required in this Agreement within the time set forth, as duly adjusted, then Owner shall be entitled, as its sole remedy, to the recovery of direct damages, if any, resulting from such failure.

ARTICLE 4 – ENGINEER'S ESTIMATE

4.01 *Engineer's Estimate*

A. Engineer's estimate is to be made on the basis of Engineer's experience and qualifications and represent Engineer's best judgment as an experienced and qualified professional generally familiar with the construction industry. However, because Engineer has no control over the cost of labor, materials, equipment, or services furnished by others, or over contractors' methods of determining prices, or over competitive bidding or market conditions, Engineer cannot and does not guarantee that proposals, bids, or actual Construction Cost will not vary from Engineer's Estimate.

ARTICLE 5 – GENERAL CONSIDERATIONS

5.01 *Standards of Performance*

A. *Standard of Care:* The standard of care for all professional engineering and related services performed or furnished by Engineer under this Agreement will be the care and skill ordinarily used by members of the subject profession practicing under similar circumstances at the same time and in the same locality. Engineer makes no warranties, express or implied, under this Agreement or otherwise, in connection with Engineer's services.

B. *Technical Accuracy:* Owner shall not be responsible for discovering deficiencies in the technical accuracy of Engineer's services. Engineer shall correct deficiencies in technical

Copyright © 2008 National Society of Professional Engineers for EJCDC. All rights reserved.

accuracy without additional compensation, unless such corrective action is directly attributable to deficiencies in Owner-furnished information.

C. *Consultants:* Engineer may employ such Consultants as Engineer deems necessary to assist in the performance or furnishing of the services, subject to reasonable, timely, and substantive objections by Owner.

D. Compliance with Laws and Regulations, and Policies and Procedures:

1. Engineer and Owner shall comply with applicable Laws and regulations.

2. This Agreement is based on Laws and Regulations and Owner-provided written policies and procedures as of the Effective Date. Changes after the Effective Date to these Laws and Regulations, or to Owner-provided written policies and procedures, may be the basis for modifications to Owner's responsibilities or to Engineer's scope of services, times of performance, or compensation.

E. Engineer shall not be responsible for the acts or omissions of any Contractor, Subcontractor, or Supplier, or of any of their agents or employees or of any other persons (except Engineer's own agents, employees, and Consultants) at the Site or otherwise furnishing or performing any Work; or for any decision made regarding the Contract Documents, or any application, interpretation, or clarification, of the Contract Documents, other than those made by Engineer.

Use of Documents

A. All Documents are instruments of service in respect to this Project, and Engineer shall retain an ownership and property interest therein (including the copyright and the right of reuse at the discretion of the Engineer) whether or not the Project is completed. Owner shall not rely in any way on any Document unless it is in printed form, signed or sealed by the Engineer or one of its Consultants.

B. Either party to this Agreement may rely that data or information set forth on paper (also known as hard copies) that the party receives from the other party by mail, hand delivery, or facsimile, are the items that the other party intended to send. Files in electronic media format of text, data, graphics, or other types that are furnished by one party to the other are furnished only for convenience, not reliance by the receiving party. Any conclusion or information obtained or derived from such electronic files will be at the user's sole risk. If there is a discrepancy between the electronic files and the hard copies, the hard copies govern.

C. Because data stored in electronic media format can deteriorate or be modified inadvertently or otherwise without authorization of the data's creator, the party receiving electronic files agrees that it will perform acceptance tests or procedures within 60 days, after which the receiving party shall be deemed to have accepted the data thus transferred. Any transmittal errors detected within the 60-day acceptance period will be corrected by the party delivering the electronic files.

D. When transferring documents in electronic media format, the transferring party makes no representations as to long-term compatibility, usability, or readability of such documents resulting from the use of software application packages, operating systems, or computer hardware differing from those used by the documents' creator.

Copyright © 2008 National Society of Professional Engineers for EJCDC. All rights reserved.

E. Owner may make and retain copies of Documents for information and reference in connection with use on the Project by Owner. Engineer grants Owner a limited license to use the Documents on the Project, extensions of the Project, and for related uses of the Owner, subject to receipt by Engineer of full payment for all services relating to preparation of the Documents and subject to the following limitations: (1) Owner acknowledges that such Documents are not intended or represented to be suitable for use on the Project unless completed by Engineer, or for use or reuse by Owner or others on extensions of the Project, on any other project, or for any other use or purpose, without written verification or adaptation by Engineer; (2) any such use or reuse, or any modification of the Documents, without written verification, completion, or adaptation by Engineer, as appropriate for the specific purpose intended, will be at Owner's sole risk and without liability or legal exposure to Engineer or to its officers, directors, members, partners, agents, employees, and Consultants; (3) Owner shall indemnify and hold harmless Engineer and its officers, directors, members, partners, agents, employees, and Consultants from all claims, damages, losses, and expenses, including attorneys' fees, arising out of or resulting from any use, reuse, or modification of the Documents without written verification, completion, or adaptation by Engineer; and (4) such limited license to Owner shall not create any rights in third parties.

Insurance

A. All policies of property insurance relating to the Project shall contain provisions to the effect that Engineer's and its Consultants' interests are covered and that in the event of payment of any loss or damage the insurers will have no rights of recovery against Engineer or its Consultants, or any insureds, additional insureds, or loss payees thereunder.

B. All policies of insurance shall contain a provision or endorsement that the coverage afforded will not be canceled or reduced in limits by endorsement, and that renewal will not be refused, until at least 30 days prior written notice has been given to Owner and Engineer and to each other additional insured (if any) to which a certificate of insurance has been issued.

5.02 *Suspension and Termination*

A. Suspension:

1. By Owner: Owner may suspend the Project for up to 90 days upon seven days written notice to Engineer.

2. By Engineer: Engineer may, after giving seven days written notice to Owner, suspend services under this Agreement if Engineer's performance has been substantially delayed through no fault of Engineer.

B. *Termination*: The obligation to provide further services under this Agreement may be terminated:

1. For cause,

a. By either party upon 30 days written notice in the event of substantial failure by the other party to perform in accordance with the terms hereof through no fault of the terminating party.

Copyright © 2008 National Society of Professional Engineers for EJCDC. All rights reserved.

b. By Engineer:

1) upon seven days written notice if Owner demands that Engineer furnish or perform services contrary to Engineer's responsibilities as a licensed professional; or

2) upon seven days written notice if the Engineer's services for the Project are delayed or suspended for more than 90 days for reasons beyond Engineer's control.

3) Engineer shall have no liability to Owner on account of such termination.

c. Notwithstanding the foregoing, this Agreement will not terminate under Paragraph 6.05.B.1.a if the party receiving such notice begins, within seven days of receipt of such notice, to correct its substantial failure to perform and proceeds diligently to cure such failure within no more than 30 days of receipt thereof; provided, however, that if and to the extent such substantial failure cannot be reasonably cured within such 30 day period, and if such party has diligently attempted to cure the same and thereafter continues diligently to cure the same, then the cure period provided for herein shall extend up to, but in no case more than, 60 days after the date of receipt of the notice.

2. For convenience,

a. By Owner effective upon Engineer's receipt of notice from Owner.

C. *Effective Date of Termination*: The terminating party under Paragraph 5.02.B may set the effective date of termination at a time up to 30 days later than otherwise provided to allow Engineer to demobilize personnel and equipment from the Site, to complete tasks whose value would otherwise be lost, to prepare notes as to the status of completed and uncompleted tasks, and to assemble Project materials in orderly files.

D. Payments Upon Termination:

1. In the event of any termination under Paragraph 5.02, Engineer will be entitled to invoice Owner and to receive full payment for all services performed or furnished in accordance with this Agreement and all Reimbursable Expenses incurred through the effective date of termination.

2. In the event of termination by Owner for convenience or by Engineer for cause, Engineer shall be entitled to invoice Owner and to payment of a reasonable amount for services and expenses directly attributable to termination, both before and after the effective date of termination, such as reassignment of personnel, costs of terminating contracts with Engineer's Consultants, and other related close-out costs, using methods and rates for Additional Services as set forth in Exhibit C.

5.03 *Controlling Law*

A. This Agreement is to be governed by the law of the State of Oklahoma.

Copyright © 2008 National Society of Professional Engineers for EJCDC. All rights reserved.

5.04 *Successors, Assigns, and Beneficiaries*

A. Owner and Engineer are hereby bound and the successors, executors, administrators, and legal representatives of Owner and Engineer are hereby bound to the other party to this Agreement and to the successors, executors, administrators and legal representatives (and said assigns) of such other party, in respect of all covenants, agreements, and obligations of this Agreement.

B. Neither Owner nor Engineer may assign, sublet, or transfer any rights under or interest (including, but without limitation, moneys that are due or may become due) in this Agreement without the written consent of the other, except to the extent that any assignment, subletting, or transfer is mandated or restricted by law. Unless specifically stated to the contrary in any written consent to an assignment, no assignment will release or discharge the assignor from any duty or responsibility under this Agreement.

C. Unless expressly provided otherwise in this Agreement:

1. Nothing in this Agreement shall be construed to create, impose, or give rise to any duty owed by Owner or Engineer to any Contractor, Subcontractor, Supplier, other individual or entity, or to any surety for or employee of any of them.

2. All duties and responsibilities undertaken pursuant to this Agreement will be for the sole and exclusive benefit of Owner and Engineer and not for the benefit of any other party.

3. Owner agrees that the substance of the provisions of this Paragraph 5.04.C shall appear in the Contract Documents.

5.05 *Indemnification and Mutual Waiver*

A. *Indemnification by Engineer*: To the fullest extent permitted by law, Engineer shall indemnify and hold harmless Owner, and Owner's officers, directors, members, partners, agents, consultants, and employees from reasonable claims, costs, losses, and damages recoverable under applicable law on account of negligence arising out of or relating to the Project, provided that any such claim, cost, loss, or damage is attributable to bodily injury, sickness, disease, or death, or to injury to or destruction of tangible property (other than the Work itself), including the loss of use resulting therefrom, but only to the extent caused by any negligent act or omission of Engineer or Engineer's officers, directors, members, partners, agents, employees, or Consultants.

B. *Indemnification by Owner*: Owner shall indemnify and hold harmless Engineer and its officers, directors, members, partners, agents, employees, and Consultants from and against reasonable claims, costs, losses, and damages recoverable under applicable law on account of negligence to the extent caused by the negligent acts, errors, or omissions of the City or persons for whom the Owner is legally liable, provided that nothing herein shall require that the Owner indemnify for the negligence of any person indemnified hereunder.

C. *Environmental Indemnification*: To the fullest extent permitted by law, Owner shall indemnify and hold harmless Engineer and its officers, directors, members, partners, agents, employees, and Consultants from and against any and all claims, costs, losses, and damages (including but not limited to all fees and charges of engineers, architects, attorneys and other

Copyright © 2008 National Society of Professional Engineers for EJCDC. All rights reserved.

professionals, and all court, arbitration, or other dispute resolution costs) caused by, arising out of, relating to, or resulting from a Constituent of Concern at, on, or under the Site, provided that (1) any such claim, cost, loss, or damage is attributable to bodily injury, sickness, disease, or death, or to injury to or destruction of tangible property (other than the Work itself), including the loss of use resulting therefrom, and (2) nothing in this paragraph shall obligate Owner to indemnify any individual or entity from and against the consequences of that individual's or entity's own negligence or willful misconduct.

Miscellaneous Provisions

A. *Notices*: Any notice required under this Agreement will be in writing, addressed to the appropriate party at its address on the signature page and given personally, by facsimile, by registered or certified mail postage prepaid, or by a commercial courier service. All notices shall be effective upon the date of receipt.

B. *Survival*: All express representations, waivers, indemnifications, and limitations of liability included in this Agreement will survive its completion or termination for any reason.

C. *Severability*: Any provision or part of the Agreement held to be void or unenforceable under any Laws or Regulations shall be deemed stricken, and all remaining provisions shall continue to be valid and binding upon Owner and Engineer, which agree that the Agreement shall be reformed to replace such stricken provision or part thereof with a valid and enforceable provision that comes as close as possible to expressing the intention of the stricken provision.

D. *Waiver*: A party's non-enforcement of any provision shall not constitute a waiver of that provision, nor shall it affect the enforceability of that provision or of the remainder of this Agreement.

E. *Accrual of Claims:* To the fullest extent permitted by law, all causes of action arising under this Agreement shall be deemed to have accrued, and all statutory periods of limitation shall commence, no later than the date of Substantial Completion.

ARTICLE 6 – DEFINITIONS

6.01 *Defined Terms*

A. Wherever used in this Agreement (including the Exhibits hereto) terms (including the singular and plural forms) printed with initial capital letters have the meanings indicated in the text above, in the exhibits, or in the following provisions:

1. *Additional Services* – The services to be performed for or furnished to Owner by Engineer in accordance with Part 2 of Exhibit A of this Agreement.

2. *Agreement* – This written contract for professional services between Owner and Engineer, including all exhibits identified in Paragraph 7.01 and any duly executed amendments.

3. *Basic Services* – The services to be performed for or furnished to Owner by Engineer in accordance with Part 1 of Exhibit A of this Agreement.

Copyright © 2008 National Society of Professional Engineers for EJCDC. All rights reserved.

4. *Consultants* – Individuals or entities having a contract with Engineer to furnish services with respect to this Project as Engineer's independent professional associates and consultants; subcontractors; or vendors.

5. *Contract Documents* – Those items so designated in the Construction Contract, including the Drawings, Specifications, construction agreement, and general and supplementary conditions. Only printed or hard copies of the items listed in the Construction Contract are Contract Documents. Approved Shop Drawings, other Contractor submittals, and the reports and drawings of subsurface and physical conditions are not Contract Documents.

6. *Contractor* – The entity or individual with which Owner has entered into a Construction Contract.

7. *Documents* – Data, reports, Drawings, Specifications, Record Drawings, and other deliverables, whether in printed or electronic media format, provided or furnished in appropriate phases by Engineer to Owner pursuant to this Agreement.

8. *Drawings* – That part of the Contract Documents prepared or approved by Engineer which graphically shows the scope, extent, and character of the Work to be performed by Contractor. Shop Drawings are not Drawings as so defined.

9. *Effective Date* – The date indicated in this Agreement on which it becomes effective, but if no such date is indicated, the date on which this Agreement is signed and delivered by the last of the parties to sign and deliver.

10. *Engineer* – The individual or entity named as such in this Agreement.

11. *Laws and Regulations; Laws or Regulations* – Any and all applicable laws, rules, regulations, ordinances, codes, and orders of any and all governmental bodies, agencies, authorities, and courts having jurisdiction.

12. *Owner* – The individual or entity with which Engineer has entered into this Agreement and for which the Engineer's services are to be performed. Unless indicated otherwise, this is the same individual or entity that will enter into any Construction Contracts concerning the Project.

13. *Project* – The total construction of which the Work to be performed under the Contract Documents may be the whole, or a part.

14. *Record Drawings* – Drawings depicting the completed Project, prepared by Engineer as an Additional Service and based solely on Contractor's record copy of all Drawings, Specifications, addenda, change orders, work change directives, field orders, and written interpretations and clarifications, as delivered to Engineer and annotated by Contractor to show changes made during construction.

15. *Samples* – Physical examples of materials, equipment, or workmanship that are representative of some portion of the Work and which establish the standards by which such portion of the Work will be judged.

Copyright © 2008 National Society of Professional Engineers for EJCDC. All rights reserved.

16. *Shop Drawings* – All drawings, diagrams, illustrations, schedules, and other data or information which are specifically prepared or assembled by or for Contractor and submitted by Contractor to illustrate some portion of the Work.

17. *Site* – Lands or areas to be indicated in the Contract Documents as being furnished by Owner upon which the Work is to be performed, including rights-of-way and easements for access thereto, and such other lands furnished by Owner which are designated for the use of Contractor.

18. *Specifications* – That part of the Contract Documents consisting of written technical descriptions of materials, equipment, systems, standards, and workmanship as applied to the Work and certain administrative details applicable thereto.

19. *Subcontractor* – An individual or entity having a direct contract with Contractor or with any other Subcontractor for the performance of a part of the Work at the Site.

20. *Supplier* – A manufacturer, fabricator, supplier, distributor, materialman, or vendor having a direct contract with Contractor or with any Subcontractor to furnish materials or equipment to be incorporated in the Work by Contractor or Subcontractor.

21. *Work* – The entire construction or the various separately identifiable parts thereof required to be provided under the Contract Documents. Work includes and is the result of performing or providing all labor, services, and documentation necessary to produce such construction, and furnishing, installing, and incorporating all materials and equipment into such construction, all as required by the Contract Documents.

6.02 *Equal Employment Opportunity*

A. CONSULTANT hereby affirms its support of affirmative action and that it abides by the provisions of the "equal opportunity clause" of section 202 of Executive Order 11246 and other applicable laws and regulations. CONSULTANT affirms its policy to recruit and hire employees without regard to race, age, color, religion, sex, sexual preference/orientation, marital status, citizen status, national origin or ancestry, presence of a disability or status as a Veteran of the Vietnam era or any other legally protected status. It is consultant's policy to treat employees equally with respect to compensation, advancement, promotions, transfers and all other terms and conditions of employment. CONSULTANT further affirms completion of applicable governmental employer information reports including the EEO-1 and VETS-1 00 reports, and maintenance of a current affirmative action plan as required by federal regulations.

6.03 *Dispute Resolution*

A. In the event of a dispute between OWNER and CONSULTANT arising out of or related to this Agreement, the aggrieved party shall notify the other party of the dispute within a reasonable time after such dispute arises. If the parties cannot thereafter resolve the dispute, each party shall nominate a senior officer of its management to meet to resolve the dispute by direct negotiation or mediation. Should such negotiation or mediation fail to resolve the dispute, either party may pursue resolution of the dispute by arbitration in accordance with the Construction

Copyright © 2008 National Society of Professional Engineers for EJCDC. All rights reserved.

Industry Arbitration Rules of the American Arbitration Association; provided, however, in the event the parties are unable to reach agreement to arbitrate under terms reasonably acceptable to both parties, either party may pursue resolution in any court having jurisdiction. During the pendency of any dispute, the parties shall continue diligently to fulfill their respective obligations hereunder.

ARTICLE 7 – EXHIBITS AND SPECIAL PROVISIONS

7.01 *Exhibits Included:*

A. Exhibit A, Engineer's Services.

B. Exhibit B, Payments to Engineer for Services.

C. Exhibit C, Standard Hourly Rates Schedule

D. Exhibit D, Notice of Acceptability of Work.

E. Exhibit E, Amendment to Owner-Engineer Agreement.

F. Exhibit F, Insurance

7.02 *Total Agreement:*

A. This Agreement, (together with the exhibits identified above) constitutes the entire agreement between Owner and Engineer and supersedes all prior written or oral understandings. This Agreement may only be amended, supplemented, modified, or canceled by a duly executed written instrument based on the format of Exhibit E to this Agreement.

7.03 *Designated Representatives:*

A. With the execution of this Agreement, Engineer and Owner shall designate specific individuals to act as Engineer's and Owner's representatives with respect to the services to be performed or furnished by Engineer and responsibilities of Owner under this Agreement. Such an individual shall have authority to transmit instructions, receive information, and render decisions relative to the Project on behalf of the respective party whom the individual represents.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement, the Effective Date of which is indicated on page 1.

Address for giving notices:	Address for giving notices:
201-A West Gray	3125 SW 97th Street
Norman, OK	Oklahoma City, OK
73070	73159

Copyright © 2008 National Society of Professional Engineers for EJCDC. All rights reserved.

Designated Representative (Paragraph 8.03.A):	Designated Representative (Paragraph 8.03.A):
Mike Rayburn	John Derek Jackson
Title: Staff Engineer, Traffic Division	Title: President
Phone Number: 405.217.7713	Phone Number: 405.378.7222
Facsimile Number: 405.366.5418	Facsimile Number: 405.378.7444
E-Mail Address: mike.rayburn@normanok.gov	E-Mail Address: joyfuljacksons@sbcglobal.net

The Services provided for in this Agreement are for the sole use and benefit of OWNER and CONSULTANT. Nothing in this Agreement shall be construed to give any rights or benefits to anyone other than OWNER and CONSULTANT.

IN WITNESS WHEREOF, OWNER and JACKSON & JACKSON ENGINEERING have executed this Agreement.

DATED this __ day of _____, 20__.

The City of Norman (OWNER)	Jackson & Jackson Engineering, inc. (CONSULTANT)
Signature _____	Signature John D. Jackson
Name _____	Name John D. Jackson
Title _____	Title President
Date _____	Date 09/13/2011
Attest:	Attest:
_____ City Clerk	_____ Secretary

Approved as to form and legality this 29 day of Sept. 20 11.

_____ City Attorney

This is **EXHIBIT A**, consisting of 4 pages, referred to in and part of the **Agreement between Owner and Engineer for Professional Services** dated _____, _____.

Engineer's Services

Article 1 of the Agreement is supplemented to include the following agreement of the parties.

Engineer shall provide Basic and Additional Services as set forth below.

PART 1 – BASIC SERVICES

A1.01 *Survey Phase (Field Crew Approx 5.5 Hrs @ $448.62)*

A. Engineer shall:

1. Provide necessary field surveys and topographic and utility mapping for design purposes. Utility mapping will be based upon information obtained from utility owners.

A1.02 *Environmental Request Form ($1,532.59)*

A. Engineer will prepare and submit Oklahoma Department of Transportation's Environmental Request Form for the project. Engineer will provide additional information as requested by the Oklahoma Department of Transportation to achieve environmental clearance for the project with the assistance of Owner's personnel.

A1.03 *Design Phase*

A. Preliminary Field Review($4,000.00)

The preliminary field review plans will include the following items:

- Title Sheet
- Site Map
- Plan sheets depicting the location of improvements
- Construction Details

B. Preliminary Field Review Plans Cost Estimate($500.00)

- Engineer will prepare a pay item list with itemized cost estimate

C. Preliminary Field Review Meeting($500.00)

- Engineer will meet with the Owner and Oklahoma Department of Transportation staff to discuss review comments and walk through the project.

Copyright © 2008 National Society of Professional Engineers for EJCDC. All rights reserved

- Engineer's services under the Preliminary Design Phase will be considered complete on the date when the revised Preliminary Design Phase documents, revised opinion of probable Construction Cost, and any other deliverables have been delivered to Owner.

D. Final Field Review ($5,500.00)

The Final Field Review Plans will include the following items:

- Title Sheet
- Typical Section Sheets/Detail Sheet
- Pay Items Lists and Notes
- Stormwater Pollution Prevention Plan
- Erosion Control Plan
- Traffic Control Plan
- Site Map
- Plan and Profile Sheets
- Cross Sections for driveways as needed
- Construction Details and Standards

E. Final Field Review Meeting ($750.00)

F. Final Plan Review

G. Final Plans Cost Estimate ($750.00)

A1.04 *Right-of-Way and Utility Clearance($1,500.00)*

A. Engineer will coordinate with the Right-of-Way and Utilities Division to obtain clearance for the project.

B. Engineer's services under the Final Design Phase will be considered complete on the date when the submittals required by Paragraph A1.03 have been delivered to Owner.

A1.05 *Bidding and Negotiating Phase ($2,000.00)*

A. After acceptance by Owner of the bidding documents and the most recent opinion of probable Construction Cost as determined in the Final Design Phase, and upon written authorization by Owner to proceed, Engineer shall:

1. Assist Owner in advertising for and obtaining bids or proposals for the Work and, where applicable, maintain a record of prospective bidders to whom Bidding Documents have been issued, attend pre-bid conferences, if any, and receive and process contractor deposits or charges for the bidding documents.

2. *Pre-Construction Conference:* Participate in a Pre-Construction Conference prior to commencement of Work at the Site.

3. Issue addenda as appropriate to clarify, correct, or change the bidding documents.

Copyright © 2008 National Society of Professional Engineers for EJCDC. All rights reserved

4. Provide information or assistance needed by Owner in the course of any negotiations with prospective contractors.

5. Consult with Owner as to the acceptability of subcontractors, suppliers, and other individuals and entities proposed by prospective contractors for those portions of the Work as to which such acceptability is required by the bidding documents.

6. If bidding documents require, the Engineer shall evaluate and determine the acceptability of "or equals" and substitute materials and equipment proposed by bidders.

7. Attend the Bid opening, prepare Bid tabulation sheets, and assist Owner in evaluating Bids or proposals and in assembling and awarding contracts for the Work.

B. The Bidding Phase will be considered complete upon commencement of the Construction Phase or upon cessation of negotiations with prospective contractors.

A1.06 *Post-Construction Phase($2,500.00)*

A. Upon written authorization from Owner during the Post-Construction Phase Engineer shall:

1. Together with Owner, visit the Project to observe any apparent defects in the Work, assist Owner in consultations and discussions with Contractor concerning correction of any such defects, and make recommendations as to replacement or correction of defective Work, if any.

2. Together with Owner or Owner's representative, visit the Project within one month before the end of the correction period to ascertain whether any portion of the Work is subject to correction.

B. The Post-Construction Phase services may commence during the Construction Phase and, if not otherwise modified in this Exhibit A, will terminate twelve months after the commencement of the Construction Contract's correction period.

C. Provide electronic as-built plans in dwg format.

Schedule of Services

1. Furnish 3 review copies of the Preliminary Field Review documents and any other deliverables to Owner within 180 calendar days of Notice to Proceed with this phase, and review them with Owner. Also provide the required number of copies of documents to the Oklahoma Department of Transportation.

2. Furnish 3 review copies of the Final Field Review documents and any other deliverables to Owner within 240 calendar days of Notice to Proceed with this phase, and review them with Owner. Also provide the required number of copies of documents to the Oklahoma Department of Transportation.

3. Prepape Bidding documents and attend Pre-bid, Bid Opening, and Preconstruction meetings within 285 calendar days of Notice to Proceed.

Copyright © 2008 National Society of Professional Engineers for EJCDC. All rights reserved

PART 2 – ADDITIONAL SERVICES

A2.01 *Additional Services Requiring Owner's Written Authorization*

A. If authorized in writing by Owner, Engineer shall furnish or obtain from others Additional Services of the types listed below.

1. Services resulting from significant changes in the scope, extent, or character of the portions of the Project designed or specified by Engineer or its design requirements including, but not limited to, changes in size, complexity, Owner's schedule, character of construction, or method of financing.

2. Providing renderings or models for Owner's use.

3. Furnishing services of Consultants for other than Basic Services.

4. Preparing for, coordinating with, participating in and responding to structured independent review processes, including, but not limited to, construction management, cost estimating, project peer review, value engineering, and constructibility review requested by Owner; and performing or furnishing services required to revise studies, reports, Drawings, Specifications, or other Bidding Documents as a result of such review processes.

5. Preparing additional Bidding Documents or Contract Documents for alternate bids or prices requested by Owner for the Work or a portion thereof.

6. Assistance in connection with Bid protests, rebidding, or renegotiating contracts for construction, materials, equipment, or services.

7. Preparing to serve or serving as a consultant or witness for Owner in any litigation, arbitration, or other dispute resolution process related to the Project.

8. Other services performed or furnished by Engineer not otherwise provided for in this Agreement.

Copyright © 2008 National Society of Professional Engineers for EJCDC. All rights reserved

Contract Number: K-1112-54

This is **EXHIBIT B**, consisting of 1 page, referred to in and part of the Agreement between Owner and Engineer for Professional Services dated _____, _____.

Payments to Engineer for Services
COMPENSATION PACKET BC-1: Basic Services – Lump Sum

Article 2 of the Agreement is supplemented to include the following agreement of the parties:

ARTICLE 2 – OWNER'S RESPONSIBILITIES

B2.01 *Compensation for Basic Services – Lump Sum Method of Payment*

A. Owner shall pay Engineer for Basic Services set forth in Exhibit A, except for services of Engineer's Resident Project Representative, if any, as follows:

1. A Lump Sum amount of $22,000.00 based on the following estimated distribution of compensation:

a. Survey and Environmental	$4,000.00
b. Preliminary Design Phase	$5,000.00
c. Final Design Phase	$8,500.00
d. Bidding and Negotiating Phase	$2,000.00
e. Post-Construction Phase	$2,500.00

2. Engineer may alter the distribution of compensation between individual phases noted herein to be consistent with services actually rendered, but shall not exceed the total Lump Sum amount unless approved in writing by the Owner.

3. The Lump Sum includes compensation for Engineer's services and services of Engineer's Consultants, if any. Appropriate amounts have been incorporated in the Lump Sum to account for labor, overhead, profit, and Reimbursable Expenses.

4. The portion of the Lump Sum amount billed for Engineer's services will be based upon Engineer's estimate of the percentage of the total services actually completed during the billing period.

Copyright © 2008 National Society of Professional Engineers for EJCDC. All rights reserved.

Contract Number: K-1112-54

This is **EXHIBIT C**, consisting of 1 page, referred to in and part of the **Agreement between Owner and Engineer for Professional Services** dated _____, _____.

Standard Hourly Rates Schedule

A. *Standard Hourly Rates:*

1. Standard Hourly Rates are set forth in this Exhibit C and include salaries and wages paid to personnel in each billing class plus the cost of customary and statutory benefits, general and administrative overhead, non-project operating costs, and operating margin or profit.

2. The Standard Hourly Rates apply only as specified in Exhibit A, Part 2.

B. Owner shall pay Engineer for Additional Services, if any, as follows:

1. *General*: For services of Engineer's personnel engaged directly on the Project pursuant to Paragraph A2.01 or A2.02 of Exhibit A, except for services as a consultant or witness under Paragraph A2.01.A.20, (which if needed shall be separately negotiated based on the nature of the required consultation or testimony) an amount equal to the cumulative hours charged to the Project by each class of Engineer's personnel times Standard Hourly Rates for each applicable billing class for all Additional Services performed on the Project, plus related Reimbursable Expenses and Engineer's Consultant's charges, if any.

Standard hourly rates for services performed on or after the date of the Agreement are:

Principal	$ 147.50/hour
Project Manager	147.50/hour
Project Engineer	115.05/hour
CAD Technician	73.75/hour
Administrative	51.63/hour
Clerical	36.88/hour
Field Crew (2 person)	448.62/hour
Professional Surveyor	429.11/hour

Copyright © 2008 National Society of Professional Engineers for EJCDC. All rights reserved.

Contract Number: K-1112-54

This is **EXHIBIT D**, consisting of 2 pages, referred to in and part of the **Agreement between Owner and Engineer for Professional Services** dated _____, _____.

NOTICE OF ACCEPTABILITY OF WORK

PROJECT:

OWNER:

CONTRACTOR:

OWNER'S CONSTRUCTION CONTRACT IDENTIFICATION:

EFFECTIVE DATE OF THE CONSTRUCTION CONTRACT:

ENGINEER:

NOTICE DATE:

To: _____
Owner

And To: _____
Contractor

From: _____
Engineer

The Engineer hereby gives notice to the above Owner and Contractor that the completed Work furnished and performed by Contractor under the above Contract is acceptable, expressly subject to the provisions of the related Contract Documents, the Agreement between Owner and Engineer for Professional Services dated _____, _____, and the terms and conditions set forth in this Notice.

By: _____

Title: _____

Dated: _____

Copyright © 2008 National Society of Professional Engineers for EJCDC. All rights reserved.

CONDITIONS OF NOTICE OF ACCEPTABILITY OF WORK

The Notice of Acceptability of Work ("Notice") is expressly made subject to the following terms and conditions to which all those who receive said Notice and rely thereon agree:

1. This Notice is given with the skill and care ordinarily used by members of the engineering profession practicing under similar conditions at the same time and in the same locality.

2. This Notice reflects and is an expression of the professional judgment of Engineer.

3. This Notice is given as to the best of Engineer's knowledge, information, and belief as of the Notice Date.

4. This Notice is based entirely on and expressly limited by the scope of services Engineer has been employed by Owner to perform or furnish during construction of the Project (including observation of the Contractor's work) under Engineer's Agreement with Owner and under the Construction Contract referred to in this Notice, and applies only to facts that are within Engineer's knowledge or could reasonably have been ascertained by Engineer as a result of carrying out the responsibilities specifically assigned to Engineer under such Agreement and Construction Contract.

5. This Notice is not a guarantee or warranty of Contractor's performance under the Construction Contract referred to in this Notice, nor an assumption of responsibility for any failure of Contractor to furnish and perform the Work thereunder in accordance with the Contract Documents.

Copyright © 2008 National Society of Professional Engineers for EJCDC. All rights reserved.

Contract Number: K-1112-54

This is **EXHIBIT E**, consisting of 1 pages, referred to in and part of the **Agreement between Owner and Engineer for Professional Services** dated _____, _____.

AMENDMENT TO OWNER-ENGINEER AGREEMENT
Amendment No. _____

1. *Background Data:*

   a. Effective Date of Owner-Engineer Agreement: _____

   b. Owner: _____

   c. Engineer: _____

   d. Project: _____

2. *Description of Modifications:*

a. Engineer shall perform or furnish the following Additional Services:

b. For the Additional Services or the modifications to services set forth above, Owner shall pay Engineer the following additional or modified compensation:

3. Agreement Summary (Reference only)
   a. Original Agreement amount: $ 22,000.00
   b. Net change for prior amendments: $_____
   c. This amendment amount: $_____
   d. Adjusted Agreement amount: $_____

Owner and Engineer hereby agree to modify the above-referenced Agreement as set forth in this Amendment. All provisions of the Agreement not modified by this or previous Amendments remain in effect. The Effective Date of this Amendment is _____.

OWNER:	ENGINEER:
_____	_____
By: _____	By: _____
Title: _____	Title: _____
Date Signed: _____	Date Signed: _____

Copyright © 2008 National Society of Professional Engineers for EJCDC. All rights reserved.

Contract Number: K-1112-54

This is **EXHIBIT F**, consisting of 1 pages, referred to in and part of the **Agreement between Owner and Engineer for Professional Services** dated _____, _____.

Insurance

1.

a. Workers' Compensation: Statutory

b. Employer's Liability --

1) Each Accident: $500,000.00

c. General Liability --

1) Each Occurrence (Bodily Injury and Property Damage): $1,000,000.00
2) Annual Aggregate: $2,000,000.00

d. Automobile Liability --Combined Single Limit (Bodily Injury and Property Damage):

Each Accident $1,000,000.00

e. Professional Liability –

1) Each Claim Made $1,000,000.00
2) Annual Aggregate $1,000,000.00

Copyright © 2008 National Society of Professional Engineers for EJCDC. All rights reserved.

PURCHASE REQUISITION NBR: 0000192052

STATUS: DIVISION APPROVAL

REQUISITION BY: MRAYBURN
REASON: ENGINEERING SERVICES KENNEDY SAFE ROUTES TO SCHOOL
DATE: 9/23/11

SHIP TO LOCATION: PUBLIC WORKS ADM
SUGGESTED VENDOR: 11133 JACKSON & JACKSON ENGINEERING
DELIVER BY DATE: 9/29/11

LINE NBR	DESCRIPTION	QUANTITY	UOM	UNIT COST	EXTEND COST	VENDOR PART NUMBER
1	ENGINEERING SERVICES KENNEDY SAFE ROUTES TO SCHOOL CONTINGENT ON COUNCIL APPROVAL CONFIRMING P.O. - DO NOT MAIL COMMODITY: CONSULTING SERVICES SUBCOMMOD: ENGINEERING CONSULTING	22000.00	EA	1.0000	22000.00	

REQUISITION TOTAL: 22000.00

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

LINE #	ACCOUNT		PROJECT	%	AMOUNT
1	05090824316201	Capital Projects Design	TR0081 Safe Route School-Kennedy	100.00	22000.00
					22000.00

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-1112-58

File ID:	K-1112-58	**Type:**	Contract	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 25	**In Control:**	City Council
Department:	Public Works Department	**Cost:**		**File Created:**	09/26/2011
File Name:	K-1112-58 Main Street Lighting Project			**Final Action:**	

Title: CONTRACT NO. K-1112-58: A RIGHT-OF-WAY, PUBLIC UTILITY, AND ENCROACHMENT AGREEMENT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND THE OKLAHOMA DEPARTMENT OF TRANSPORTATION FOR STATE-AID PROJECT NO. STP-114B(278)AG, STATE JOB NO. 27795(04) FOR THE WEST MAIN STREET ROADWAY LIGHTING SYSTEM UPGRADE PROJECT AND ADOPTION OF RESOLUTION NO. R-1112-40.

ACTION NEEDED: Motion to approve or reject Contract No. K-1112-58 with the Oklahoma Department of Transportation; and, if approved, adopt Resolution No. R-1112-40 and authorize the execution of the contract and resolution.

ACTION TAKEN: _____

Notes: October 11, 2011, City Council Agenda

Agenda Date: 10/11/2011

Agenda Number: 25

Attachments: Contract K-1112-58 & Resolution R-1112-40, MainStreetLightingLocationMap

Project Manager: Angelo Lombardo, Traffic Engineer

Entered by: michelle.rudder@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-1112-58

Body

BACKGROUND: The 2005 - Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) allocates approximately $15 Million in Federal

funds per year for the implementation of eligible transportation improvements in the Oklahoma City metropolitan area. Ten percent of this appropriation is used to fund safety projects at 100% of their construction cost.

Roadway lighting improvements along federal functionally classified roads are eligible for 100% federal funding. On February 23, 2010, City Council approved Resolution R-0910-89, which was forwarded to both the Association of Central Oklahoma Governments (ACOG) and the Oklahoma Department of Transportation (ODOT), requesting federal funds to pay for 100% of the construction cost of a project that upgrades the roadway lighting system on West Main Street. In the resolution the City agrees to the terms and conditions of a federally funded project by stating its willingness to assume the responsibility for the preparation of engineering plans, the purchase of any additional right-of-way, the relocation of public utilities and funding of the local share of the construction cost, which normally is 20% but for this safety project will be 0%. The project was submitted for consideration and is currently included in ACOG's 2011 Regional Transportation Improvement Plan (TIP).

On October 26, 2010, City Council approved Contract No. K-1011-84 with Bucher, Willis & Ratliff Corporation (a.k.a. H. R. Lochner) for design and preparation of construction plans. Final plans have been completed and were submitted to ODOT with a request to include the project in their February 2012 bid opening. Construction is anticipated to begin in the spring of 2012 with completion of the work in early summer of the same year.

This project will replace the antiquated street lighting system along Main Street, starting west of Merkle Drive and ending at University Boulevard (see map in Attachment No. 1). The new system will feature "green" technology with the use of light-emitting diode (LED) lamps as a pilot project for the first time in the state of Oklahoma. The upgrade is anticipated to save the City approximately $25,000 per year in operating cost. Design standards will be developed in cooperation with Oklahoma Gas and Electric (OG&E) staff, who has agreed to provide future maintenance of the system as part of the City's current street lighting contract. The estimated construction cost of $1,280,200 will be funded with 100% federal funds as a safety improvement project.

DESCRIPTION: One of the conditions outlined in the programming resolution describes the City's willingness to undertake the acquisition of right-of-way, relocation of public utilities, and removal of encroachments, when applicable. Although there will be no additional right-of-way, utility relocations or encroachment removal associated with this project, ODOT requires the execution of a project agreement. For this purpose, ODOT has prepared a Right-of-Way, Public Utility, and Encroachment agreement. The City has been asked to approve it with the adoption of a resolution. The agreement addresses the responsibilities of both the City and ODOT in the unlikely event that such activities may be necessary to complete the project. The City Attorney has reviewed and approved its content.

RECOMMENDATION: Staff recommends approval of Contract No. K-1112-58 and

Resolution R-1112-40 with ODOT for the acquisition of right-of-way, relocation of utilities and removal of encroachments associated with the West Main Street roadway lighting system upgrade project.

RIGHT-OF-WAY, PUBLIC UTILITY AND ENCROACHMENT AGREEMENT

This Agreement, made and entered into this ___ day of _____, 20___, by and between the City of Noman, Cleveland,Oklahoma, hereinafter called the City and the Department of Transportation of the State of Oklahoma, hereinafter called the Department,

Witnesseth:

That for and in consideration of the covenants and agreements hereinafter set forth, it is mutually agreed by and between the parties hereto as follows:

In connection with the location and improvement of a portion of the City Street System within the corporate limits of the City, now designated as Lighting on main Street under plans and specifications for STPG-114B(278)AG, Job No. 27795(04).

WHEREAS, legislative authorization and the rules, regulations, and policies of the Department provide the basis of cooperation between the parties to effect such highway improvements.

NOW, THEREFORE, the parties hereto agree as follows:

The City agrees:

1. To the location of said highway, acknowledges receipt of and adopts the plans for said project as the official grade and drainage plans of the Underwriter for the streets, boulevards, or arterial highway included therein. Further, and in addition to the provisions contained elsewhere herein, City hereby grants to the Department access to and the use of all rights-of-way belonging to or controlled by the City and City shall not permit the vacation of any such street, alley or other rights-of-way without the prior written approval of Chief, Right of Way & Utilities Division, Department of Transportation, State of Oklahoma.

2. That prior to the advertising of the project for bids (as to that part of the project lying within the present corporate limits) it will:

   (a) Grant to the Department and its contractors, the right-of-entry to all existing streets, alleys, and City owned property when required, and other rights-of-way shown on said plans.

   (b) Remove at its own expense, or cause the removal of, all encroachments on existing streets as shown on said plans, including all signs, buildings, porches, awnings, porticos, fences, gasoline pumps and islands, and any other such private installations. Said removal shall be accomplished immediately on execution of this agreement and shall include necessary legal action where required.

   (c) Prohibit parking on that portion of the project within the corporate limits of the Local Public Agency.

   (d) Comply with the Department's standards for construction of driveway entrances from private property to the highway, in accordance with the Department's manual entitled "Policy on Driveway Regulation for Oklahoma Highways", Rev. 5/96, 69 O.S. (2001) § 1210.

   (e) Maintain all right of way acquired for the construction of this project, as shown on said plans, in a manner consistent with applicable statutes, codes, ordinances and regulations of the Department and the State of Oklahoma.

3. That City will:

   (a) Determine and locate, with the Department's approval, a detour route over existing city streets, if a re-routing of traffic or a detour is necessary during the period of construction.

   (b) Be responsible during or subsequent to construction, for all costs for the operation and any maintenance necessary to the approved detour route over existing City streets, or any other street as a result of additional traffic.

   (c) Be responsible for all costs for repairs or maintenance to any City street, during or subsequent to construction, which results from additional traffic where construction is performed under traffic.

(d) To the extent permitted by the ***Oklahoma Governmental Tort Claims Act***, Title 51 Oklahoma Statutes, Sections 151 *et seq.* and by Oklahoma Constitution Article 10, section 26 and as otherwise permitted by law, the City shall indemnify and save harmless the Department, it's officers and employees, and shall process and defend at it's own expense all claims, demands, or suits whether in law or equity brought against the City or the Department arising from the City's execution, performance, or failure to perform, and provisions of this agreement or alleged negligence in the location, design, construction, operation, or maintenance of a portion of the City Street System within the corporate limits of the City. Provided, nothing herein shall require the City to reimburse the Department for damages arising out of bodily injury to persons or damage to property caused by or resulting from the sole negligence of the Department. When any alleged act, omission, negligence, or misconduct may be subject to the limitations, exemptions, or defenses which may be raised under the ***Oklahoma Governmental Tort Claims Act***, 51 O.S. § 151 et seq., all such limitations, exemptions, and defenses shall be available to and may be asserted by City. No liability shall attach to the Department except as expressly provided herein.

e) Comply with all applicable laws and regulations necessary to meet the Oklahoma Department of Environmental Quality(ODEQ) requirements for pollution prevention including discharges from storm water runoff during the planning and design of this project. Further, the City agrees and stipulates as stated in the ODEQ's *General Permit OKR10*, dated September 13, 2002, or latest revision, to secure a storm water permit with the ODEQ, for utility relocations when required. It is agreed that the storm water management plan for the project previously described in the document includes the project plans and specifications, required schedules for accomplishing the temporary and permanent erosion control work, the storm water pollution prevention plan and the appropriate location map contained in the utility relocation plans

4. That subsequent to the construction of said project, City will:

(a) Keep all permanent right-of-way shown on said plans free from any encroachment and take immediate action to effect the removal of any encroachments upon notification by the Department, including all necessary legal action when required.

(b) Erect, maintain, and operate traffic control signals, including speed limit and traffic control signs, only in accordance with 47 OS 2001, Section 15-104, 15-105 and 15-106, and subject to the approval, direction and control of the Department.

(c) Regulate and control traffic on said project, including but not limited to, the speed of vehicles, parking, stopping, and turns, in accordance with 47 OS 2001, 15-104, et seq. and to make no changes in the provisions thereof without the approval of the Department.

(d) Maintain all that part of said project within the corporate limits of the City.

(e) The City shall have the authority pursuant to 69 O.S. 2001 § 1001 and 69 O.S. 2001 § 1004 to sell any lands, or interest therein, which were acquired for highway purposes as long as such sale is conducted in accordance with the above cited statutes. Prior written approval by the Chief, Right-of-Way & Utilities Division for the Department shall be required before any sale is made.

5. That all covenants of this Agreement shall apply to any area hereinafter annexed to the City which lies within the limits of this project.

6. That it will, by resolution, duly authorize the execution of this Agreement by the proper officials, and attach copies of such resolution to this Agreement.

7. To acquire all right-of-way, if any, be responsible for the total costs for removing and relocating outdoor advertising signs and for the relocation assistance payments to persons displaced by reason of the acquisition of right-of-way and be responsible for the removal or relocation of all utility lines on public or private rights-of-way to accommodate the construction of this project.

(a) Transmit copies of the instruments, including all deeds and easements, to the Department prior to the advertisement of bids for construction.

(b) Comply with the provisions of 42 U.S.C.A. § 4601-4655 and 23 U.S.C.A. § 323 (as amended) and, further comply with 49 C.F.R. Part

24 in the acquisition of all necessary right-of-way and relocation of all displacees.

(c) That as a condition to receiving any Federal Financial Assistance from the Department, it will comply with Title VI of the Civil Rights Act of 1964, 78 Stat. 252.42 U.S.C. 2000d-35 seq., and all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, "Nondiscrimination of federally-assisted Program of the Department of Transportation-Effectuation of Title VI of the Civil Rights Act of 1964".

8. If the acquisition of right-of-way for this project causes the displacement of any person, business or non-profit organization, the City will provide and be responsible for the Relocation Assistance Program and for all costs associated with the relocation assistance payments. The Department, upon request, will supply a list of service providers who have been prequalified to administer the Relocation Assistance Program. The City agrees to employ a service provider from the Department's prequalified list or advise the Department in writing that their in-house personnel have the knowledge, skills, & abilities to effectively manage the Relocation Assistance Program. The City agrees to comply with all applicable rules, regulations, statues, policies and procedures of both the United States and the State of Oklahoma and specifically The Uniform and Relocation Assistance and Real Property Acquisition Act, 49 CFR 24. The City agrees to create & seat a Relocation Assistance Program Appeals Board pursuant to 49 CFR Sec. 24.10 or submit a written request to the Department requesting that the Department function in such capacity on behalf of the City. Before any relocation assistance payments are made by the City, all files with parcels requiring relocation assistance shall be submitted to the Department for audit & compliance review by the Department. The Department shall be notified in writing within seven (7) days of the date of an offer to acquire being provided to a property owner(s) on any parcel which will require relocation assistance. Written notifications regarding service providers, in-house personnel, appeals, offers to acquire, ect. shall be addressed to Acquisition Branch, Right-of-Way & Utilities Division, Oklahoma Department of Transportation, 200 N.E. 21st Street, Oklahoma City, Oklahoma 73105.

IN CONSIDERATION of the grants and covenants by the City herein contained and the faithful performance thereof by the City, the City agrees to construct said project in accordance with said plans and specifications; provided that the right to review and approve and to make such changes in the plans and specifications as are necessary for the proper construction of said project is reserved to the Department.

IN WITNESS WHEREOF, we have hereunto set our hands and seals, the City on the ___ day of _____, 20__, and the State on the ___ day of _____, 20__.

ATTEST:

_____
City Clerk

CITY OF NORMAN

_____
Mayor

REVIEWED AND APPROVED AS TO FORM AND LEGALITY

_____
Chief, Legal Division (ODOT)

STATE OF OKLAHOMA
DEPARTMENT OF TRANSPORTATION

_____
Director

APPROVED BY CITY OF NORMAN LEGAL DEPARTMENT
BY _____ DATE 9-30-11

RESOLUTION R-1112-40

WHEREAS, it appearing reasonable and necessary for the CITY OF NORMAN , CLEVELAND, OKLAHOMA, to execute a Right-of-Way, Public Utility and Encroachment Agreement in connection with the construction of a public project known as STPG-114B(278)AG J/P 27795(04), in accordance with the terms and tenor of 69 O.S. 2001, Sections 1205, 1206, 1401 and 1403.

NOW, THEREFORE, BE IT RESOLVED by the CITY OF NORMAN, CLEVELAND, OKLAHOMA, sitting in regular session that such contract be entered and that a copy of same be hereto attached and made a part hereof by reference, all as provided by law.

ATTEST:

_____ _____

CITY CLERK MAYOR

25-8

Main Street Roadway Lighting
From West of Merkle Drive to University Boulevard

1 inch equals 900 feet

0 275 550 1,100 Feet

Attachment No. 1

N W E S

City of Norman, OK

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

Master

File Number: K-1112-60

File ID:	K-1112-60	**Type:**	Contract	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 26	**In Control:**	City Council
Department:	Planning and Community Development Department	**Cost:**		**File Created:**	09/22/2011
File Name:	K-1112-40 3312 Woodsboro Drive Subordination of Lien			**Final Action:**	

Title: CONTRACT NO. K-1112-60: A CONTRACT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND AMERISAVE MORTGAGE CORPORATION TO SUBORDINATE A LIEN REGARDING FUNDS FROM THE HOME PARTNERSHIP PROGRAM FOR PROPERTY LOCATED AT 3312 WOODSBORO DRIVE.

ACTION NEEDED: Motion to approve or reject Contract No. K-1112-60 with Amerisave Mortgage Corporation; and, if approved, authorize the execution of the contract.

ACTION TAKEN: _____

Notes: October 11, 2011, City Council Agenda

Agenda Date: 10/11/2011

Agenda Number: 26

Attachments: 3312 Woodsboro

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-1112-60

Body

BACKGROUND: In September 2007 the City of Norman HOME Partnership Program provided $5,000 as downpayment assistance to Seth D. Thomas for the purchase of a home at 3312 Woodsboro Drive as a part of the NCRC Homebuyer Program. The NCRC Homebuyer

Program is operated in conjunction with the Norman Community Reinvestment Council (NCRC), a 501 (c)(3) corporation that is comprised of Norman banking institutions providing assistance to lower income citizens of Norman. Five hundred eleven (511) such loans have been made since the program was initiated in 1995 to provide down payment assistance and closing costs to income-qualified Norman citizens in the purchase of their first home.

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

DISCUSSION: Approval of the request for subordination of the lien on 3312 Woodsboro Drive would allow the owner to secure a loan to refinance the primary mortgage that will provide a lower interest rate to reduce the house payment by $218.78 per month. Documentation from Amerisave Mortgage Corporation including a Certification of Mortgage Loan Refinancing, Good Faith Estimate, and a Truth in Lending Disclosure Statement are attached. The Subordination Agreement that will be filed with the new primary loan is also attached. In accordance with the adopted City of Norman Housing Handbook, these documents prove that all funds will be used for the refinancing of the home, with no funds going toward payment of debt.

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

RECOMMENDATION: Approval of Contract No. K-1112-60 for subordination of the lien on 3312 Woodsboro Drive is recommended. Subordination of liens in the HOME Partnership Program is allowed by the Department of Housing & Urban Development and is consistent with program goals.

SUBORDINATION AGREEMENT

Know All Men By These Presents:

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

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

Lot 7 in Block 2 Crossroads 3 Addition to Norman, Cleveland County, Oklahoma according to the recorded plat thereof. 3312 Woodsboro Drive.

Shall be prior and superior lien upon said property to the lien of that certain Mortgage on said real property, from said Seth Thomas THE CITY OF NORMAN, dated September 28, 2007 and recorded in Book 4405 at Pages 1267-1274 of the records of Cleveland County, Oklahoma, and such priority shall be accorded said first above described mortgage, notwithstanding that said mortgage was dated and recorded subsequent to the date and recordation of the said second above described mortgage. If superior mortgage is renewed, extended or assigned, it is still the intent that this Subordination Agreement be enforced.

SIGNED AND AGREED TO THIS 27 DAY OF September, 2011.

By: Seth Thomas

State of Oklahoma
County of Cleveland

This instrument was acknowledged before me on the 27 day of September, 2011.

My commission expires: _____

NOTARY PUBLIC IN AND FOR STATE OF OKLAHOMA
OFFICIAL SEAL
Lisa D. Krieg
Commission # 00010284
Expires July 3, 2012

Notary Public

SIGNED AND AGREED TO THIS _____ DAY OF _____, 2011.

THE CITY OF NORMAN, OKLAHOMA

BY: _____
Cindy S. Rosenthal, Mayor

ATTEST:

_____
Brenda Hall, City Clerk

Approved as to form and legality this
____ day of _____, 2011.

_____
City Attorney's Office

State of Oklahoma
County of Cleveland

On this _____ day of _____, 2011, before me, the undersigned, a Notary Public, personally appeared Cindy S. Rosenthal, Mayor for THE CITY OF NORMAN, OKLAHOMA, who executed the foregoing document as his voluntary act and deed of such corporation for the uses and purposes therein set forth.

My commission expires: _____

_____
Notary Public

City of Norman, OK

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

Master

File Number: K-1112-61

File ID:	K-1112-61	**Type:**	Contract	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 27	**In Control:**	City Council
Department:	Parks and Recreation Department	**Cost:**		**File Created:**	09/23/2011
File Name:	K-1112-61 Norman Public Schools - Monroe School			**Final Action:**	

Title: CONTRACT NO. K-1112-61: A LEASE AGREEMENT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND NORMAN PUBLIC SCHOOLS FOR PROPERTY AT MONROE ELEMENTARY SCHOOL LOCATED AT 1601 SOUTH MCGEE DRIVE TO BE USED AS A NEIGHBORHOOD PARK.

ACTION NEEDED: Motion to approve or reject Contract No. K-1112-61 with Norman Public Schools; and, if approved, authorize the execution thereof.

ACTION TAKEN: _____

Notes: October 11, City Council Agenda

Agenda Date: 10/11/2011

Agenda Number: 27

Attachments: K-1112-61, Location map Monroe Park, Pert Excerpts Special Session August 16

Project Manager: Jud Foster, Director of Parks and Recreation

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-1112-61

Body

BACKGROUND: On November 24, 2009 City Council adopted the Norman Parks and Recreation Master Plan. Among other things, the plan addressed service areas for neighborhood park sites and identified the area around Monroe School as being deficient in neighborhood park facilities. The idea for a cooperative project in this area between the City of Norman and the Norman Public School System was discussed in the master plan and listed

as a very high priority recommendation.

On March 1, 2011, voters in Norman approved a City Charter amendment providing for the expenditure of fees that have been collected in lieu of parkland for the purpose of making park improvements in areas where suitable land is not available to purchase. This Charter amendment allows the city to make use of over $642,000 of parkland fees and interest earnings for capital improvements in twenty-one neighborhood park sites. $303,212 of this total is available for use in the area around Monroe School, located north of Hwy 9 on McGee Street, and at Adkins Crossing Park, located south of Hwy 9 on 24th Ave SW. Since the Charter Amendment was approved, City staff has been working with representatives from the school system to develop an agreement that would provide for neighborhood park improvements at the Monroe school site.

DISCUSSION: On August 16, 2011, a proposed lease between the City of Norman and the Norman Public Schools was presented to the Norman City Council at the Council Study Session. Subsequent to that meeting, the School Board for the Norman Public Schools unanimously approved the proposed lease at their meeting on September 19, 2011. The lease now comes forward for Council action.

Under the terms of Contract No. K-1112-61, the Norman Public Schools will lease the property to the City of Norman for an initial term of fifteen years with options to renew for additional ten-year terms. The City shall pay Norman Public Schools a nominal amount of $1.00 as rent. In addition, the City agrees to construct park/recreation facilities on the property. Prior to constructing the park facilities, the City will request input from the neighborhood citizens and have plans and specifications prepared. The City will then select a contractor, and construction will be inspected and supervised by the City. Under the terms of the lease, the City will commence construction as soon as funding is in place and proceed with completing the improvements with minimum delay.

Contract No. K-1112-61 requires the City to be responsible for maintenance of the park improvements. However, Norman Public Schools will retain responsibility for mowing the lease area. As to the use of the park facilities, Monroe Elementary will retain the exclusive right to use the park facilities during normal school hours, but the park will be open to the public while school is not in session. In addition, part of the lease area will be retained as green space for Monroe Elementary School's continued use as a soccer field and track area for the physical education classes.

Any change or alternation to the park facilities must be agreed upon by both the City of Norman and Norman Public Schools. In addition, Contract No. K-1112-61 states that the City will indemnify Norman Public Schools for actions arising out of the City's maintenance and operation of the park facilities, and Norman Public Schools will indemnify the City of Norman for actions arising out of Norman Public School's use and operation of the park facilities. However, neither indemnity clause waives any of either party's defenses under the

Oklahoma Tort Claims Act.

If City Council approves Contract No. K-1112-61 at the October 11, 2011 City Council meeting, Staff will begin to move forward with the planning and construction phases of the park project. Staff estimates that construction could begin during winter 2011.

RECOMMENDATION: It is recommended that City Council approve Contract No. K-1112-61 with Norman Public Schools for land at the Monroe Elementary School Site for the Parks and Recreation Department.

LEASE AGREEMENT

BETWEEN NORMAN PUBLIC SCHOOLS AND

THE CITY OF NORMAN

This Lease Agreement ("Agreement") is between the Independent School District No. I29 of Cleveland County, Oklahoma ("Norman Public Schools") and the City of Norman, Oklahoma ("City").

WHEREAS, Norman Public Schools is the owner of a tract of land at 1601 McGee Drive, Norman, Oklahoma, upon which is located Monroe Elementary School. A portion of the tract is suitable to develop into park/recreation facilities, portions of which could be used by both parties; and

WHEREAS, Norman Public Schools and the City have jointly considered and studied the needs of the school district and the citizens and believe that substantial savings to the tax payers of both can be obtained by joining together to produce park/recreation facilities that will serve both the school district and the general public; and

WHEREAS, Norman Public Schools and the City desire to enter into this Agreement to provide the land for the park/recreation facilities for use by both parties; and

NOW, THEREFORE, IN CONSIDERATION of One Dollar ($1.00) and other good and valuable consideration, the receipt and adequacy of which is hereby acknowledged, to effectuate the purposes stated above, and the mutual covenants and agreements contained herein, the parties agree as follows:

CONSTRUCTION OF PARK/RECREATIONAL FACILITIES BY THE CITY OF NORMAN

1. The City agrees to construct park/recreation facilities on land owned by Norman Public Schools just east of Monroe Elementary and more particularly described on the document attached hereto as Exhibit "A" (the "Property").

2. The construction of Improvements and Alterations.

   a) The City shall cause plans and specifications for the construction of the improvements to be prepared. The City will request input from neighborhood citizens and shall hold a public meeting in order to gather citizen and neighborhood input regarding design of the proposed park/recreation facilities.

   b) A construction contract shall be executed between the City and a contractor selected by the City. Construction shall be undertaken, inspected and supervised by the City.

c) The City reserves the right to perform parts of the construction with the City workforce.

d) The City's obligation, under this contract, to begin construction is contingent upon the Norman City Council's approval of funding for that purpose.

e) The City shall commence construction of improvements as soon as funding is in place and shall proceed to complete those improvements with minimum delay. The time within which the City is obligated hereunder to construct, repair, maintain or rebuild any building, structure, or other improvement, shall extend for a reasonable period of time, and performance delays shall be excused on account of and for and during the period of, any delay caused by strikes, threats of strikes, lockouts, war, threats of war, insurrection, invasion, acts of God, calamities, violent action of the elements, fire, action or regulation of any governmental agency, law or ordinance, impossibility of obtaining materials, or other things beyond the reasonable control of the City. The City shall use its best efforts to complete the facilities or cause the facilities to be completed at the earliest possible date in accordance with the construction contract(s). Provided, however, the parties agree to direct any contractor performing work on the Property to temporarily stop any activity which disrupts important educational activities, such as testing, upon request by the NPS Superintendent, or his designee.

f) The City shall require every contractor to furnish insurance protecting the City and Norman Public Schools, their respective officers, agents and employees, as their respective interests may appear, against any claims for personal injuries, death claims, and property damage that may be asserted because of said construction and equipping, said insurance to be of such character and in such amounts as may reasonably be determined by the City. The City shall further require all contractors to post performance, maintenance, surety, and bid bonds.

g) Norman Public Schools agrees to give full access to its facilities and cooperate with each contractor engaged in constructing and equipping the facilities during the time of construction and shall permit the City and its employees and agents, at all reasonable times, to enter and inspect such construction and equipping. Notwithstanding the foregoing, the City and the construction contractors shall use every reasonable effort to minimize the disruption of school activities in connection with the construction or review of the construction.

h) The City shall retain primary management, maintenance, and operations authority for the improvements placed on the Property subject to the terms and conditions of the Agreement provided however Norman Public Schools will mow and trim the premises during the term of the lease.

LEASE OF PROPERTY

3. Norman Public Schools agrees to lease the Property to the City together with all easements, rights, and appurtenances in connection therewith for the shared use by the

City as further described herein. This Agreement shall become effective upon approval of the parties and continue for a period of fifteen (15) years with an option to renew for subsequent additional ten (10) years terms with the mutual consent of the parties which consent shall not be unreasonably withheld from the completion of the of project and shall not be revocable at will by the lessor during the term of the lease.

4. The City agrees to use the Property exclusively for park and recreation purposes and to keep and maintain the improvements to the property in a safe and sightly condition. The City agrees to neither sublet the Property nor assign the lease.

5. This agreement may be terminated or extended with the agreement of both parties. Should the agreement be terminated, the City shall have the option to remove any and all of the improvements made by the City within a ninety day period after termination of the agreement.

6. Norman Public Schools shall have the exclusive right to use the new park/recreation facilities during normal school hours, it being understood and agreed by the parties that Norman Public Schools uses the lease property during normal school hours for a soccer field and physical education classes as a running track for the purpose of students running laps.

7. Norman Public Schools agrees to share the use of the Monroe Elementary parking areas at all times that the park/recreation facilities are open to the public provided; however, in the event Monroe Elementary has a special school event, the school patrons would have priority for the parking.

8. All the covenants and agreements of the City of Norman and Norman Public Schools herein contained shall be binding upon the heirs, legal representatives, successors and assigns of the City of Norman and Norman Public Schools.

SIGNS

9. The City shall have the right to erect and maintain all signs necessary and appropriate to the operation of the park/recreation facility; provided, however, that no sign shall be erected without the consent of Norman Public Schools or if it would be in violation of any rule or regulation of the State Board of Education.

CHANGES, ADDITIONS, OR ALTERATIONS TO FACILITY

10. Significant changes, alterations or additions to the park/recreation facility shall be submitted to both parties for reasonable evaluation and joint approval.

LIABILITY

11. The Parties agree to release, hold harmless, and not institute any suit or action at law and equity or file any claim of any nature whatsoever against each other, their agents, assigns

or employees or officers by reason of the joint use of the proposed park/recreation facilities to be located at Monroe Elementary School.

12. The City agrees to indemnify Norman Public Schools in suits at equity and at law, arising from the City's maintenance and operation of the proposed park/recreational facilities; but in no way shall this agreement be considered a waiver of the City's defenses under 50 O.S. § 151 et seq.

13. The Norman Public Schools agrees to indemnify the City in suits at equity and at law, arising from the Norman Public School's use and operation of the proposed park/recreational facilities; but in no way shall this agreement be considered a waiver of Norman Public School's defenses under 50 O.S. § 151 et seq.

Executed this 19th day of September, 2011.

CITY OF NORMAN, OKLAHOMA

By_____
Mayor

ATTEST:

_____
City Clerk

Approved as to form and legality
this 23rd day of September, 2011.

_____
City Attorney

INDEPENDENT SCHOOL DISTRICT No. I-29 of CLEVELAND COUNTY, OKLAHOMA

By_____
President

ATTEST:

_____
Clerk

Approved as to form and legality
this 19 day of September, 2011.

_____
Attorney for Norman Public Schools

EXHIBIT "A"
LEGAL DESCRIPTION
MONROE ELEMENTARY PARK SITE

A tract of land located in Block A, Westland Addition, To Norman, Oklahoma, a subdivision of part of the Southwest Quarter (SW1/4) of the Northeast Quarter (NE1/4), and the Southeast Quarter (SE1/4) of the Northeast Quarter (NE1/4), of Section One (1), Township Eight (8) North, Range Three (3) West of the Indian Meridian, City of Norman, Cleveland County, Oklahoma according to the recorded Plat thereof, being more particularly described as follows:

COMMENCING at the Southwest corner of said Southwest Quarter (SW1/4) of the Northeast Quarter (NE1/4);

THENCE North, along the west line of said Southwest Quarter (SW1/4) of the Northeast Quarter (NE1/4), a distance of 149.54 feet;

THENCE North 89°10'00" East a distance of 33.00 feet, to the Southwest corner of said Block A;

THENCE continuing North 89°10'00" East, along the south line of said Block A, a distance of 485.76 feet to the POINT OF BEGINNING;

THENCE North 00°50'00" West a distance of 645.02 feet, to a point on the north line of said Block A;

THENCE North 89°10'00" East, along said north line, a distance of 265.63 feet;

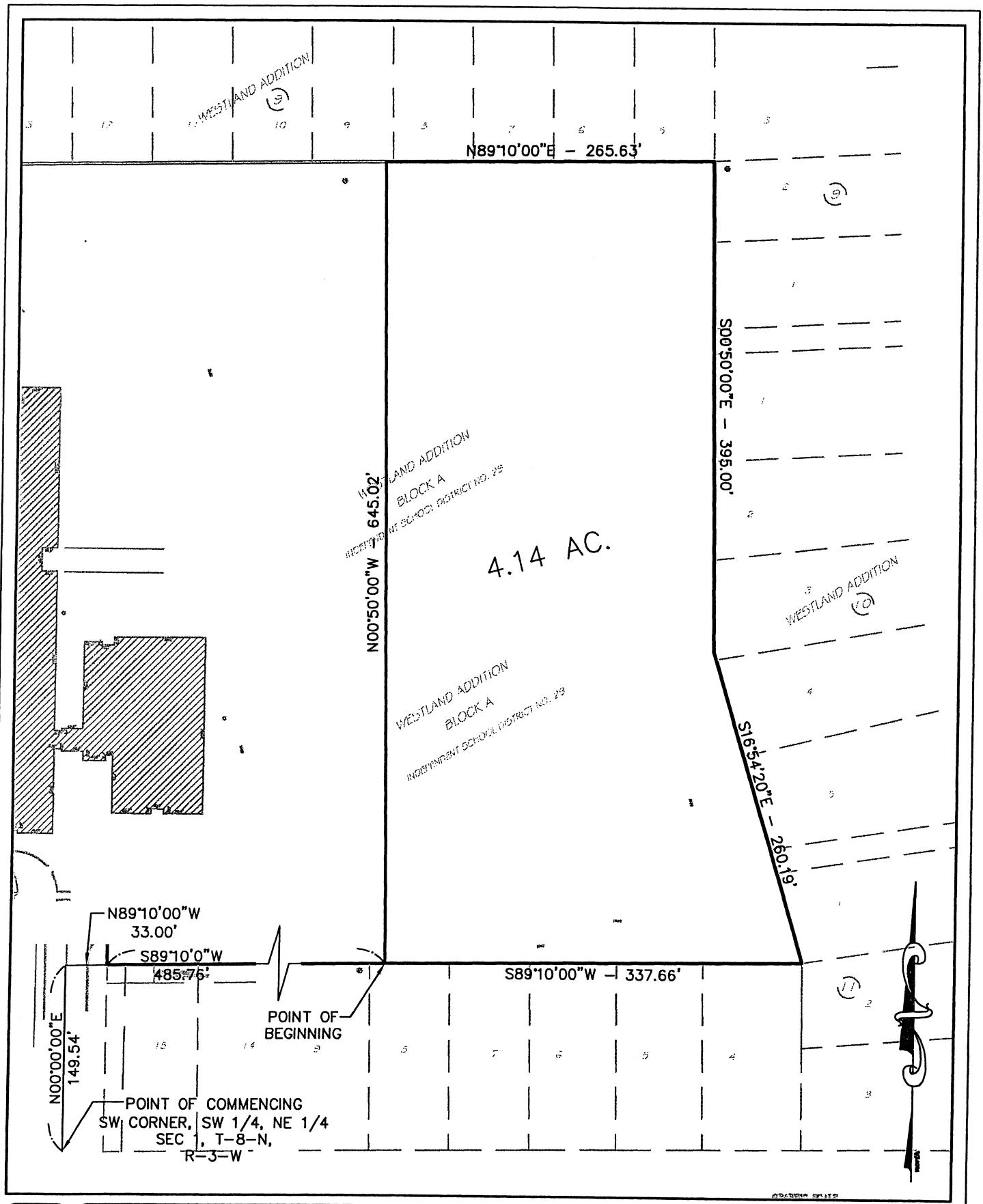
THENCE South 00°50'00" East, along the east line of said Block A, a distance of 395.00 feet;

THENCE South 16°54'20" East, continuing along said east line, a distance of 260.19 feet;

THENCE South 89°10'00" West, along the south line of said Block A, a distance of 337.66 feet to the POINT OF BEGINNING.

Said tract contains an area of 180,342 square feet or 4.14 acres, more or less.

Prepared by;
Smith Roberts Baldischwiler
104 S. 2nd Street
Chickasha, Oklahoma 73018
405-224-1444
Date: September 13, 2011
SRB #112621



SCALE: 1"=100'

SHEET EXH B

PROPOSED PARK SITE
MONROE ELEMENTARY
NORMAN, CLEVELAND COUNTY, OKLAHOMA
EXHIBIT B

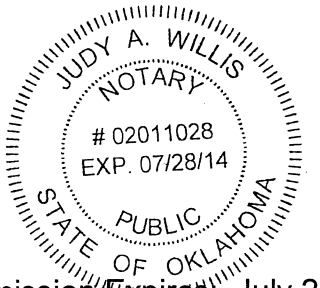
PROJ. 112621C
DATE: 09/13/11
DRAWN BY: SAM
DESIGNED BY: CT
CHECKED BY: DA

SMITH ROBERTS BALDISCHWILER, LLC
OKLAHOMA CITY OFFICE:
100 N.E. 5th Street
Oklahoma City, OK 73104
Telephone: (405) 840-7091
Fax: (405) 840-9116
CHICKASHA OFFICE:
104 S. 2nd Street
Oklahoma, OK 73018
Telephone: (405) 224-1444
FAX: (405) 224-1483
ENGINEERS • SURVEYORS • PLANNERS
CERTIFICATE OF AUTHORIZATION NO. 3849 EXPIRES JUNE 30, 2013

SCHOOL ACKNOWLEDGMENT

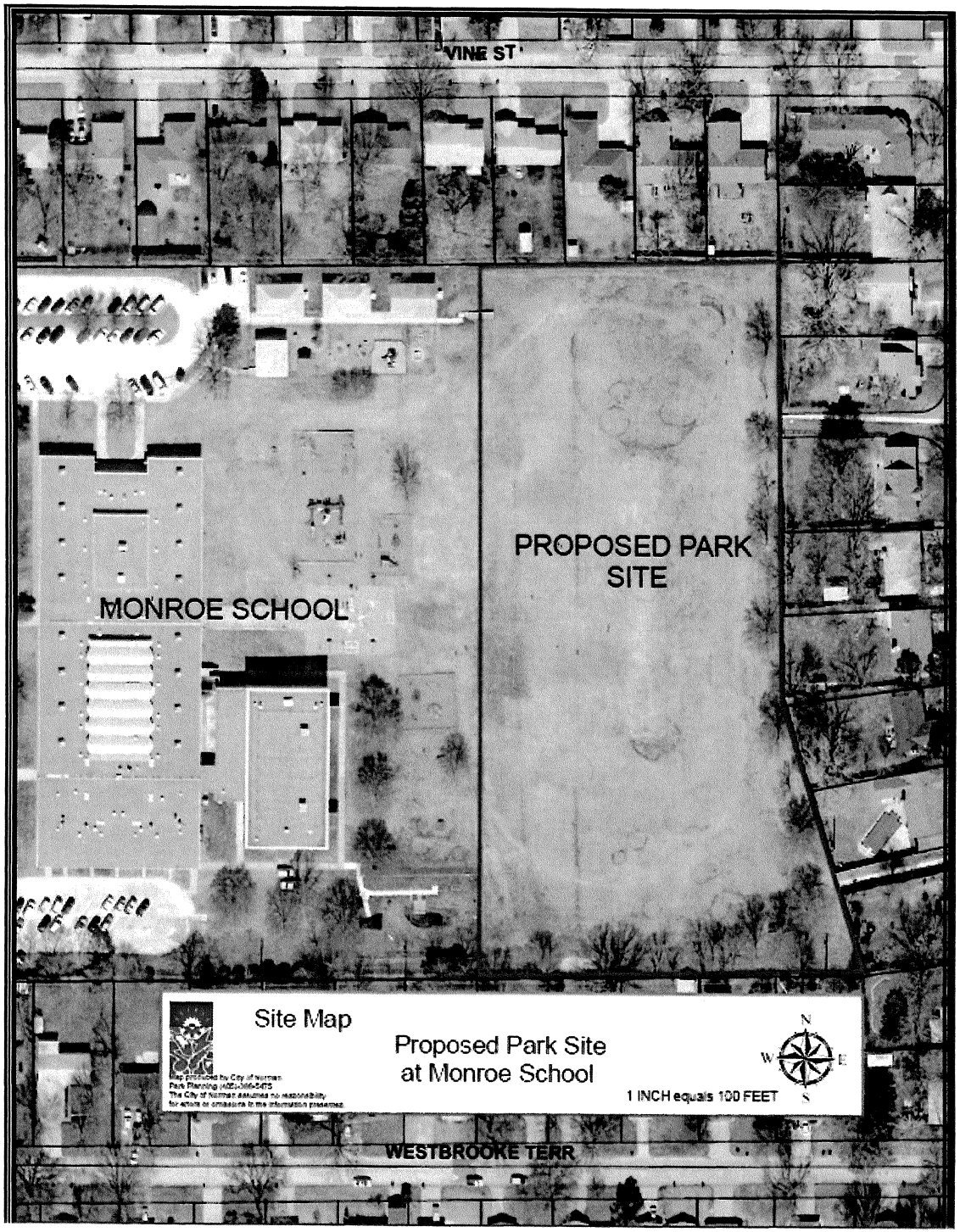
STATE OF OKLAHOMA, COUNTY OF CLEVELAND, SS;
Before me, the undersigned, a Notary Public, in and for said County and state, on this 19th day of September, 2011, personally appeared Dan Snell, to me known to be the identical person who subscribed the name of the maker thereof to the foregoing instrument as its Board President, and acknowledged to me the he executed the same as his free and voluntary act and deed of such school, for the uses and purposes therein set forth.

(SEAL)



Judy A. Willis
Notary Public

My Commission Expires: July 28, 2014


VINE ST
PROPOSED PARK SITE
MONROE SCHOOL
Site Map
Proposed Park Site at Monroe School
Map produced by City of Norman
Park Planning (405)-366-5415
The City of Norman assumes no responsibility
for errors or omissions in the information presented.
N
W
E
S
1 INCH equals 100 FEET
WESTBROOKE TERR

City of Norman, OK

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

Master

File Number: K-1112-63

File ID:	K-1112-63	**Type:**	Contract	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 28	**In Control:**	City Council
Department:	Finance Department	**Cost:**		**File Created:**	10/05/2011
File Name:	K-1112-63 Gray Street Financing Agreement			**Final Action:**	

Title: A FINANCING AGREEMENT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, THE NORMAN MUNICIPAL AUTHORITY, AND FIRST AMERICAN BANK TO PROVIDE ALTERNATIVE FUNDING FOR THE PURCHASE OF PROPERTY AT 101, 113, 115, 116, AND 118 WEST GRAY STREET.

ACTION NEEDED: Acting as the City Council and the Norman Municipal Authority, motion to approve or reject the waiver of competitive bidding, and, if approved, authorize the debt in the amount of $750,000 with First American Bank as lender and authorize City Staff to execute appropriate documents to effectuate the loan.

ACTION TAKEN: _____

Notes: October 11, 2011, City Council Agenda

Agenda Date: 10/11/2011

Agenda Number: 28

Attachments:

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:
1	City Council	10/11/2011					

Text of Legislative File K-1112-63

Body

BACKGROUND: On September 13, 2011, the City Council approved contract K-1112-55, for the purchase of property, generally located at 101-115 and 116-118 West Gray Street, adjacent to the Norman Municipal Complex (the "Gray Street Property"). The Council's

action included a transfer of fiscal year 2011-2012 Capital Fund allocations and an appropriation of Capital Fund balance together in the total amount of approximately $1,650,000 to complete the purchase in mid-October, 2011.

Although funding for the purchase of the Gray Street property was provided through the appropriation of Capital Funds from the FYE 2012 budget, another funding option that was included in the September 13, 2012 Agenda item was information to Council concerning the solicitation by the City for bids from capital markets (banks) to provide short term financing of a portion of the purchase price. The City has now received the bids from the banks, has presented the information to the Council Finance Committee, and now presents the lowest and best bid to the full Council for consideration.

DISCUSSION: Council's discussions leading up to the decision to purchase the "Gray Street Property," considered several funding options. The Council decided to transfer approximately $898,000 in funds allocated in the fiscal year 2011-2012 budget for the remodel of the Smalley Center on West Lindsey Street towards the purchase of the Gray Street Property. The Council also identified $625,000 in funds that were programmed in the five-year Capital Improvement Plan, for the construction of a Fire Apparatus Storage Facility in fiscal year 2012-2013, to be dedicated towards the purchase of the Gray Street Property. Taken together, these Capital Fund allocations make approximately $1,524,000 available, by July, 2012, for the purchase of the Gray Street Property. The Council's agreement, however, was to close the purchase of the Property in October, 2011. The need for "interim" financing of approximately $752,000 (the difference between the $898,000 available in the FY 2011-2012 budget and the $1,650,000 purchase price) is necessary to complete the purchase as agreed to between the City and the Seller.

At the September 6, 2011 City Council Executive Session, three major options for financing the Gray Street Property purchase were discussed: deferral of capital projects and appropriation of Capital Fund balance; seller financing through a lease-purchase arrangement (purchase price of $1,850,000 under this alternative); and short term capital market (bank) financing for the full or partial purchase price. Council's consensus was that the purchase be pursued, with Capital Fund financing, and an alternative for bank financing pending the receipt of proposals from banking and financial institutions. The September 13th Council action approved the purchase contract and also included an appropriation of FYE 2012 Capital funds of the full purchase price for the Property.

Responses to a Request for Proposals for City of Norman Land/Facility Purchase Financing were received from two qualified local banking institutions: First American Bank and First Fidelity Bank. The terms of the First American proposals were believed to be most favorable, and the financing proposals were discussed with the Council Finance Committee at their September 21, 2011 meeting. The positives and negatives of using appropriated Capital Fund allocations to fund the entire purchase as opposed to using bank financing were also discussed at the Finance Committee meeting. The major benefits of using bank financing are that the

Capital Fund will not be encumbered for the $625,000 during the remainder of fiscal year 2011-2012, and the Capital Fund will not have to fund the $127,000 difference between the identified project allocations and the full Property purchase price.

The Finance Committee directed that the First American Bank proposal be submitted to the full Council for consideration as the interim financing for the purchase without encumbering $752,000 of FYE 2012 Capital Funds. According to the terms of the attached loan documents, the City of Norman/Norman Municipal Authority will make a "balloon" payment of $600,000 in July, 2012, proposed to be made available from the Capital Fund (previously programmed for the Fire Apparatus Storage Facility). The balance of the loan, $150,000, will be repaid by making equal payments toward the First American Bank loan over a two-year term (approximately $7,200 per month). As a debt financing, the loan will be with the Norman Municipal Authority, should be approved by at least a 2/3 majority of the governing body of the Authority. Although the Authority requested competitive proposals for this interim financing and did receive two competitive proposals, it is further recommended that if the interim financing is to be approved, that the Authority consider also waiving the competitive bidding requirement for Public Trust by a ¾ majority vote.

With this structure, the funding for the Gray Street Property purchase would be as follows:

FYE 2012 Capital Funds (defer Smalley Center)	$ 898,000
FYE 2012 Capital Funds (fund balance)	$ 2,000
FYE 2013 Capital Funds (First American loan)	$ 600,000
Lease payment from General fund (First American loan)	$ 150,000
Total Purchase price	$1,650,000

Effectively, the General Fund will make up the difference of $150,000 ($125,000 plus $25,000 not expended in the FYE 2013 capital budget) through making "rental" payments equal to the payments on the proposed First American Bank note. The fiscal year 2012-2013 General Fund budget is proposed to make these "rental" payment allocations within departmental allocations based on the departments that make use of the Gray Street Property (primarily the Facilities Maintenance Division).

In summary, the terms of the proposed First American interim financing include:
AMOUNT: $750,000, with a $600,000 Principal Payment in July, 2012
TERM: 24 Months
INTEREST RATE: 2.94% (Taxable Interest Rate)
COLLATERAL: Security Interest in Property and Promissory Note
ESTIMATED INTEREST COST: $21,685

RECOMMENDATION: Council approved the purchase contract for the Gray Street Properties, K-1112-55, on September 13, 2011. The Closing on this purchase is set for October 12, 2011. Funding for the purchase was provided on September 13th with an

appropriation of FYE 2012 Capital Funds.

At the recommendation of the Council Finance Committee, this item brings forward for full Council consideration an alternative funding source through a First American Bank loan. If interim financing contract K-1112-63 is approved, staff will make payment for the purchase of the Gray Street Property from proceeds of the financing and Capital and General Fund allocations as outlined above.

If the interim financing contract is not approved, then staff will proceed to make payment for the purchase of the Gray Street Property from FYE 2012 Capital Funds as previously approved by Council on September 13, 2012.

City of Norman, OK

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

Master

File Number: R-1112-43

File ID:	R-1112-43	**Type:**	Resolution	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 29	**In Control:**	City Council
Department:	Human Resources Department	**Cost:**	$3,385.00	**File Created:**	09/19/2011
File Name:	R-1112-43 Appropriation for Testing Fees			**Final Action:**	

Title: RESOLUTION NO. R-1112-43: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA APPROPRIATING $3,385 FROM THE GENERAL FUND BALANCE TO REIMBURSE COSTS ENCUMBERED BY THE HUMAN RESOURCES DEPARTMENT FOR WRITTEN EXAMINATIONS ADMINISTERED TO FIREFIGHTER APPLICANTS WITH FEES COLLECTED FROM APPLICANTS.

ACTION NEEDED: Motion to adopt or reject Resolution No. R-1112-43.

ACTION TAKEN: _____

Notes: October 11, 2011, City Council Agenda

Agenda Date: 10/11/2011

Agenda Number: 29

Attachments: R-1112-43

Project Manager: Jackie Crumrine, Training & Development Manager

Entered by: stacey.parker@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-1112-43

body

BACKGROUND: A primary function of the Human Resources Department is to provide employment opportunities and identify the best qualified applicants. The Human Resources Department is responsible for administering examinations, which are elements of the selection process.

DISCUSSION: The Human Resources Department is conducting a selection process for 27 firefighter positions, which include 15 new positions approved and funded by the Public

Safety Sales Tax. Written tests were administered for 225 applicants at a cost to the City of $15 per test. To cover the City's cost for purchasing the written exams, each applicant was required to pay a testing fee in the amount of $15. The examinations were conducted on August 27th and collected fees amounted to $3,385, which were deposited to the General Fund Balance Account. Funds were not budgeted in the Human Resources Testing Account for this expense. The invoice for purchase of the tests is outstanding.

It is common practice for municipalities to charge applicants testing fees. Municipalities in our region subscribe to this practice.

RECOMMENDATION: In order to reimburse our expense for purchase of the written tests, it is recommended that $3,385 be appropriated from the General Fund Balance Account #010-000-253.20-00 to the Human Resources Testing Account #010-3130-415.40-20.

Resolution

R-1112-43

A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, APPROPRIATING $3,385 FROM THE GENERAL FUND BALANCE TO REIMBURSE COSTS ENCUMBERED BY THE HUMAN RESOURCES DEPARTMENT FOR WRITTEN EXAMINATIONS ADMINISTERED TO FIREFIGHTER APPLICANTS WITH FEES COLLECTED FROM APPLICANTS.

§ 1. WHEREAS, a primary function of the Human Resources Department is to provide employment opportunities and identify the best qualified applicants; and

§ 2. WHEREAS, the Human Resources Department is now conducting a selection process for 27 firefighter positions which include fifteen new positions approved and funded by Public Safety Sales Tax; and

§ 3. WHEREAS, written tests have been administered to applicants and fees have been paid; and.

§ 4. WHEREAS, it is a common practice for municipalities to charge applicants testing fees and each applicant was charged a fee of $15 to cover the cost to the City and those fees were deposited into the General Fund and it is requested that funds be transferred to the Human Resources Testing Account.

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

§ 5. That the following transfer be made for reason as stated above:

Account Name	Losing Account	Gaining Account	Amount
Professional Services/Testing	010-0000-367.12-65	010-3130-415.40-20	$3,385.00

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

_____
Mayor

ATTEST:

_____
City Clerk

City of Norman, OK

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

Master

File Number: R-1112-44

File ID:	R-1112-44	**Type:**	Resolution	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 30	**In Control:**	City Council
Department:	Legal Department	**Cost:**	$37,500.00	**File Created:**	09/22/2011
File Name:	R-1112-44 WCC Kody Keith			**Final Action:**	

Title:

RESOLUTION NO. R-1112-44: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AUTHORIZING COMPROMISE SETTLEMENT OF A CLAIM FILED BY KODY KEITH UNDER THE PROVISIONS OF THE WORKERS' COMPENSATION STATUTES OF THE STATE OF OKLAHOMA IN THE CASE OF KODY KEITH V. THE CITY OF NORMAN, WORKERS COMPENSATION CASE NO. WCC-2010-02727R; DIRECTING THE LEGAL DEPARTMENT TO THEN FILE SUCH SETTLEMENT AND ALL ATTENDANT COSTS IN THE WORKERS' COMPENSATION COURT, OKLAHOMA CITY, OKLAHOMA; AND AUTHORIZING AND DIRECTING THE FINANCE DIRECTOR TO SUBSEQUENTLY PURCHASE SUCH WORKERS' COMPENSATION COURT JUDGMENTS FROM THE RISK MANAGEMENT INSURANCE FUND.

ACTION NEEDED: Motion to adopt or reject Resolution No. R-1112-44; and, if adopted, direct payment of claims in the amount of $37,500 which will constitute judgment against the City of Norman.

ACTION TAKEN: _____

Notes: October 11, 2011, City Council Agenda

Agenda Date: 10/11/2011

Agenda Number: 30

Attachments: Resolution R-1112-44, Requisitions

Project Manager: Blaine Nice, 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:

Text of Legislative File R-1112-44

Body

BACKGROUND: Kody Keith was a Maintenance Worker I in the Street Maintenance Division of the Public Works Department and filed Workers' Compensation Claim WCC 2010-02727 R on March 12, 2010 for an injury to his right shoulder. The case proceeded through the normal litigation process and through negotiations with his attorney; Mr. Keith has offered to settle his case on a Compromise Settlement (formerly Joint Petition) basis in the amount of $37,500. The settlement offer is being presented to City Council at this time. It is recommended that this settlement be accepted.

DISCUSSION: Mr. Keith was hired on October 8, 2007 as a Maintenance Worker I, Street Maintenance Division of the Public Works Department. He alleges injury to his right shoulder on October 27, 2009 while trying to manually move a pavement breaker. Mr. Keith continued to work his usual job duties but his symptoms persisted and worsened. Mr. Keith was initially seen at Norman Regional Occupational Medicine on November 19, 2009. At that time, he was given a subacromial cortisone injection for immediate relief and started on an anti-inflammatory analgesic. He was placed on modified duties and released to work with restrictions.

Mr. Keith received conservative treatment through December 7, 2009, when it was recommended that he seek an orthopedic consultation. On December 9, 2009, Mr. Keith was evaluated by Dr. David W. Bobb. After review of previous imaging studies and further imaging of the shoulder, it was determined that Mr. Keith had a type II acromion and large SLAP tear. Mr. Keith had surgery on his right shoulder on January 18, 2010. The surgery consisted arthroscopic repairs of: posteroinferior labral tear through posterior working portal; large type II SLAP lesion through two working anterior portals; acromioplasty; distal clavicle resection; and extensive debridement.

Mr. Keith returned to work on June 7, 2010. However, after two months, he began experiencing progressive right shoulder pain. He returned to Dr. Bobb on August 10, 2010. An MRI revealed a re-tear of superior labrum and some posttraumatic impingement in the right shoulder. On October 29, 2010, Dr. Bobb performed open biceps tenodesis right shoulder; arthroscopic acromioplasty; extensive debridement; and removal of multiple foreign bodies consisting of nonabsorbable sutures.

After a period of physical therapy in both a physical therapy facility and at home, Mr. Keith had a final evaluation with Dr. Bobb on March 3, 2011 at which time he was released to regular duty with no restrictions. Dr. Bobb anticipated Mr. Keith to be at maximum medical improvement in six weeks. It should be noted that before Mr. Keith was given a full release on March 3, 2011, he separated from employment with the City of Norman on February 18, 2011.

On April 17, 2011, Mr. Keith was evaluated by Lance E. Rosson, D.O. for a permanent partial disability rating to the right shoulder. Dr. Rosson opined 40% PPD rating to the right shoulder which equates to $68,400, the maximum exposure. On May 3, 2011 Mr. Keith was seen by Dr. Kent Hensley, who opined 12% PPD rating to the right shoulder with 6% being attributable to Mr. Keith's activities outside the scope of his rehabilitation. This apportionment results in 6% PPD rating to the right shoulder which equates to $10,260.

The claim has proceeded through the normal litigation process. There is no question that Mr. Keith was injured on the job. However, Mr. Keith, although injured, proceeded with personal activities during his rehabilitation period. This included horseback riding and rodeo competitions. Initially, Mr. Keith offered to settle his claim for $60,000 or approximately 35% PPD. Through further negotiations with Mr. Keith's attorney, a settlement of 21.9% PPD to the right shoulder, or $37,500, has been offered. This settlement represents less than one-half between the medical evidence that would be represented at trial. This settlement, if approved by Council, would be memorialized on a Compromise Settlement basis (formerly Joint Petition) and certified to the Tax Rolls for reimbursement.

The settlement offer is beneficial to Mr. Keith in that it allows the PPD amount to be paid in a lump sum rather than over a prolonged payout period. The settlement offer is also beneficial to the City of Norman in that it is a reasonable determination of disability attributable to Mr. Keith's job-related injury. In addition, this would limit any future medical treatment the City would be requested to pay for this injury. It should be noted that Mr. Keith has additional grievances pending with the City. The cost alone to defend these matters could be in excess of $10,000. This settlement includes any and all claims he has or may have against the City.

If this settlement offer were approved, payment to Mr. Keith and his attorney, jointly, would be in the amount of $37,500. Further, if this case were settled in this manner, the City would incur additional costs and fees of: $750 to the Workers' Compensation Admin Fund, $281.25 to the Occupational & Health Trust Fund, $140 to the Workers' Compensation Court for filing fee, and $118 to the Cleveland County Court Clerk for filing fee, all of which total $1,289.25. The total cost of this settlement to the City would be $38,789.25.

RECOMMENDATION: For the reasons outlined above, it is believed this settlement offer is fair, reasonable and in the best interest of the City. If approved, the settlement amount would be paid to Mr. Keith and his attorney in a lump sum. Further, once the Compromise Settlement is filed with the Workers' Compensation Court, it will constitute a judgment that will be certified to the Cleveland County District Court. At that point, it will be placed on the property tax rolls for collection over the next three years and in accordance with 85 O.S. § 2B, 51 O.S. § 159, and 62 O.S. § 361, *et seq.* This will reimburse the City's Risk Management Fund over the next three-year period.

R-1112-44

A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AUTHORIZING COMPROMISE SETTLEMENT OF A CLAIM FILED BY KODY KEITH UNDER THE PROVISIONS OF THE WORKERS' COMPENSATION STATUTES OF THE STATE OF OKLAHOMA IN THE CASE OF *KODY KEITH V. THE CITY OF NORMAN*, WORKERS' COMPENSATION CASE NO. WCC 2010-02727 R; DIRECTING THE LEGAL DEPARTMENT TO THEN FILE SUCH SETTLEMENT AND ALL ATTENDANT COSTS IN THE WORKERS' COMPENSATION COURT, OKLAHOMA CITY, OKLAHOMA; AND AUTHORIZING AND DIRECTING THE FINANCE DIRECTOR TO SUBSEQUENTLY PURCHASE SUCH WORKERS' COMPENSATION COURT JUDGMENTS FROM THE RISK MANAGEMENT INSURANCE FUND.

§ 1. WHEREAS, KODY KEITH was a Maintenance Worker I in the Street Maintenance Division of the Public Works and filed Workers' Compensation claim WCC 2010-02727 R on March 12, 2010 for an injury to his right shoulder; and

§ 2. WHEREAS, the City of Norman has negotiated settlement for the claim of KODY KEITH against the City of Norman under the Workers' Compensation Statutes for the total lump sum of $37,500, to be paid in a lump sum settlement to Mr. Keith and his attorney, and such settlement is believed to be fair and reasonable; and

§ 3. WHEREAS, the City shall incur additional costs for payment to the Workers' Compensation Administration Fund in the amount of $750.00; the Special Occupational Health and Safety Fund in the amount of $281.25; for filing fees in the Workers' Compensation Court in the amount of $140.00; and filing fees in the Cleveland County District Court in the amount of $118.00; and

§ 4. WHEREAS, the Risk Management Insurance Fund of the City of Norman has heretofore appropriated funds for the payment of Workers' Compensation settlements covering injuries to qualified persons employed by the City of Norman; and

§ 5. WHEREAS, the judgment and award should be transmitted and certified to the Workers' Compensation Court, Oklahoma City, Oklahoma, which when filed will constitute judgment against the City of Norman, which it is entitled to purchase with funds out of the Risk Management Insurance Fund pursuant to Okla. Stat. tit. 85, § 2B, Okla. Stat. tit. 51, § 159, and Okla. Stat. tit. 62, § 361, *et seq.*; and

§ 6. WHEREAS, the City Council finds it will be in the best interest of the City if the funds of the Risk Management Insurance Fund are invested in said judgment; and

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

§ 7. That the Legal Department is authorized to enter into settlement with one KODY KEITH for not more than $37,500 for any and all claims that he has or may have against the City of Norman under the Workers' Compensation Statutes for any and all injuries known or unknown which occurred while working for the City of Norman; and

§ 8. That the Legal Department is directed to hereinafter file such settlement in the Workers' Compensation Court, Oklahoma City, Oklahoma, along with all attendant costs therefore, as provided by law; and

§ 9. That the Finance Director is authorized and directed to purchase such judgments of the Workers' Compensation Court, Oklahoma City, Oklahoma, out of funds of the Risk Management Insurance Fund of the City of Norman.

PASSED AND ADOPTED this _____ day of October, 2011.

_____
Mayor

ATTEST:

_____
City Clerk

PURCHASE REQUISITION NBR: 0000121969

STATUS: DIVISION APPROVAL

REQUISITION BY: DJOHNSON
REASON: WORKERS COMP SETTLEMENT
DATE: 9/21/11

SHIP TO LOCATION: LEGAL DEPARTMENT
SUGGESTED VENDOR: KODY KEITH & DOULAS S. WALL ✓
DELIVER BY DATE: 10/12/11

LINE NBR	DESCRIPTION	QUANTITY	UOM	UNIT COST	EXTEND COST	VENDOR PART NUMBER
1	WORKERS COMP SETTLEMENT KODY KEITH V CON; WCC 2010-02727R (RIGHT SHOULDER) SETTELEMENT OF CLAIM. MAKE CHECK PAYABLE TO KODY KEITH AND DOUGLAS S. WALL IN THE AMOUNT OF $37,500. CONTINGENT ON COUNCIL APPROVAL ON 10-11-11. DOUGLAS S. WALL, NEW VENDOR 216 EAST EUFAULA NORMAN, OK 73069 (405) 360-4529 IN PROCESS OF OBTAINING W-9 RETURN CHECK TO LEGAL. COMMODITY: INSURANCE, ALL TYPES SUBCOMMOD: WORKER'S COMPENSATION	1.00	EA	37500.0000	37500.00 ✓	

REQUISITION TOTAL: 37500.00

ACCOUNT INFORMATION

LINE #	ACCOUNT ✓		PROJECT	%	AMOUNT
1	04330024152131	Other Salary Orders/Settlements		100.00	37500.00
					37500.00

REQUISITION IS IN THE CURRENT FISCAL YEAR.

REQUISITION COMMENTS:

MAKE CHECK PAYABLE TO KODY KEITH AND DOUGLAS S. WALL. SEPARATE CHECK; RETURN CHECK TO LEGAL.
NEW VENDOR:
DOUGLASS S. WALL
216 EAST EUFAULA
NORMAN, OK 73069
(405) 360-4576
IN PROCESS OF OBTAINING W-9

PURCHASE REQUISITION NBR: 0000191970

STATUS: DIVISION APPROVAL

REQUISITION BY: DJOHNSON
REASON: WORKERS COMP ADMIN TAX FUND
DATE: 9/21/11

SHIP TO LOCATION: LEGAL DEPARTMENT
SUGGESTED VENDOR: 2267 WORKMANS COMPENSATION
DELIVER BY DATE: 10/12/11

1	WORKERS COMP ADMIN TAX KODY KEITH V.CON; WCC 2010-02727 R (RIGHT SHOULDER) CONTINGENT ON COUNCIL APPROVAL ON 10-11-11; SEPA RATE CHECK RETURN CHECK TO LEGAL. COMMODITY: INSURANCE, ALL TYPES SUBCOMMOD: WORKER'S COMPENSATION	1.00	EA	750.0000	750.00	2267

REQUISITION TOTAL: 750.00

ACCOUNT INFORMATION

LINE #	ACCOUNT		PROJECT	%	AMOUNT
1	04330024152133	Other Salary Administration Fund		100.00	750.00
					750.00

REQUISITION IS IN THE CURRENT FISCAL YEAR.

REQUISITION COMMENTS:

SEPARATE CHECK; RETURN CHECK TO LEGAL.

PURCHASE REQUISITION NBR: 0000191975

STATUS: DIVISION APPROVAL

REQUISITION BY: DJOHNSON
REASON: WORKERS COMP SPEC OCCUP & HEALTH TAX FUND
DATE: 9/21/11

SHIP TO LOCATION: LEGAL DEPARTMENT
SUGGESTED VENDOR: ✓1950 SPECIAL OCCUPATIONAL HEALTH AN
DELIVER BY DATE: 10/12/11

1	WORKERS COMP SPECIAL OCCUP & HEALTH TAX FUND KODY KEITH V. CON; WCC 2010-02727R (RIGHT SHOULDER). CONTINGENT ON COUNCIL APPROVAL ON 10-11-11. SEP ARTE CHECK; RETURN CHECK TO LEGAL. COMMODITY: INSURANCE, ALL TYPES SUBCOMMOD: WORKER'S COMPENSATION	1.00	EA	281.2500	281.25 ✓	1950

REQUISITION TOTAL: 281.25

ACCOUNT INFORMATION

LINE #	ACCOUNT ✓		PROJECT	%	AMOUNT
1	04330024152135	Other Salary Spec Occ Health & Safety		100.00	281.25
					281.25

REQUISITION IS IN THE CURRENT FISCAL YEAR.

REQUISITION COMMENTS:

SEPARATE CHECK; RETURN CHECK TO LEGAL.

PURCHASE REQUISITION NBR: 0000191976

STATUS: DIVISION APPROVAL

REQUISITION BY: DJOHNSON
REASON: WCRKERS COMP FILING FEE
DATE: 9/21/11

SHIP TO LOCATION: LEGAL DEPARTMENT
SUGGESTED VENDOR: ✓2268 WORKERS' COMPENSATION COURT
DELIVER BY DATE: 10/12/11

1	WORKERS COMP FILING FEE KODY KEITH V CON; WCC 2010-02727R (RIGHT SHOULDER) . CONTINGENT ON COUNCIL APPROVAL ON 10-11-11; SEP ARATE CHECK; RETURN CHECK TO LEGAL. COMMODITY: INSURANCE, ALL TYPES SUBCOMMOD: WORKER'S COMPENSATION	1.00	EA	140.0000	✓140.00	2268

REQUISITION TOTAL: 140.00

ACCOUNT INFORMATION

LINE #	ACCOUNT ✓		PROJECT	%	AMOUNT
1	04330024154704	Miscellaneous Services Other Filing Fees		100.00	140.00
					140.00

REQUISITION IS IN THE CURRENT FISCAL YEAR.

REQUISITION COMMENTS:

SEPARATE CHECK; RETURN CHECK TO LEGAL.

PURCHASE REQUISITION NBR: 0000191977

STATUS: DIVISION APPROVAL

REQUISITION BY: DJOHNSON
REASON: WORKERS COMP CLEVELAND COUNTY FILING FEE
DATE: 9/21/11

SHIP TO LOCATION: LEGAL DEPARTMENT
SUGGESTED VENDOR: 434 CLEVELAND COUNTY COURT CLERK
DELIVER BY DATE: 10/12/11

1	WORKERS COMP CLEVELAND COUNTY FILING FEE KODY KEITH V. CCN; WCC 2010-02727R (RIGHT SHOULDER). CONTINGENT ON COUNCIL APPROVAL ON 10-11-11; SEP ARATE CHECK; RETURN CHECK TO LEGAL. COMMODITY: INSURANCE, ALL TYPES SUBCOMMOD: WORKER'S COMPENSATION	1.00	EA	118.0000	118.00	434

REQUISITION TOTAL: 118.00

ACCOUNT INFORMATION

LINE #	ACCOUNT		PROJECT	%	AMOUNT
1	04330024154703	Miscellaneous Services District Court Filing Fee		100.00	118.00
					118.00

REQUISITION IS IN THE CURRENT FISCAL YEAR.

REQUISITION COMMENTS:

SEPARATE CHECK; RETURN CHECK TO LEGAL.

City of Norman, OK

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

Master

File Number: R-1112-45

File ID:	R-1112-45	**Type:**	Resolution	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 31	**In Control:**	City Council
Department:	Public Works Department	**Cost:**	$31,814.30	**File Created:**	09/26/2011
File Name:	R-1112-45 Appropriation for Traffic Signal Controller Cabinets			**Final Action:**	

Title: RESOLUTION NO. R-1112-45: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, APPROPRIATING $15,328.73 FROM THE GENERAL FUND BALANCE AND $16,485.57 FROM THE RISK MANAGEMENT FUND BALANCE TO PURCHASE TWO (2) TRAFFIC SIGNAL CONTROLLER CABINETS FOR THE TRAFFIC CONTROL DIVISION.

ACTION NEEDED: Motion to adopt or reject Resolution No. R-1112-45.

ACTION TAKEN: _____

Notes: October 11, 2011, City Council Agenda

Agenda Date: 10/11/2011

Agenda Number: 31

Attachments: R-1112-45

Project Manager: Angelo Lombardo, Traffic Engineer

Entered by: michelle.rudder@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-1112-45

Body

BACKGROUND: The City's Traffic Control Division maintains 174 traffic and pedestrian signals citywide using $85,000 in the Division's operating budget (approximately $500 per signalized intersection per year). These funds are used for the purchase of the various replacement traffic signal system components necessary for the safe and efficient operation of our traffic signals.

On January 7, 2011, a traffic collision at the intersection of Main Street and Porter Avenue resulted in damages to the traffic signal controller cabinet assembly. The responsible driver was identified and the insurance company information obtained for collection purposes. City forces replaced the controller cabinet the day of the collision utilizing one of the two spare controller cabinet assemblies in our inventory.

On April 19, 2011, a traffic collision at the intersection of 12th Avenue SE and Boyd Street resulted in damages to the traffic signal controller cabinet assembly. The responsible driver was identified and the insurance company information obtained for collection purposes. City forces replaced the controller cabinet the day of the collision utilizing the last spare controller cabinet in our inventory.

On April 29, 2011, $15,328.73 was collected from USAA Insurance Company for damage to the equipment located at Main Street and Porter Avenue and deposited into account 010-0000-367.12-64, Miscellaneous Risk Management. Although the Legal Department requested full reimbursement from USAA for the cost incurred by the City to repair the traffic control signal equipment, the check from the insurance carrier was three hundred dollars less than requested. The Legal Department contacted USAA to identify why the payment was reduced and was advised a supplemental check will be forthcoming.

On September 6, 2011, $16,485.57 was collected from Ameriprise Insurance Company for damage to the equipment located at 12th Avenue SE and Boyd Street and deposited into account 043-0000-367.12-64, Miscellaneous Risk Management. The cost incurred by the City to repair the traffic control equipment at this location totaled $19,888.00 in parts and $795.97 in other associated costs for a total of $20,681.97. This traffic control equipment at this location was installed in 1993 and was beginning to have problems before the collision. Due to the age of the cabinet, the adjuster for Ameriprise offered to settle the claim in the amount of $16,485.57. In evaluating the request of Ameriprise to depreciate the claim, City Legal was advised that any amount in excess of $15,000 would be recommended considering the condition of the equipment prior to the collision.

DISCUSSION: The recent and unusually high number of traffic collisions involving damage to traffic control signal equipment has depleted the City's inventory of spare units. Replacement units are necessary in order to address future emergency situations. Although the Legal Department has collected $31,814.30 in damages from the respective insurance carriers, those funds collected are normally deposited into Revenue Accounts and cannot be expended until appropriated by Council. The Division does not have adequate funding in its operating budget to purchase the two replacements units and needs to access the funds collected from the insurance companies in order to do so.

STAFF RECOMMENDATION: Staff recommends approval of a $15,328.73 appropriation of funds from Account No. 010-0000-253.20-00 (Fund Balance) to Account 010-5023-429.32-12 (Traffic Signal Parts). Staff also recommends approval of a $16,485.57

appropriation of funds from account 043-0000-367.12-64, (Miscellaneous Risk Management). These funds will be used for the purchase of two traffic signal controller cabinet assemblies.

Resolution

R-1112-45

A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, APPROPRIATING $15,328.73 FROM THE GENERAL FUND BALANCE AND $16,485.57 FROM THE RISK MANAGEMENT FUND BALANCE TO PURCHASE TWO (2) TRAFFIC SIGNAL CONTROLLER CABINETS FOR THE TRAFFIC CONTROL DIVISION.

§ 1. WHEREAS, on January 7, 2011, a traffic collision occurred at the intersection of Main Street and Porter Avenue and on April 19, 2011, there was another traffic collision at the intersection of 12th Avenue S.E., and Boyd Street resulting in damages to the traffic signal controller cabinet assemblies; and

§ 2. WHEREAS, both of the drivers' responsible for the damage filed insurance claims and the City of Norman has been reimbursed a total of $31,814.30; and

§ 3. WHEREAS, the recent and unusually high number of traffic collisions involving damage to traffic control signal equipment has depleted the City's inventory of spare parts; and

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

§ 4. That the following appropriations be made for the reasons as stated above:

Account Names	Losing Account	Gaining Account	Amount
Maintenance Supplies/Traffic Signal Parts	010-0000-253.20-00	010-5023-429.32-12	$15,328.73
Maintenance Supplies/Traffic Signal Parts	043-0000-367.12-64	010-5023-429.32-12	$16,485.57

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

_____
Mayor

ATTEST:

_____
City Clerk

City of Norman, OK

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

Master

File Number: R-1112-46

File ID:	R-1112-46	**Type:**	Minutes	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 32	**In Control:**	City Council
Department:	Finance Department	**Cost:**	$20,000.00	**File Created:**	09/29/2011
File Name:	R-1112-46 NCVB Request			**Final Action:**	

Title: RESOLUTION NO. R-1112-46: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA APPROPRIATING $20,000 FROM THE ROOM TAX FUND BALANCE REQUESTED BY THE NORMAN CONVENTION AND VISITOR'S BUREAU, INC., TO DEVELOP A NEW MOBILE SITE.

ACTION NEEDED: Motion to adopt or reject Resolution No. R-1112-46; and, if adopted, direct payment in the amount of $20,000 to the Norman Convention and Visitor's Bureau.

ACTION TAKEN: _____

Notes: October 11, 2011, City Council Agenda

Agenda Date: 10/11/2011

Agenda Number: 32

Attachments: R-1112-46, Memo Request for Mobile Site Funds.pdf

Project Manager: Suzanne Krohmer, Budget Manager

Entered by: suzanne.krohmer@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-1112-46

Body

BACKGROUND: Ordinance 7980-58, codified in Section 8-521 of the Norman City Code, implemented the Transient Guest Room Tax for the purpose of "encouraging, promoting and fostering the convention and tourism development of the City of Norman. Uses in parks development and in promotion of arts and humanities are thus contemplated".

DISCUSSION: On June 14, 2011 the Norman City Council adopted the FYE 2012 City of

Norman Budget and the Norman Convention and Visitor's Bureau budget. A total of $550,960 was budgeted to come from the City of Norman for NCVB's share of city room tax.

The NCVB sent a memo dated September 19, 2011 to Council requesting a fund balance appropriation in the amount of $20,000 in order to develop a new mobile site that was not budgeted for. In May, the NCVB changed their main website and their mobile site was rendered 'outdated' and no longer working with the new main site. Please see NCVB's memo for more information.

NCVB requests that $20,000 of their reserve portion be paid to them to develop a new mobile site. The Room Tax Fund Balance is sufficient to cover the request and the NCVB does have this amount available in their reserves.

RECOMMENDATION: Staff recommends that $20,000 be appropriated from the Convention and Tourism portion of the Room Tax Fund balance, and be paid to the Norman Convention and Visitor's Bureau.

Losing Account: Room Tax Fund Balance
(Account Number 023-0000-253.20-00)
Gaining Account: Norman Convention and Visitors Bureau
(Account Number 023-3043-465.47-74)

Resolution

R-1112-46

A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, APPROPRIATING $20,000 FROM THE ROOM TAX FUND BALANCE TO BE USED BY THE NORMAN CONVENTION AND VISITORS BUREAU, INC., (NCVB) TO DEVELOP A NEW MOBILE SITE.

§ 1. WHEREAS, Ordinance No. O-7980-58 implemented the Transient Guest Room Tax for the purposes of "encouraging, promoting and fostering the convention and tourism development of the City of Norman."; and

§ 2. WHEREAS, this year, a total of $550,960 was to come from the City of Norman for the NCVB's share of city room tax; and

§ 3. WHEREAS, NCVB has requested that $20,000 of their reserve portion be paid to them to be used to develop a new mobile site that was not budgeted for.

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

§ 4. That the following appropriation be made for reasons as stated above:

Account Name	Losing Account	Gaining Account	Amount
Miscellaneous Services/Visitors Bureau	023-0000-253.20-00	023-3043-465.47-74	$20,000

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

_____
Mayor

ATTEST:

_____
City Clerk

NORMAN
VisitNorman.com

TO: **Norman City Council**
CC: **Steve Lewis, City Manager**
Anthony Francisco, Finance Director
FROM: **Stephen Koranda, Executive Director**
DATE: **September 19, 2011**
RE: **Request for Funds for Mobile Site Development**

Nearly a year ago, the Norman Convention and Visitors Bureau (NCVB) went live with a mobile version of our website – VisitNorman.com. This allowed potential visitors (and residents) with Smartphones to read our website in a format compatible with their iPhone, Android or Blackberry.

On pages 19 and 20 of our Destination Management Plan, we quoted research that showed more and more vacationers were using the internet to plan their trips. We shared one of our goals this year was to enhance our mobile site.

In May, the NCVB went live with a new main website. Many new features were added to the site including a video library, a more robust events calendar, and the ability for a visitor to make hotel reservations through our website. (We are already seeing increase page views and time spent on the site!)

Upon changing our main website, our mobile site was rendered 'outdated' as it did not offer the same features as the main site. Furthermore, the mobile site now no longer "talked" to the main site and thus, staff was left to maintain two websites – an extreme lack in efficiency with a small staff.

Add to this the tremendous increase of traffic to VisitNorman.com utilizing mobile devices... from January to March of 2011, 0.14% of the traffic to VisitNorman.com was from mobile devices. From April to July of 2011, 7.28% of the traffic to VisitNorman.com was from mobile devices. It is very clear we needed to quickly update our mobile site.

We received a bid from Mobi Manage, the firm that developed our first mobile site, and Cubic Creative, the firm that developed our main site. The Board of Directors have chosen Cubic Creative to develop the mobile site – thought being, who better to integrate two sites than the firm (and even exact web developer) that developed both sites.

The cost to develop the new mobile site is $20,000. As this was not budgeted for but realizing the importance for marketing Norman, the NCVB respectfully requests disbursement of $20,000 from the Transient Guest Tax reserves set aside for the Norman Convention and Visitors Bureau.

If I can answer any questions related to this request, please feel free to call me at 405-637-6225 or email me at Stephen@VisitNorman.com.

MISSION: *The Norman Convention and Visitors Bureau exists to promote the city, to attract overnight meeting, convention, sport and tourism business to the community, and to enhance and contribute to the overall identity and economic well-being of the city.*

City of Norman, OK

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

Master

File Number: R-1112-47

File ID:	R-1112-47	**Type:**	Resolution	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 33	**In Control:**	City Council
Department:	Public Works Department	**Cost:**	$50,622.00	**File Created:**	09/29/2011
File Name:	R-1112-47 appropriation to pay ODOT Classen			**Final Action:**	

Title: RESOLUTION NO. R-1112-47: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, APPROPRIATING $50,622 FROM THE CAPITAL LIABILITY AND SITE IMPROVEMENT ACCOUNT TO PAY THE OKLAHOMA DEPARTMENT OF TRANSPORTATION THE CITY OF NORMAN'S MATCHING SHARE OF THE U.S. HIGHWAY 77 (CLASSEN BOULEVARD) AND IMHOFF ROAD PROJECT AS OUTLINED IN CONTRACT NO. K-1112-16.

ACTION NEEDED: Motion to adopt or reject Resolution No. R-1112-47; and, if adopted, direct payment in the amount of $93,359.72 to ODOT for the City's share of the costs of the project.

ACTION TAKEN: _____

Notes: October 11, 2011, City Council Agenda

Agenda Date: 10/11/2011

Agenda Number: 33

Attachments: Attachment A, R-1112-47, Invoice, Requisition

Project Manager: John Clink, Capital Projects Engineer

Entered by: pam.jones@normanok.gov

Effective Date:

History of Legislative File

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

Text of Legislative File R-1112-47

Body

BACKGROUND: An evaluation of traffic control needs, conducted by the City Traffic Engineer, revealed that traffic volumes and the collision history at the intersection of US Highway-77 (Classen Boulevard) and Imhoff Road have reached levels that justify improvements. The improvements include installation of a new traffic signal, a signal

interconnect along Classen Boulevard from Highway 9 to Lindsey Street and the addition of a fifth lane which will be used as a continuous left turn lane from the median at Highway 9 to Constitution Street. The City of Norman and owners of undeveloped properties in the area agreed to fund the local portion of the project based on their corresponding proportion of the traffic. The City of Norman will pay 81.04% of the local project costs and the developers will fund the remaining portion.

On August 28, 2007, the Norman City Council approved a programming resolution to be submitted to the Association of Central Oklahoma Governments (ACOG) requesting federal funds for this project. This resolution states the City's commitment to adhere to the terms and conditions of a federally funded project. In a letter dated May 2, 2008, the Oklahoma Department of Transportation (ODOT) agreed to provide 80% of the construction cost for this project.

On August 12, 2008, Council approved Contract K-0809-44 with the Benham Companies, LLC, (now known as SAIC Energy, Environment & Infrastructure) a local consulting engineering firm, for the design of the US Highway-77 (Classen Boulevard) and Imhoff Road Project. The original amount of that contract was $105,000. On October 27, 2009, Council approved Amendment No. 1 to the engineering contract for $26,865 and on July 12, 2011, Council approved Amendment No. 2 for $3,060. The current engineering contract amount is $134,925.

On August 9, 2011, Council approved Contract No. K-1112-16 with ODOT, for the construction of the project and maintenance of the traffic signal located at the intersection of Classen and Imhoff. The engineer's estimate for this project is $1,511,390.67 with ODOT's share of the construction of $1,209,390.14 and the local match of $302,347.53. On September 15, 2011, ODOT opened bids for this project and Shell Construction Company of Oklahoma City was the apparent low bidder with a bid of $1,498,713.42 which is $12,677.25 or 0.84% less than the engineer's estimate.

DISCUSSION: During the bid review process, ODOT staff determined that the local match of the project needed to be increased to account for the additional cost of construction inspection and administration, and for non-participating items of work. The non-participating items of work include the Traffic Signal Advanced Transportation Management System software required for the operation of the City's traffic signal management system. Staff received the attached invoice in the amount of $93,359.72. If approved, the local share will increase from $303,347.53 to $395,707.25 or 20% of the total project cost of $1,939,741.73.

Funds are available from two sources to pay the invoice. The first source is traffic impact fees. The City has been collecting traffic impact fees from developers in the area based upon the anticipated traffic generated by their development. The Traffic Impact Fee Table in Attachment A lists the names of the developments within the project limits and the amounts collected, which add up to $76,221.50. Previously $25,600 was used to fund Amendment No.

1 to the design contract for this project leaving $50,621.50 available. The second source of funding is the project account. Funds are available in the US Highway-77 (Classen Boulevard) and Imhoff Road Intersection Improvement Project, Construction (Account No. 050-9079-431.61-01) Project Number TR0239 to cover the remaining $42,738.22.

RECOMMENDATION NO. 1: Staff recommends appropriating $50,622 from the Classen Boulevard and Imhoff Road Current Liabilities and Site Improvements Cash Fund (Account No. 050-0000-229.24-11) to the Capital Fund, US Highway-77 (Classen Boulevard) and Imhoff Road, Construction (Account No. 050-9079-431.61-01) Project No. TR0239.

RECOMMENDATION NO. 2: Staff further recommends payment of the additional local share of the project cost of $93,359.72 to the Oklahoma Department of Transportation.

ATTACHMENT "A"

Traffic Impact Table Fee

Name of Development	Amount Collected	Date Collected
Crimson Park – Section 1 (Apartments)	$10,880.00	05/23/2005
Crimson Creek – Phase 1 (office)	$ 2,051.34	07/03/2006
Classen Addition – Phase 1 (Best Western)	$ 4,102.56	11/07/2007
Cottages @ Norman	$55,524.60	09/29/2009
Moose Lodge (Pati Torbati)	$ 1,831.50	05/18/2011
Moose Lodge (Norman Moose Lodge 1799)	$ 1,831.50	05/18/2011
Total	**$76,221.50**	

Resolution

R-1112-47

A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, APPROPRIATING $50,622 FROM THE CAPITAL LIABILITY AND SITE IMPROVEMENT ACCOUNT TO PAY THE OKLAHOMA DEPARTMENT OF TRANSPORTATION THE CITY OF NORMAN'S MATCHING SHARE OF THE U.S. HIGHWAY 77 (CLASSEN BOULEVARD) AND IMHOFF ROAD PROJECT AS OUTLINED IN CONTRACT NO. K-1112-16.

§ 1. WHEREAS, the City of Norman Traffic Engineer conducted a traffic evaluation for the intersection of U.S. Highway 77(Classen Boulevard) and Imhoff Road and this evaluation justified the installation of a new traffic signal, a signal interconnect along Classen Boulevard from Highway 9 to Lindsey Street and the addition of a fifth lane which will be used as a continuous left turn land from the median at Highway 9 to Constitution Street; and

§ 2. WHEREAS, the City of Norman and owners of undeveloped properties in the area agreed to fund the local portion of the project based on the proportion of the traffic with the City of Norman paying 81.04% and the developers funding the remaining portion; and

§ 3. WHEREAS, on August 9, 2011, City Council approved Contract No. K-1112-16 with ODOT for the construction of the project and maintenance of the traffic signal located at the intersection of Classen and Imhoff; and

§ 4. WHEREAS, during the bid review process, ODOT determined that the local match of the project needed to be increased by $93,359.72 to account for the additional cost of construction inspection and administration and for non-participating items of work; and

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

§ 5. That the following appropriation be made for the reason as stated above.

Account Name	Losing Account	Gaining Account	Amount
Project No. TR0239, US 77 – Imhoff, Construction	050-0000-229.24-11	050-9079-431.61-01	$50,622

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

_____
Mayor

ATTEST:

_____
City Clerk

Oklahoma Department of Transportation
Comptroller Division
200 N.E. 21st Street
Oklahoma City, OK 73105-3204
Phone (405) 521-2591 Fax (405) 522-0137

INVOICE

Date: September 27, 2011
Invoice # 26474(04)-1

To:
City of Norman
Attn: Angelo Lombardo, City Traffic Engineer
201 A West Gray
Norman, OK 73069

For:
Project No. HSIPY - 114A (243) TR
J/P 26474(04)

Description: City Street: Norman- Improvements at the intersection of US-77 and Imhoff Road

			Federal	City
Bid Result		1,498,713.42		
Controller plus Software		120,000.00		
Bid less Controller & Software		1,378,713.42		
Add: Signal Controller		28,000.00		
Revised Bid Result		1,406,713.42	1,125,370.74	281,342.68
Software		92,000.00	-	92,000.00
Total Construction		1,498,713.42	1,125,370.74	373,342.68
Engineering				
Staking		3,000.00		
Construction less Staking		1,403,713.42		
Engineering	0.06	84,222.81	67,378.24	16,844.56
Engineering		5,520.00	-	5,520.00
Total Engineering		89,742.81	67,378.24	22,364.56
Combined				
Construction		1,498,713.42	1,125,370.74	373,342.68
Engineering		89,742.81	67,378.24	22,364.56
Total		1,588,456.23	1,192,748.98	395,707.25
Deposit paid				302,347.53
Additional amt to deposit				**93,359.72**
	310H			

Make all checks payable to **Oklahoma Department of Transportation**
Payment is due within **30 days**

PURCHASE REQUISITION NBR: 0000192191

STATUS: DIVISION APPROVAL

REQUISITION BY: JCLINK REASON: ADDITIONAL FUNDS FOR ODOT CONTRACT K-1112-16 DATE: 9/27/11

SHIP TO LOCATION: PUB WKS- ENGINEERING SUGGESTED VENDOR: 1514 OKLAHOMA DEPT OF TRANSPORTATIO DELIVER BY DATE: 9/27/11

LINE NBR	DESCRIPTION	QUANTITY	UOM	UNIT COST	EXTEND COST	VENDOR PART NUMBER
1	ADDITIONAL FUNDS FOR ODOT CONTRACT K-1112-16 COMMODITY: CONSTRUCTION SERVICES, HE SUBCOMMOD: CONSTRUCTION, HIGHWAY AND	93359.72	EA	1.0000	93359.72	

REQUISITION TOTAL: 93359.72

ACCOUNT INFORMATION

LINE #	ACCOUNT		PROJECT	%	AMOUNT
1	05090794316101	Capital Projects Construction	TR0239 US 77 - Imhoff	100.00	93359.72
					93359.72

REQUISITION IS IN THE CURRENT FISCAL YEAR.

REQUISITION COMMENTS:

CONTINGENT ON COUNCIL APPROVAL ON 10/11/11.
REQUISITION REQUIRES A LINE ITEM TRANSFER OF $20,9
25.75 FROM UTILITIES (050-9079-431-6701, TR0239)TO
CONSTRUCTION (050-9079-431.61-01, TR0239). AGENDA
ITEM APPROPRIATES $50,621.50 FROM CLASSEN BOULEVA
RD AND IMHOFF ROAD CURRENT LIABILITIES AND SITE IM
PROVEMENT ACCOUNT 050-0000-229.24-11 TO CONSTRUCTI
ON (050-9079-431.61-01, TR0239)

City of Norman, OK

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

Master

File Number: R-1112-48

File ID:	R-1112-48	**Type:**	Resolution	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 34	**In Control:**	City Council
Department:	Public Works Department	**Cost:**	$151,711.00	**File Created:**	09/29/2011
File Name:	R-1112-48 Apppropriation for Western			**Final Action:**	

Title: RESOLUTION NO. R-1112-48: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, APPROPRIATING $150,711 FROM THE CAPITAL FUND, REIMBURSEMENT/REFUND REVENUE ACCOUNT FOR REIMBURSEMENT OF UTILITY RELOCATION COSTS IN CONNECTION WITH THE 60TH AVENUE N.W. WIDENING IMPROVEMENTS PROJECT.

ACTION NEEDED: Motion to adopt or reject Resolution No. R-1112-48.

ACTION TAKEN: _____

Notes: October 11, 2011, City Council Agenda

Agenda Date: 10/11/2011

Agenda Number: 34

Attachments: R-1112-48, City Manager Memo, OKC Checks

Project Manager: Scott Sturtz, Capital Projects Engineer

Entered by: pam.jones@normanok.gov

Effective Date:

History of Legislative File

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

Text of Legislative File R-1112-48

Body

BACKGROUND: The City of Norman and the Oklahoma Department of Transportation (ODOT) are proceeding with the widening of 60th Avenue NW (Western Avenue) from Tecumseh Road to Indian Hills Road to a four lane road with center left turn lanes at Franklin Road and Indian Hills Road. The estimated construction cost of the project, to be paid 100% by ODOT, is $8 million.

The City of Norman and the City of Oklahoma City entered into an Interlocal Cooperative

Agreement dated January 5, 2010 because Indian Hills Road is the shared city limit line and there are a number of common issues including utility relocation. The City of Norman also has an agreement with ODOT, which includes an obligation by the City to relocate all existing utilities that are in conflict with the proposed street improvements.

DISCUSSION: The utility relocation required for this project included a sanitary sewer force main and a sanitary sewer gravity main owned and operated by the City of Moore. These sewer pipelines are located at the intersection of 60th Avenue NW and Indian Hills Road. The pipelines cross the intersection from east to west.

Following months of negotiations by staff from the cities of Moore, Oklahoma City and Norman, the City of Oklahoma City agreed to pay the full cost to relocate the City of Moore sewer force main while the City of Moore will pay the full cost to relocate their sewer gravity main. That settlement was reached based upon the conditions included in existing sewer line easements.

Due to the sensitive nature of the sewer lines, ODOT agreed to perform the relocation of the pipelines as part of the street project provided that they receive payment for the estimated total cost of $150,710.80 before the bid letting. The City of Oklahoma City agreed to issue the payment directly to ODOT after receiving the partial payment from the City of Moore. However, ODOT changed their position and insisted that full payment must be made to ODOT by the City of Norman due to our previous contractual obligation.

During the week of September 5, 2011, staff learned that if the payment was not received by ODOT prior to September 19, 2011, the project bid letting would have been postponed from October 2011 to January 2012. A three month delay in this project would have negative impacts locally. In order to meet the bid letting deadline, the City Manager authorized on September 9, 2011, the payment of $150,710.80 to ODOT from the project account of the 60th Avenue NW (Western) Widening Improvement Project (Account No. 050-9964-431.67-01; Project No. TR0054). On September 15, 2011, the City of Norman received the payment from Oklahoma City in the amount of $150,710.80 as reimbursement for City of Norman's payment to ODOT to relocate the utilities. This refund was deposited into a City of Norman Capital Fund (revenue account 050-0000-366.12-51- Refunds). This agenda item appropriates the funds received from the City of Oklahoma City to reimburse the project account. The net impact to the City's project account is zero, so the current action can be considered a "housekeeping" matter.

RECOMMENDATION: Staff recommends approval to appropriate $150,710.80 from the Revenue Account (050-0000-366.12-51-Refunds) to the 60th Avenue NW Widening Improvements Project Account (050-9964-431.67-01), Project No. TR0054 for reimbursement of utility relocation costs.

Resolution

R-1112-48

A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, APPROPRIATING $150,711 FROM THE CAPITAL FUND, REIMBURSEMENT/REFUND REVENUE ACCOUNT FOR REIMBURSEMENT OF UTILITY RELOCATION COSTS IN CONNECTION WITH THE 60TH AVENUE N.W. (WESTERN) WIDENING IMPROVEMENTS PROJECT.

§ 1. WHEREAS, the City of Norman and the Oklahoma Department of Transportation (ODOT) are proceeding with the widening of 60th Avenue N.W. (Western Avenue) from Tecumseh Road to Indian Hills Road; and

§ 2. WHEREAS, the City of Norman and the City of Oklahoma City entered into a agreement because Indian Hills Road is a shared city limit line and there are a number of common issues including utility relocation; and

§ 3. WHEREAS, the City of Norman has an agreement with ODOT which includes an obligation by the City of Norman to relocate all existing utilities that are in conflict with the proposed street improvements; and

§ 4. WHEREAS, the City of Oklahoma City agreed to pay the full cost to relocate the City of Moore sewer force main while the City of Moore will pay the full cost to relocate their sewer gravity main; and

§ 5. WHEREAS, ODOT agreed to perform the relocation of the pipelines as part of the street project provided they receive payment before the bid letting; and

§ 6. WHEREAS, ODOT required that Oklahoma City submit payment to the City of Norman due to the City of Norman's previous contractual obligation and that payment has been received.

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

§ 7. That the following appropriation be made for the reason as stated above.

Account Name	Losing Account	Gaining Account	Amount
Project No. TR0054, Tecumseh/60th Widening, Utilities	050-0000-366.12-51	050-9964-431.67-01	$150,711

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

_____
Mayor

ATTEST:

_____
City Clerk

office memorandum

DATE: September 9, 2011

TO: Steve Lewis, City Manager

FROM: Scott Sturtz, Capital Projects Engineer
THRU: Shawn O'Leary, Director of Public Works

SUBJECT: Payment to ODOT, 60th Avenue NW Widening Project

BACKGROUND:
The City of Norman and the Oklahoma Department of Transportation (ODOT) are proceeding with the widening of 60th Avenue NW (Western Avenue) from Tecumseh Road to Indian Hills Road to a four lane road with center left turn lanes at Franklin Road and Indian Hills Road. The plans are complete and the project is scheduled to be let by ODOT October 20, 2011. The estimated construction cost of the project, to be paid 100% by ODOT, is $4.5 million.

The City of Norman and the City of Oklahoma City entered into an Interlocal Cooperative Agreement dated January 5, 2010 because Indian Hills Road is the shared city limit line and there are a number of common issues including utility relocation. The City of Norman also has an agreement with ODOT, which includes an obligation by the City to relocate all existing utilities that are in conflict with the proposed street improvements.

DISCUSSION:
The utility relocation required for this project includes a sanitary sewer force main and a sanitary sewer gravity main owned and operated by the City of Moore. These sewer pipelines are located at the intersection of 60th Avenue NW and Indian Hills Road. The pipelines cross the intersection from east to west.

Following months of negotiations by staff from the cities of Moore, Oklahoma City and Norman, the City of Oklahoma City agreed to pay the full cost to relocate the City of Moore sewer force main while the City of Moore will pay the full cost to relocate their sewer gravity main. That settlement was reached based upon the conditions included in existing sewer line easements.

Due to the sensitive nature of the sewer lines, ODOT agreed to perform the relocation of the pipelines as part of the street project provided that they receive payment for the estimated total cost of $150,710.80 before the bid letting. To simplify the payment process, the City of Oklahoma City agreed to issue the payment directly to ODOT after receiving the partial payment from the City of Moore. However, ODOT changed their position on Thursday, September 8, 2011 and insisted that the full payment must be made to ODOT by the City of Norman due to our previous contractual obligation. **If the payment is not received by ODOT prior to September 19, 2011, the project bid letting will be postponed from October 2011 to January 2012.**

Memo to City Manager
Payment to ODOT for non-participating utility relocation costs
Tecumseh Road, Phase II (60th Avenue NW)
September 7, 2011

On September 8, 2011, staff from the City of Oklahoma City confirmed that their City Council will authorize the payment of $150,710.80 to the City of Norman at their meeting on Tuesday, September 13, 2011. The current balance of funds in the 60th Avenue NW (aka Tecumseh Road Phase II) project account (Account No. 050-9964-431.67-01), Project No. TR0054 is $139,260.31, which includes previous encumbrances.

Anthony Francisco, Director of Finance, has recommended that you authorize the immediate payment of $150,710.80 from the project account to ODOT in order to meet the September 19, 2011 deadline. This will result in a negative balance in that account; however, after the construction project is awarded by ODOT, staff will bring forward a City Council agenda item to reconcile the account to reflect the reimbursement from the City of Oklahoma City.

Reviewed by: Anthony Francisco, Director of Finance AF by e

Approved by: _____ 9.9.11
Steve Lewis, City Manager

Date: September 9, 2011

RECEIVED
SEP 15 2011
PW/Engineering

OKC 2009 BOND
100 N. WALKER
OKLAHOMA CITY, OK 73102

JPMORGAN CHASE BANK, N.A. 003164
100 N BROADWAY
OKLAHOMA CITY, OK 73102

Date 09/14/2011 | Pay Amount $***141,710.80***

34-4

****ONE HUNDRED FORTY-ONE THOUSAND SEVEN HUNDRED TEN AND 80 / 100 DOLLAR****

Pay To The Order Of:

CITY OF NORMAN
D528002, 415 E. Main
Norman OK 73071

Mayor

City Clerk

Void after one year

DO NOT ACCEPT THIS CHECK UNLESS A TRUE WATERMARK IS VISIBLE - HOLD UP TO THE LIGHT TO VIEW

⑈003164⑈ ⑆103000648⑆ 81661332 7⑈

RECEIVED
SEP 15 2011
PW/Engineering

WARNING-THE FACE OF THIS CHECK HAS A COLORED BACKGROUND OF BLUE AND RED-NOT A WHITE BACKGROUND

CITY OF OKLAHOMA CITY
100 N. WALKER
OKLAHOMA CITY, OK 73102

JPMORGAN CHASE BANK, N.A. 084780
100 N BROADWAY
OKLAHOMA CITY, OK 73102 39-64/1030

Date 09/14/2011 | Pay Amount $***9,000.00***

****NINE THOUSAND AND XX / 100 DOLLAR****

Pay To The Order Of:

CITY OF NORMAN
D528002, 415 E. Main
Norman OK 73071

Mayor

City Clerk

Void after one year

DO NOT ACCEPT THIS CHECK UNLESS A TRUE WATERMARK IS VISIBLE - HOLD UP TO THE LIGHT TO VIEW

⑈084780⑈ ⑆103000648⑆ 100216521⑈

Total: $150,710.80

City of Norman, OK

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

Master

File Number: RPT-1011-3

File ID:	RPT-1011-3	**Type:**	Communication or Report	**Status:**	Non-Consent Items
Version:	4	**Reference:**	Item No. 35	**In Control:**	City Council
Department:	Planning and Community Development Department	**Cost:**		**File Created:**	07/13/2010
File Name:	Update to 304 South Stewart			**Final Action:**	

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

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

ACTION TAKEN: _____

ACTION NEEDED: Motion to approve or reject the recommendation from the Revitalization Manager to withdraw Resolution No. R-0910-60 that requested condemnation action on 304 South Stewart Avenue; and, if approved, authorize Staff to continue to monitor the condition of the property and work with the property owner to complete the necessary repairs.

ACTION TAKEN: _____

Notes: October 11, 2011, City Council Agenda

Agenda Date: 10/11/2011

Agenda Number: 35

Attachments: 304 South Stewart Update Photos, Pertinent excerpts from October 27, 2009 CC Minutes, Pert Excerpts July 27, 2010 CC minutes, Pertinent excerpts from January 26, 2010 CC Minutes, Pert Exc January 25, 2011

Project Manager: Linda Price, Revitalization Manager

Entered by: linda.price@normanok.gov

Effective Date:

History of Legislative File

Ver-sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	City Council	07/27/2010					
2	City Council	01/25/2011					

Text of Legislative File RPT-1011-3

Body

Discussion: Inspections of the property prior to the October 2009 meeting found that the exterior had peeling paint, rotted clapboards, and missing siding. The interior of the southern part of the house had been gutted and the roof structure totally removed. Because the interior was open to the elements, weeds were growing up through the exposed floor framing. Other rooms had extensive water damage as well from burst plumbing pipes, with buckling paneling and flooring, and extensive mold.

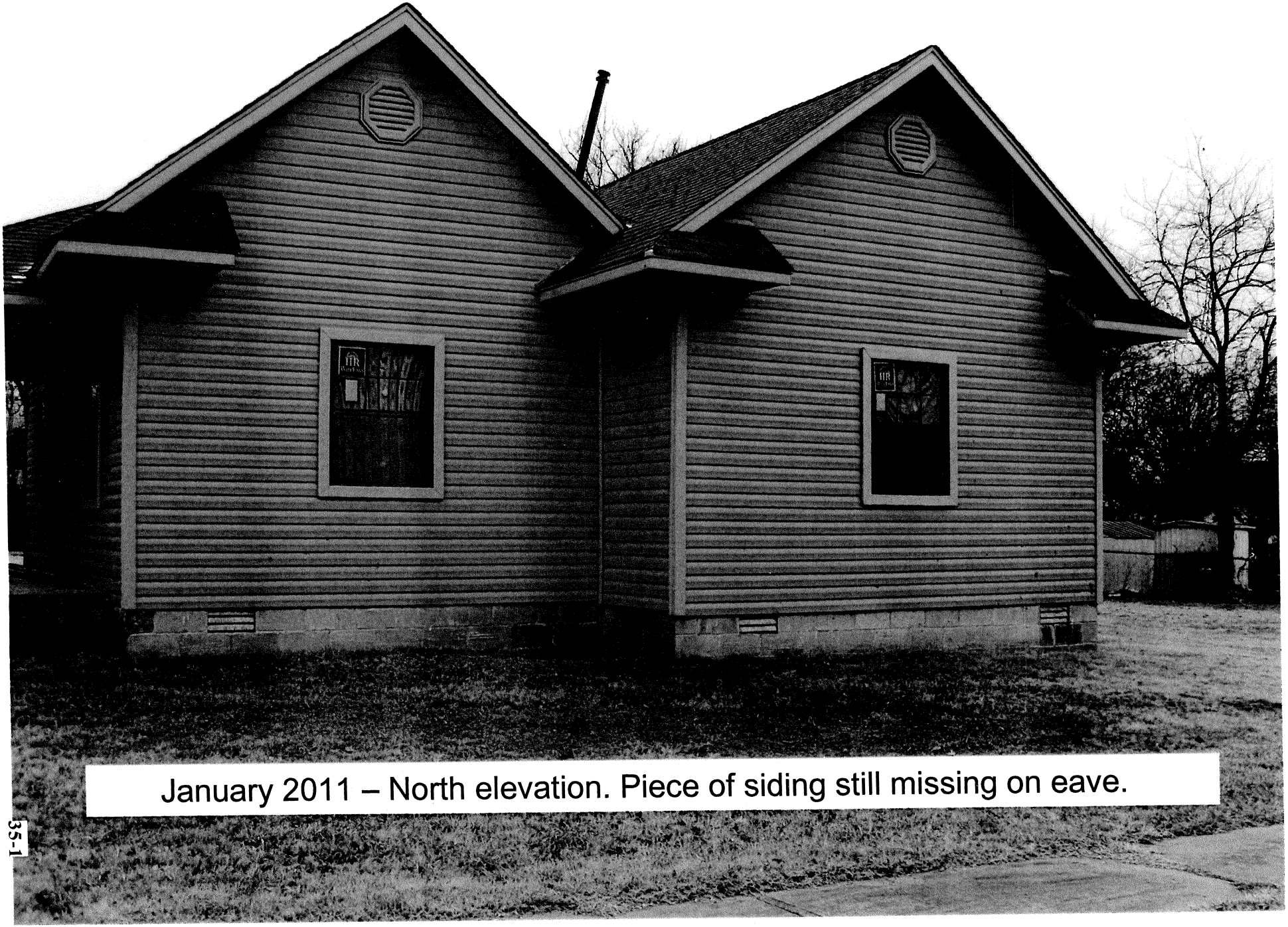
The January 2010 progress report indicated that the addition on the South was sheathed in plywood; the old siding, windows and door on the addition were removed from the south and east sides; new floor joists were installed; rotten wall framing was replaced; and a new base plate was constructed. The deck and accessory buildings were uncovered and most of the vegetation was removed from the site. The owner had also constructed roof joists on the addition and planned to tie the roof into the main structure by changing the pitch on the addition. Future proposed work included the removal of the old roofing on the south of the main structure and to reroof it and the addition at the same time. Once the roof was on, window openings and a door would be cut into the addition sheathing, and the balance of the window replacement and siding on the exterior will be done.

Other plans included deconstruction of the deck, and using the good lumber for wall studs; cleaning out and removing the sheds; gutting the interior of the primary structure to the wall studs and completely redoing the interior; and removing the chain link fence and maybe adding a privacy fence.

The current status is that the exterior siding and roofing have been completed. The exterior buildings were demolished and removed, and all exterior debris has been removed. The rear yard was leveled. Sheetrock and paneling have been removed throughout the interior where there was mold or the need to access working space for new wiring and plumbing. New framing for bedroom ceilings and the wall between the living room and bedroom have been started.

The structure remains uninhabitable, but is structurally sound and remains secure.

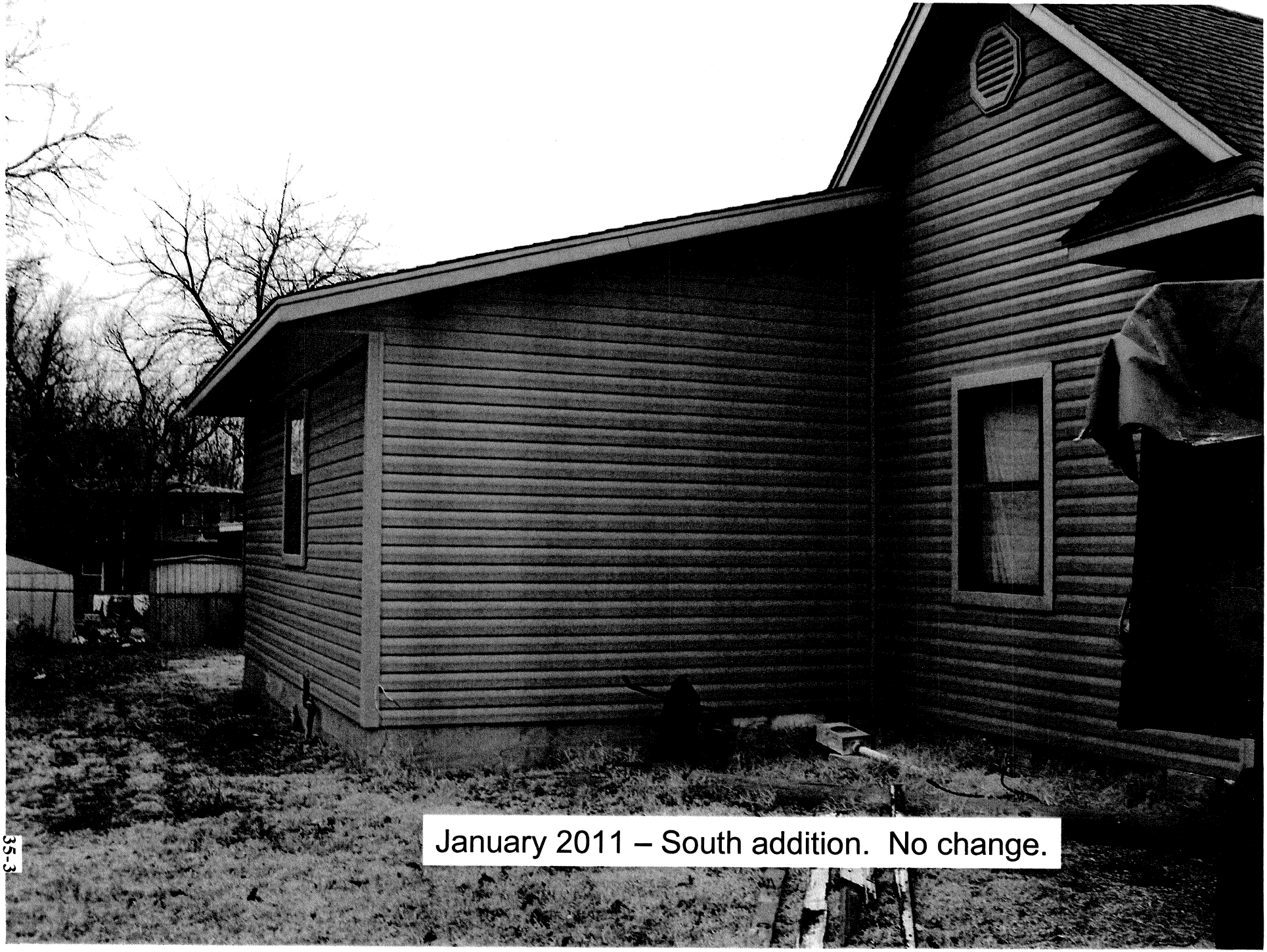
Recommendation: Because the house is structurally sound, Staff is withdrawing Resolution R-0910-60 that requested condemnation action. Staff will continue to work with the owner to bring the house back to a habitable condition.

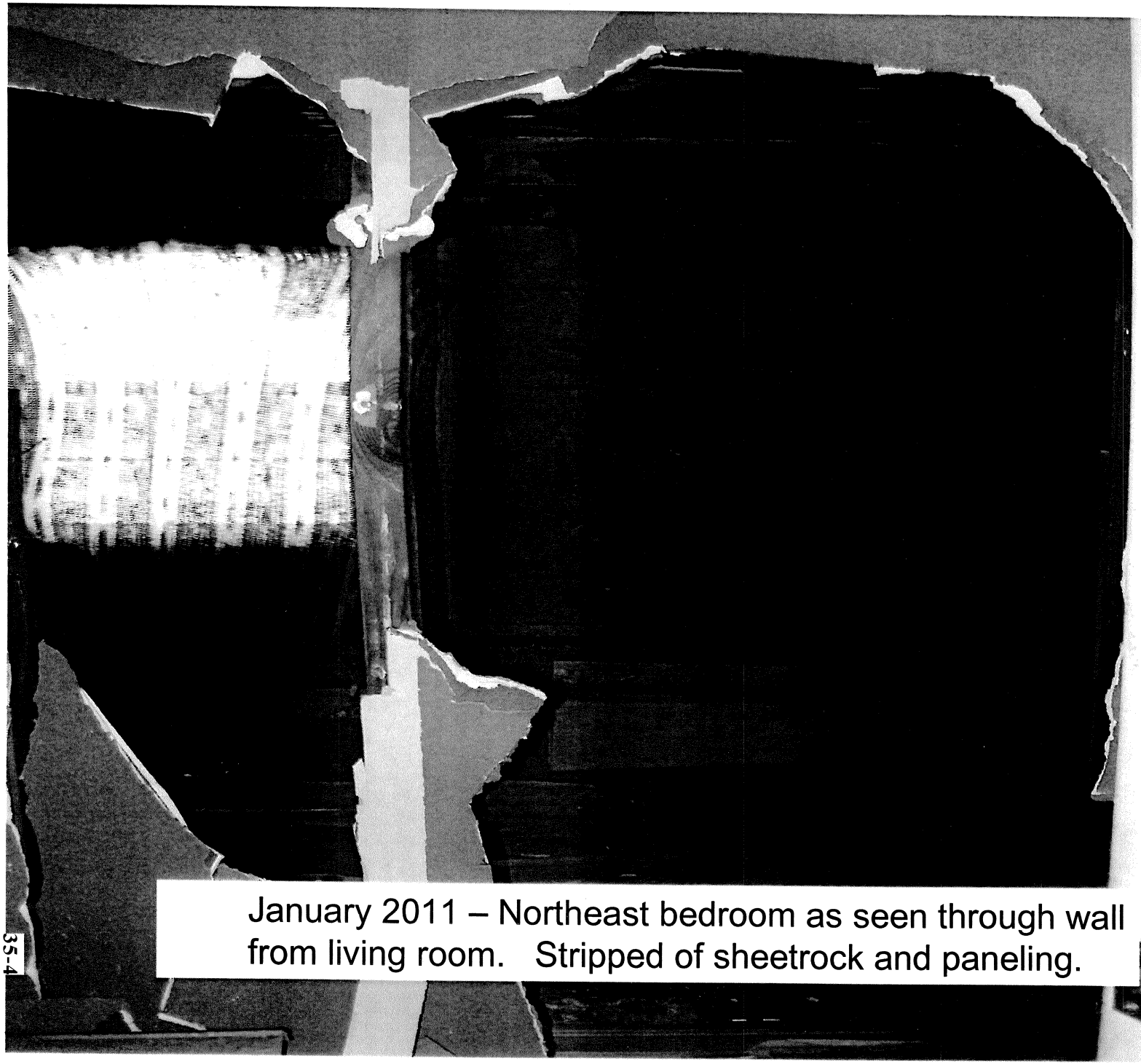


January 2011 – North elevation. Piece of siding still missing on eave.

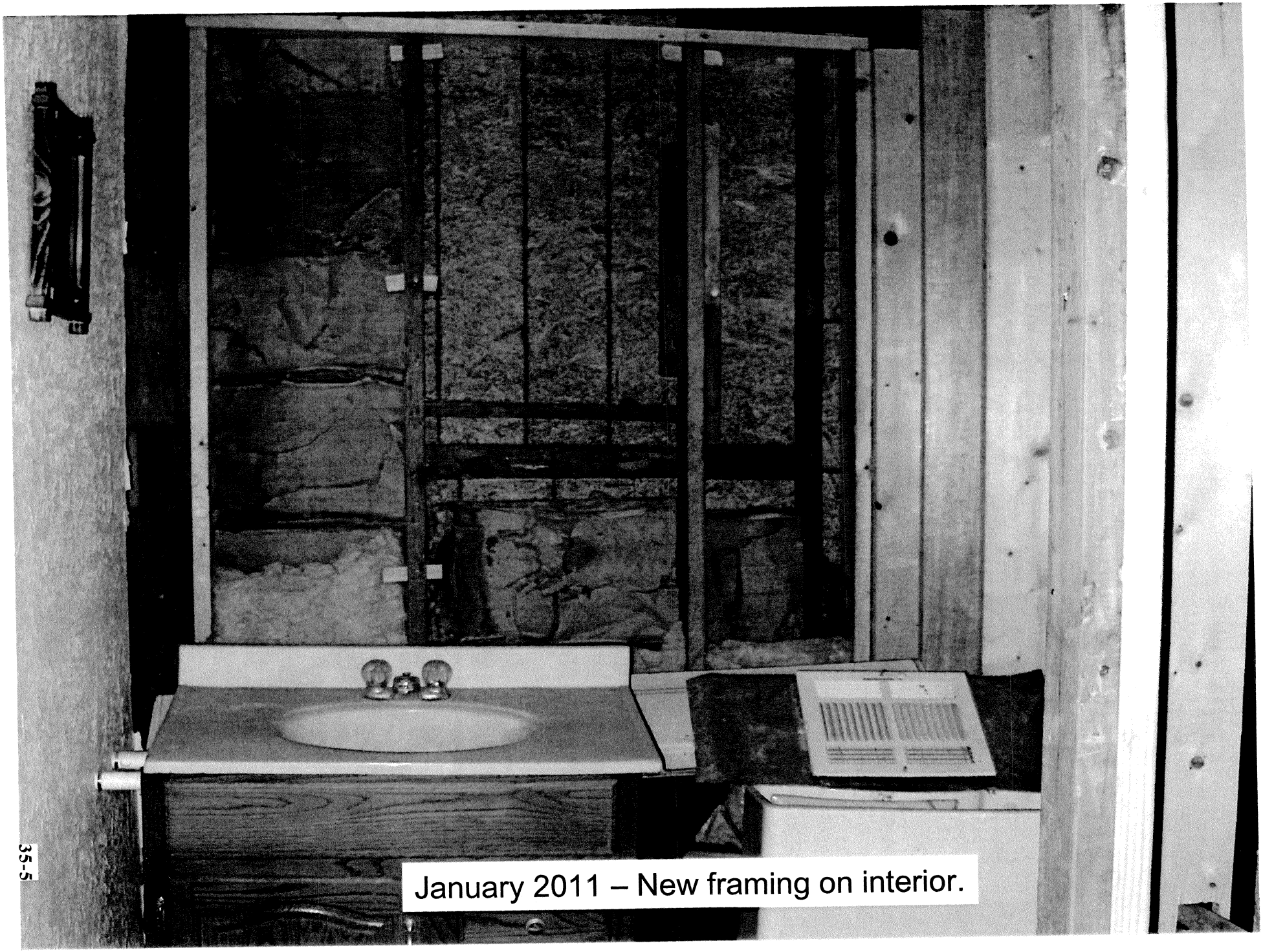
Jan. 2011 – West elevation. No change.

35-2

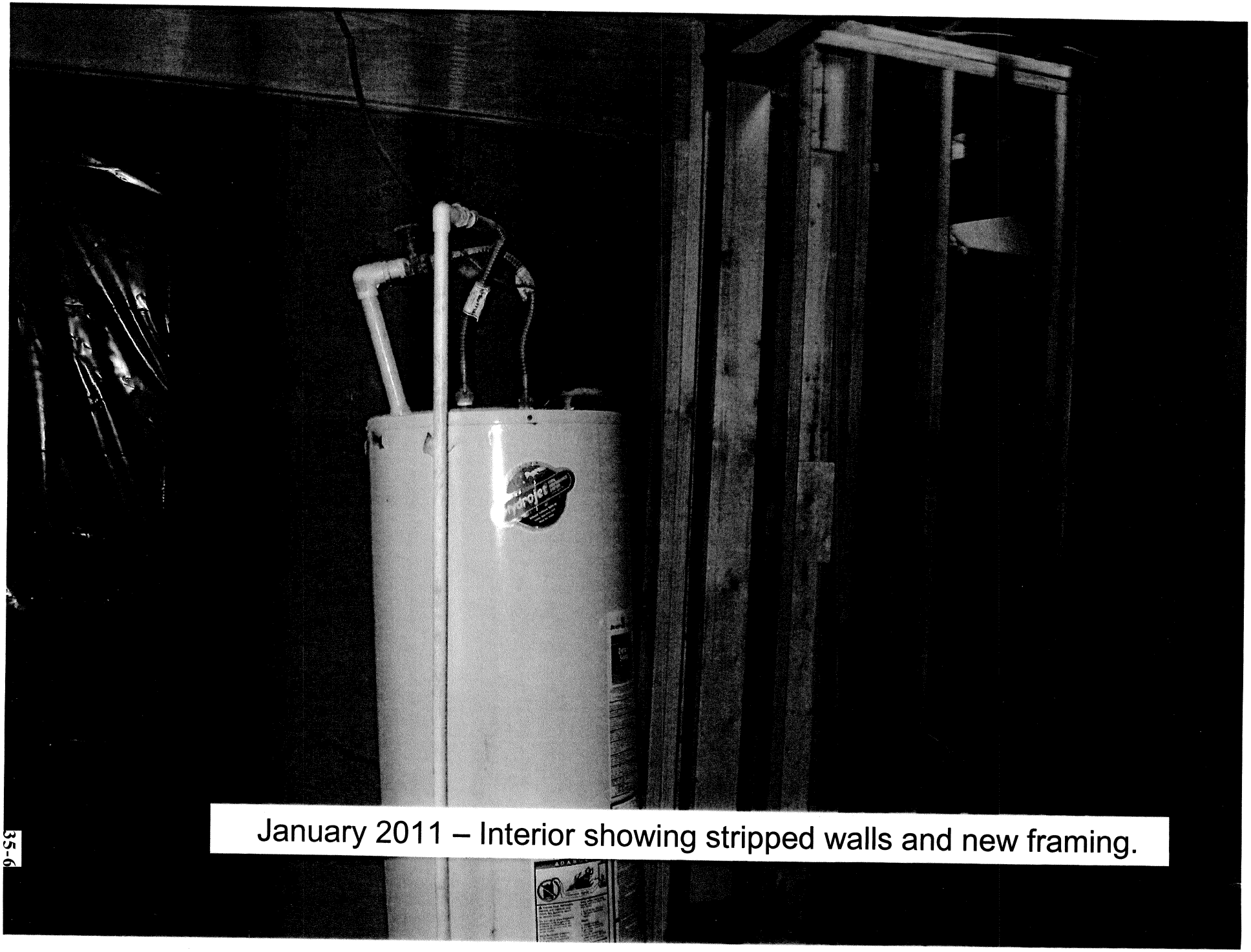

January 2011 – South addition. No change.



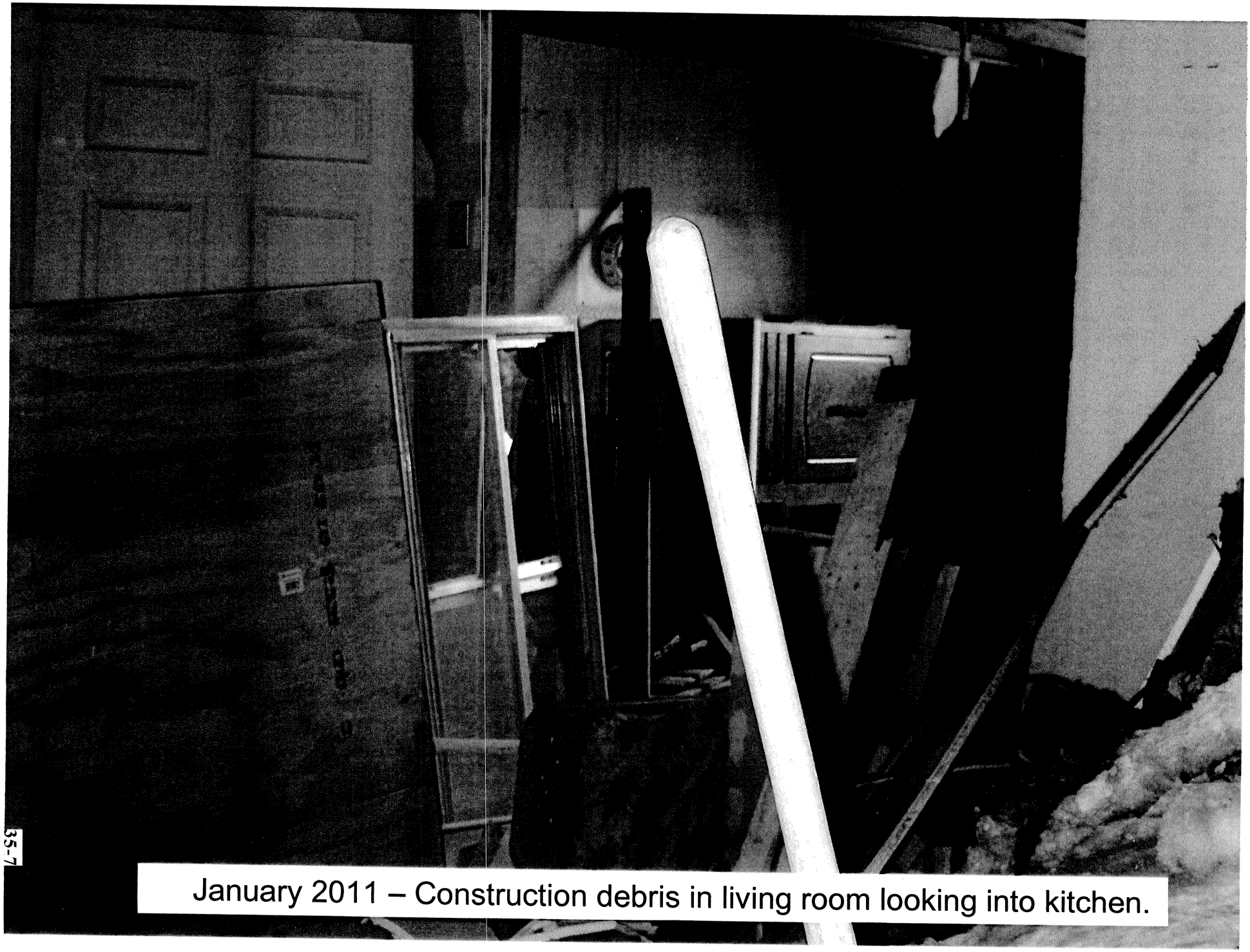
January 2011 – Northeast bedroom as seen through wall from living room. Stripped of sheetrock and paneling.



January 2011 – New framing on interior.



January 2011 – Interior showing stripped walls and new framing.



January 2011 – Construction debris in living room looking into kitchen.

Item 20, continued:

and the question being upon acknowledging receipt of Proclamation No. P-0910-8 proclaiming the month of November, 2009, as Pancreatic Cancer Awareness Month in the City of Norman and upon the subsequent directive, a vote was taken with the following result:

YEAS:	Councilmembers Atkins, Butler, Dillingham, Ezzell, Griffith, Quinn, Mayor Pro Tem Cubberley
NAYES:	None

The Mayor Pro Tem declared the motion carried and receipt of Proclamation No. P-0910-8 proclaiming the month of November, 2009, as Pancreatic Cancer Awareness Month in the City of Norman acknowledged; and the filing thereof was directed.

* * * * *

Item 21, being:

PUBLIC HEARING REGARDING THE ABATEMENT OF A NUISANCE, CONSISTING OF A DANGEROUS STRUCTURE, AT THE FOLLOWING LOCATION:

RESOLUTION NO. R-0910-60: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, CONDEMNING THE HEREINAFTER-DESCRIBED PREMISES AS A NUISANCE, AND PROVIDING FOR ABATEMENT THEREOF. (304 SOUTH STEWART AVENUE)

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

Items submitted for the record
1. Memorandum dated October 5, 2009, from Linda Price, Revitalization Manager, to Honorable Mayor and Councilmembers
2. Resolution No. R-0910-60
3. Memorandum dated August 25, 2009, from Keith A. Petillo, Rehabilitation Specialist, to Linda R. Price, Revitalization Manager
4. Summary of Violations at 304 S. Stewart
5. Photographs of property

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

YEAS:	Councilmembers Atkins, Butler, Ezzell, Dillingham, Griffith, Quinn, Mayor Pro Tem Cubberley
NAYES:	None

The Mayor Pro Tem declared the motion carried and a public hearing was conducted.

Thereupon, the following persons addressed City Council:

Participants in discussion
1. Ms. Linda Price, Revitalization Manager
2. Mr. Ronnie Argo, 512 West Beech, Lexington, property owner

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

YEAS:	Councilmembers Atkins, Butler, Ezzell, Dillingham, Griffith, Quinn, Mayor Pro Tem Cubberley
NAYES:	None

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

Item 21, continued:

Thereupon, Councilmember Dillingham moved the directive that Staff abate the nuisance as outlined in Resolution No. R-0910-60 be postponed until January 26, 2010, which motion was duly seconded by Councilmember Atkins; and the question being upon postponing the directive that Staff abate the nuisance as outlined in Resolution No. R-0910-60 until January 26, 2010, a vote was taken with the following result:

YEAS:	Councilmembers Atkins, Butler, Dillingham, Ezzell, Griffith, Quinn, Mayor Pro Tem Cubberley
NAYES:	None

The Mayor Pro Tem declared the motion carried and the directive that Staff abate the nuisance as outlined in Resolution No. R-0910-60 was postponed until January 26, 2010.

* * * * *

Item 22, being:

CONSIDERATION OF A PRELIMINARY PLAT FOR TECUMSEH ROAD BUSINESS PARK ADDITION, A PLANNED UNIT DEVELOPMENT, AND WAIVER OF ALLEY REQUIREMENTS.

Councilmember Ezzell moved that the preliminary plat and waiver of alley requirements for Tecumseh Road Business Park Addition be approved, which motion was duly seconded by Councilmember Dillingham;

Items submitted for the record
1. Memorandum dated September 29, 2009, from Angelo Lombardo, Traffic Engineer, and Ken Danner, Development Manager, to Honorable Mayor and Councilmembers
2. Location map
3. Revised preliminary plat
4. Revised preliminary site plan
5. Staff Report dated September 10, 2009, recommending approval
6. Letter of request dated August 14, 2009, from Tom L. McCaleb, P.E., SMC Consulting Engineers, P.C., to Mr. Jim Gasaway, Chairman, Planning Commission
7. Pertinent excerpts from Planning Commission minutes of September 10, 2009

Participants in discussion
1. Mr. Tom McCaleb, SMC Consulting Engineers, P.C., 815 West Main Street, Oklahoma City, engineer representing the applicant

and the question being upon approving the preliminary plat and waiver of alley requirements for Tecumseh Road Business Park Addition, a vote was taken with the following result:

YEAS:	Councilmembers Atkins, Butler, Dillingham, Ezzell, Griffith, Quinn, Mayor Pro Tem Cubberley
NAYES:	None

The Mayor Pro Tem declared the motion carried and the preliminary plat and waiver of alley requirements for Tecumseh Road Business Park Addition was approved.

* * * * *

Councilmember Dillingham asked that she be allowed to abstain from voting on Items 23 through 27 due to a conflict of interest. Thereupon, Councilmember Butler moved that Councilmember Dillingham be allowed to abstain from voting on Items 23 through 27 due to a conflict of interest, which motion was duly seconded by Councilmember Quinn; and the question being upon allowing Councilmember Dillingham to abstain from voting on Items 23 through 27 due to a conflict of interest, a vote was taken with the following result:

Item 47, continued:

Thereupon, Councilmember Cubberley moved that Item No. 47 be postponed for two weeks to allow Staff time to review the owner's alternate proposal for deferred construction, which motion was duly seconded by Councilmember Kovach; and the question being upon postponing Item No. 47 for two weeks to allow Staff time to review the owner's alternate proposal for deferred construction, a vote was taken with the following result:

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

The Mayor declared the motion carried and Item No. 47 was postponed for two weeks to allow Staff time to review the owner's alternate proposal for deferred construction.

* * * * *

Item 48, being:

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

Councilmember Dillingham moved to allow the Revitalization Manager to update City Council regarding the progress made at 304 South Stewart Avenue, which motion was duly seconded by Councilmember Kovach;

Items submitted for the record
1. Text File No. RPT-1011-3 dated July 13, 2010
2. Photographs of progress made at 304 South Stewart
3. Pertinent excerpts from City Council minutes of October 27, 2009, and January 26, 2010

Participants in discussion
1. Ms. Linda Price, Revitalization Manager
2. Mr. Ronnie Argo, 520 Beech, Lexington, owner of 304 South Stewart Avenue

Item 48, continued:

and the question being upon allowing the Revitalization Manager to update City Council regarding the progress made at 304 South Stewart Avenue, a vote was taken with the following result:

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

The Mayor declared the motion carried and the Revitalization Manager was allowed to update City Council regarding the progress made at 304 South Stewart Avenue.

Thereupon, Councilmember Dillingham moved that an update to City Council regarding the progress made at 304 South Stewart Avenue be provided in six months, which motion was duly seconded by Councilmember Kovach, and the question being upon providing an update to City Council regarding the progress made at 304 South Stewart Avenue in six months, a vote was taken with the following result:

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

The Mayor declared the motion carried and an update will be provided to City Council regarding the progress made at 304 South Stewart Avenue in six months.

* * * * *

Item 28, being:

RESOLUTION NO. R-0910-60: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, CONDEMNING THE HEREINAFTER- DESCRIBED PREMISES AS A NUISANCE, AND PROVIDING FOR NOTICE AND HEARING THEREOF. (304 SOUTH STEWART AVENUE)

Councilmember Kovach moved that an extension be granted to present demonstrable progress on the exterior and interior with the expectation that the house be finished to meet required codes in six to nine months with an update to City Council every three months beginning April 27, 2010, which motion was duly seconded by Councilmember Quinn;

Items submitted for the record
1. Memorandum dated January 20, 2010, from Linda Price, Revitalization Manager, to Honorable Mayor and Councilmembers
2. Resolution No. R-0910-60
3. Photographs of progress made at 304 South Stewart Avenue
4. Pertinent excerpts from City Council minutes of October 27, 2009

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

Thereupon, Councilmember Kovach moved to amend the update to City Council from three months to six months, which motion was duly seconded by Councilmember Ezzell; and the question being upon amending the update to City Council from three months to six months, a vote was taken with the following result;

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

The Mayor declared the motion carried and the update to City Council was amended from three months to six months.

and the question being upon granting an extension to present demonstrable progress on the exterior and interior with the expectation that the house be finished to meet required codes in six to nine months with an update to City Council in six months, a vote was taken with the following result:

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

The Mayor declared the motion carried and an extension was granted to present demonstrable progress on the exterior and interior with the expectation that the house be finished to meet required codes in six to nine months with an update to City Council in six months.

* * * * *

MISCELLANEOUS DISCUSSION

Water Forum Series. Mr. Bobby Stevens, 3801 108th Avenue S.E., said he had attended the meetings held on the Water Forum and expressed concern that the audience was not able to hear all of the presentations. He asked when the questions listed at the meetings were going to be answered. He said he was glad the citizens were being included in these discussions. He said he had recently received a newsletter from the City of Norman and asked why the information about the Water Forum Series was not included and why there had been nothing informing east side citizens about the meetings. He asked if the Absentee Shawnee Tribe or Pottawattamie Nation had been notified.

Mayor Rosenthal said she would ask the speakers to talk loud enough to be heard by the audience. She said many of the questions that are asked at the forums are answered that evening but those that are not answered are put on the list to be answered at future discussion. She said notice of the meetings is provided through the news media and a news information e-mail list that the City maintains. She said the City would double the effort to make sure the word gets out.

Item 25, continued:

and the question being upon adopting Resolution No. R-1011-85 and upon the subsequent directive, a vote was taken with the following result:

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

The Mayor declared the motion carried and Resolution No. R-1011-85 adopted; and payment of claims in the amount of $145,000 which will constitute judgment against the City of Norman along with applicable taxes and fees in the additional amount of $4,525.50 were directed.

* * * * *

Item 26, being:

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

Councilmember Dillingham moved that Resolution No. R-1011-86 be adopted, which motion was duly seconded by Councilmember Cubberley;

Items submitted for the record
1. Text File No. R-1011-86 dated January 12, 2011, by Jud Foster, Director of Parks and Recreation
2. Resolution No. R-1011-86

and the question being upon adopting Resolution No. R-1011-86, a vote was taken with the following result:

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

The Mayor declared the motion carried and Resolution No. R-1011-86 was adopted.

* * * * *

Item 27, being:

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

Councilmember Dillingham moved to allow the Revitalization Manager to update City Council regarding the progress made at 304 South Stewart Avenue, which motion was duly seconded by Councilmember Cubberley;

Items submitted for the record
1. Text File No. RPT-1011-3 dated July 13, 2010, by Linda Price, Revitalization Manager
2. Pertinent excerpts from City Council minutes of October 27, 2009, and January 26 and July 27, 2010
3. Photographs of progress made at 304 South Stewart

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

Item 27, continued:

and the question being upon allowing the Revitalization Manager to update City Council regarding the progress made at 304 South Stewart Avenue, a vote was taken with the following result:

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

The Mayor declared the motion carried and the Revitalization Manager was allowed to update City Council regarding the progress made at 304 South Stewart Avenue.

Item 28, being:

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

Councilmember Kovach moved that Resolution No. R-1011-74 be adopted, which motion was duly seconded by Councilmember Butler;

Items submitted for the record
1. Text File No. R-1011-74 dated December 14, 2010, by Mark Daniels, Utilities Engineer
2. Resolution No. R-1011-74 with Exhibit A, location map of Post Oak Lift Station Sewer Service Area, and Exhibit B, Post Oak Lift Station Final Payback Costs
3. Letter certifying final costs dated October 26, 2010, from Jerry Kelso, P.E., Vice President, Crafton Tull Sparks, to Mr. Mark Daniels, P.E., City of Norman Utilities Department
4. Contract No. K-0809-128 with Exhibit A, costs estimate for Post Oak Lift Station Project

Participants in discussion
1. Mr. Mark Daniels, Utilities Engineer

and the question being upon adopting Resolution No. R-1011-74, a vote was taken with the following result:

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

The Mayor declared the motion carried and Resolution No. R-1011-74 was adopted.

*****

City of Norman, OK

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

Master

File Number: R-1112-4

File ID:	R-1112-4	**Type:**	Land Use Plan Resolution	**Status:**	Non-Consent Items
Version:	1	**Reference:**	Item No. 36	**In Control:**	City Council
Department:	Planning and Community Development Department	**Cost:**		**File Created:**	06/21/2011
File Name:	R-1112-4 Tecumseh Project 2025			**Final Action:**	

Title: RESOLUTION NO. R-1112-4: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING THE NORMAN 2025 LAND USE AND TRANSPORTATION PLAN, LAND USE PLAN AMENDMENT NO. LUP-1112-1, SO AS TO PLACE A TRACT OF LAND LYING IN THE NORTHEAST QUARTER OF SECTION 15, TOWNSHIP 9 NORTH, RANGE 3 WEST OF THE INDIAN MERIDIAN, CLEVELAND COUNTY, OKLAHOMA, IN THE OFFICE DESIGNATION AND REMOVE THE SAME FROM THE LOW DENSITY RESIDENTIAL DESIGNATION FOR THE HEREINAFTER DESCRIBED PROPERTY. (GENERALLY LOCATED SOUTH OF WEST TECUMSEH ROAD AND EAST OF ASTOR DRIVE)

ACTION NEEDED: Motion to adopt or reject Resolution No. R-1112-4, Land Use Plan Amendment No. LUP-1112-1; and, if adopted, amend the NORMAN 2025 Land Use and Transportation Plan according thereto.

ACTION TAKEN: _____

Notes: October 11, 2011, City Council Agenda

Agenda Date: 10/11/2011

Agenda Number: 36

Attachments: R-1112-4, Tecumseh Project 2025, Tecumseh Project 2025 Staff Report, 8-11-11 PC Minutes - Tecumseh Project

Project Manager: Doug Koscinski, Current Planning Manager

Entered by: rone.tromble@normanok.gov

Effective Date:

History of Legislative File

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

1	Planning Commission	07/14/2011			
1	Planning Commission	08/11/2011	Recommended for Adoption at a subsequent City Council Meeting	City Council	Pass

Action Text: Recommended for Adoption at a subsequent City Council Meeting to the City Council

1	Planning Commission	08/11/2011

Text of Legislative File R-1112-4

Body

ITEM: The Tecumseh Project, L.L.C., requests amendment of the NORMAN 2025 Land Use and Transportation Plan (LUP-1112-01) from Low Density Residential Designation to Office Designation for 5.33 acres of property located at the southeast corner of Astor Drive and West Tecumseh Road.

SUMMARY OF REQUEST: This tract is the last undeveloped section of Cascade Estates Planned Unit Development, and was last approved by the Planning Commission in 2007 as a final plat for Section 8 showing fourteen single-family residential lots. The owners of this parcel are seeking approval of a 2025 Plan amendment to change the allowed use from Low-Density Residential to Offices (medical and non-medical professional).

STAFF ANALYSIS: Land use changes must meet two criteria outlined in the adopted 2025 Plan. First, that ***there has been a change in circumstances resulting from development of properties in the general vicinity which suggest that the proposed change will not be contrary to the public interest.*** The PUD which was originally approved for the Cascade Estates addition was entirely residential, and included a generous amount of open space. Development proceeded from the south to the north, and section 6 made a road connection to an improved Tecumseh Road in 2004. Since that time, a state project extended a widened and improved Tecumseh Road across north Norman all the way to 12th Avenue NE, and traffic volumes have increased over time as new residential subdivisions have developed in close proximity to Tecumseh Road. Two major churches (St. Mark's Catholic Church, directly across the street, and Journey Church, near the interstate) have been built along Tecumseh Road, and contribute significant traffic at their peak hours of usage. The most significant recent change in the area was the purchase by Norman Regional Hospital of over one-hundred acres at the southeast corner of Tecumseh Road and 36th Avenue NW. In addition to the new hospital which recently opened on that site, additional commercial and office uses have been attracted to the area to capitalize on the expanding residential subdivisions in the area, and the ready access to the Interstate. Second, that ***there is a determination that the proposed change would not result in adverse land use or adverse traffic impacts to surrounding properties or the vicinity.*** The analysis by the traffic engineer indicates that there will be an increase in traffic if office use is approved, but the amount of traffic will not result in any negative impacts on the neighborhood or the capacity of Tecumseh Road. The church to the north of this property already creates non-residential traffic at night and on the weekends which would impact this property if it developed as residential lots. However, the existing church and the

proposed office development will have different peak times for generating traffic on Tecumseh Road. The existing Cascade City Park will provide a buffer between the proposed office uses and the existing single-family homes to the south and east, and the accompanying PUD narrative proposes to minimize any visual impact by limiting structures to one story in height, and designing the buildings to mimic a residential appearance. As this would have been the last phase of the Cascade Estates Addition to be developed, all of the required open spaces have already been dedicated. This proposal actually incorporates a small addition to the public park, which will increase in size to 5.2 acres.

STAFF RECOMMENDATION: While there is still available land in the immediate area that can be developed for hospital, commercial, and office uses, this request neither substantially diminishes the amount of residential zoning in this area, nor increases the amount of land available for office use. Although there are numerous examples of residences which abut a major roadway (like Tecumseh Road), such lots are often negatively impacted by road noise and traffic, and thus are not the most highly sought lots in a subdivision. As such, converting this tract to office use eliminates that problem and allows a small office development which benefits from the visibility offered by a major transportation artery. Staff supports this amendment to the 2025 Land Use Plan. At their August 11 regular meeting, the Planning Commission, by a vote of 5-0 recommended approval of this Land Use Plan amendment.

R-1112-4
LUP-1112-01

A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING THE NORMAN 2025 LAND USE AND TRANSPORTATION PLAN, LAND USE PLAN AMENDMENT NO. LUP-1112-1, SO AS TO PLACE A TRACT OF LAND LYING IN THE NORTHEAST QUARTER OF SECTION 15, TOWNSHIP 9 NORTH, RANGE 3 WEST OF THE INDIAN MERIDIAN, CLEVELAND COUNTY, OKLAHOMA, IN THE OFFICE DESIGNATION AND REMOVE THE SAME FROM THE LOW DENSITY RESIDENTIAL DESIGNATION FOR THE HEREINAFTER DESCRIBED PROPERTY. (GENERALLY LOCATED SOUTH OF WEST TECUMSEH ROAD AND EAST OF ASTOR DRIVE)

§ 1. WHEREAS, the Council of the City of Norman recognizes citizens' concerns about the future development of Norman; and

§ 2. WHEREAS, the City Council at its meeting of December 19, 2004, reviewed and adopted the NORMAN 2025 Land Use and Transportation Plan; and

§ 3. WHEREAS, Tecumseh Project, L.L.C., has requested that the following described property be moved from the Low Density Residential Designation and placed in the Office Designation for the hereinafter described property, to wit:

A tract of land being a part of the NE ¼, Section 15, Township 9 North, Range 3 West, I.M., Norman, Cleveland County, Oklahoma, and being more particularly described as follow:
Commencing at the Northwest corner of the NE/4 of said Section 15;
THENCE North 89°36'32" East along the North line of said Section 15, said line also being the centerline of West Tecumseh Road, a distance of 924.80 feet to the Point of Beginning;
THENCE North 89°36'32" East continuing along the North line of said Section 15, a distance of 995.12 feet to a point on said North Section line;
THENCE South 00°28'35" East a distance of 50.00 feet to a point on the South right-of-way line of West Tecumseh Road;
THENCE South 89°36'32" West along said South right-of-way line of West Tecumseh Road a distance of 384.59 feet;
THENCE South 02°18'02" West a distance of 127.39 feet;
THENCE South 65°36'35" West a distance of 653.33 feet to a point of curvature;
THENCE along a curve to the right having a radius of 25.00 feet (said curve subtended by a chord which bears South 75°13'45" West a distance of 8.36 feet) with an arc length of 8.39 feet;
THENCE South 84°50'55" West a distance of 171.41 feet to a point of curvature;
THENCE along a curve to the right having a radius of 10.00 feet (said curve subtended by a chord which bears North 75°00'24" West a distance of 6.89 feet) with an arc length of 7.03 feet to a point on the East right-of-way line of Astor Drive;

THENCE North 42°53'04" East a distance of 103.71 feet to a point of curvature;
THENCE along a curve to the left having a radius of 280.00 feet (said curve subtended by a chord which bears North 21°21'36" East a distance of 205.47 feet) and an arc length of 210.38 feet;
THENCE North 02°18'02" East a distance of 116.24 feet;
THENCE North 44°43'19" East a distance of 35.43 feet to a point on the South right-of-way line of West Tecumseh Road;
THENCE North 00°23'28" West a distance of 50.00 feet to the POINT OF BEGINNING.

Said tract contains 5.33 acres, more or less.

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

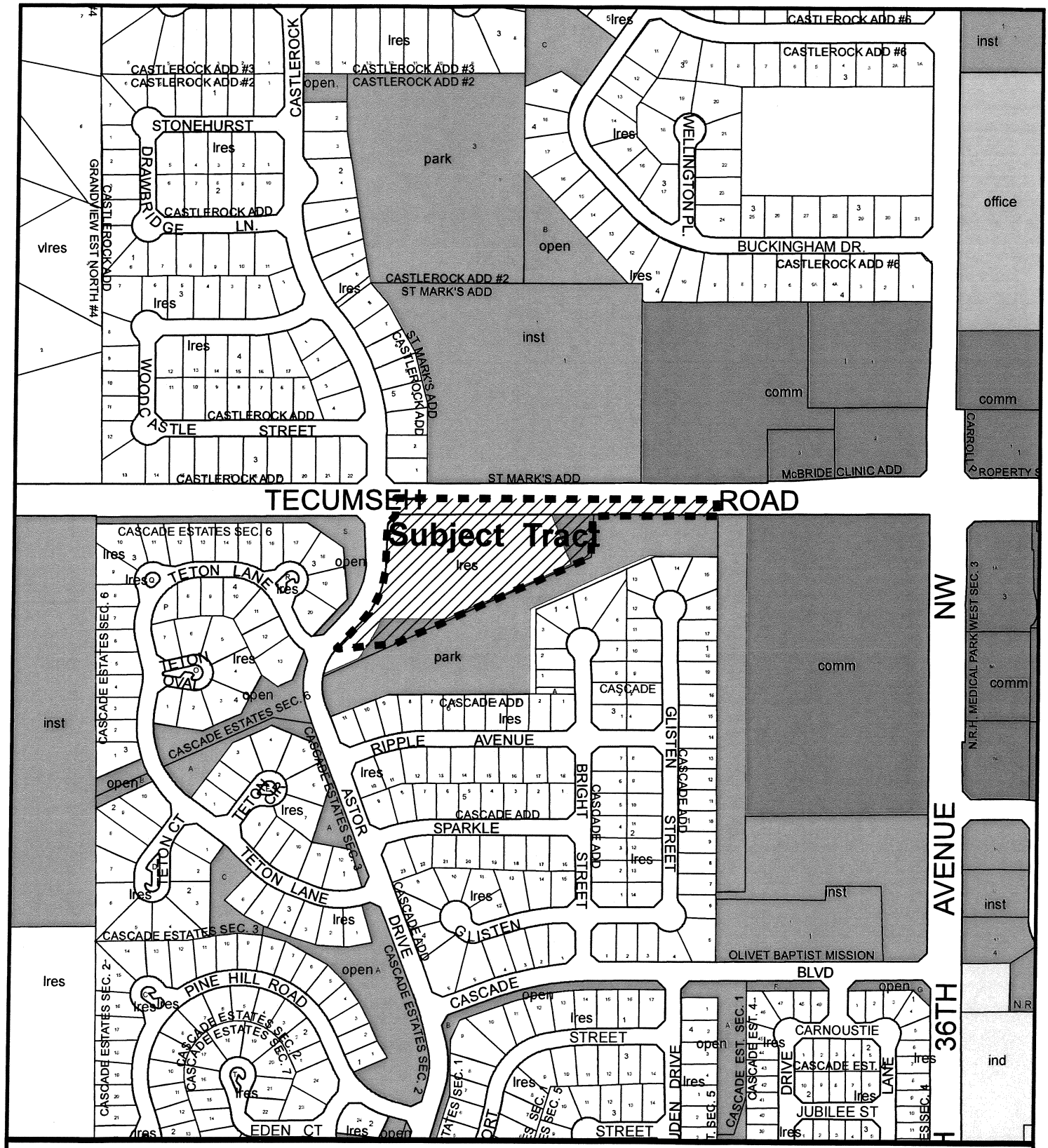
§ 4. That the Council of the City of Norman recognizes the need to control the future growth of the City of Norman; and, that after due consideration has determined that requested amendment to the NORMAN 2025 Land Use and Transportation Plan should be adopted, and does hereby approve the requested designation.

PASSED AND ADOPTED this _____day of_____, 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

September 28, 2011

0 200 400 Ft.

Subject Tract

Zoning

RESOLUTION NO. R-1112-4 ITEM NO. 8a

STAFF REPORT

ITEM: The Tecumseh Project, L.L.C., requests amendment of the NORMAN 2025 Land Use and Transportation Plan (LUP-1112-01) from Low Density Residential Designation to Office Designation for 5.33 acres of property generally located south of West Tecumseh Road and east of Astor Drive.

SUMMARY OF REQUEST: The owners of this parcel are seeking approval to change the allowed use from single-family residential to professional offices (medical and non-medical). This tract was previously approved as part of the Cascade Estates Planned Unit Development, with a final plat for section 8 showing fourteen residential lots approved by the Planning Commission in 2007.

STAFF ANALYSIS: Land use changes must meet two criteria outlined in the adopted 2025 Plan. First, that ***there has been a change in circumstances resulting from development of properties in the general vicinity which suggest that the proposed change will not be contrary to the public interest***. The PUD which was originally approved for the Cascade Estates addition was entirely residential, and included a generous amount of open space. Development proceeded from the south to the north, and section 6 made a road connection to an improved Tecumseh Road in 2004. Since that time, a state project extended a widened and improved Tecumseh Road across north Norman all the way to 12th Avenue NE, and traffic volumes have increased over time as new residential subdivisions have developed in close proximity to Tecumseh Road. Two major churches (St. Mark's Catholic Church, directly across the street, and Journey Church) have been built along Tecumseh Road, and contribute significant traffic at their peak hours of usage. The most significant recent change in the area was the purchase by Norman Regional Hospital of over one-hundred acres at the southeast corner of Tecumseh Road and 36th Avenue NW. In addition to the new hospital which recently opened on that site, additional commercial and office uses have been attracted to the area to capitalize on the expanding residential subdivisions in the area, and the ready access to the Interstate. Second, that ***there is a determination that the proposed change would not result in adverse land use or adverse traffic impacts to surrounding properties or the vicinity.*** The analysis by the traffic engineer indicates that there will be an increase in traffic if office use is approved, but the amount of traffic will not result in any negative impacts on the neighborhood or the capacity of Tecumseh Road. The church to the north of this property already creates non-residential traffic at night and on the weekends which impacts the property in question if developed as residential lots. However, the existing church and the proposed office development will have different peak times for generating traffic on Tecumseh Road. The existing Cascade City Park will provide a buffer between the proposed office uses and the existing single-family homes to the south and east, and the accompanying PUD narrative proposes to minimize any visual impact by limiting structures to one story in height, and designing the buildings to mimic a residential appearance. As this would have

been the last phase of the Cascade Addition to be developed, all of the required open spaces have already been developed. This proposal actually incorporates a small addition to the public park, which will increase in size to 5.13 acres.

STAFF RECOMMENDATION: While there is still available land in the immediate area that can be developed for hospital, commercial, and office uses, this request neither substantially diminishes the amount of residential zoning in this area, nor increases the amount of land available for office use. Although there are numerous examples of residences which abut a major roadway (like Tecumseh Road), such lots are often negatively impacted by road noise and traffic, and thus are not the most highly sought lots in a subdivision. As such, converting this tract to office use eliminates that problem and allows a small office development which benefits from the visibility offered by a major transportation artery. Staff supports this amendment to the 2025 Land Use Plan.

NORMAN PLANNING COMMISSION
REGULAR SESSION MINUTES

AUGUST 11, 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 11th day of August 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	Diana Hartley Tom Knotts Curtis McCarty Roberta Pailes Andy Sherrer Jim Gasaway
MEMBERS ABSENT	Cynthia Gordon Chris Lewis Zev Trachtenberg

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 Jane Hudson, Planner II

* * *

Item No. 6, being:
CONSIDERATION OF A REQUEST SUBMITTED BY THE TECUMSEH PROJECT, L.L.C. FOR PROPERTY GENERALLY LOCATED SOUTH OF WEST TECUMSEH ROAD AND EAST OF ASTOR DRIVE.

6A. RESOLUTION NO. R-1112-4
THE TECUMSEH PROJECT, L.L.C., REQUESTS AMENDMENT OF THE NORMAN 2025 LAND USE AND TRANSPORTATION PLAN (LUP-1112-01) FROM LOW DENSITY RESIDENTIAL DESIGNATION TO OFFICE DESIGNATION FOR 5.33 ACRES OF PROPERTY GENERALLY LOCATED SOUTH OF WEST TECUMSEH ROAD AND EAST OF ASTOR DRIVE.

ITEMS SUBMITTED FOR THE RECORD:
1. NORMAN 2025 Map
2. Staff Report

6B. ORDINANCE NO. O-1112-1
THE TECUMSEH PROJECT, L.L.C., REQUESTS AMENDMENT OF THE PUD ESTABLISHED BY O-9798-24 TO ALLOW BUSINESS, PROFESSIONAL AND MEDICAL OFFICES ON 5.33 ACRES OF PROPERTY GENERALLY LOCATED SOUTH OF WEST TECUMSEH ROAD AND EAST OF ASTOR DRIVE.

ITEMS SUBMITTED FOR THE RECORD:
1. Location Map
2. Staff Report
3. PUD Narrative
4. Preliminary Site Development Plan

6C. PP-1112-1
CONSIDERATION OF A PRELIMINARY PLAT SUBMITTED BY THE TECUMSEH PROJECT, L.L.C. (SMC CONSULTING ENGINEERS, P.C.) FOR TECUMSEH PROJECT, A PLANNED UNIT DEVELOPMENT FOR PROPERTY GENERALLY LOCATED SOUTH OF WEST TECUMSEH ROAD AND EAST OF ASTOR DRIVE.

ITEMS SUBMITTED FOR THE RECORD:
1. Location Map
2. Preliminary Plat
3. Staff Report
4. Traffic Impacts
5. Preliminary Site Plan
6. Request for Alley Waiver
7. Pre-Development Summary
8. Greenbelt Enhancement Statement
9. Greenbelt Commission Minutes – 3/21/11

*

Mr. Sherrer asked to be recused from discussion on Item Nos. 6a, 6b, and 6c.

Diana Hartley moved to accept Mr. Sherrer's recusal on Item Nos. 6a, 6b, and 6c. Roberta Pailes seconded the motion.

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

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

Recording Secretary Roné Tromble announced that the motion, to accept Mr. Sherrer's recusal on Item Nos. 6a, 6b, and 6c, passed by a vote of 6-0.

Mr. Sherrer vacated his seat and left the room.

*

PRESENTATION BY STAFF:

1. Mr. Koscinski reported that the first item is a Plan change from Low Density Residential to Office designation. The tract is on the south side of Tecumseh at Astor Drive. The accompanying rezoning is a PUD Amendment, so they are fairly specific in what they would do with this property. They originally asked for a Commercial Office designation, but the application was subsequently amended to a PUD Amendment specifically for professional office use only. The tract is pretty much surrounded by development in the immediate area. The site itself is vacant. It lies directly across the street from St. Mark's Church. The project will line up with the two church driveways to minimize traffic interference. Further east, the immediate corner is still vacant, but across 36th are some new commercial businesses which have sprung up partly in response to the hospital that opened fairly recently. The tract will abut an open space pipeline and park before you reach the residential area to the south. To the west is also single-family residential. Astor Drive is the major entrance off Tecumseh Road into the Cascade Estates neighborhood. There was a significant protest on the application. The protest does not technically affect the Planning Commission recommendation. When it goes above 50% it does require a super-majority of the Council, but not of the Planning Commission. The Plan change requires that two actions occur that precipitate a change. One is that there has been a change in circumstances resulting from development in the area. Obviously the hospital bought this land a few years back, but they've only recently opened the hospital, and since that hospital has been opened you've seen some of the new businesses spring up out there and we've had a lot of interest from doctors and businesses looking to locate near the hospital. I presume that is probably what precipitated this project. The price of land in the area is escalating and I'm sure the developers have chosen to try to take advantage of that. Second, there must be a determination that the proposed change would not result in adverse land use or adverse traffic impacts. The traffic engineer has determined, based on the data that was submitted to us, that Tecumseh Road can handle the additional traffic that comes from the Tecumseh Project. When the review of this project started, staff had suggested that there be an access point onto Astor Drive, and that was removed at the request of many of the residents of the neighborhood. So all the traffic is focused onto Tecumseh Road from this project and the driveways will line up with the driveways from the church. There has been some detailed consideration of how the traffic would flow in and out of the project. One of the driveways is programmed to be right-in/right-out only. From a zoning perspective, they are proposing a PUD, which would limit the use to only professional offices, such as doctors, dentists, lawyers, optometrists. It is not a retail district and does not allow for any retail use, other than some truly incidental things like an eye doctor can sell glasses.

The applicants have proposed additional landscaping to try to improve the appearance of the project, specifically along Astor Drive where they have trees and a continuous shrub barrier. One of the concerns from the neighborhood was appearance, and the PUD mandates that the buildings be single story, other than some incidental storage perhaps, with pitched roofs, masonry exteriors. There will be a lot of residential elements to the buildings. There is one additional open space that will be created. There is a piece of park land that has not yet been dedicated, so the public park will increase in size as a result of this proposal. They are proposing one phase for the final plat, although the lots could be developed together or independently, or combined at some point in the future. Staff supports the request for the Plan change, the rezoning, and the preliminary plat.

2. Mr. McCarty asked for clarification of what fits in the professional office category. Mr. Koscinski explained that it allows virtually any type of office use: accountants, medical, professional. There are a few unusual uses that the O-1 district will allow, one of which is a school, museum, and things like that which are technically allowed but probably would not occur in this area. The closest to a retail use would be an art gallery. Libraries, music conservatories. Very low traffic uses. Not anything that runs late at night or around the clock.

PRESENTATION BY THE APPLICANT:

1. Tom McCaleb, engineer for the applicant – This project has been in motion for a while. We had a Pre-Development meeting on March 24, and have met with the architect and neighbors. At the Pre-Development meeting is when we were informed of the concern of some of the neighbors. It was a very intense meeting. After that, we changed the plan, because that application was CO, and we withdrew that CO completely and went back to the PUD, which we thought would be better for everybody and give the neighbors some guarantees or some security with some of the concerns that they had. We've met several times since then in Mr. McKinney's office, and the client has met individually with several people on numerous occasions. So there have been extensive meetings that have taken place. The PUD was put in place to give some guarantees to the neighbors of what this is going to be like. It is not a contract, but it's close. So we're confined with the document of the PUD. This plan that you see before you is the illustration of the site plan, and this is called the Preliminary Site Development Plan, which is required for the PUD documentation. In the beginning, with the initial CO application, we had an access point onto Astor Drive and we prepared a traffic impact analysis to show how the traffic was going to work. We did the TIA and turned it in to show the reasons why it was done. In that document, we had the connection to Astor Drive. The meeting with the neighbors indicated that they did not want that connection. Our meeting with staff indicated that the access point was a good way to take care of sanitation needs and emergency vehicles. Again, the neighbors did not want that traffic there – did not want that access point, so we re-did it and we came up with Traffic Plan II. In Traffic Plan II we put together the consensus of how it would work if we did not have that access to Astor Drive. With the assistance of the client, and with Rick McKinney, we worked out how to take care of the sanitation needs and to make sure that we could take care of them in a logical fashion that didn't mess up the City's sanitation routings. We were able to eliminate the Astor Drive connection completely. On top of that, we were able to produce a landscaping plan and create vertical landscaping and a mass landscaping to add additional buffer to

the neighbors to the west. We're offering that in the PUD and we will do it. As you can see, there are four lots and only four lots. You also see the driveways on Tecumseh Road. Initially we had the west driveway as a full-access driveway and we had the east driveway as a full-access driveway. Staff was concerned about the proximity of the west driveway to Astor Drive intersection with some future traffic issues and asked us to reconsider that access, so we have. That driveway now is a right-in and right-out. It is not full access. So that was added to the traffic report and the City has endorsed that application and you have the City's approval of the traffic design. So we satisfied what we thought were some serious concerns with the neighbors: no access on Astor Drive, and in and out on the west drive, and a full access on the east drive only. Our only access to this piece of land is on Tecumseh Road. On the west, we have a heavily landscaped area to act as additional buffering. On top of that, there is an irregular tract of 1.9 acres that will be deeded to the City as additional park land. Adding this piece will make the total park land over 5 acres. Staff has asked us to plat this little piece into the final plat of this tract as a lot and block that will be granted to the City as a lot and block. All the landscaping will be incorporated as you see, and you see a heavy buffer on the perimeter around the entire tract. That buffer is in the PUD document to be installed in Phase I completely, no matter what lot is sold or what order they're sold. It will be irrigated. It will be owned and operated and maintained by the property owners association and it will all be done in Phase I. All the ingress/egress for sanitation will be designed to work for circulation as lots sell in any order. There will be four lots, and only four lots – there could be less lots, but no more than four. We will comply, and the PUD so stipulates, with the lighting restrictions of the new lighting ordinance. There will be shut-off lights. It is in the document. As I said, it will be over 5 acres of parkland when it's completed. We are modifying Astor Drive so there will be no connection whatsoever with the development.

This is the third amendment on this Cascade PUD. This was started in November of '97. The applicant at that time was Mr. Clagg and Mr. Newcomer, in '97. That's when we started Cascade. It has evolved in seven different plats. Those plats have taken place over a period of time and they've all been done and they've all been built. Cascade included almost 107 acres – that was the totality of the PUD in the beginning. Of the 107 acres, we're down to 5. This is all that's left. The PUD itself is addressing this tract. All the rest of the PUD has been built and is in place and it's very close to what was projected in '97, as far as open space, how many lots we were going to build. The only thing that's significantly different is the amount of right-of-way that we projected. The right-of-way that was projected in the beginning was about 6 acres and we wound up having about 23. In that right-of-way we had some common areas. So a lot more right-of-way was put in this project over the evolution of the time. If you net out the right-of-way for the tract, the amount of open space is almost 23%. That's a lot. So there's a lot of green on this whole tract of land and this is the last piece. The park land is there and we're going to add 1.9 more acres to that park land. If you've been out there, you'll see the play equipment is already there and being used. This park is used by the neighbors and they are concerned about it. We understand that. So we're not here to try to make life miserable for those folks; we're trying to do something that's just the opposite. You saw the flume a while ago – the drainage is in place. All the property would have to be raised to go back to that drainage flume and discharge back to the east and detention has been accommodated. The detention plan has been reviewed by the staff; it's in place. It

also has been approved by staff. So we've got detention in place. We've got the traffic in place. And it's ready to go.

A significant thing about the PUD application is that we are compliant to the O-1, not the CO; there is no commercial, no retail. It's offices. And in the O-1 district, as you know, you can get special uses to add to it. The PUD is written to say that won't happen. We have eliminated that from ever happening. We are not going to ask for any special uses. It's going to be this use.

The applicants for this project are these folks: Mickey Clagg, Ben Newcomer, Sean Bauman, Scott Bauman, and Dr. Tom Connally. All these gentlemen are respected citizens of Norman and have added to the quality of life in Norman in their presence and in what they've done. That's the applicant. Pretty nice guys. Here's the story. As a matter of record, the applicants did submit a final plat for single family residences on this same tract. Our firm submitted the final plat called Cascade Addition Section 8 on July 6, 2007. The Planning Commission approved it August 9, 2007. The City Council approved the plat September 11, 2007. It went through the whole deal. It was a few lots and has been approved. During the process, there were certain neighbors who called about that application and they were concerned that they didn't want it to interfere with the park and they didn't want it to interfere with their kite-flying options. The client determined that professional offices would better serve all entities, including themselves and the neighbors – to give it a distinctive buffer line right on the park land. So that's what we've done. The first submittal of CO was 5.3 acres. During discussions at the Pre-Development meeting, as I said a while ago, the client was informed by a large neighborhood group that commercial rezoning was not acceptable, and discussion was intense. That no longer is on the table. There is no commercial on this application – none. The client withdrew the CO zoning and prepared the PUD application. It was submitted June 8 of this year and that is the PUD that is before you tonight. What would this PUD do? It will guarantee to the neighbors the following items: 1) all perimeter landscaping will be done at the beginning, no matter which lot will be built on first; 2) no driveway will be installed on Astor Drive; 3) only two driveways will serve the project; 4) the west driveway will be a right-in and right-out; 5) the east driveway will be a full-service drive; 6) all sanitation service and emergency service will access from Tecumseh Road; 7) the southwest corner will be landscaped to offer additional buffering; 8) all landscaped areas will be maintained by an association; 9) there will never be more than four buildings constructed, and only constructed within the area designated on the PUD – there could be fewer buildings, but never more than four; 10) there will not be any commercial or retail – only professional offices compliant under the O-1 Office District restrictions. In conclusion, the client has heard the concerns of the neighbors. He has revised the complete plan. He has solved traffic and drainage issues. He has not been able to satisfy all the wishes of all the neighbors and never will. But please understand, the land will be developed. It will not remain in the agriculture state.

2. Rick McKinney, McKinney Partnership, 3600 West Main – It's a pleasure to talk about the design of the site plan and the buildings themselves. Tom has already introduced this site plan, and I think he's done a fine job of describing the features, and he has mentioned that we will have four buildings. The four buildings would have probably a maximum built-out area of 40,000 feet spread over the four buildings. The actual footprints of the buildings will fit within the building areas, but the actual design of the buildings will be done by each group that buys each building. Some of the

features that I would like to re-emphasize here are the zoning and the office nature of the project, not having any commercial. There has been discussion that we may have a retail strip center, a 7-Eleven, things like that. That is not the case. That will not happen. We are requesting professional, medical and office space. The buildings themselves will be single story. We have kind of a low-slope roof of a 6:12 pitch, which is less than most of the homes that are there now, so the overall height of the buildings will be no higher than 27 feet. That is written into the PUD as far as the maximum height, and I'll display that a little bit later in some of our elevations. The exterior materials of the buildings will be at least 80% masonry – brick, or stone, or cast stone. I also have some elevation concepts of what we are envisioning. And I think one thing that is very important is the landscaping – the developer has agreed to landscape the entire perimeter at the onset and irrigate it and maintain it and put the bond on that from the very beginning before any lots are sold. Then the balance of the landscaping, on the interior, will be developed by each individual lot owner and developer, and then all of the landscaping eventually would be under one common POA – property owners association – that would facilitate and upkeep the maintenance to a level that everyone would like to see. So you'll see a consistent quality of landscaping and plantings throughout the entire development eventually. The landscaping plan, as I mentioned, in general we are indicating one and a half times the amount of landscaping required by the City of Norman. These would be of the variety of trees and sizes that are required in the landscape code – Chinese pistache, red oaks, silver maples – trees that are preferred and requested. You can see around the perimeter these trees are actual counts that exceed the minimum allowed requirements of the landscape ordinance.

This is a concept elevation. It indicates some of the masonry materials, and we are indicating either a split-faced stone or a ground-faced stone, rock, masonry veneer. The roofs will be a 6:12 pitch, maximum 27 feet high. There will be an allowance of up to 20% stucco on the buildings, if that would be desired. We've specified the glass. We've specified the window framing system and color and finish that would be consistent. The entry doors to all the buildings would be consistent. The light fixtures around the entire facility would fully comply with the latest lighting ordinance for the City of Norman and they would be consistent. We would require every developer of each lot to use the same type light fixtures, so there would be continuity there. In addition, one thing that's very important, there will be an architectural review committee, which will review all designs and must be approved before any building permits will be issued, and those will be held in strict accordance with the PUD document, which is all these materials that have been called out, and I'll talk about that a little bit later. Also the roof materials will be consistent. They will be consistent with the neighborhood. It's a weathered wood shingle, which is the predominant material in the neighborhood, and that will be the required roof material for all the buildings that are built. Finally on the roof structures – this again kind of shows the scale of the roofs that would be on these buildings. This is a 27 foot height. The top elevation is just a schematic view of the Tecumseh Road elevation. This is one entry. Over here would be another entry and those, again, line up predominantly with the Catholic church across the street. Over on the left and on the right you see the property lines, and over here is Astor Drive. Down below on Astor Drive we're showing, again, the maximum building height, low-profile brick signs on Tecumseh, and then there would be a continuous solid hedge as well as ground landscaping and trees along Astor at least 3 feet high that would screen cars along Astor. One thing I wanted

to point out is the mechanical units – originally we said we would allow sloped roofs and flat roofs. That was a concern of the neighborhood and we understood that, so we have retracted that. All the buildings will have sloped roofs and the larger building on the west side will have a recessed area within the sloped roof. This building is at Journey Office Park at the corner of Tecumseh and I-35, and it is highly visible from an overpass that goes over I-35. The overpass is 23' high, so we established the eye level of someone that's on the overpass to be about 26-27' high, and we have set the height of the roof on this building to where there are actually mechanical units all along the top of this building, but they're recessed down inside so you cannot tell that there's any recess or mechanical equipment on the roof. Any other mechanical systems that are on the ground would be screened with masonry enclosures. This is the maximum building area plan. This shows the maximum area of which a building can be placed on each of the four lots. That is not the building size; that is the allowable building perimeter of where a building could be placed. The gray area is common area. The green space – Tom mentioned the existing development in the 100 acres around the property is approximately 23%. Our open green space is at 27% on this property right now. These next four slides indicate how – we call it a phased development plan. In order to complete the circulation and allow for each lot to function on its own, possibly before each other lot is purchased, in this case Lot 1, the pink area would be developed by the lot owner and the blue the developers would step up and complete both entry drives off of Tecumseh as well as the balance of the parking around Lot 1 in advance of Lot 2 being purchased. Lot 2 is very similar; the pink area would be built by Lot 2 developer and then the overall developer would provide the blue area to allow proper circulation and safety. Lot 3 – same story. Lot 4 – similar. In all cases, emergency and waste management vehicles can circulate through the property before all the lots are built out and it will function fully.

As far as the narrative, as Tom touched on earlier, the setbacks will all be defined. On the south area of the property, we have the park land and then there is an oil line/gas line easement that runs continuously along the south property line of our development, and then the nearest residential is to the south and it's 100 feet away from the nearest building, across the pipeline easement to the fence line.

Again, if we could emphasize a few features of the PUD development – and it is not O-1 zoning; it is a PUD development with O-1 criteria. So we are complying with that. And it is O-1 office use – no commercial – no strip center – no convenience stores – and we have deleted the allowance for special uses that are allowed in the O-1 zoning, so those would not be factored in, and there's no residential or apartments that would be built as well.

3. Sean Rieger, attorney for the applicant – I will go into just a little bit more detail on a few other points and then we will conclude tonight. I think you've heard a lot about how well and how much this developer has worked with the neighborhood. I want to give you a little more detail about that. What you see is a slide from the Pre-Development hearing back on March 24, and you see a little sign on the lower right there that was posted in the neighborhood that said owners want to rezone that land to commercial – sign the petition. We're seeing that as a recurring theme in this project of opposition is the word commercial. We even saw it recently this past week in an email to the neighborhood that said they're still calling it commercial office. It's very important that everybody understand that commercial is gone from this project – period. It's nowhere in the vernacular of anything that's being proposed. It was taken

out after this Pre-Development hearing. And I want to read just a few of the minutes – you have them – you've seen them in your packet. But I want to read a few of the minutes from that Pre-Development hearing on March 24th, and there were really three points that were highlighted that were the major points of the neighbors at that time. One, the neighbors' comments, they were particularly concerned about the proposed curb cut and driveway on Astor Drive. Well, as you've seen now, we took care of that and here is now – you'll see them side by side as Tom and Rick have shown you – the curb cut on Astor Drive was completely taken away. They also said they were concerned with the driveway on Astor Drive – the adjacent neighborhood would be subject to cut-through traffic. Again, we've removed that driveway right there. Not only have we removed that driveway, but changed the driveways on Tecumseh Road so that the main entry point is as far away from Astor Drive as you can get, with only controlled access on the other access point. And then they said the neighbors were concerned whether the parcel could be used as a convenience store in the future if the lots don't sell as professional offices. Well, as you've heard, and I know you all know this, because we're here every month doing this, but they can't use this as a convenience store – as a retail operation – as a restaurant – none of that, without coming back through the entire process again. The neighbors would be notified again twice – served legal notice – before any of that could happen, and you would have to approve of it – City Council would have to approve of it. It won't happen. And the PUD specifically excludes those kinds of operations. So the protections are there. The protections were put into place after the Pre-Development hearing. We've had great success with Pre-Development hearings. This is another one where we heard the responses, and I point every one of them out, and the developer has reacted to every single one of them in the plan. Again, I'll just highlight them – the drive onto Astor eliminated; substantial landscaping; the PUD controls; they aligned the drives. All of this is now in place as a matter of law in the PUD and goes forward with it.

Let's talk about the O-1 office zoning in detail. What does that mean? Well, this district was really put forth for this reason, and I want to read to you very closely the opening paragraph of this district – this is in the City of Norman Zoning Ordinance. And it says: "This District is intended to provide a place for those types of institutional and office activities that require separate buildings and building groups surrounded by landscaped yards and open area. Land, space and aesthetic requirements of these uses allow them to be located at the perimeter of residential neighborhoods." At the perimeter of residential neighborhoods. "This district can be an effective buffer between less intensive residential area and the retail, wholesale and industrial areas of the community." It's set up for this very purpose. As we talked many times, we need buffers. We need step-down zoning from the corner of 36th and Tecumseh over to Cascade. It's helpful and efficient to have step-down zoning. Right now we don't really have step-down zoning. We go straight from commercial to residential; there's not a step down. Step-downs are helpful and that's exactly what this was put forward for. What are the uses? We talked about it a few minutes ago. Doug told you. You see them right here. Realize, too, that a lot of these uses are contingent upon the size of the site. This is a small site. This is only a 5 acre site. You're not going to put a large assembly hall on a 5 acre site. Art gallery – laboratory – libraries – music conservatories. The main gist of O-1 is right there, under 7. That's what it's used for time and again. Professional offices: dentists, architects, attorneys. Those types of uses. That's the only allowed uses you have is right up in this area. Shops and stores are only that are incidental to the uses. Sometimes you'll see an optometrist selling eye glasses –

something like that. Not a retail store. You see the special use at the bottom. Not only does our PUD specifically exclude them but, as you know, special use doesn't just come as a matter of right with that zoning category. If my client wants to have a special use, one, the PUD excludes it. But even if it didn't, it would still have to come back through this process. It would have to come through the entire process, notify the neighborhood twice again, go through you, go through Pre-Development, go through the Greenbelt Commission, and then through two hearings of City Council before any of that would ever be allowable. So that is excluded. And you see those special uses there.

I want to read just a couple more points from – Rick highlighted the PUD, but I want to detail to you again how extensive this PUD goes. I don't know that I've seen a PUD this extensive in a long time. As you know, a PUD legally becomes the zoning ordinance. What this PUD says is that this category will be the use – O-1 – but it goes a lot further. It says not only will that be the required uses, but you, building owner and property developer, have to comply with all this. I just want to read a few excerpts from that sheet. This becomes the law. This isn't a guideline; this isn't a covenant that can be privately enforced only. This is a law that Code Enforcement and Susan and Shawn O'Leary's department can enforce as a matter of law. Doors. The law. Exterior entry doors shall be a two-light French door style – wide style with a single horizontal rail, dark bronze anodized finish. Have you ever had a zoning code that said that? That becomes the law. That becomes what they have to build to as a matter of law through the zoning district. That's how detailed they have gotten into this PUD. The roof pitch. The color of the shingles. The granular surface. All of it is written into the PUD, and it's written in there for a reason. It's written in there so that these neighbors can rely upon that assurance. They don't have to just rely on Mickey Clagg's word. They can. I'll assure you of that. But they don't have to, because now they have the law. They have the law in writing that says he has to do that. That's substantial protection. With a PUD you get great benefits, but as a developer I can tell you with a PUD you also get tremendous restraint. A PUD gives you great flexibility to write your own zoning ordinance; it also locks you into exactly what you write. It locks you in.

Lets kind of zoom on in to the aerial so you see a general character. You're familiar with this area of Norman, of course. You see the I-35 corridor on the right. That red dot is the district. And as we zoom on in, you really see what Mr. Koscinski talked about as the change of the Norman Regional Hospital – that large facility on the right. It's really in its infancy. Obviously, hospitals are built for use of a long time – decades – fifty years or more. Well, that hospital certainly in not going to just stay in its current condition – its current state. There's another entire phase planned for that hospital. Most of that facility right there is controlled by the Norman Hospital Regional Trust Authority. Who knows how long that will stay in place? But there are significant restrictions on that 90 acres of site right there. So, really, in a lot of ways, that site is not just open on the free market to anyone. There are significant restrictions you've got to comply with if you're going to be there. There's a few other sites, but we need many around a large hospital. More importantly, we need substantial different styles and uses that are available for all the different uses that go around a hospital. You want many choices. If you don't have many choices, you have a monopoly and that gets expensive. This will add to the choices, add to the availability, add to the options around this hospital, which is a figure piece of this entire area. As we zoom on in, I want to illustrate again – you remember we talked about step-down zoning. This entire corner right here is all intense commercial. That's intense commercial. That's not

office. That's intense commercial. This could easily turn into CVS here or Walgreen's over here, Crest, Whole Foods – who knows? Who knows what all that will be? We're going to see intense activity. Step-down zoning says we want to step down away from that and bring it slowly into a buffer area and then into the residential areas. That's what this is. You then see across the street, too, the large parking lot of St. Mark's Church – a wonderful institution in this location, but I would urge you to consider that large parking lot certainly will be much larger than – you see it's almost as big as the entire site here. We're certainly not going to be that large in our pavement. And then you see this – and actually I'm going to go back. What I really want you to start noticing between these slides is a massive buffer area – this park and that pipeline. I'm in front of you a lot and I rarely have that kind of buffer area. How many times do we talk about we're going to have a 20 foot buffer – we're going to have a 50 foot buffer – we're going to have these kinds of dimensions? We have a huge buffer in this location. You see that large buffer there and you see this large park area here that we are widening over here at the tip to give it some more visibility and access. A huge buffer. We simply don't have that very often.

I want to talk about this developer's track record on a project that he did many years ago – the Quorum. Now the Quorum is a different project legally. The Quorum, I believe, is straight zoning. I don't believe it's a PUD. Done many years ago. It's not under the same restraints that we will be tonight. But let's talk about how closely the concept sketch aligns with what was built. Look at that sketch. Now, sometimes people will show you concept sketches and they'll say it doesn't have a tree here – it's missing that. This one probably is missing a tree, maybe one here and there that's died over the last 20 years. I don't know. But I want you to look at that. Look at the buildings. Look at the layout and look at those trees and then look at that. It's all there. There's the trees. There's the building layout. There's the interior garden. It was all built just exactly as it was shown by this developer. Not a PUD. Not the same restrictions that you have under this one, but it matched the concept. Did the outside look like it was supposed to? That's what was shown, that's what was planned, that's what was built. Again, it matched. And, again, they don't have anywhere near the restraints that you do here. We're, by law, confined to the color of the mullions we have to match. Before Susan can issue a building permit, we've got to match that. We've got to match the mullion color, the wood color, the roof color – all of it has to match before we can even get a building permit.

I want to show you a little bit of the area right now. That's St. Mark's across Tecumseh Road – the large parking lot with the trees. What's the choice here tonight? The choice here is really you're going to have the frontage on Tecumseh Road be, perhaps, the current residential lots. I'm going to show you in just a minute how it's really a little bit of an odd layout if you do that. But those lots, as you see in many cases, will back up to Tecumseh Road, and so will their fences. We've had a lot of problems over the years with that alignment on major arterial roads because, unfortunately, as much as we try, the POAs and the users have a hard time keeping that a consistent aesthetic. It's no different here. If you look at the fences around the park, there's a number of them have fallen in disrepair. That's likely to happen on Tecumseh Road if we simply build up along the street. But here we have the option to do something different. We can do an office park that doesn't have those fences along Tecumseh Road. This is what I really hope you'll look at very closely. This is the current layout of the preliminary plat – 14 small lots – 6,000 square foot lots – and you see the size of these lots over here? Much smaller than what you have in adjacency.

But what I really want you to look at in the photo – do you see those red lines? If you build that preliminary plat like that, you're building a fort. See that little red line around that? You're going have a little fort of wood stockade fence on a little pod of residential stuck out on Tecumseh Road in the middle of this area. It's an isolated piece. It's by itself. If you go the route of the professional office park, you've broken that up. You don't have the fence stockaded all around it, and you've brought in some visibility and some view corridors into the park area. And you certainly have beautified Tecumseh Road more than that would do. As Rick talked about, we talked about this tremendous separation – it actually is 126 feet. I think Rick got us that earlier today from the closest building to the closest house. If you talk about other areas of town and we're talking if we can find 20 or 50 feet of buffer, we're doing pretty darn good. 126 is incredible. And so these developments tend to be very, very good neighbors. I just want to close with some examples around Norman of professional office parks – professional office buildings – garden style – residential style – that are next to some very high-caliber residential additions. This one – 36th Avenue N.W. at Brookford Drive. You probably remember – I think it's Jack Combs Insurance and Talley Dentist office. You see these facilities right there? Those are professional offices right there on 36th Avenue. I don't see 126 buffer around them, but I do see a house right there that's worth a million bucks. A million dollar house right next to that professional office park. I may be wrong – I don't follow the police scanners, but I don't think there has been a tremendous problem in that location. I think it has been a good adjacency. I think it has been a good neighbor, and I'm quite confident the property values in this area have not declined with those professional offices right next to them. And those are two stories and flat roofs. Do you see all that? We don't have that here. We're one story, low slope, 27 foot tall max. I want to show you another example: High Point Building on South McGee and Highway 9. It has been there many years, but actually recently we've seen development just to the east of this across the street. Again, kind of a garden style professional office building that has been there a long time. See that house right there? That's a million dollar house. It has not affected those property values. The Hunt Club was built – sold out pretty quickly. It has been a good neighbor. There's no 126 buffer around that site. This is The Trails Office Park down on Berry Road. You see Berry Road coming off here. This is a building that was just built – good neighborhood – good addition – property values intact. Professional office park adjacent to you and immediately abutting up against it. And this is Northwest 24th at Palmer Circle. You see these buildings. These are actually quite large two-story, flat roof. I think there may even be a three story building in this location. You see these Westport homes that were put right in here – all of them sold out, no problem, good property values. And this is another one off North Porter. This neighborhood again doing quite well. Professional office buildings, medical buildings right up against it. Cambridge – another neighborhood that has always been very proud and doing very well. We are certainly not a storage facility, but you see the office up front here at the outset with a residential character.

And so I hope you will see tonight that this applicant responded substantially to the concerns they heard from the neighborhood at the outset. They changed everything that they heard about in Pre-Development to the tee. They've put substantial restraints upon themselves, right down to the mullion color of the windows and the French doors of the entry doors. And they've gone to a use that has no more commercial – purely office – and that has historically been a very good neighbor next to residential. We urge you to approve this tonight. We look forward to being good

neighbors with this neighborhood. This developer has a track record of that and they're proud of that. We're happy to answer any questions that you have.

4. Mr. Gasaway asked if the offices will be 4-sided architecture, so that one side is not obviously the front and one the back with the dumpsters, etc. Mr. Rieger responded that this is very much 4-sided architecture. Circulation is around the four sides with entry points on multiple sides. There is not just a bare back of the building with HVAC compressors and things like that. The architecture is compatible and consistent around all sides.

5. Mr. Gasaway asked if this will comply with the new lighting ordinance in terms of full cut-off fixtures. Mr. Rieger responded that is specifically written into the PUD and is actually more aggressive than the lighting ordinance. The lighting ordinance allows you to go beyond the property line at .2 footcandles for 10 feet; the PUD says zero – they can't go beyond the property line.

PARTICIPATION BY THE AUDIENCE:

1. Keith Brewster, 3921 Ripple Avenue – First, I want to say that I am speaking for myself. There were a group of us who have had a number of email conversations over the past few months, and this sort of represents all of our opinions, but I must say it's my own because we didn't do quality control at the end. I live at 3921 Ripple Avenue, and I've lived there for 14 years and been a Norman resident for 20 years. My property backs up directly across from the park and this property. I want to start off with this first slide and show – we've heard this word buffer thrown out here and I really think it has been misused and it's been misapplied. We have a commercial use going on along 36th, and if you look at the 2025 Plan every commercial use in this part of town – on the west side, north, even Main Street with the exception of the one property kind of far off on 48th near Cambridge that he mentioned – all of the commercial use is contiguous with 36th Avenue NW. And we see that same thing borne out here. As they show, there's commercial use on both sides of the street. This happens to be owned by an orthopedic company, so it can't be just anything. The property across here is also a bank and orthopedic. So it's more office than, say, on the east side, which is retail. But we do see a boundary here which has been brought up in the Porter Avenue discussions, and in the study that's been done, and they talked a lot about this line between the commercial and the residential. And the current line runs across here and we have basically 12 properties within Cascade Estates that are affected by that. If you go ahead and look at their proposal, we now more than double and close to tripling the number of properties that are directly across from the property in question. This is an office, but this business about office and commercial – I know there's a legal definition about that, but, let's be honest, offices – medical offices you're going to have the same traffic. I believe there were 1,000 vehicles per day in the traffic study – that number was not thrown out tonight, but I believe I saw that in the report. A thousand vehicles per day running in and out of this, and this is just changing – as you go along Tecumseh Road you want, as a resident of this area – Castlerock, our area – you want to be stepping down into a residential area. We come here. There's a 300+ foot boundary of parkland then we go to office. This is an island. It is not a buffer. Now our park, which is a neighborhood park, we would envision this was always sold to be – this is going to be cloistered thing. People will walk there. We will just have like the neighborhood people there. It's a City park but, if you look at Brookhaven, you look at

Castlerock – these parks are used by the neighbors. You know the people in the park. You know who they are. Now we have 1,000 vehicles per day in and out. Who are these people? That's a concern to us. If they're coming there for a doctor's appointment or they're coming to buy something – like eyeglasses, which, by the way, I go to my optometrist – half of my money goes to retail. It goes to buying eyeglasses, contacts, that sort of thing. So this whole distinction, I think, is blown out of proportion and we're just bringing in something different character than what was originally planned.

So let's talk about the original plan. We have never seen this shown tonight and in the documents. This was the original plan that was from 1998. 2001 the preliminary plat was finally approved. So we're talking around 2001. During that time, then, this 107 acres of land was developed, people were sold lots, 300, and now we're just down to the last 12. So this is 5% of a huge project. And all of a sudden they want to change it and everything else has been sold. So that's a sticking point with a lot of people, and I think a lot of others have more clear stories on that. I'll leave that to them. But they went ahead in 2007 and they put this plan together. And you saw this plan presented today. You saw the problems pointed out with the plan. This plan did not just fall in their laps. They didn't just take over someone's bankrupt property or anything. This was their own plan. If there's something wrong with it, why did they create it? It just floors me, because they went against everything that was in the original plan. Larger lots. This plan has 8-9,000 foot lots. Now they're going down to 6,000 foot lots and they come in today and they criticize 6,000 foot lots. Well, just go back. You want to put a fence? Well, we could put a masonry fence all around here and that would be your boundary along Tecumseh and have some open space around this cul-de-sac. Now there's a few odd-shaped lots here, but again, that was their plan. I don't know why they changed it to this. Now this plan lasted exactly 18 months. Now you say that was done four years ago. Eighteen months after this plan, we had a company formed – we had a loan from a bank – we have people now going after commercial use – I'm sorry, office. Well, it was commercial then, now it changed to office. So I just thought it important to tell the whole story.

We didn't talk about it tonight, but in the documents we talked a lot about how the traffic in the area was going to really cut down on the marketability of these lots. So I explained this in my letter. I think you all have the letter. I don't want to spend a lot of time about numbers and details of property values. But there is no evidence that traffic has had any impact on the sales of lots in Cascade. And we see here exactly the intended consequence of the planners of the 2025 Plan – keep the commercial and the offices over here. We run 14,000 vehicles per day over here and it drops down to 7,000. Why? Because people are going to the neighborhoods, people are going to the school, and beyond that there's really nothing. There's another neighborhood going in. This is going to come up; we understand that. But we're not going to see the 1,000 pop that we're going to see with this project. So what does 1,000 mean? Well, in the last six years, from 2004, we've gone from 6,000 to 7,000. So in one shot we're going to jump six years worth of growth if this project goes in. Now east of 36th Avenue this is the rate, and we understand that. That's because of all the factors that they mentioned in their report. You have the hospital, you have the Tecumseh Road East going all the way to 12th Avenue. Those people are just coming to I-35. They're not going to 10-mile flat.

So is this really needed by the citizens of this city? This area has a new hospital, but we also have 233 acres – not just the 96. We have the 96 there and we have 233

total. On the other side of I-35 we have 250 mixed use from the University North and it's in the best interests of the City to keep these sales going, because it's our community hospital, it's our community TIF over there. Then one last thing – and before I jump to this, I want to make a statement. I think the developers have done a great job in Cascade. The green space is great. I was promised – and I think that's part of why it sold well and got good solid prices. But there were some details when you look at concept versus reality. And they're trying to say this is our concept, and I know they're trying to codify things but it's really hard to codify every single thing about a building. You say the door – well, then there might be something else that didn't come out right. And if you look at what has happened in Cascade it hasn't gone quite as well as those other projects that were shown. The concept was have this with a nice cap on the newel – didn't appear. Where is the other side of the entry? It has now totally been eliminated. And then the bridge never happened. I don't know what happened there. So let's look at this design over here that we just saw earlier, and this is a nice design, but look at the trees and then when you actually look at it from the ground view. So a lot has been done to screen this stuff from the west, but I'm looking at this from the south and this is what I'm going to be looking at. We kept asking for it – there's no pony wall, no row of shrubbery, no berm to screen the visitors to the park and the residents who have to look at this every single day. Thank you very much.

2. Bonner Slayton, 4001 Ripple Avenue – I don't have one of those million dollar homes next to the development. I don't see that happening soon. Years ago my family and I decided to move to Norman. I'm a public school teacher here in Norman and we saved, borrowed, begged – we didn't steal – and we found what we thought was a perfect house in Cascade Estates, and I've been happy since then and I'm very happy that I've reared my children there. One of the things that I like about the neighborhood is that it is a family neighborhood. It's a great place to have family values. I don't see how this project is going to help me. And one of the things I am concerned also is about looking out my back door facing this from the south – facing it toward the north and looking and not seeing the view. I'm very, very concerned about that. I've watched for years developers come in, promise to do something, and then they actually don't follow through. It's great to put trees up. It's great to put shrubbery up. But what's it going to be like for 5 or 10 years down the road? I can honestly say that's one of my concerns is to look at that. But as far as I'm concerned, I'm against this proposal. I don't think it does anything to help our family values. I don't think it does anything to help our families and our neighborhood, so I would ask you to vote no. Thank you.

3. Robert Morey, 4009 Teton Lane – My property is actually directly adjacent to the west of this proposal. I don't have a nice expensive presentation. Sorry. I'm just going to come up here and share my experience and share why we bought this. You guys hear a lot of promises. I know you do. I can see it just from this one meeting. A lot of promises to do things. Well, me and my family – we've been living here since '96. Purchased this property from our initial one as an upgrade, and we bought into the promise – to the dream of owning a larger home near a grade school and a park. I have younger children. I wanted to be able to, one, walk to the school and also be able to get my children to the park safely. One of the major concerns I always had is that, when they did this proposal, the original dream I bought into was residential. This was a residential piece of property. This was a neighborhood that was going to be built

up all the way around us with neighbors – not businesses, not office complexes, not medical. None of that. I bought into it. My property actually you can look out the back window. This will be their parking lot is where they're going to build. I have a lot of concern about the fact of the increased traffic – the cut-through traffic on Astor Drive will absolutely increase. We have a lot of small children in the area, as stated by many of the other people around here. There's a lot of people walking and running. There's a grade school that is less than a – about a block and a half away from the others. All of this increased traffic will put these children and other people at risk. So my concern is that the increased traffic – the auto/pedestrian issues that's going to happen there. The use – I appreciate the decrease in the use of Astor Drive that obviously will cut down the cut-through from the back end of it, but we know it's going to happen. There's an office complex there. We know they're going to cut through that area. Not going to be looking. And you have small children in the area. So I would ask you to oppose this. I'm not going to take a long time. I did write a letter. I know you guys have that. But my request is this, please don't make our neighborhood a better place to work than it is to live. Thank you very much.

4. Yumi Davis, 4113 Teton Lane – I can say I'm not a big fan of public speaking and I think some of my neighbors were feeling the same way, so they asked me to give them the opportunity to stand and just show their support. So if you guys want to do that. Thank you.

We're actually here in support of keeping our neighborhood residential. I wanted to address a few things that were shown earlier. I saw on the Powerpoint presentation that they had a sign that we had presented for our petition signing and it said commercial, but I wanted to clarify that originally this was brought as a rezoning and then they changed it to amendment for the PUD, so that's why it stated commercial. Also, they brought up some minutes from the preliminary meeting and I wanted to address that as well, because those were literally our initial concerns. You know, obviously we came to the preliminary meeting and we didn't have the opportunity to really think about what was going on. Like I said, those were our initial concerns because we didn't know what the plan was until we came to the meeting. And on their side, I feel like they had an opportunity to prepare and really calculate what they were going to say and do in order to move forward. So I just don't want that to be used against us. They brought up the fence, and I can't say that I know what the developer's initial plans were, but around the perimeter of the neighborhood all of those fences are bricks, so I'm not sure why that particular fence in that one 5 acre or 4 acre area wouldn't be brick fence. But I also want to point out that it's the entrance to the neighborhood and the particular section that I live in and so right now it's half of an entrance. I know that was one of the concerns I brought to them and they assured me that that wouldn't affect my square footage or the price of my home, but I feel like it will deter potential buyers because I think people do look at the amenities of the neighborhood and I'm assuming that's why we have neighborhood pools and parks and things to attract people to the neighborhood. I think this was brought up. I also have safety concerns regarding the commercial area by the park. I walk my kids to the park often. We use that drainage ditch; that's how they ride their bikes because otherwise it's a grass area. Again, I brought this up to the developer, but I have, obviously, a 4 year old and a 6 year old there trying to stay quiet. But when you walk in a residential area, obviously, you let your kids go a little bit ahead of you. It's much different if you're walking in a commercial or office parking lot. So I do feel like that will

have a negative impact on the park and just the overall dynamics of the neighborhood. A lot of people said this was the neighborhood that they had dreamed of. I feel the same way. Our kids can walk to the school. We have watermelon socials. We have 4th of July parades and all the things that we want and I just feel like a commercial area will change that. We did have a petition signing. We offered this at the clubhouse. The clubhouse area is where our pool area is. That wasn't open, so people had to make an effort to come sign the petition. I don't remember the exact number so it was between 2 and 300 – I think you guys have those numbers in front of you. Two to three hundred neighbors come sign and make an effort to do that. We were actually even surprised because a lot of the surrounding neighborhoods came and we weren't prepared for them. We had no idea of their interest in what we were doing, but we were surprised that several of the neighborhoods showed up. I also wanted to point out that, like they mentioned, Roosevelt is about a block away and their official walk to school day starts in the Cascade neighborhood. So it starts at our clubhouse, it walks right by this area, and so, again, I don't want it to have a negative impact on what we already have in our neighborhood. Also, regarding the safety concerns, I know that the developers at one time – and this is an approximate, but I think they mentioned 220 parking spots. So, again, I have concerns whether that's a vacant building or a building with 220 parking lots. I just feel like with residential that's more controlled and I think Keith touched on this a little bit, but, you know, you're at a park with small children and you want to know if there's someone that shouldn't be there that's there. And I don't think that commercial area allows us to really manage that or keep track of that. Regarding the economic development, I know you guys look at the overall plan for the City, and I just feel like there's many other commercial areas nearby that everybody has pointed out. Regarding economic development, I don't think it's about just developing buildings – it's about having residents, having quality employees and small business owners, and those are all in our neighborhood as well, and I feel like we've made an investment in Norman, so I hope you guys will consider our investment in Norman as well.

5. Jon Williford, 3607 Gullane Drive – I'm a few blocks to the south of the proposed rezoning area. If I could just real quickly – just to kind of illustrate my point I want to tell a quick story. I work in an office in downtown Oklahoma City. Two of the individuals that work in my office are strictly criminal defense attorneys. Well, one day one of the attorneys was meeting with a client. The client was driven to the meeting by her son. While the client is meeting with this other attorney, our receptionist steps to the back office for some reason – doesn't matter what. She's gone about five minutes. She comes back, doesn't think anything. The client's son is still in the front waiting on his mother. A little bit later, client leaves. A little bit later our secretary goes to try to buy herself lunch. She realizes at that point that her bankcard that had been in her purse on her desk the whole time had been stolen. Thankfully for her, she knew the gas station where these folks tried to use the card that they just stole out of her purse. So she wasn't out anything because they were able to stop her and catch her. The point of that is – why I think that story is particularly relevant to this is that she was away from her desk for maybe five minutes and a client – a client's son – took that five minute time span to commit a crime. And it's that small of a window, and it's the particular potential clientele that could be brought into this neighborhood, that is specifically concerning to me. I have a 7 year old that goes to Roosevelt. One of the things that my wife and I like about it right now is we let him walk from school to Astor Drive where

he is either picked up by my wife or picked up by the car pool. Gives him a little sense of self-confidence; gives him a little sense of responsibility. My concern is we don't know who is going to be the clients at these offices. We don't know what kind – and there's no way that we can know. There's no way. We don't know why they would be there. We don't know what they might be seeking at these offices, so we can't protect and we can't monitor or can't police that. One of the things that is part of my job – I'm an attorney as well – is I do estate planning sometimes. I draft people's wills. They have small children. I ask them who is going to be your guardian if both you and your spouse die, and as soon as I ask the question everybody says we're not both dying at the same time – that's crazy. That never happens. Well, the problem is, that does happen. And the problem for me is, as an attorney, as somebody who has to think about these things, I have to consider the worst case scenario, and I've got to do what I can to plan for it. It's very similar to somebody who buys a gun to protect their home. You hope and you pray and statistically you're almost never ever ever going to have to use that gun because your home is being invaded or your family is being threatened. But if it is, and if that -- heaven forbid – scenario ever comes up, you're thankful that you took the time to plan for that worst case scenario. You took the time to consider what happens if somebody breaks into my house at night. That's what I would ask for this committee. Consider the unknowns and consider the worst case scenarios that we can't predict and we can't police. If it's residential, we know who lives there. If it's residential, we know whether or not they're on any particular registries or not. We know that the residential community has a community feel. I know who my neighbor is because I like knowing who my neighbor is. It benefits me and my family to know who my neighbor is. For example, the other day my neighbor called me and said, hey, your sprinklers are still going. Turns out we had a broken sprinkler so I had to rush home to fix it. That's part of being in the community and that's one of the things that helps protect the people in that community. And that's one of the things that there's no way we could ever know what's going on inside those offices or with the people that come to visit those offices or with the people who may come to park at the office as a pretext, because they might know that there's an elementary school that gets out in a few minutes. So those are my concerns. And are they likely to ever happen – realistically probably not. But if they did happen, I would feel horrible for not having come and voiced these concerns to all of you. So with that, I appreciate everyone's time and I would ask that everyone on the committee vote no for this. Thank you.

6. Thomas Boyer, 3939 W. Tecumseh – I'm Pastor at St. Mark's. I live around the corner – 3701 Castlerock. I wrote, and I'm assuming that my letter was disseminated to the whole commission. And I will just summarize that briefly and add a little bit more. If it would be possible to oppose more strongly than the letter did, I would. The concept – this is a matter of ideas and I'm very uncomfortable and got more uncomfortable when five citizens' names got put up on the screen. This isn't about people; this is about an idea. And as I have worked with the neighbors, I keep insisting on the civility of this and we focus on the idea. St. Mark Church is where it is because we build churches where people live, not where they shop or where they work. We chose that piece of property because we understood this was going to be a residential area and that's where we choose to be. I'm uncomfortable with the idea of continually changing that. At the meeting recently held at the church, someone tried to persuade me by saying, well, Father, things change. And so I'm sitting here thinking, with all these assurances of what kind of offices these are going to be, I can imagine my successor

standing here some day objecting to another change. That instead of professional offices they be allowed to be – well, I don't know what the opposite is – unprofessional offices. If things change, then they change and then there's no certitude about anything. My point is, we oppose this and I'm so puzzled that if all this professional time and energy and money has been put into this development of office space, why it couldn't have been put into the development of residential space just as creatively and consistently with the original PUD. So I simply object to the idea of changing the PUD. We want this to be residential, and I speak for all of my neighbors as well. We do ask that you preserve this property for its residential use. Thank you.

7. Vicki Hopkins, 4112 Teton Oval – I have been a resident of Cascade Estates for three years when we moved here from Texas. One of the main reasons we chose our house was because of how warm and neighborly Cascade Estates felt. My kids loved having a park in walking distance from our home and our realtor told us more houses would back up to the park. When we questioned that – if it would change or not – she assured us it would not because of the PUD. We felt confident that we had a great place to raise our family. Walking distance to the elementary school. Walking distance to the park. And no businesses nearby. On moving day we sat on my back porch and had lunch. My sister, who was visiting, said it was amazing how quiet the neighborhood was. It was as though the sound had been turned off she said. She looked at how many children and families were out and how many cookies were brought to my door as a welcome and declared that we lived in Mayberry. She was right. We have a watermelon social each August. We have an Easter egg hunt and a 4th of July parade. I feel safe to have my kids play around our block and the surrounding blocks freely. When someone drives on my street, I know who they are. We have an incredible neighborhood watch. When we see an unfamiliar car sitting or driving around, we all email one another to watch out for it and to find out what is going on. Now that car will be able to simply sit in the new business park parking lot. We will not be able to monitor the strangers and dangers at all. No matter what the developers say, it does bring a danger to our neighborhood. I feel like the safe feeling that we have is going to change if the make-up of our family-oriented neighborhood changes. When people drive down my street in the future, they may be patrons of the business park. I will no longer feel safe for my kids to roam and play because strangers have now entered our wonderful home. When we go to the park, I will have to have my kids watch for traffic that will inherently cross through our neighborhood to avoid lights on 36th. Now there is stranger danger. I will always feel uneasy that a stranger could be watching us from the parking lot. In addition to the safety issue, we have a noise factor – cars coming and going, starting and stopping; people coming down our streets. We will no longer live in Mayberry where the sound has been turned off. We will live in a neighborhood that backs up to an office park. The developers keep telling us this is not commercial, because there is no retail store. I beg to differ. It's not houses. People are coming and going. There is a parking lot. There are strangers. It's commercial. Like I said before, we are in walking distance to Roosevelt Elementary. Each day we have children walk and ride bikes to school. Many of us bought our homes because we like the idea of walking to school. There are so many children walking and riding their bikes to and from school on a daily basis on Astor, and now we have a business park to contend with. We have cars and strangers and simply an element of unrest for our children. I moved to Norman from Houston three years ago. I recently went back to see family. At times I was overwhelmed by all the businesses near the subdivisions. Several of my

family members live near business parks. In fact, our old neighborhood backed up to a business park, which is why Cascade Estates was so appealing to us. It's not quiet. It's not homey, and it's simply not Norman. Almost home from my trip, I got off Tecumseh from I-35 and was heading toward the turn into my neighborhood and it just felt so peaceful. I loved turning into Cascade Estates, seeing the park, not hearing anything. People were mowing their yards. Kids were playing. That's the feeling I want to keep. That was a Tuesday in the middle of the day. If they get their way, I would have had to turn at the business park, navigated traffic, barely able to see my neighborhood park and, no, it would not have been quiet. I'm a stay-at-home mom whose home and children mean the world to me. I simply do not understand why they cannot build houses in this spot. They said people would not want to back up to Tecumseh. We have houses that do, indeed, back up to Tecumseh. They have built a wonderful neighborhood, so just finish it. I do not agree with the developers when they say they do not want our neighborhood to diminish in any way. A business park will change the make-up of our home. There is so much undeveloped commercial land down Tecumseh near the hospital, there is not a need nor a demand to put such dangers in our neighborhood. Please keep our kids safe. I beg you to not let them make this amendment to our existing PUD. Please keep this land residential. It is a wonderful neighborhood. Please keep it that way. Thank you very much.

8. Tracey Satepauhoodle-Mikkanen, 3409 Glisten Street – I have lived in Norman for 30 years, but I have lived at Glisten Street for 20. I have moved from a very rural area in Oklahoma to Glisten Street when there was no hospital, there was no I-35 connection, there was no way to get to where I lived except if you went off Robinson Street. I do not understand how there is not a mindset to explain to our children – they don't understand Lexicon, they don't understand legalese – but why we can't make this type of project and development something for our children. If I look at those little children right there, that reminds me of how my children grew up on Glisten Street. They are now 26 years old. One is a police officer and the other is getting ready to start Norman North. If I can't explain to you how important it is to keep our children safe in an environment within which we live and keep something that is recreational – someplace that is separate from home, that is what that park does. It brings all of us as neighbors together. It keeps our children playing together. They practice every day. It is someplace that we can keep as a residential area safe. I was robbed last year of $20,000 out of my driveway of equipment. The more people that you bring in, the more people that you just don't know who is watching. You don't know how safe you can keep your house – your home. When I looked out my back yard at times there was nothing there and now there's a hospital. There's even a water tower that didn't used to be there. I understand that there's things that need to be developed for progression – that need to be there for a good purpose, but our children need someplace in that neighborhood to go and that park is the place that they go to. Thank you.

9. Phillip Johnson, 4000 Teton Lane – I will represent my family. My home is located directly across from the park. When I look out my front door I see the property that's in question. When we bought our house, we understood that it was more than likely the single biggest investment we would ever make and, of course, we wanted to know what was planned for this area that would be out our front door so we questioned and found out that it would be residential, that was the PUD in place, and that's what was going to happen – that Cascade Estates would be completed with more homes. Since

that time, the lots have been decreased and they've changed that plan, and now we're here again trying to change the plan once more. One of the questions that I have is if these lots don't sell, are we going to be back here in five years trying to change it to a commercial designation? Are we on a slippery slope that just keeps continuing to change year after year if the property doesn't sell? Obviously, we're concerned about the safety issues that have been raised – the school being there so close to the neighborhood and the park right there. But there's also a concern about property value. All of us are home owners and we invest so much into that and we don't want to see anything that's going to decrease that value. And as this process continues to evolve and change year after year, it just seems we're on a slope that just keeps slipping away from us. Thank you for your time.

10. Kenyon Hoggard, 3120 Troon Street – I've been there for a couple of years now. My primary concern is the safety of my son. He goes to Roosevelt. He's 7 years old. My second concern is the looks of the area. But I would like to point out one issue that I've thought of while listening. I understand there have been several meetings like this, and I know we're hearing a lot of very strong feelings on the testimony that people are giving. It was stated earlier that, in order for another change to be made, this entire process would have to be gone through again. My concern is that if we're going through this – I believe I heard this was the fourth meeting like this that we've had on this issue. If that's not enough to dissuade change, then I don't see how any future re-addressing of this issue could possibly prevent further change. Thank you.

11. Susan Wood, 4008 Teton Lane – I'm just here to show support and most everything that I wanted to say has been said. All due respect to the developers, we were told that this property would be zoned residential when we made the choice to purchase our property and to build our home and to make that huge investment, and they're asking us to trust them again. And we did trust them. And we'd like to hold them to that. Thank you.

12. Janelle Borden, 4000 Ripple Avenue – My property faces north and I wanted to address that 27 feet – I'm used to the idea of 10 feet per floor, so I would be looking at almost a three story structure that would be in front of my house facing north. Most of the houses on Ripple, with the exception of one on the northeast corner, are one story. There is one two story house on the northeast corner. There are plenty of office buildings in that general area that have vacant signs. I just think that this property needs to be gone back to residential and make it a neighborhood and not a property that has office buildings and keep the park as it is and please keep this residential. Thank you.

13. Cara Black, 3520 Bright Street – We're on the cul-de-sac and our house would back up to the Building 4 that they've proposed. I have several objections, most of which has been voiced by everyone else here. Primarily the park and the children in the area. Not only the Roosevelt School, but there's also, I believe, a daycare or a Mother's Day Out that's at St. Mark's several mornings a week. On a personal level, I do appreciate some of the changes they've made to accommodate us, one being no entrance onto Astor, the other being that these would be one story buildings, because some of us felt that if they were higher than that they might be able to look into our back yards even with our higher fences. Other concerns I have – I don't like the fact

that they would – well, I would prefer this stay residential as we all would. I don't like the fact that they discussed selling this and building this piecemeal. There's no telling how long this construction would go on. I mean, they might get one building finished and then they'd start with another, so we might be talking about a period of several months – we could be talking about a period of several years. The whole noise of the construction, plus the added noise of having the office park there is not appealing. But, basically, it will impede our view from the back of our house. But when we bought our house it was with the understanding that this was a residential PUD, it would stay residential, and as everyone else here has asked there's no guarantee that we wouldn't be here in a few years asking for yet another change to make it retail or to accommodate different commercial buildings. So I would ask that you take all of the residents' wishes into consideration. Those of us living within the 300 feet and even more of us that are neighbors that don't that have come to support us and come to support the idea of keeping this residential. Thank you.

RECESS
8:15 to 8:28 p.m.

14. Sean Rieger – Thank you, Mr. Chairman. I appreciate you accommodating our rebuttal. I'll be very brief. I don't like to go item by item after everything has been said. I think it has been valuable input you've received. But I think you've heard it several times said tonight that there's still concerns about traffic and traffic that would go down Astor Drive and impede through the neighborhood. We feel very confident that's been solved and I simply want you to think about one other thing that hasn't been mentioned tonight is "Don't Hump my Norman." Astor Drive is full of speed humps; they're all over Astor Drive as you go south. I really doubt – severely doubt that many people are going to turn left as they leave this office development on the far eastern edge of it, turn left so they can go down Astor Drive over the speed humps and somehow wind out and get over to 36th. I think they're pretty quickly going to go right over to 36th. So I think we've accommodated those requests very, very carefully and appropriately.

One other point I want to make is that it was mentioned that this is a quiet little end of Tecumseh Road right now. You saw some traffic count information. Maybe now, but we all know ACOG and Central Oklahoma Governments and everybody else, the funding of the state is going to widen Western all the way up to Oklahoma City. It is planned to be one of the major arteries north and south, and Tecumseh Road is planned to be the major artery connecting it east/west across Norman. The day will come, as the hospital builds its next phase, and as Western widens, this is going to be an intense road. No question about it. When you put that little island of small housing out there as a fortress unto itself, it won't be appropriate and it will be undesirable, I think, particularly as an entry piece into this very good neighborhood.

I just want to close on one last point. It was surprising I heard the word stranger so often tonight. You hear that a lot in zonings. You've heard that a lot. But it usually is a fear of change. I remember a Council member recently talked about that, I think, in an addition to the north of this. It was that fear of change. We see it all the time. It's reasonable. We understand that. But strangers are everywhere, and I would hope that we can teach our children that not every stranger is a danger – that strangers are to be welcomed in. There is a City park right there. The City park is open and accessible to everybody. A person can sit in that City park, be them a stranger or somebody they

know, all day long and nobody can remove them. It's already there. So if that fear is already there of dangers of strangers and so forth, we're not changing that. The City park is right there. So I thank you again. I urge you to consider all these comments and I urge you to approve this project tonight.

15. Ms. Connors – One issue that arose was the height of these buildings. I just wanted to clarify that currently in the R-1 zone a structure can be two stories in height, which could be up to approximately 35 feet maximum, and that's the pitch of the roof. But that is an allowed height in the R-1 district, which is the district that these homes are in generally. So 27 feet, up to the top of the pitch, is in fact a one-story building.

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:

1. Ms. Pailes – This is a question for the developers. I guess there is no structural barrier between the parking lot and the park – there is landscape but no structure. That might be reconsidered. You don't want kids skittering out of the park into a parking lot and it sure happens. Along Porter Corridor where residential and commercial are cheek by jowl, I think a barrier is considered mandatory between the two areas. And it would certainly seem appropriate between the south edge of the parking lot and the park to have a structural barrier of 3 feet – 4 feet – something, and perhaps wrought iron above that so that kids don't chase a ball out of the park and just run right into the parking lot. In general, I usually weigh civic input very, very heavily, because if you can't get listened to here, where can you get listened to? So I'm moderately torn. On the side of the proposed development, commercial or offices, in this kind of situation, tend to make for a better streetscape, because with residential you do tend to have stockade fences abutting the street, whereas if you have a landscaped, very attractive, architecturally sensitive commercial development, that actually tends to be more attractive. There are actually health issues about why you don't really want to put a residence right next to a very large busy street, which Tecumseh now is. So, in some ways, I'm not sure that this is the greatest place to live if it was to be residential. And I also appreciate the effort on the part of the developers to accommodate the worries and fears and concerns of the residents. In terms of the urban fears, I don't know what to say. I don't know that making it residential would in fact make it safer. I understand those fears. I'm not sure how to address that.

2. Mr. McCarty – I'd just like to say we are always challenged with these kinds of requests throughout the whole city, and our job is to try and make the best decision for the city and for the people in the area. Tecumseh Road is going to be a busier road. And, like Roberta just said, not too many people want to back up to major arterial roads. Major arterial roads through Norman and are going to be tying into Western, which is already currently underway. I appreciate all the work that the applicant and the homeowners have done on this project. I believe that they have met some consensus in certain areas. I think that's what's important when we look at these projects, to make sure that they can get to the best consensus possible. I can see tonight that we do have some contention between those areas. I do feel the project that they have proposed is very good and very well planned. They are building them to look as much like residences as possible to fit into the community. They have taken traffic considerations into concern from Astor Road to not cut through out to Tecumseh. They have taken into consideration the PUD being very stringent – roof heights are called out, 6:12 roof pitches. They have done a really good job, in my opinion, of trying

to make it consistent with the area. With that said, I'm also kind of concerned about when there's a misunderstanding in our community when there's a vacant piece of land that that's always what it's going to be. Commercial property – C-1 zoning on 36th Avenue could be rezoned at any time. Those people have the rights that own that land to possibly try and rezone it. We don't know what's going to go in there, but C-1 zoning is definitely a lot higher and more intense than what they're asking for. You could have a 7-Eleven on the corner that's open 24:7. You could have a Conoco. You could have a number of those things. They're not asking for that. They're asking for office space that's typically open 8 to 5. Typically these kinds of places have less of a traffic impact than residential communities, believe it or not. So there's a number of things that I think lend itself to this being a good plan for the area. Like was said, the C-1 zoning on 36th Avenue are large parcels. The hospital land can't be bought and opened into office parks; that's not the intent of it. There's an authority over how that land is used. So, I guess, after reviewing and hearing all the comments tonight, I think this project makes sense. I think they've spent a lot of time in reviewing this, trying to work it out with the community and the people in the area. Again, no one leaves happy at the end of the night if you're against this. But I do think that long-term the values of what you're going to have here are going to be beneficial versus possibly 1,200 square foot homes that could be built on 50 foot lots. I guess with everything said, I am going to support this tonight and I think it makes good sense for the area.

3. Mr. Knotts – When I was out there today looking around, I felt that the proposed project was very in tune with the area. It even is reflective of St. Mark's Church across the street. It really doesn't have a negative impact, as far as I can see. The fact that Tecumseh is going to be a higher traffic area just kind of pushes me toward trying to keep residential away from that kind of development. So I think I will support this project.

4. Mr. Gasaway – I've really wrestled with this issue. I bicycle almost every morning and usually two or three times a week go through this neighborhood. Without knowing, until about a week ago, that this was going to be on our agenda, I often look at that park area and the land to the north of it and most of the time my thought is that's a really unusual piece of property, I wonder what in the world anybody can do with it. And, frankly, I never have a solution and, since it's not marked, I never knew exactly how much was park and how much was available for some other kind of use. And, low and behold, I get the agenda and find out it is on our agenda this week. It's a really tough issue. It's a very odd-shaped piece of property in a very odd and somewhat inconvenient location because of where it is and it makes any type of use really difficult. It's not very well-suited to put in a two-sided one-street neighborhood, because it kind of becomes a fenced in area. It's probably not, in all honesty, all the best area because it is a residential area for office space. It's a very difficult situation. As I bicycle around the area, I go down Robinson to get there and up 36th and I see residential houses backed up to four-lane streets. Some of them were four-lane when the houses were built; most were not. And I see what the back of those areas facing the street looks like and it's not attractive; it's not appealing and it's not something that, if I had to turn there to go into my neighborhood, frankly, I'd be embarrassed at some of the fences and what backs up to those streets. That's not saying anything about those particular neighborhoods, but it's what happens on a busy four-lane street because there are no residences to look at those, they typically get a little more run

down on the back side than otherwise. It also reminds me of a slightly different case we had about a year ago for a house on West Main that was formerly a residence and over the years a pest control agency. They had lived in the house, but operated their business out of the agency. And there was an attorney that came in that wanted to buy the house and make it a law firm. I voted against that because it bordered a residential area. I was very firmly against it because I thought that we don't need another business bordering the area, although to some extent already on two sides it was. It turns out to be, at least in my opinion, one of the nicest looking things on that corner. It was very well-done in a residential style. It's green. It's well landscaped and there's probably several votes I should have taken back over the years but it's one that really comes to my mind that I would like to have that back to vote yes on if I could. And, to some extent, that kind of reminds me of this area. Sometimes when I'm kind of undecided I try and think, well, if that were my neighborhood would I want an office building right there as opposed to some of the other options. In my opinion, I probably would, because I think, from what we've seen from the landscaping and things of that nature, that it will be a reasonably attractive entrance. Now, that being said, I don't live there and we have heard from many people tonight that do live there that do have great concerns. I am going to support this tonight. Again, it's very close in my mind, but I think, at least in terms of aesthetics, it will end up being a pleasing entrance to the area. It will be a pleasing sight from the park which will probably remain a much more open and green look than a six-foot wooden stockade fence.

5. Ms. Pailes – This is just to remind you all, I, too, voted against that proposed business on West Main, hoping that it would remain residential. We were overturned by the Council. So all we do is advise. We don't even consent. We advice the Council, but they will make the decision that is binding. And should you not be pleased with the decision here, you should certainly appear before the Council, because it is their opinion that will count. Again, in terms of your fears, I don't know if perhaps some sort of partially mortar, partially wrought iron fence between this area and the park would perhaps alleviate some of that. It strikes me as some fencing would be appropriate just so you don't have kids running into the parking lot. And that might be something that you want to take up with the developers. That's not something that we can do anything about.

6. Mr. Gasaway – At any point, that condition could be added, either here or at City Council. You all do have a wonderful neighborhood and we certainly appreciate your opinion. However the vote comes out tonight, I hope that all of you will go to City Council. I might just add that all of the minutes from tonight go to the City Council members. Most, if not all of them, do watch Planning Commission, so they are very much in tune with you all's feelings and the facts that have been presented here tonight.

Diana Hartley moved to recommend adoption of Resolution No. R-1112-4, Ordinance No. O-1112-1, the Site Development Plan and accompanying documentation, and recommend adoption of the Preliminary Plat for <u>TECUMSEH PROJECT, A Planned Unit Development</u>, to the City Council. Tom Knotts seconded the motion.

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

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

Recording Secretary Roné Tromble announced that the motion, to recommend adoption of Resolution No. R-1112-4, Ordinance No. O-1112-1, the Site Development Plan and accompanying documentation, and recommend adoption of the Preliminary Plat for TECUMSEH PROJECT, A Planned Unit Development, to the City Council, passed by a vote of 5-0.

* * *

City of Norman, OK

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

Master

File Number: O-1112-1

File ID:	O-1112-1	**Type:**	Zoning Ordinance	**Status:**	Non-Consent Items
Version:	1	**Reference:**	Item No. 37	**In Control:**	City Council
Department:	Planning and Community Development Department	**Cost:**		**File Created:**	06/21/2011
File Name:	O-1112-1 Tecumseh Project Rezone			**Final Action:**	

Title: ORDINANCE NO. O-1112-1: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 460 OF CHAPTER 22 OF THE CODE OF THE CITY OF NORMAN SO AS TO AMEND THE ALLOWABLE USES IN A PORTION OF THE PUD CREATED BY ORDINANCE NO. O-9798-24 IN THE NORTHEAST QUARTER OF SECTION 15 OF TOWNSHIP 9 NORTH, RANGE 3 WEST OF THE INDIAN MERIDIAN TO NORMAN, CLEVELAND COUNTY, OKLAHOMA; AND PROVIDING FOR THE SEVERABILITY THEREOF. (GENERALLY LOCATED ON THE SOUTH SIDE OF WEST TECUMSEH ROAD EAST OF ASTOR DRIVE)

ACTION NEEDED: Motion to adopt or reject Ordinance No. O-1112-1 upon Second Reading section by section.

ACTION TAKEN: _____

ACTION NEEDED: Motion to adopt or reject Ordinance No. O-1112-1 upon Final Reading as a whole.

ACTION TAKEN: _____

Notes: October 11, 2011, City Council Agenda

Agenda Date: 10/11/2011

Agenda Number: 37

Attachments: O-1112-1, Tecumseh Project Location Map, Tecumseh Project Rezone Staff Report, Tecumseh Project Site Plan, Tecumseh Project PUD Narrative, 8-11-11 PC Minutes - Tecumseh Project, Tecumseh Project Protest Map-Recision 8-15-11, Protest Map July 12, 2011, Emails of protest 6-27-11 (4), Letters of protest 6-30 to 7-6 (5), Letters of protest 7-8 (4), Letters of Protest (9) July 11, Letters of Protest (3)

7-12 to 8-8, Petition of Protest 6-27-11, Petition of Protest 7-8-11, Letter of Protest Frazier, Letter of Protest Chanda Lee, Letter of protest Larson, TecumsehProjectProtest_CC_10-5-11

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					
1	Planning Commission	08/11/2011	Recommended for Adoption at a subsequent City Council Meeting	City Council			Pass
	Action Text:	Recommended for Adoption at a subsequent City Council Meeting to the City Council					
1	Planning Commission	08/11/2011					
1	City Council	09/27/2011	Introduced and adopted on First Reading by title only				
	Action Text:	Introduced and adopted on First Reading by title only					
1	City Council	09/27/2011					

Text of Legislative File O-1112-1

Body

SYNOPSIS: The Planned Unit Development of Cascade Estates was initially approved in January 1998, with the first final plat filed the next year. As approved, homes of various sizes were authorized in a design with a large amount of private and public open space interspersed throughout the subdivision, and connected by curvilinear streets. This tract abuts Tecumseh Road at the northern entrance to the Cascade Estates Addition, and lies directly across the street from St. Mark's Catholic Church. The final phase of this development was last reviewed and approved by the Planning Commission in 2007 as Section 8 of the Cascade Estates PUD. The plat was not filed of record and no development occurred on the tract. The owners of this tract have submitted a request to amend the PUD to allow office uses and eliminate the fourteen lots in the previously approved but never platted Section 8 of the subdivision.

ANALYSIS: The tract is roughly triangular in shape, which impacted the residential design, yielding fourteen relatively smaller lots served by a cul-de-sac connected to Astor Drive. More than half of the lots backed up to Tecumseh Road. The proposed PUD amendment would allow no more than four office lots, which would be interconnected to allow cross-parking throughout the site. No retail use is proposed; the PUD limits the usage to professional offices, either medical or non-medical. The development restrictions echo the standard requirements in the O-1, Office-Institutional, zoning district. In response to neighborhood concerns expressed at a Pre-Development meeting, access to Astor Drive has

been eliminated. Two driveways are now proposed onto Tecumseh Road, one of which has been designed as a "right-in, right-out" only, due to its proximity to the Astor Drive intersection. Traffic generation from this development will not be significant enough to warrant the signalization of that intersection, but should traffic on Tecumseh Road continue to increase due to other development, the proposed driveway would minimally impact the operation of that signal. Required landscaping will be installed around the entire perimeter of the project, and will include a low hedge as well as trees along Astor Drive, which will limit the visual impact from the street. No hard fences are proposed in the project, other than those required to screen dumpsters and equipment. Landscaping will be irrigated and commonly maintained. All buildings will have masonry exteriors and residential shingled roofs. Other than incidental attic space, all office buildings will be limited to one story in height. Each lot will be allowed one ground sign facing Tecumseh Road that is no taller than six feet in height. Other than a small dedication of additional public park land, all required open spaces have been dedicated with previous sections of this PUD, and total more than thirteen acres of private open space in this neighborhood. The additional parkland dedication will increase the adjacent public park to 5.2 acres in size. Only one final plat will be submitted (one phase) but individual lots will be separately improved. Because of the limited access provided to the development, elements of the parking and driveways will be constructed by the developer along with the individual lot owner so that full access for sanitation and emergency vehicles can be maintained during each phase of construction.

STAFF RECOMMENDATION: From a design perspective, this tract could be developed as originally proposed for residential use, given that a fourteen lot plat has previously been approved. The proposed office use would, along with the public park, provide a buffer from any traffic noise that impacts the existing residences further south, and provide enclosure around the public park that would enhance its enjoyment. Staff is able to support this amendment to the Planned Unit Development, and recommends adoption of the Ordinance, PUD narrative, and supporting documentation. At their August 11 meeting, filed protest was reported as 50.4 percent. That percentage would have required an super majority of the City Council in order to approve this request. Subsequent to the Commission's meeting, one protestor has rescinded his protest. The filed protest is now 48.8 percent, which only requires a simple majority of the Council in order to approve this request. The Planning Commission, by a vote of 5-0, forwarded this request with a recommendation that it be approved. As of printing of this Agenda Book, three more letters have been received and the filed protest is 52.1% which will require a super majority of the Council in order to approve the request.

O-1112-1

AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 460 OF CHAPTER 22 OF THE CODE OF THE CITY OF NORMAN SO AS TO AMEND THE ALLOWABLE USES IN A PORTION OF THE PUD CREATED BY ORDINANCE NO. O9798-24 IN THE NORTHEAST QUARTER OF SECTION 15, TOWNSHIP 9 NORTH, RANGE 3 WEST OF THE INDIAN MERIDIAN TO NORMAN, CLEVELAND COUNTY, OKLAHOMA; AND PROVIDING FOR THE SEVERABILITY THEREOF. (GENERALLY LOCATED ON THE SOUTH SIDE OF WEST TECUMSEH ROAD EAST OF ASTOR DRIVE)

§ 1. WHEREAS, The Tecumseh Project, L.L.C., the owners of the hereinafter described property, have made application to amend the PUD created by Ordinance No. O-9798-24 by amending the allowable uses; and

§ 2. WHEREAS, said application has been referred to the Planning Commission of said City and said body has, after conducting a public hearing as required by law, considered the same and recommended that the same should be granted and an ordinance adopted to effect and accomplish such rezoning; and

§ 3. WHEREAS, the City Council of the City of Norman, Oklahoma, has thereafter considered said application and has determined that said application should be granted and an ordinance adopted to effect and accomplish such rezoning.

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

§ 4. That Section 460 of Chapter 22 of the Code of the City of Norman, Oklahoma, is hereby amended so as to amend the PUD created by Ordinance No. O-9798-24 by amending the allowable uses from low-density residential to office, to wit:

A tract of land being a part of the NE ¼, Section 15, Township 9 North, Range 3 West, I.M., Norman, Cleveland County, Oklahoma, and being more particularly described as follow:
Commencing at the Northwest corner of the NE/4 of said Section 15; THENCE North 89°36'32" East along the North line of said Section 15, said line also being the centerline of West Tecumseh Road, a distance of 924.80 feet to the Point of Beginning; THENCE North 89°36'32" East continuing along the North line of said Section 15, a distance of 995.12 feet to a point on said North Section line; THENCE South 00°28'35" East a distance of 50.00 feet to a point on the South right-of-way line of West Tecumseh Road; THENCE South 89°36'32" West along said South right-of-way line of West Tecumseh Road a distance of 384.59 feet; THENCE South 02°18'02" West a distance of 127.39 feet; THENCE South 65°36'35" West a distance of 653.33 feet to a point of curvature; THENCE along a curve to the right having a radius of 25.00 feet (said curve subtended by a chord which bears South 75°13'45" West a distance of 8.36 feet) with an arc length of 8.39 feet; THENCE South 84°50'55" West a distance of 171.41 feet to a point of curvature; THENCE along a curve to the right having a radius of 10.00 feet (said curve subtended by a chord which bears North 75°00'24" West a distance of 6.89 feet) with an

arc length of 7.03 feet to a point on the East right-of-way line of Astor Drive; THENCE North 42°53'04" East a distance of 103.71 feet to a point of curvature; THENCE along a curve to the left having a radius of 280.00 feet (said curve subtended by a chord which bears North 21°21'36" East a distance of 205.47 feet) and an arc length of 210.38 feet; THENCE North 02°18'02" East a distance of 116.24 feet; THENCE North 44°43'19" East a distance of 35.43 feet to a point on the South right-of-way line of West Tecumseh Road; THENCE North 00°23'28" West a distance of 50.00 feet to the POINT OF BEGINNING.

Said tract contains 5.33 acres, more or less.

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

a. The site shall be developed in accordance with the Preliminary Site Development Plan and Planned Unit Development Narrative, approved August 11, 2011, and supporting documentation submitted by the applicant and approved by the Planning Commission.

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

ADOPTED this _____ day of

_____, 2011.

_____
(Mayor)

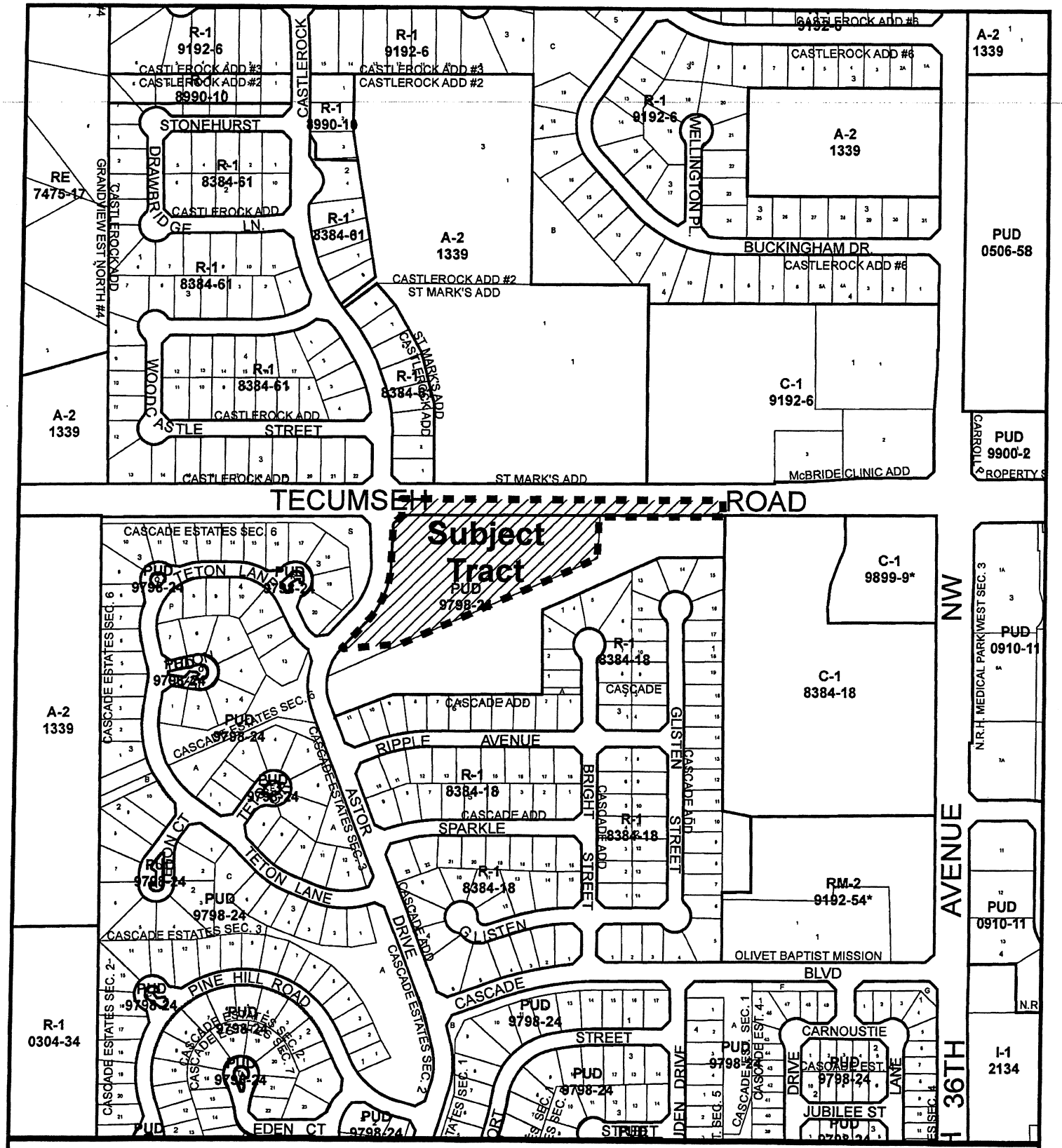
ATTEST:

_____
(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 S

June 20, 2011

0 200 400 Ft.

Subject Tract

Zoning

37-3

tract. The owners of this tract have submitted a request to amend the PUD to allow office uses in this area, which would eliminate the fourteen lots which were shown in the last section of the subdivision.

ANALYSIS: The tract is roughly triangular in shape, which limited the original residential design to fourteen relatively smaller lots served by a cul-de-sac which connected to Astor Drive. More than half of the lots backed up to Tecumseh Road. The proposed PUD amendment would allow four office lots, which would be interconnected to allow cross-parking throughout the site.

ALTERNATIVES/ISSUES:

USE No retail use is proposed; the PUD limits the usage to professional offices, both medical and non-medically related. The development restrictions echo the standard requirements in the O-1, Office-Institutional zoning district.

ACCESS In response to neighborhood concerns expressed at a Pre-Development meeting, access to Astor Drive has been eliminated. Two driveways are now proposed onto Tecumseh Road, one of which has been designed as a "right-in, right-out" only, due to its proximity to the Astor Drive intersection. Traffic generation from this development will not be significant enough to warrant the signalization of that intersection, but should traffic on Tecumseh Road continue to increase due to other development, the proposed driveway should minimally impact the operation of that signal.

LANDSCAPING AND SCREENING Required landscaping will be installed around the entire perimeter of the project, and will include a low hedge as well as trees along Astor Drive, which will limit the visual impact from the street. No hard fences are proposed in the project, other than those required to screen dumpsters and equipment. Landscaping will be irrigated and commonly maintained.

ARCHITECTURE AND DESIGN All buildings will have masonry exteriors and residential shingled roofs. Other than incidental attic space, all office buildings will be limited to one story in height. Each lot will be allowed one ground sign facing Tecumseh Road that is no taller than six feet in height.

OPEN SPACE Other than a small dedication of additional public park land, all required open spaces have been dedicated with previous sections of this PUD, and total more than thirteen acres of private open space in this neighborhood. The additional parkland dedication will increase the adjacent public park to 5.2 acres in size.

PHASES Only one final plat will be submitted (one phase) but individual lots will be separately improved. Because of the limited access provided to the development, elements of the parking and driveways will be constructed by the developer along with the individual lot owner so that full access for sanitation and emergency vehicles can be maintained.

OTHER AGENCY COMMENTS:

- **PARK BOARD** With the filing of a final plat, an additional 0.19 acres of public park land will be dedicated and added to the existing Cascade Public Park.

- **PUBLIC WORKS** The Public Works Department supports the request to waive the requirement for an alley, as cross access has been provided

STAFF RECOMMENDATION: From a design perspective, this tract could be developed as originally proposed for residential use, given that a fourteen lot plat has previously been approved. The proposed office use would, along with the public park, provide a buffer from any traffic noise that impacts the existing residences further south, and provide enclosure around the public park that would enhance its enjoyment. Staff is able to support this amendment to the Planned Unit Development, and recommends adoption of the Ordinance, PUD narrative, and supporting documentation.

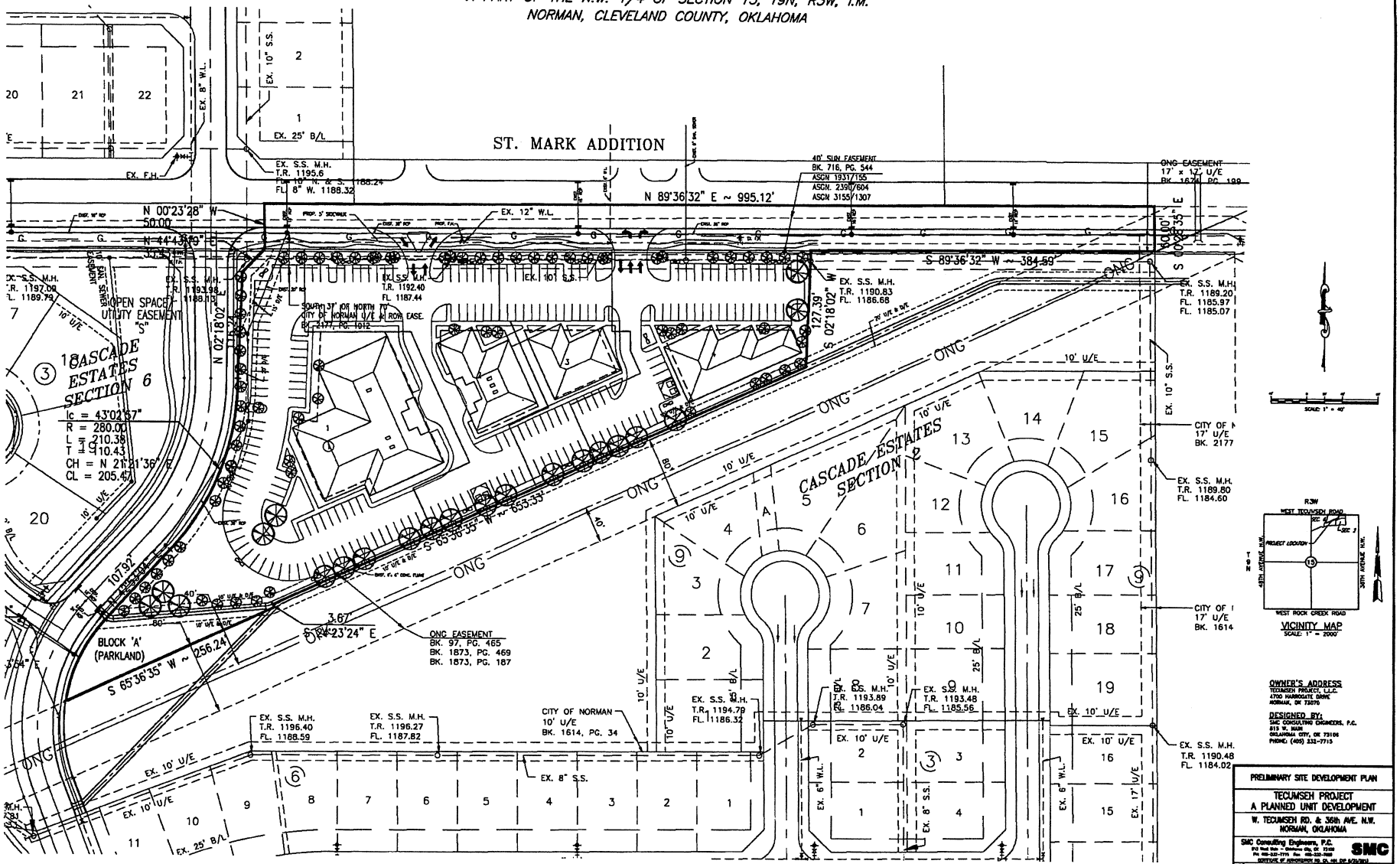
PRELIMINARY SITE DEVELOPMENT PLAN

TECUMSEH PROJECT

A PLANNED UNIT DEVELOPMENT

A PART OF THE N.W. 1/4 OF SECTION 15, T9N, R3W, I.M.

NORMAN, CLEVELAND COUNTY, OKLAHOMA



THE TECUMSEH PROJECT, LLC
PUD NARRATIVE

Norman, Oklahoma

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

February 5, 2001
Revised March 1, 2001
Revised June 13, 2011

PREPARED BY:

SMC Consulting Engineers, P.C.
815 W. Main
Oklahoma City, OK 73106

TABLE OF CONTENTS

COVER LETTER

I. INTRODUCTION AND DEVELOPMENT CONCEPT

Background and Intent

II. PROPERTY DESCRIPTION/EXISTING SITE CONDITIONS

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

III. DEVELOPMENT PLAN AND DESIGN CONCEPT

A. Use
B. Perimeter Treatment
C. Open Space
D. Phasing
E. Lighting
F. Signs
G. Architectural Controls and Material

EXHIBITS

A. Preliminary Site Vicinity Plan
B. Preliminary Site Development Plan
C. Preliminary Elevations
D. Maximum Building Area Plan
E. Preliminary Landscaping and Parking Plan
F. Phased Parking and Circulation Plan (4 pages)

NARRATIVE STATEMENT

Ms. Susan Connors
Director of Planning
City of Norman
P.O. Box 370
Norman, Oklahoma 73070

Re: Amended Cascade Estates PUD now known as
The Tecumseh Project, LLC
Third Amendment

Dear Ms. Connors:

I. INTRODUCTION AND DEVELOPMENT CONCEPT

The third amended PUD, again only affects the remaining northeast portion of the original PUD that portion (5.4 acres) is hereby changed.

The developer, The Tecumseh Project, LLC, requests to add a different product to become available for professional offices. The new product will be professional/medical/office buildings. One per lot on only 4 lots. The buildings will be single story masonry exteriors with sloped roofs. The areas will have a common landscaped area with irrigation and maintenance in common and paid by a Ownership Association. The lots will have low level sharp cut-off lighting. No all night lights will be allowed except for security lighting. All buildings will be professionally supervised by Rick McKinney, owner of The McKinney Partnership Architects.

All lots will comply to the O-1 office district setbacks, parking, and other restrictions recited in the City of Norman code.

The developer has previously granted the Cascade Park located south of and abutting the remaining street. The Cascade Park is 4.94 acres. This park provides a minimum of a 100-feet buffer to the nearest residential lot. This is the width of a standard arterial road. In other locations this buffer is over 3 times that distance. The developer is deeding an additional 0.19 acres to the City of Norman. This additional tract is located at the southwest corner of the tract being revised by this application.

The additional tract will enlarge the Cascade Park to a new area of 5.13 acres. This area will be enhanced by an open space area located in the remaining tract. The developer will heavily landscape this area thus creating an additional landscaped buffer to the neighbors located west of Astor Drive.

In addition, the developer will add perimeter landscaping on the entire remaining tract of land. Privacy will be designed.

Lighting will comply to the new proposed ordinance.

A drive connecting the parking lot on Astor Drive, at the southwest portion of the tract was eliminated at the request of some concerned neighbors. The only access to the site will be from Tecumseh Road and there will be only two access points. A traffic impact analysis has been performed that documents the safety of this solution.

The PUD requirements and conditions represented in the initial Narrative Statement remain intact. A copy of the approved Narrative Statement is attached.

This revised Narrative Statement will only address that portion that is being changed and is the only area remaining undeveloped from the original submittal.

II. PROPERTY DESCRIPTION/EXISTING SITE CONDITIONS

A. Location

Cascade is located northwest of Downtown Norman, southwest of the intersection of Tecumseh Road and N.W. 36th Avenue. It is part of the North Half, Section 15, Township 9, North, Range 3 West of the Indian Meridian in Norman, Cleveland County, Oklahoma.

B. Existing Land Use and Zoning for Previous PUD

The property is currently zoned PUD. The site has been platted and developed essentially as initially proposed.

This is the third amendment for the PUD The initial PUD was approved by the Planning Commission on November 3, 1997. The City Council adopted the Ordinance to place the property in the PUD on January 3, 1998. The second amendment for this PUD was approved by the Planning Commission and City Council in 2001.

The initial application consisted of 106.79 acres and requested to construct 329 dwelling units for single family homes.

The open space minimum required was 10% but the PUD was predicting over 22%. The houses to be constructed were for semi-custom lots.

Because of the generous amount of open space, the PUD proposed more liberal lot coverage and set back requirements than a standard development.

Traffic circulation projected cul-de-sacs, looped streets, and very curvi-linear design to reduce speed and through traffic. Speed bumps have also been added by the City of Norman to further reduce speed of traffic. Pedestrian circulation was enhanced by separate pathways throughout the connecting open space areas.

Several Final Plats have been recorded that match the present PUD.

The following is a historical summary of the PUD:

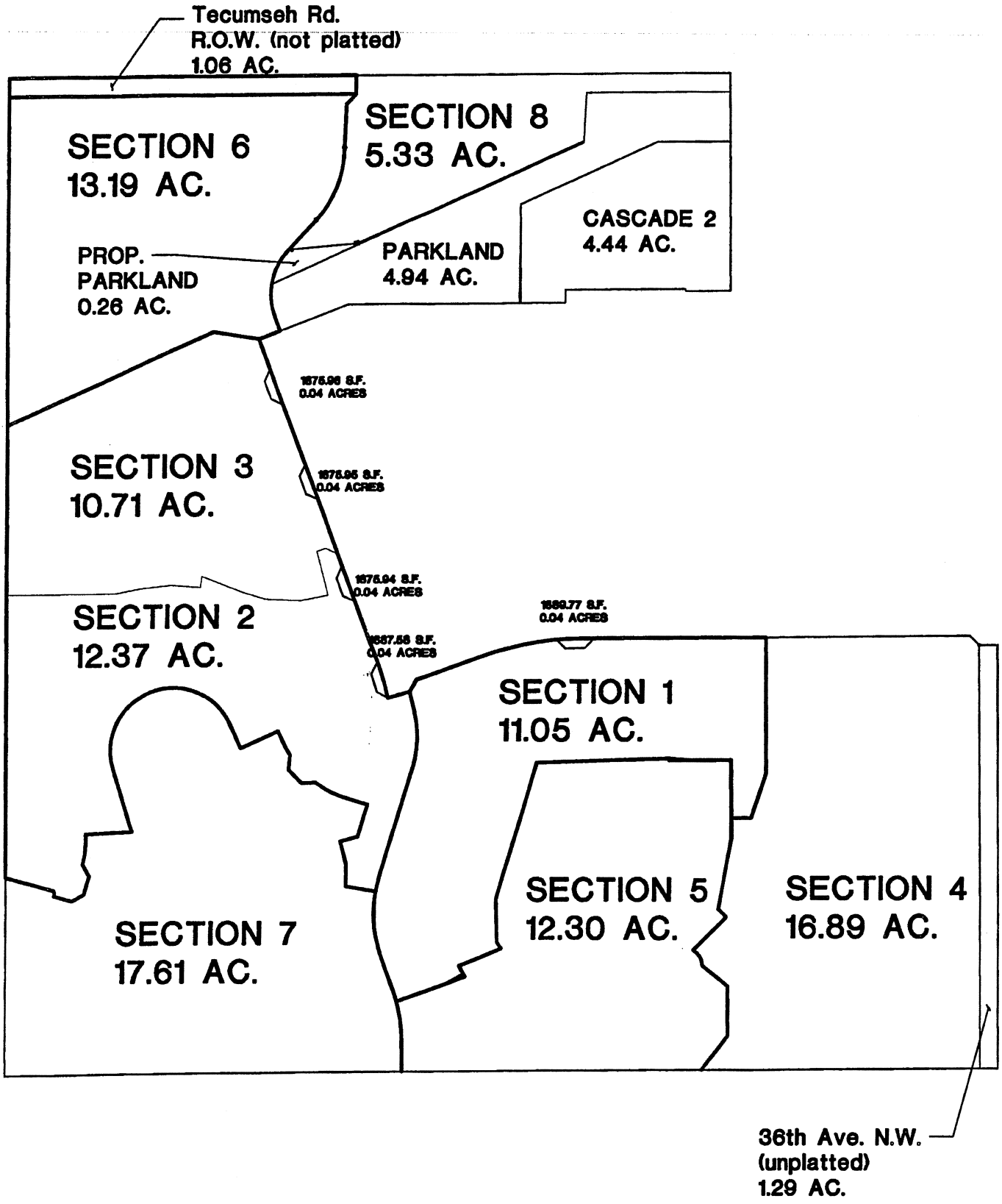
1. Area of initial Preliminary Plat		106.79 ac
2. Number of acres platted plus Section Line road right-of-way not platted	96.26 ac	
3. Parkland deeded to City of Norman or Proposed to deed to City of Norman	5.20 ac	
4. Remaining unplatted and proposed by this amendment	5.33 ac	
Total	106.79 ac	106.79 ac

5. Number of Recorded Plats – 7 plats
6. Table Summary

Cascade Estates PUD Plats	Parkland Acres	Lots	ROW acres	Open Space ac.
Cascade Estates Section 1		36	1.94	1.87
Cascade Estates Section 2		37	2.99	2.6
Cascade Estates Section 3		28	1.89	2.02
Cascade Estates Section 4		79	3.58	3.27
Cascade Estates Section 5		47	2.42	0.13
Cascade Estates Section 6		33	4	2.26
Cascade Estates Section 7		67	3.83	0.9
Parkland Deeded to City of Norman	4.94			
Parkland to be Deeded to City of Norman	0.26			
Remaining Unplatted land		4	2.1	0.8
Total	5.2	331	22.75	13.85

7. Comparison of Projected vs. Constructed (Gross Area Ratio)

	Estimated	Platted
Number of Lots	329	331
Private Open Space	16.1 ac (15.1%)	13.85 ac (12.96%)
Public Open Space	7.6 ac (7.1%)	5.2 ac (4.86%)
Street ROW	6 ac (5.6%)	22.75 ac (21.3%)



CASCADE ADDITION
JUNE 8, 2011

8. Final Summary (Gross Area)

		Gross	Net
ROW	22.75 ac	21.3%	
Open Space	19.05 ac	17.8%	22.6%
Lot Area	64.99 ac	60.9%	
	106.79 ac	100%	

The property is surrounded by land within the City of Norman City Limits. Along the north property line (across Tecumseh Road) is Castle Rock Subdivision, zoned R-1, with single-family homes (lot size approximately 70 ft. X 140 ft.). The adjacent land along the west property line is zoned A-2 and is vacant land and the Theodore Roosevelt Elementary School. To the South is the Berkeley Subdivision, zoned R-1 with single-family homes (lot size approximately 70 ft. X 120 ft.). The adjacent land to the east is part of the Cascade Subdivision, zoned R-1, with single-family homes (lot size approximately 60 ft. X 110 ft.). The property across N.W. 36th Avenue to the east is PUD, and is planned with mixed industrial, commercial, and multi-family uses.

C. Elevation and Topography

The site consists of gentle sloping terrain from the west to the east with slopes less than 2%. The elevation of the property is 1205 along the west property line and 1186 along the east property line with a total of 17 feet of grade change across the entire property.

D. Drainage

A detention study was approved with the initial PUD and all detention facilities have been constructed.

E. Utility Services

All of the required utility systems for the projects (including water, sewer, gas, telephone and electric) are currently located adjacent to the boundaries of the property.

F. Fire Protection Services

Fire protection services will be provided by the City of Norman Fire Department.

G. Traffic Circulation and Access

A Traffic Impact Analysis has been submitted.

III. DEVELOPMENT PLAN AND DESIGN CONCEPT

A. Use

Design will meet requirement of the current O-1 zoning ordinance.

1) 25-feet front yard building set-back.
2) Five feet side yard set-back on both sides of the lot.
3) The rear yard set-back will be 10 feet for all lots.

B. Perimeter Treatment

The perimeter will be landscaped with a mixture of deciduous and evergreen trees that will exceed the City requirements.

C. Open Space

The open space meets City requirements.

D. Phases

The remaining property of revised PUD will be platted as one phase. Each lot will be sold on a lot by lot basis.

E. Lighting

Low level luminaires that restricts illumination beyond limits of site.

F. Project Signs

Four low profile masonry signs on Tecumseh Road. Not to exceed 6 feet in height and 5 feet wide with lights low profile.

G. Architectural Controls and Material

Exterior Building and Site Design

Tecumseh Office Park will be a campus of four residential-style office buildings through the application of masonry exteriors and sloped roofs similar in color to the surrounding neighborhoods. Window systems shall be of same color, finish and

material. All exterior landscaping will be coordinated, irrigated, and maintained through a common Property Owners Association (POA). All exterior lighting shall be sharp cut-off fixtures, identical in design and illumination, maintained, and controlled daily by the POA.

The design of each building shall be carried out by a licensed architect and reviewed for compliance with the Design Guidelines by an Architectural Review Committee (ARC) before a building permit can be issued.

Masonry: Exterior veneer of all structures shall be at least eighty (80%) masonry including modular face brick, natural stone with horizontal coursing, cultured stone, and "ground" or "rock" face integral color concrete units. The face brick shall contain at least three (3) colors from a five brick blend as manufactured by Acme Brick or approved equal. All other masonry materials shall be cream, tan, buff, or a light complimentary color to accent the masonry as approved by the ARC.

Stucco: Up to twenty percent (20%) of the exterior veneer may be cement stucco or exterior insulated finish system (EIFS) with a medium or light sandblast texture. All stucco type material must be installed a minimum of 36" above finish grade.

Roof: All exposed roof areas shall be sloped at a 6:12 pitch and may not exceed 27' in height above finish grade. Reinforced composition shingles shall be "Weathered Wood" in color, granular surface, as manufactured by GAF or approved equal. No flat roofs will be allowed except for the recessed roof areas shown on the Preliminary Development Site Plan for Lots 1 and 2 at the interior portion of the buildings.

Windows: All exterior windows shall be insulated gray glass within dark bronze anodized aluminum frames.

Doors: Exterior entry doors shall be a two light "French door" style, wide style with a center horizontal rail, dark bronze anodized finish, and gray insulated glass. Secondary and private entry doors may be French doors to match or solid insulated hollow metal.

Equipment Screening: All ground mounted equipment shall be screened with a masonry enclosure to prevent view from the parking, common areas, or surrounding neighborhood.

Wall Mounted Equipment: All wall mounted equipment shall be painted to match the material it is attached to.

Building Lighting: Light fixtures attached to buildings shall be sharp cut-off wall fixtures or recessed within the exterior soffits.

Site Lighting: Perimeter parking area lighting shall be mounted on 20' tall tapered dark bronze poles on 24" tall concrete bases. Fixtures shall be sharp cut-off type to contain light within the site. Lamps shall be metal halide. Lighting will be time clock controlled

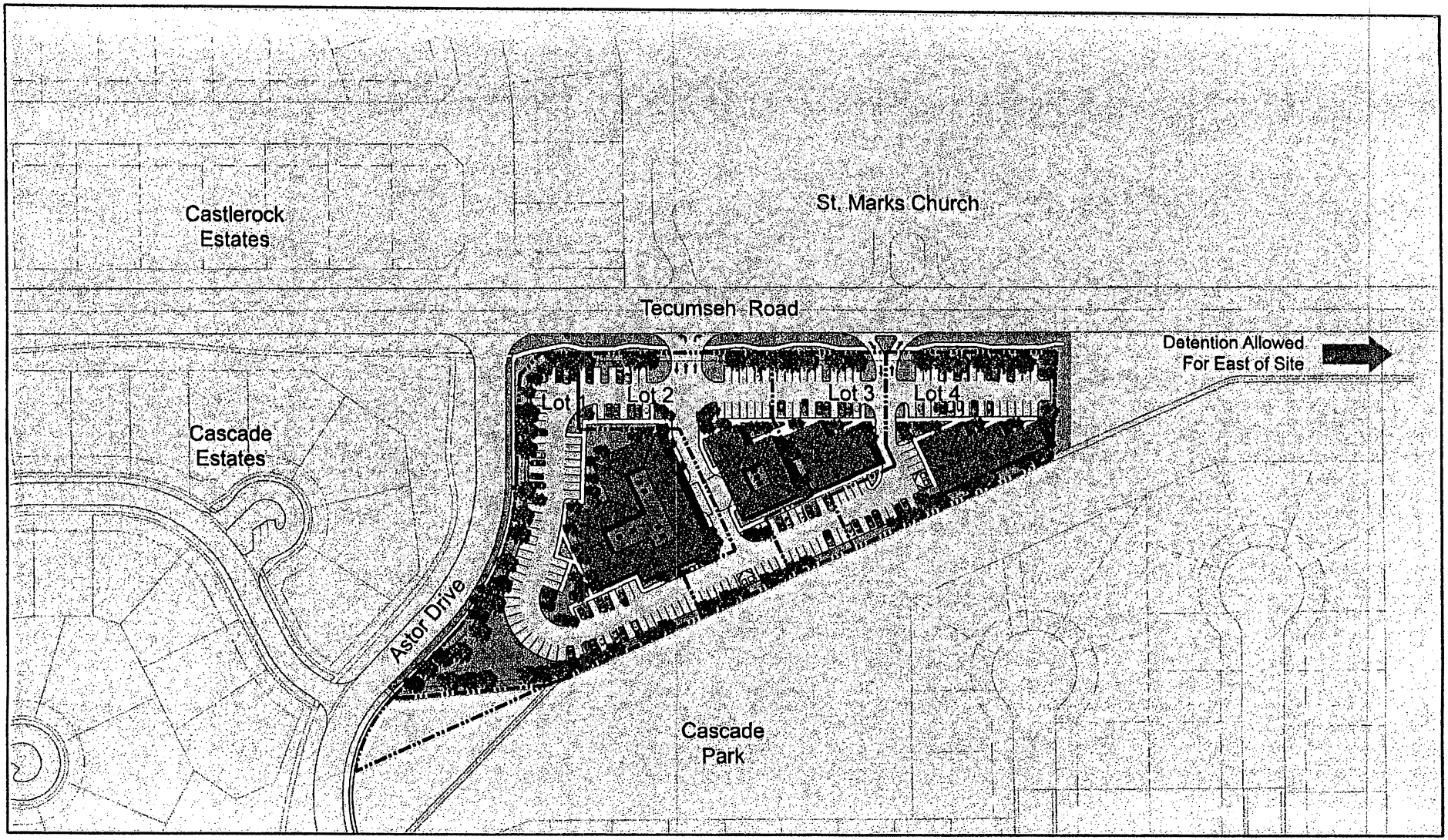
Signage: Four (4) low profile ground mounted signs (one per building) shall be located on Tecumseh Road with a maximum signage area per face of 40 square feet. In addition one (1) wall sign may be installed near each tenant entrance.

Landscaping: Site landscaping shall be uniform and exceed of City of Norman standards. Refer to attached Exhibit E.

Sidewalks: All walks shall be concrete with joints spaced equal to the width of the walk and a light broom cross-texture.

Paving: Site paving and curbing shall be concrete with heavy traffic paving at drive lanes and reinforced paving at dumpster loading areas. The Developer shall complete the drive lanes and dumpster enclosures beyond the limits of each lot required to provide full circulation and access for each building as required by the City and users. Refer to the attached Exhibit F for diagrams outlining the phased paving construction for each lot.

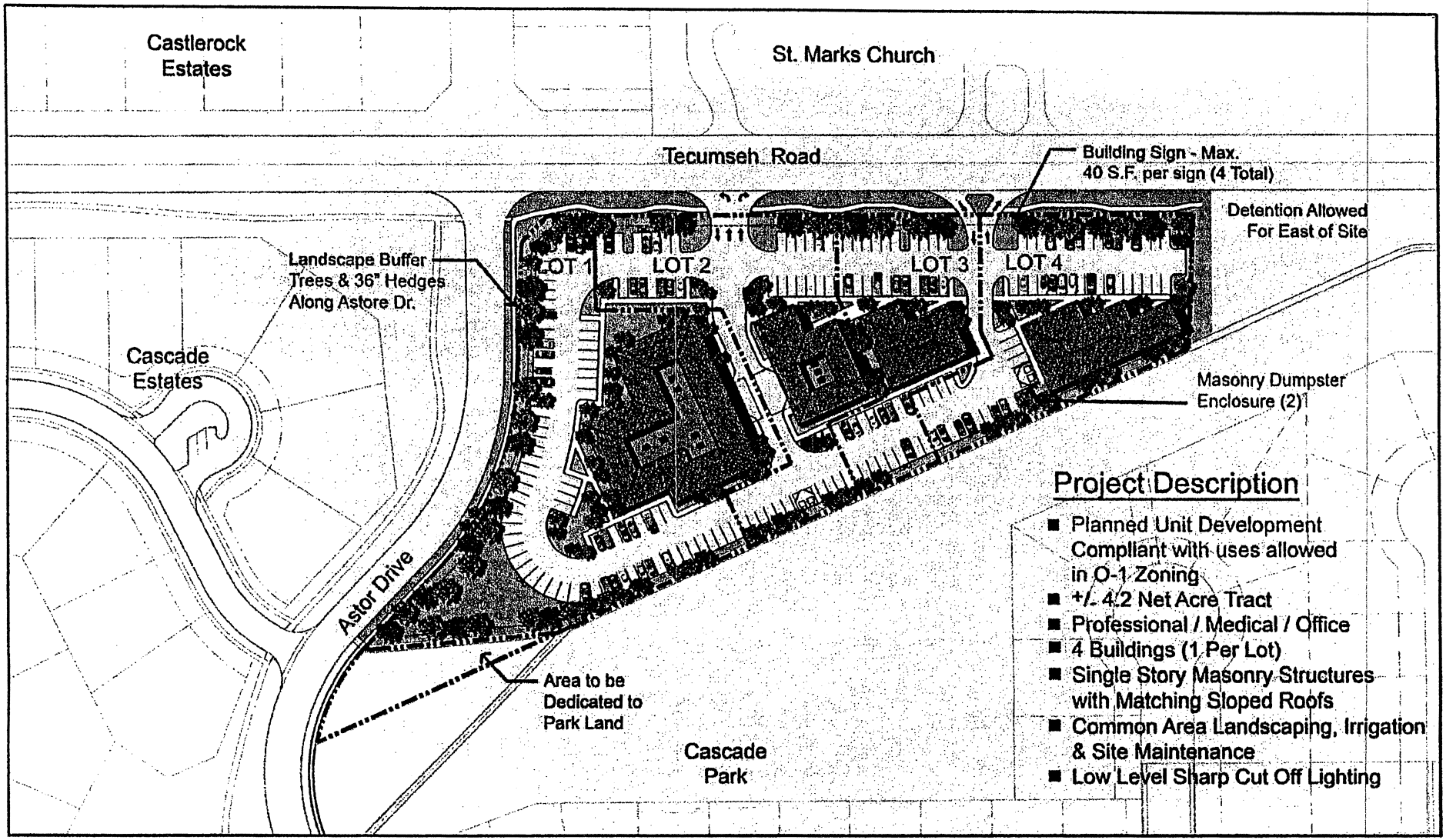
Dumpster Enclosures: Enclosures shall be brick masonry on CMU back-up with twin gates painted to match the roof color.



Tecumseh Project L.L.C.

PRELIMINARY SITE VICINITY PLAN

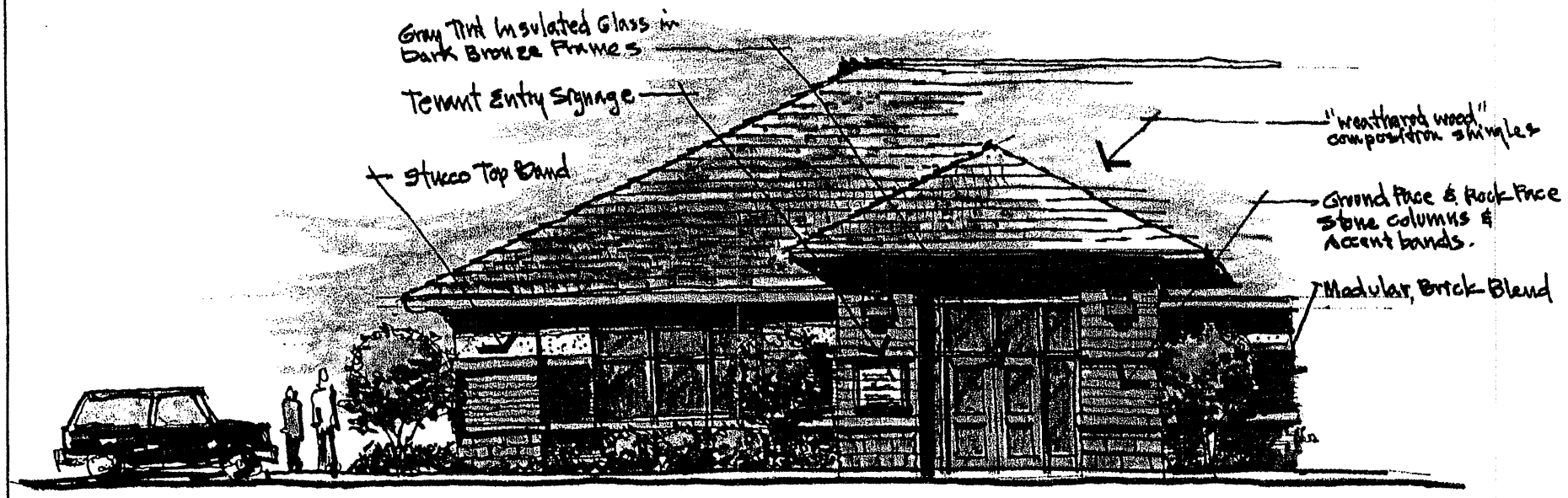
0 100 200 400



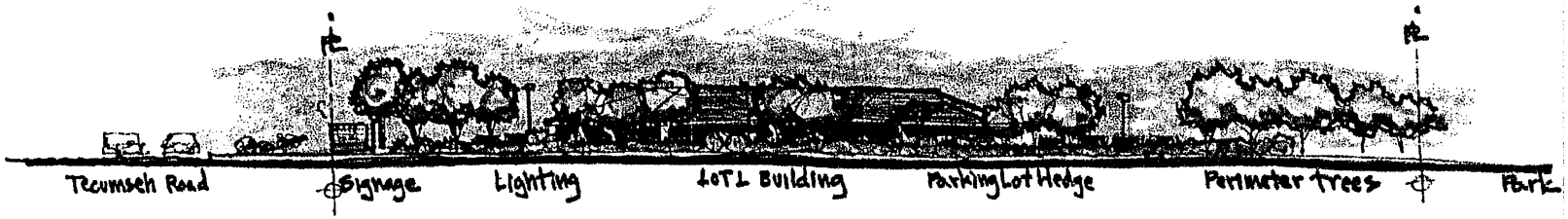
Tecumseh Project L.L.C.

PRELIMINARY SITE DEVELOPMENT PLAN

0 100 200 400



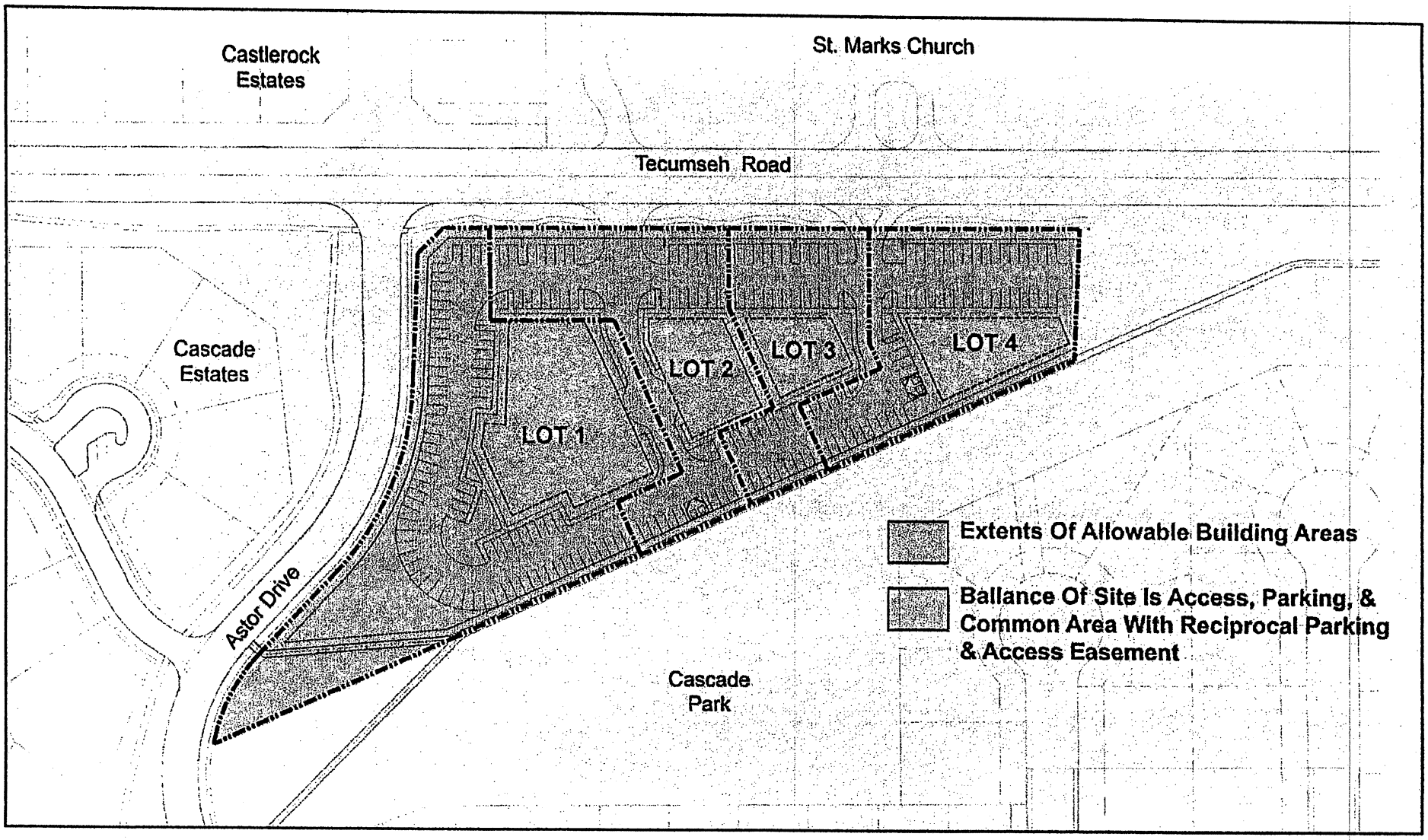
PRELIMINARY ELEVATION



VIEW FROM ASTOR DRIVE

Tecumseh Project L.L.C.

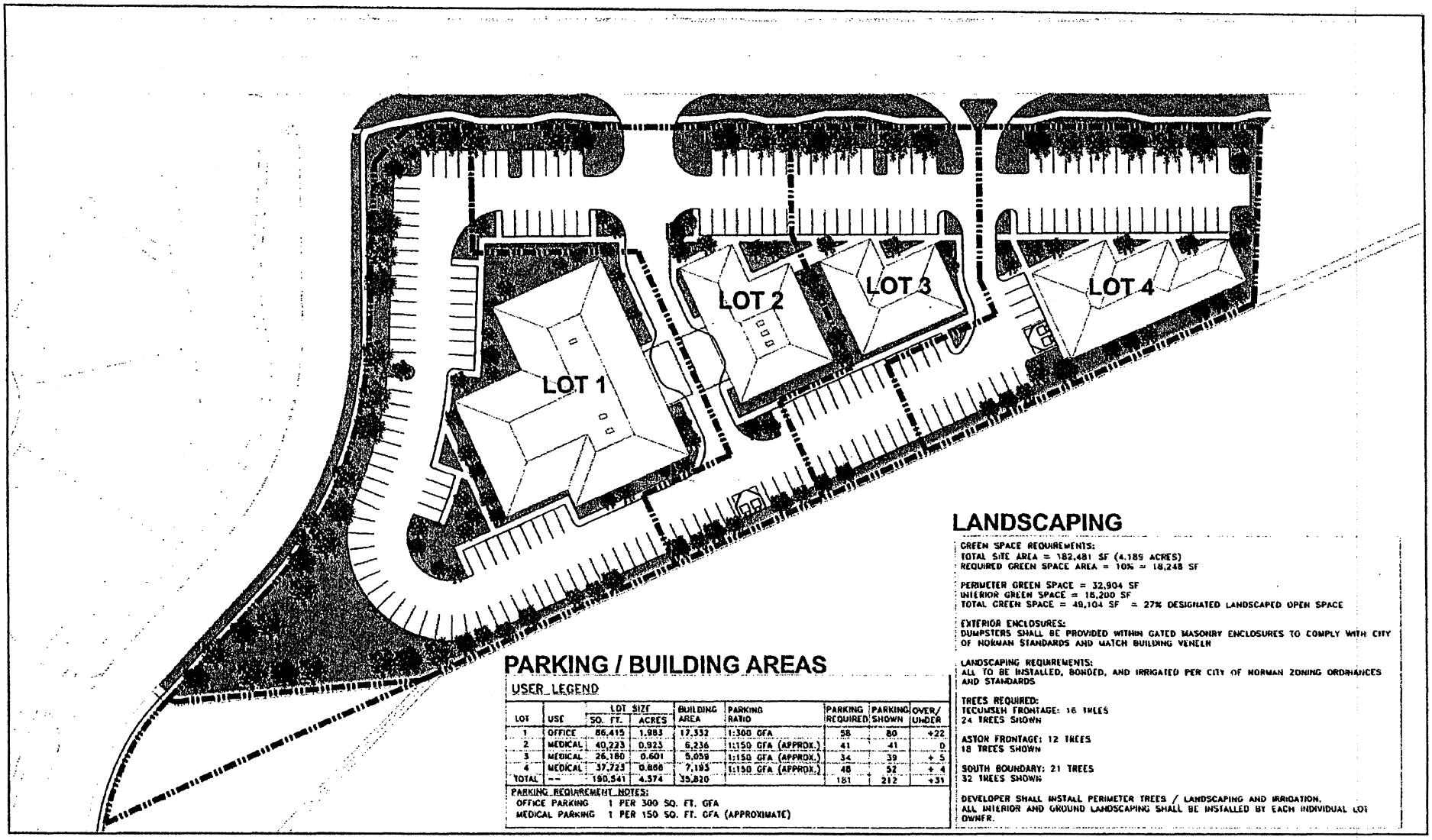
PRELIMINARY ELEVATIONS



Tecumseh Project L.L.C.

MAXIMUM BUILDING AREA PLAN

0 100 200 400



PARKING / BUILDING AREAS

USER LEGEND

LOT	USE	LOT SIZE SQ. FT.	LOT SIZE ACRES	BUILDING AREA	PARKING RATIO	PARKING REQUIRED	PARKING SHOWN	OVER/ UNDER
1	OFFICE	86,415	1.983	17,332	1:300 GFA	58	80	+22
2	MEDICAL	40,223	0.923	6,236	1:150 GFA (APPROX.)	41	41	0
3	MEDICAL	26,180	0.601	5,059	1:150 GFA (APPROX.)	34	39	+ 5
4	MEDICAL	37,723	0.866	7,193	1:150 GFA (APPROX.)	48	52	+ 4
TOTAL	--	190,541	4.374	35,820		181	212	+31

PARKING REQUIREMENT NOTES:
OFFICE PARKING 1 PER 300 SQ. FT. GFA
MEDICAL PARKING 1 PER 150 SQ. FT. GFA (APPROXIMATE)

LANDSCAPING

GREEN SPACE REQUIREMENTS:
TOTAL SITE AREA = 182,481 SF (4.189 ACRES)
REQUIRED GREEN SPACE AREA = 10% = 18,248 SF

PERIMETER GREEN SPACE = 32,904 SF
INTERIOR GREEN SPACE = 16,200 SF
TOTAL GREEN SPACE = 49,104 SF = 27% DESIGNATED LANDSCAPED OPEN SPACE

EXTERIOR ENCLOSURES:
DUMPSTERS SHALL BE PROVIDED WITHIN GATED MASONRY ENCLOSURES TO COMPLY WITH CITY OF NORMAN STANDARDS AND MATCH BUILDING VENEER

LANDSCAPING REQUIREMENTS:
ALL TO BE INSTALLED, BONDED, AND IRRIGATED PER CITY OF NORMAN ZONING ORDINANCES AND STANDARDS

TREES REQUIRED:
TECUMSEH FRONTAGE: 16 TREES
24 TREES SHOWN

ASTOR FRONTAGE: 12 TREES
18 TREES SHOWN

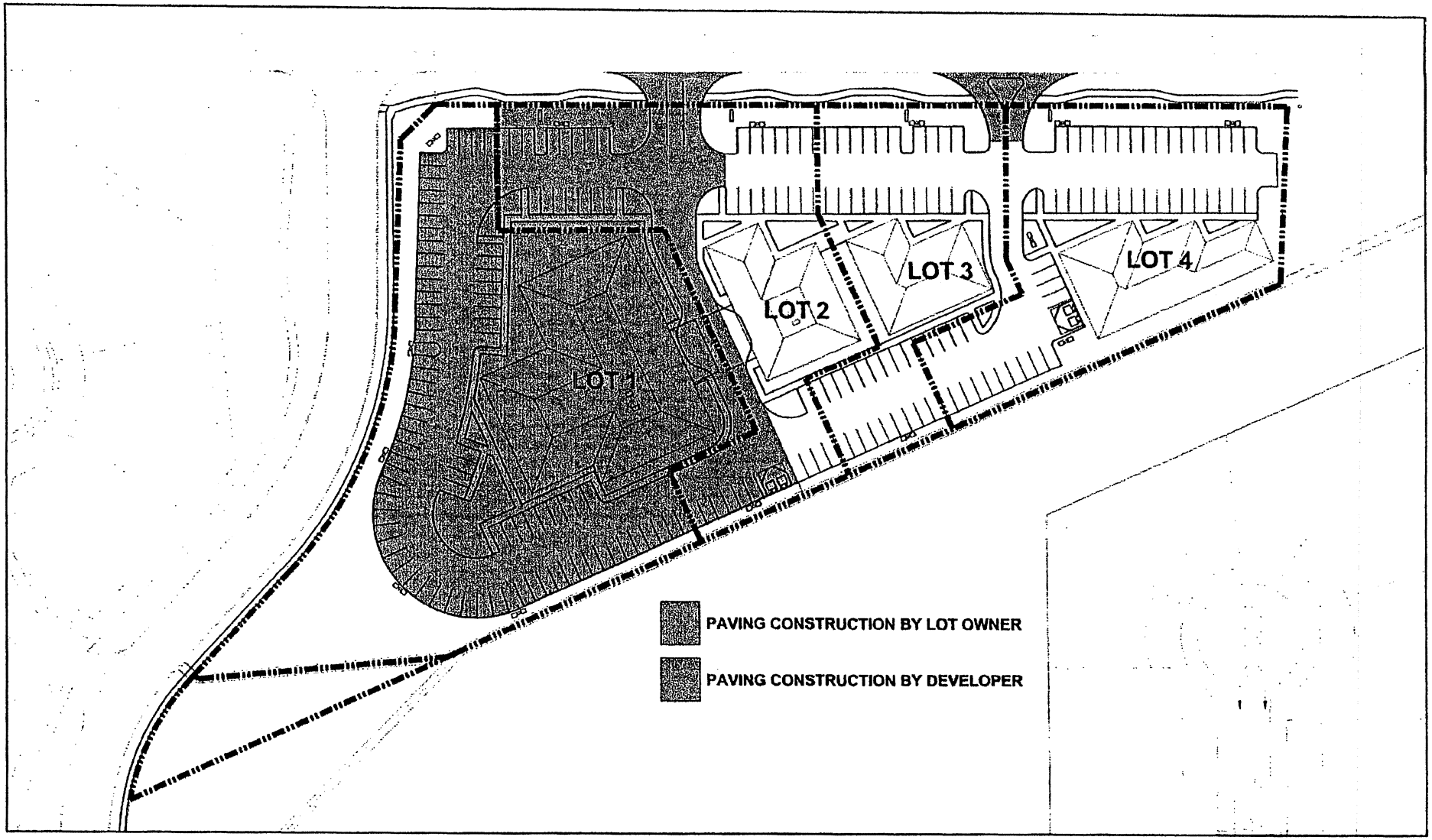
SOUTH BOUNDARY: 21 TREES
32 TREES SHOWN

DEVELOPER SHALL INSTALL PERIMETER TREES / LANDSCAPING AND IRRIGATION. ALL INTERIOR AND GROUND LANDSCAPING SHALL BE INSTALLED BY EACH INDIVIDUAL LOT OWNER.

Tecumseh Project L.L.C.

PRELIMINARY LANDSCAPING AND PARKING PLAN

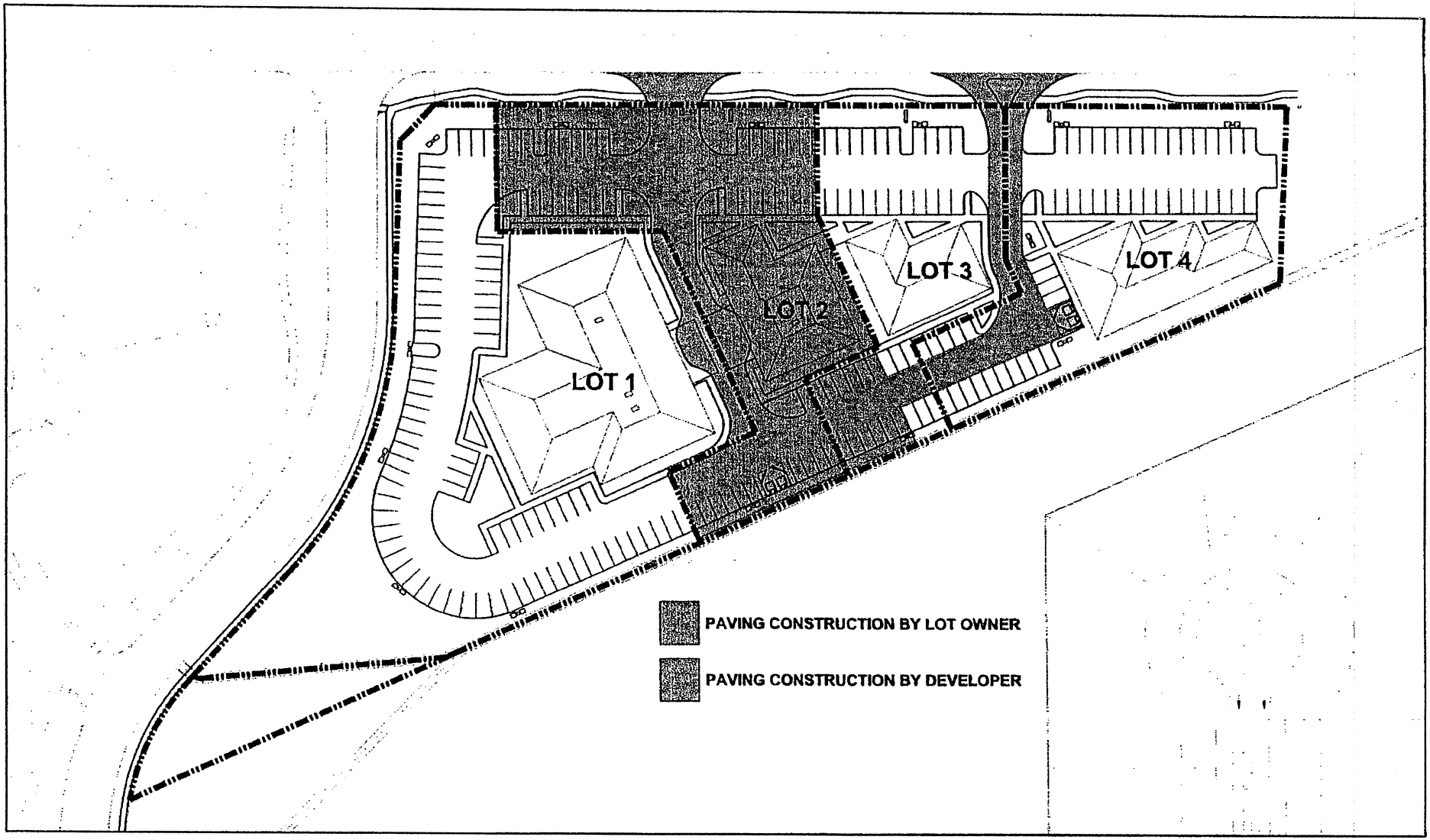
0 100 200 400



Tecumseh Project L.L.C.

PHASED PARKING & CIRCULATION PLAN - LOT 1 DEVELOPMENT

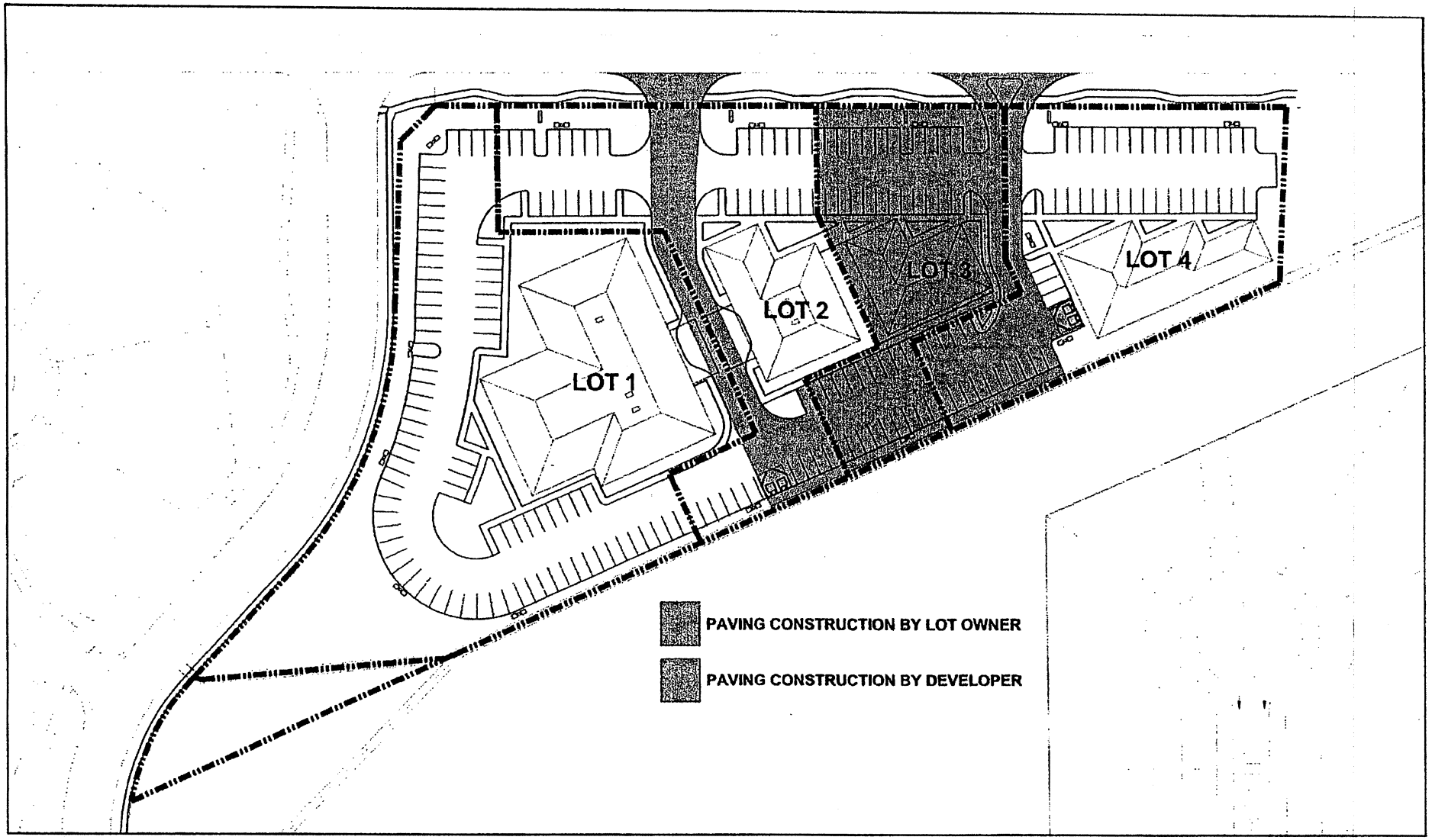
0 100 200 400



Tecumseh Project L.L.C.

PHASED PARKING & CIRCULATION PLAN - LOT 2 DEVELOPMENT

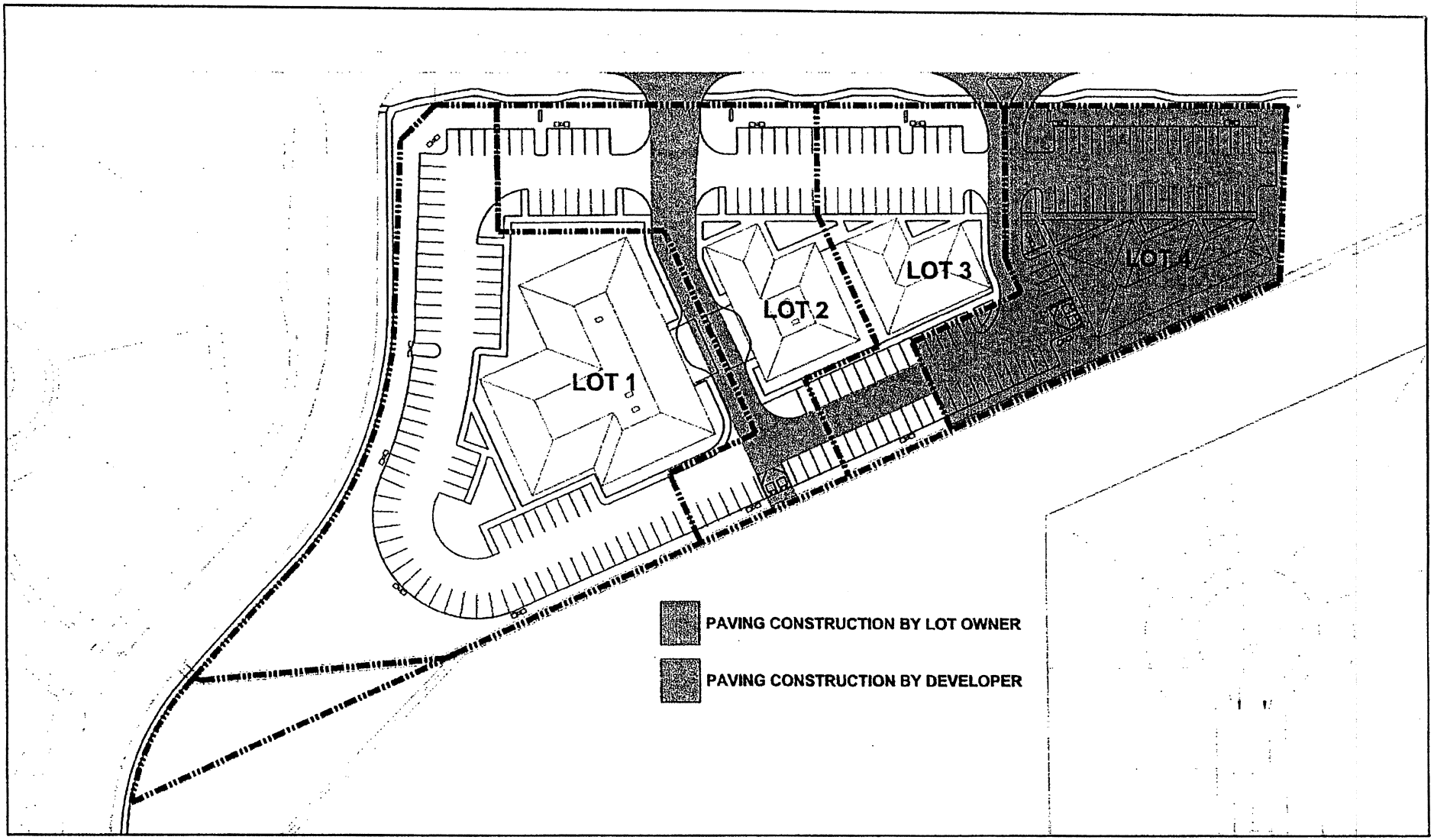
0 100 200 400



Tecumseh Project L.L.C.

PHASED PARKING & CIRCULATION PLAN - LOT 3 DEVELOPMENT

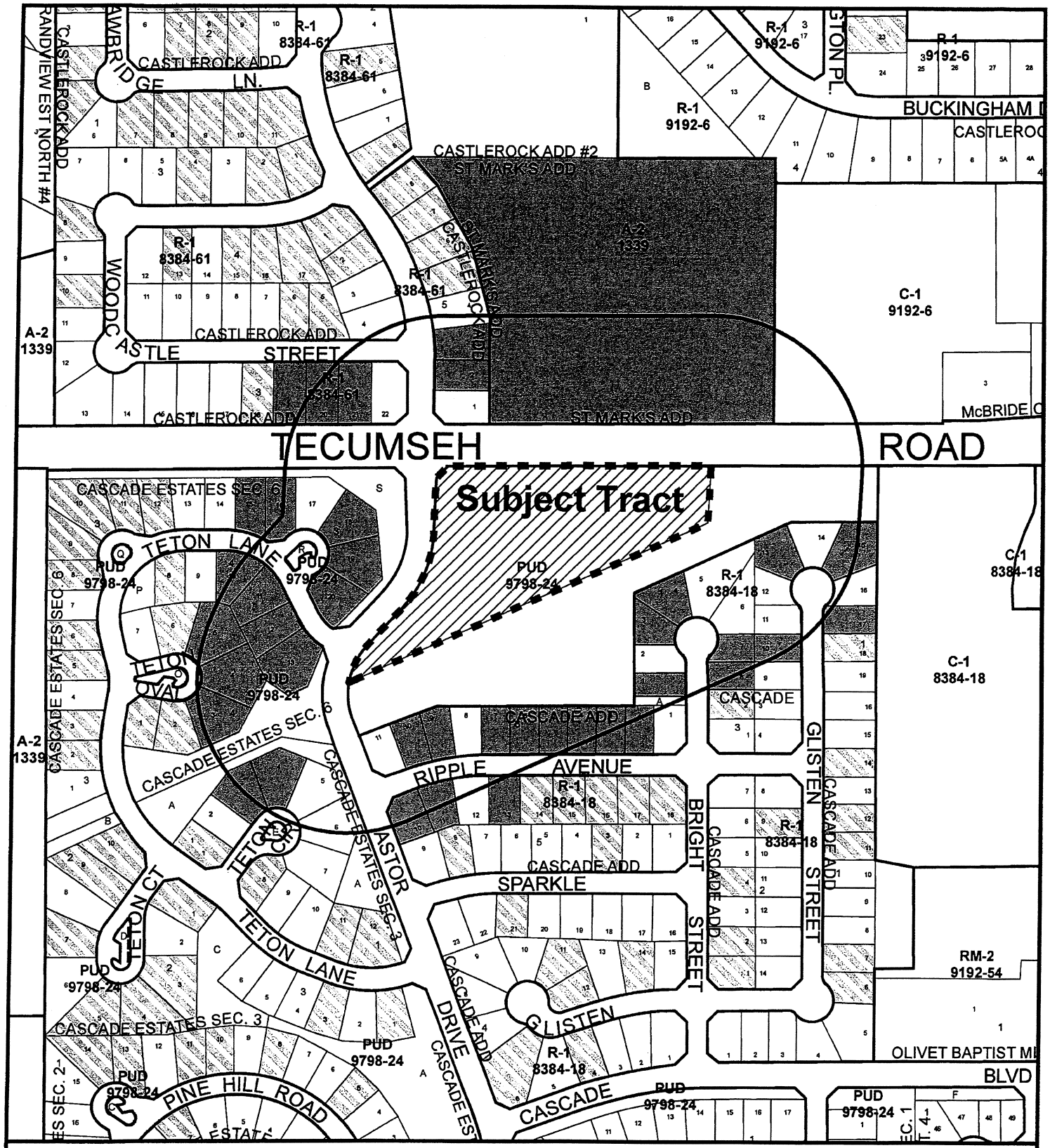
0 100 200 400



Tecumseh Project L.L.C.

PHASED PARKING & CIRCULATION PLAN - LOT 4 DEVELOPMENT

0 100 200 400



Protest Map

50.4% Protest Within Notification Area

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

N W E S

Scale: 1" = 300'
July 12, 2011

- Subject Tract
- Protest
- Notification Area
- Protest Outside Notification Area

Yumi Davis

From: Yumi Davis [yumi@newlookmedia.com]
Sent: Thursday, March 24, 2011 11:48 PM
To: Mayor@NormanOK.gov; ward1@normanok.gov; ward2@normanok.gov; ward3@normanok.gov; ward4@normanok.gov; ward5@normanok.gov; ward6@normanok.gov; ward7@normanok.gov; ward8@normanok.gov
Cc: Myron Cunningham; Jerry Kershaw; catiejewell@gmail.com; Elaine and Grant; ourob@sbcglobal.net; reh7194@aol.com; soonerservants@hotmail.com; Tom/Susan Thurston; Angela Wright; Melissa Free; Vicki Hopkins; Susan Wood; Beth McCoy; mark.mccoy@sbcglobal.net; Peter Khor; ohpchamplain@aol.com; Jill/Floyd Smith; Jeff Davis; mcullins1@cox.net; powerman2@cox.net; cbartrub@cox.net; tkahoe99@yahoo.com; Justin Furnish; joe-aprilperry@cox.net; Karmen Tucker; Irene Woo; Becky Schmidt; jenannelliott@cox.net; Erin Williford; Heather Hack; Yumi Davis; Bonner Slayton; Destiny Merkley; Dan & Ashley Nickel; Luisa Lucas; Rex and Toni; Debbie Argo; Lindsey Williams; Oj Williams; cbartrug@cox.net; paul.a.fagiano@usps.gov; consigliere@att.net; kbrews@cox.net; vjdicastro@att.net
Subject: Zoning in Cascade Estates

Mayor Rosenthal and City Council Members,

I am writing regarding the recent preliminary discussions to rezone the property north of the Cascade Estates park located off Tecumseh. If you are not familiar with the issues that have recently surfaced, I will let you know that developers are requesting to change what has previously been approved by council to be residential area for 12 plots of land for single family homes to commercial property. Tonight, I attended a preliminary meeting at City Hall to discuss the possibility to rezone. I went in with an open mind, but left with a strong stand against rezoning!

I have several concerns that have influenced my decision to move forward against this development. My number one concern is safety. Cascade Estates is a very family friendly neighborhood. Kids play in the street. We have culdesac parties with families. We have parades in the street. This truly is a neighborhood that is a community. I feel that the possibility of bringing this commercial land will change the dynamic of the neighborhood and have a negative impact! Almost every home on my street, which is directly across from the property of concern, has small children. These children walk and ride bikes to school and to the park that is beside the property under discussion. The commercial property will attract traffic to this area. An area which has always been safe. It will also change the ability for the view to the park. A park that is hidden behind a medical building or has trees with empty parking lots would not have the same secure feel for parents.

Although developers showed us a plan, this is only an idea. They plan to sell off the land and homeowners will not be able to have any input to entrances that will attract traffic, how the aesthetic of the buildings will turn out, or landscaping. All of these issues could impact the property value of the homes. Moreover, homeowners were assured before the purchase of their property that the land by the park was marked for residential. This promise was backed by the approval of a residential zoning by the City Council. A rezoning would leave no guarantees for homeowners.

I am not alone in my opinion to reject the request for commercial property within our neighborhood. I hope you will take into consideration the voice of the homeowners who are the people who will be most affected by this change. I know that I will personally be disappointed if I am unable to count on my local government to protect my rights and look at the best interest of the families within their city.

Thank you so much! I appreciate any responses or thoughts concerning this matter.

Yumi Davis
4113 Teton Lane
Norman, OK 73072
(405) 202-8745

1 mt

FILED IN THE OFFICE
OF THE CITY CLERK
ON 6-27-11 MC

37-27

From: VICKI HOPKINS <vhopkins21@mac.com>
Subject: **Zoning in Cascade Estates**
Date: March 25, 2011 10:33:42 PM CDT
To: Mayor@NormanOK.gov, ward1@normanok.gov, ward3@normanok.gov, ward4@normanok.gov, ward2@normanok.gov, ward6@normanok.gov, ward5@normanok.gov, ward8@normanok.gov, ward7@normanok.gov

Mayor Rosenthal and City Council Members:

I am writing as a resident of Cascade Estates off Tecumseh. We recently had a rezoning meeting with the city regarding the property north of the Cascade Estates park located off Tecumseh and Astor. It is currently zoned as a Residual property, but the owners of the land, Cascade Development, want to rezone it as Commercial Office. That concerns not only me, but also many of my neighbors. At the meeting the developers showed us a plan for four proposed buildings with over 200 parking spaces. They would be sold off individually with no assurance it would be medical office space (which is what they are hoping for). Who knows who will buy each building, and their plan. There is so much uncertainty with the plan. They could not even give us assurances how the buildings would look.

I moved here almost three years ago and fell in love with my neighborhood. We have socials in our col-de-sacs, parades, easter egg hunts and so many other activities. Many children walk or ride bikes to and from school. At the Cascade Park, that would be located right behind the new development, we have many sport practices in addition to families visiting it in the neighborhood. This is what concerns me the most about the new development. The safety of our children. We have such a family oriented residential community. Adding a commercial complex right next to our neighborhood park, would ruin this environment. It would have traffic, which would be a danger to our children. It is already difficult to exit our neighborhood. I cannot imagine what it would be like with this new office park. It would add noise to our wonderful peaceful environment. When I sit on my back porch I hear birds chirping. I also do not want my property value to fall because now I live in a commercial area. When we bought our home we were told that was a residential property. That is why the area was so appealing to us.

Please help us keep our neighborhood a neighborhood. When my family hears about all the wonderful activities we do in our neighborhood they say I live in Mayberry. I love Norman. I want to keep my neighborhood just like Mayberry. Isn't that what we all want for our children? The safety to walk to the park, to school and ride bikes with friends. With this new development that wonderful environment would be taken away.

When this comes before the Planning Commission, I beg you to keep this Residential, and not allow the developers to rezone it to Commercial Office.

Thank you,

Vicki Hopkins
4112 Teton Oval
Norman, 73072

FILED IN THE OFFICE
OF THE CITY CLERK
ON 6-27-11 MK

on t

Yumi Davis

From:	Bonner Slayton
Sent:	Friday, April 01, 2011 11:53 AM
To:	'Susan Wood'; Mayor@NormanOK.gov; ward1@normanok.gov; ward2@normanok.gov; ward3@normanok.gov; ward4@normanok.gov; ward5@normanok.gov; ward6 @normanok.gov; ward7@normanok.gov; ward8@normanok.gov
Cc:	'Myron Cunningham'; 'Jerry Kershaw'; catiejewell@gmail.com; 'Elaine and Grant'; ourob@sbcglobal.net; reh7194@aol.com; soonerservants@hotmail.com; 'Tom/Susan Thurston'; 'Angela Wright'; 'Melissa Free'; 'Vicki Hopkins'; 'Beth McCoy'; mark.mccoy@sbcglobal.net; 'Peter Khor'; ohpchamplain@aol.com; 'Jill/Floyd Smith'; 'Jeff Davis'; mcullins1@cox.net; powerman2@cox.net; cbartrub@cox.net; tkahoe99@yahoo.com; 'Justin Furnish'; joe-aprilperry@cox.net; 'Karmen Tucker'; 'Irene Woo'; 'Becky Schmidt'; jenannelliott@cox.net; 'Erin Williford'; 'Heather Hack'; Yumi Davis; 'Destiny Merkley'; 'Dan & Ashley Nickel'; 'Luisa Lucas'; 'Rex and Toni'; Debbie Argo; 'Lindsey Williams'; 'Oj Williams'; cbartrug@cox.net; paul.a.fagiano@usps.gov; consigliere@att.net; kbrews@cox.net; vjdicastro@att.net; jamesreese@cox.net; brandyreese@cox.net
Subject:	Rezoning in Cascade Estates

Dear Mayor and City Council:

As a citizen, taxpayer, parent, teacher, minister, community leader, Journey Church member, and Leadership Norman alumni, I am writing to oppose the change in zoning for the land north of Cascade Estates Park. I moved to Norman, Oklahoma, years ago because I knew that Norman was the place that I wanted to rear my children. After searching, saving, and working hard, I found the ideal house in Cascade Estates in Northwest Norman. My children and I have been happy ever since. **I am afraid that rezoning this land will diminish our happiness, lower our property values, increase traffic, allow strangers more access to our neighborhood, and ruin the "family" atmosphere that our neighborhood enjoys.**

There are many communities in this state who "get things wrong" in the name of economic development. **I am proud as a taxpayer and citizen that, more often than not, Norman, Oklahoma, gets it right.** Yet, rezoning the land north of the Cascade Park is the **wrong** thing to do. **First,** there is no guarantee of what the property will look like. The city has done a fantastic job in keeping this area of Norman attractive. There are no guarantees that the developers will follow through on their plans. **Second,** Cascade Estates and Castle Rock are both quiet neighborhoods with a family atmosphere. The addition of commercial properties within our neighborhood will ruin this dynamic. Why would we want more traffic within our neighborhood? **Third,** there is plenty of room for commercial entities to the east and the northeast of our neighborhood. There is not a need for this commercial area or medical area within our neighborhood. **Last,** this plan will LOWER our property values. I live in a house that backs up to the park. There is not much distance from my back gate to the edge of the proposed property line for this development. This development will cause the resale value of my house and others in Cascade Estates to plummet. **It is my understanding that the vast majority of citizens in Cascade Estates DO NOT approve for this land to be rezoned. It is my expectation that the Norman City Council and the City Planning Commission to do the right thing and LISTEN to the voices of concerned citizens and do what the majority of citizens ask.**

In a world where "family" values are eroding, why would we want to add a commercial interest in our neighborhood that would cause more traffic, allow more strangers access to our neighborhood, put children in danger who play in the park, and ruin the aesthetics of our neighborhood. This proposal does nothing to improve the quality of life for me, my family, or my neighborhood. **It actually diminishes the very family values and community togetherness that Norman, Oklahoma, is known for in Oklahoma and throughout the nation.**

w/ sig in petition

FILED IN THE OFFICE
OF THE CITY CLERK
ON 6-27-11 MC
37-29

I moved to Norman and into Cascade Estates with the understanding that the land north of Cascade Park would stay residential. I strongly oppose **ANY** and **ALL** plans to change this.

Sincerely,

Bonner Slayton, M.Ed., NBCT
4001 Ripple Avenue
Norman, Oklahoma 73072

Yumi Davis

From: Susan Wood [swood13@cox.net]
Sent: Friday, April 01, 2011 11:11 AM
To: Mayor@NormanOK.gov; ward1@normanok.gov; ward2@normanok.gov; ward3@normanok.gov; ward4@normanok.gov; ward5@normanok.gov; ward6@normanok.gov; ward7@normanok.gov; ward8@normanok.gov
Cc: 'Myron Cunningham'; 'Jerry Kershaw'; catiejewell@gmail.com; 'Elaine and Grant'; ourob@sbcglobal.net; reh7194@aol.com; soonerservants@hotmail.com; 'Tom/Susan Thurston'; 'Angela Wright'; 'Melissa Free'; 'Vicki Hopkins'; 'Susan Wood'; 'Beth McCoy'; mark.mccoy@sbcglobal.net; 'Peter Khor'; ohpchamplain@aol.com; 'Jill/Floyd Smith'; 'Jeff Davis'; mcullins1@cox.net; powerman2@cox.net; cbartrub@cox.net; tkahoe99@yahoo.com; 'Justin Furnish'; joe-aprilperry@cox.net; 'Karmen Tucker'; 'Irene Woo'; 'Becky Schmidt'; jenannelliott@cox.net; 'Erin Williford'; 'Heather Hack'; Yumi Davis; Bonner Slayton; 'Destiny Merkley'; 'Dan & Ashley Nickel'; 'Luisa Lucas'; 'Rex and Toni'; Debbie Argo; 'Lindsey Williams'; 'Oj Williams'; cbartrug@cox.net; paul.a.fagiano@usps.gov; consigliere@att.net; kbrews@cox.net; vjdicastro@att.net; jamesreese@cox.net; brandyreese@cox.net
Subject: letter re. rezoning

Dear Mayor and Council members,

I am writing you in regards to the proposed rezoning of the property on the corner of Tecumseh and Astor Dr. I am a homeowner in Cascade Estates and this proposal concerns me deeply.
My concerns include the **safety** of the MANY children who walk, play, ride bikes, etc. along Astor Dr. on a daily basis. The proximity to the park is also a serious concern.

Cascade park is a neighborhood park where families with children and pets play and have ball practice. Bordering the park with a commercial area will create a **less safe and desirable atmosphere**. As it is, anyone who is around the park area is most likely a resident or has a child practicing at the park. Locating businesses here would bring lots of people who have no connection to the park. I believe this would make parents fell less secure about their children's safety. The "sidewalk" to the park is also the drainage ditch. If businesses are built here the drainage will most certainly increase, creating unsafe access for families, children and pets.

Another issue is traffic. This area is a school pick up and drop off area as well as parking for the park. Every day, morning and afternoon both sides of the street are lined with cars, as well as many evenings, when teams practice at the park. Children and their families walk across Astor from the adjacent neighborhood as well as from their cars to access the park. Locating businesses here will make crossing this street hazardous. With all the current traffic it is already difficult for homeowners to enter and exit onto Tecumseh from Astor. Increasing this traffic with businesses on this corner is going to create a unimaginable bottleneck.

We are so proud of our neighborhood! I often brag about the "block party" atmosphere that exists here. Our addition has 4th of July parades on this street. At Halloween there are **hundreds** of children and their families walking the streets. Our children walk along Astor to the neighborhood pool. This neighborhood was designed with greenbelts and beautiful sidewalks that facilitate foot traffic, where our children play in their front yards and up and down Teton lane and across the street at the park. My sister is a city planner in another state and marvels at how beautifully this neighborhood is designed. We couldn't agree more. Please help us preserve the integrity of our family oriented atmosphere!

When we selected to build our home in this location we asked about the property in question and what future plans were for this property. We were told that it was zoned residential single family dwelling and due to its proximity to the park, church and school would stay that way. This was a deal breaker for us. The reassurance that this property was zoned residential and would stay that way made building our home in this location desirable. We hope that you will take the homeowners concerns into consideration in this matter and help us keep our neighborhood the beautiful, safe, family oriented, desirable jewel that it is now.

FILED IN THE OFFICE
OF THE CITY CLERK
ON 6-27-11 DMC

Sincerely, Susan Wood

Dear City of Norman Planning Commission,

I am writing today to talk to you about my neighborhood, Cascade Estates. I am strongly opposed to the pending rezoning request to change the land near Astor Drive and Tecumseh from residential to commercial.

Cascade is an amazing neighborhood, with a wonderful feeling of friendship among neighbors. On any given day, you will see families talking in their yards, and children riding their bikes to friends houses or playing ball in the street. We have neighborhood cookouts, parties and play-dates in our front yards. Our neighborhood pool is always filled with families cooling off from the heat. People in Cascade Estates say hello to each other. We know the names of our neighbors' children and pets. On Halloween, hundreds of children take to the streets to go trick-or-treating.

My husband and I purchased our home six years ago. We choose Cascade because we felt it was the perfect neighborhood to raise our then one-year-old son. It's a beautiful neighborhood, with trees, gardens, and lots of green space. Our son is now seven, and has a three-year-old little sister. We still feel our neighborhood is a wonderful place to raise children, but if a commercial property is built, that will change things.

When we purchased our home, we were happy knowing the empty land at the intersection of Astor Drive and Tecumseh was zoned residential. With the neighborhood park right there, and all the homes surrounding that land, we feel it should remain residential.

My son walks part of the way home from Roosevelt Elementary School. He takes the sidewalk down Tecumseh, and meets me on Astor Drive. This is a very important aspect of his day, because it teaches him about responsibility. He knows I trust him to walk straight to our meeting spot, and it gives him a feeling of pride that I trust him to do so. There isn't much traffic in Cascade. It's pretty much limited to those of us who live here. We are always careful driving through our neighborhood because we expect to see children and families playing outside. If a commercial property is built on Astor Drive, he will not be allowed to walk home anymore. There will be too much traffic, and it will no longer be safe.

We don't want a parking lot in our neighborhood. We don't want commercial buildings, even if it is aesthetically pleasing. It doesn't change the fact that we want our neighborhood to remain just that: a neighborhood. There is plenty of land to be developed in Norman. Please tell this developer to find a different spot to locate his commercial building.

Sincerely,

Erin Williford
3607 Gullane Drive
Norman, Oklahoma 73072
(405) 579-4370

FILED IN THE OFFICE
OF THE CITY CLERK
ON 6-30-11

out

June 30, 2011

City of Norman
Planning Commission
P.O. Box 370
Norman, OK 73070

To the Members of the Norman Planning Commission:

This letter is to protest the proposal by The Tecumseh Project, LLC to amend the Cascade Estates PUD and the Norman 2025 Land Use and Transportation Plan by changing the use of a parcel of land southeast of the intersection of Tecumseh Road and Astor Drive from Low Density Residential to Office.

I have been a resident of the Cascade Addition since 1985. Many welcome changes have come to pass since I moved into that neighborhood. As a citizen of Norman, I am proud of the new hospital on the west side and enjoy the convenience of the businesses that have arrived in its wake. I understand that businesses associated with the hospital will want to locate in the area and believe there is sufficient property north of the hospital between NW 36th and I-35 for that purpose.

I oppose the changing of the above-mentioned parcel of land. This strip of land is surrounded by residential property and a neighborhood park and very near an elementary school. During the school year particularly (which in the near future may be year round), that area is very congested and it is already difficult to exit the Cascade and Castlerock Additions onto Tecumseh. I can only imagine how the traffic would multiply should the suggested change occur. The residences nearest to the land in question are in the six figure price range and I believe the change would negatively affect the investment made by those homeowners. This location and the adjacent property were never intended to be commercial and people chose to make their home there with that in mind. I feel it would negatively impact the lives of the citizens in the immediate area and would be dangerous to increase the traffic so near to Roosevelt elementary.

Sincerely,

Mary Lynne Cooper

Mary Lynne Cooper
3912 Glisten Court
Norman, OK 73072
Telephone: 405-360-6178

FILED IN THE OFFICE
OF THE CITY CLERK
ON 7/1/11

out

Dear Norman City Planning Commission,

I am writing this letter in regards to the property located on Tecumseh Road across from St. Mark's Catholic Church. The purpose for writing this letter is to state my families opposition to the proposed rezoning of this land from a residential designation to a commercial designation. I live at 4000 Teton Lane in Cascade Estates. My property is located directly across from the city park. The land in question along Tecumseh Road is diagonal to my home at 4000 Teton Lane. This land is what my family sees when we look out our front door.

My wife and I bought our house in 2007. The purchase of our home was a substantial investment for us. Like many families, the purchase of our home was the biggest financial investment we would ever make. Before buying our house at 4000 Teton Lane we checked with the city of Norman in regards to the zoning of the property immediately north of the park. We were told that this land was zoned residential and would be developed in this manner. We would not have bought our home at this location if this property was zoned commercial. We understood whatever was developed on this property would become our neighbor. We did not want our home to be across the street from a commercial development. We were assured that this property was zoned residential and would be developed with houses to complete the Cascade Estates residential development. After receiving this information from the city of Norman, we made the decision to purchase our home.

There are other reasons why we oppose changing this land from a residential to commercial designation. We are concerned about the safety of our children in this area as are many other families. We are also concerned about having a city park located next to a commercial development. We also realize this development would increase traffic in our area which would affect the safety and value of our home.

We want to see the continued commercial development of the city of Norman. There are many acres around the hospital and on 36th Avenue that have yet to be developed. These areas are currently zoned commercial and are ready for development. We also want to see the continued residential development of the city of Norman. The land in question along Tecumseh Road is zoned residential and should be developed in this manner.

As stated earlier, the zoning of this land had a direct impact on our decision to purchase our home at 4000 Teton Lane. We bought our home only after confirming with the city of Norman that the land in question along Tecumseh Road was zoned residential and would be developed in this manner. It is our request that this land maintain its residential zoning status.

Sincerely,

Phillip & Shannon Johnson
4000 Teton Lane
Norman, OK 73072

FILED IN THE OFFICE
OF THE CITY CLERK
ON 7/5/11

✓

Gregory S. and Paula J. Cook
3102 Carnoustie Drive
Norman, OK 73072-1948

June 30, 2011

City of Norman
Planning Commission
P.O. Box 370
Norman, OK 73070

To the Members of the Norman Planning Commission,

Please register this letter in protest of the proposal by The Tecumseh Project, LLC to amend the Cascade Estates PUD and the Norman 2025 Land Use and Transportation Plan by changing the use of a parcel of land southeast of the intersection of Tecumseh Road and Astor Drive from Low Density Residential to Office.

We have been notified that our property, above address, is within three hundred and fifty (350) feet of the proposed change and agree with our neighbors that the above proposal and potential use of said property would ultimately devalue our property.

Two primary concerns are: immediately the ingress and regress from our home onto 36th would be seriously compromised and long term major infrastructure issues. Construction is not complete on the medical park east of said zone, not to mention any additional construction in the above area and south of Tecumseh Road, and when that has occurred we are deeply concerned about the City of Norman's ability to maintain the infrastructure and demands thereon.

Bottom line, as homeowners that will directly affected by this proposed change, we oppose.

Respectfully Submitted

Paula J. Cook

Paula J. Cook

Gregory S. Cook

Gregory S. Cook

out

FILED IN THE OFFICE
OF THE CITY CLERK
ON 7-6-11 mc

37-36

Mark and Beth McCoy
4021 Teton Lane
Norman, Oklahoma 73072

Date: July 4, 2011

City of Norman
Planning Commission
P.O. Box 370
Norman, OK 73070

To the Members of the Norman Planning Commission,

This letter is to protest the proposal by The Tecumseh Project, LLC to amend the Cascade Estates PUD and the Norman 2025 Land Use and Transportation Plan by changing the use of a parcel of land southeast of the intersection of Tecumseh Road and Astor Drive from Low Density Residential to Office. We have been notified that our property at 4021 Teton Lane is within 350 feet of the proposed change.

We oppose this change for the following reasons:

1. The property was promised to remain low density residential and there is plenty of commercial/ office property available at the intersection of Tecumseh and 36th street.
2. Rezoning this area reduces our property values.
3. This change would increase traffic in a residential area with many children that play at the adjacent city park and walk to Roosevelt Elementary School.
4. This area is adjacent to a city park and it is unwise and unsafe to have commercial/office property next to a city park.

Sincerely,

Mark R. McCoy

Bethany D. McCoy

FILED IN THE OFFICE
OF THE CITY CLERK
ON 7-6-11 mc

Address: 4000 Ripple, Norman, OK

City of Norman
Planning Commission
P.O. Box 370
Norman, OK 73070

Date: July 7, 2011

Dear Norman Planning Commission,

This letter is to protest the request by The Tecumseh Project, LLC to amend the Cascade Estates PUD and the Norman 2025 Land Use and Transportation Plan by changing a parcel of land southeast of the intersection of Tecumseh Road and Astor Drive from Low Density Residential to Office use. I have been notified that my property at 4000 Ripple Ave. is within 350 feet of the proposed change.

I oppose this change for the following reasons:

1. Commercial use in a neighborhood. No one wants to look out their front door and see office buildings.
2. Purchased home in area because of neighborhood feel. This feeling will be lost with the proposed change from residential to commercial buildings. Very upset that this proposal is even being considered.
3. Safety in the neighborhood.

Sincerely,

Janelle Barden

Legal Homeowner Name:

FILED IN THE OFFICE
OF THE CITY CLERK
ON 7-7-11 MC

St. Mark The Evangelist Catholic Church

July 5, 2011

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

Dear Members of the Norman City Planning Commission:

With this letter I wish to file formal protest regarding the proposed amendment of the existing PUD for the property located on the south side of Tecumseh Road east of Astor Drive across Tecumseh Road from this Church.

The Roman Catholic Church consistently and deliberately builds its churches in the heart of residential communities. The Church has no history of building churches on Freeways or in Commercial or Shopping Districts. The very nature and identity of our church is family and it is rooted in a residential/neighborhood setting. Sites for new churches are considered only in residential areas, and the spirit of our communities is always about home-life, and neighborhood. In cities all over the country, Catholic Parishes are always active and concerned with the renewal of housing projects and residential communities. Catholic Churches are found where people live, not where they shop or work.

For this reason, the Tecumseh Road site was chosen about twenty-five years ago on the belief that the City of Norman would preserve this part of the city for a residential community. We trusted that this planning and vision would be preserved. With consideration of the proposed change, the parish community feels somewhat betrayed and disappointed. Consequently we do take this opportunity to object to any amendment to the PUD or the zoning adjacent to our property that removes this property from residential use. This proposal moves people further away from what we hoped would be a church "home" and creates more distance from the kind of community and development with which we are identified.

Respectfully submitted July 7, 2011

Thomas J. Boyer

Reverend Thomas J. Boyer, Pastor

FILED IN THE OFFICE
OF THE CITY CLERK
ON 7-7-11

3939 W. Tecumseh Road
Norman, Oklahoma 73072-1708

Telephone (405) 366-7676
Fax (405) 366-7842

Robert & Stacy Morey
4009 Teton Ln.
Norman, OK 73072

City of Norman
Planning Commission
P.O. Box 370
Norman, OK 73070

Date: 7-1-2011

To the Members of the Norman Planning Commission,

This letter is to protest the proposal by The Tecumseh Project, LLC to amend the Cascade Estates PUD and the Norman 2025 Land Use and Transportation Plan by changing the use of a parcel of land southeast of the intersection of Tecumseh Road and Astor Drive from Low Density Residential to Office. I have been notified that my property, at address 4009 Teton Lane, is within 350 feet of the proposed change.

I oppose this change for the following reasons:

First, the proposal calls for an entrance to the office area to be constructed off of Astor Drive. As you may be aware, Roosevelt Elementary school is only blocks away from Astor Drive. As such, many children, including our youngest son who will begin pre-K this fall, walk to school from our neighborhood. In fact, Astor Drive has historically been utilized as the major pick-up and drop-off location for children pre-K through fifth grade, second only to the school lot. Therefore, as you can imagine, we are extremely concerned about the increased traffic which will be created not only from the office development itself, but also from the placement of the proposed entrances. As long-time residents of the neighborhood and parents of school age children, we are accustomed to the young pedestrians in our area, as are all of our neighborhood residents. However, introducing sales and client traffic into this area would bring in a large number of people to our street who are unaware of the potential problems. As a result, this residential street simply cannot adequately handle the school and office traffic without creating an unnecessary hazard to young children.

Second, there is a wonderful park which sits adjacent to the proposed office development. The park is constantly used by neighborhood children and their friends, youth softball and baseball teams, and pet owners. Within this area, is also the continuation of a green belt which runs throughout the entire neighborhood of Cascade Estates. Our neighbors who have homes which are adjacent to the green belt have worked diligently and in a united front to keep the green belt from being infringed upon. For example, none of the individuals within the green belt have erected fences or any other structure which would infringe upon the environment. If the new

FILED IN THE OFFICE
OF THE CITY CLERK
ON 7/8/11

plans are accepted, their efforts will be in vain, and the environmental sanctity of the area will be destroyed.

Third, on a more personal note, the proposed office development, will negatively impact our family's lifestyle and finances. We bought this home in large part because of its natural surroundings, and the promise that any development within the area in question would be of a residential nature. Altering the surrounding area in the suggested manner will hurt our property values and the aesthetic nature of our home. The increased traffic and noise will impact our ability to use our home in the manner to which we have become accustomed and envisioned since we first viewed the property.

While I am certain that the tenants of the office development would find their surroundings to be quiet and serene, the same cannot be said of how the neighborhood views the proposed development. Please don't allow our neighborhood to become a better place to work than it is to live.

Sincerely,

Robert Morey

Stacy Morey

City of Norman
Planning Commission
P.O. Box 370
Norman OK 73070

6 July 2011

Dear Sir/Ma'am,

The purpose of this letter is to protest the request by The Tecumseh Project, LLC to amend the Cascade Estates PUD and the Norman 2025 Land Use and Transportation Plan by changing a parcel of land southeast of the intersection of Tecumseh Road and Astor Drive from Low Density Residential to Office Use. I have been notified that my property at 3912 Ripple Ave is within 350 feet of the proposed change.

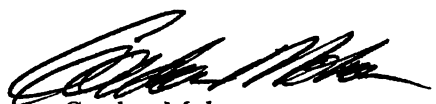
I oppose this change for a number of reasons. Foremost is the issue of fairness. The current residents of Cascade Estates made important personal and financial decisions based upon the finalized Cascade Estates Residential PUD created 13 years ago. Now, well after all lots have been sold and people have settled into their homes, this major change requested will significant degrade the character of the entire neighborhood, detract from current aesthetics, and perhaps most importantly lower property values.

Other concerns include the issue of safety. Adding a heavily trafficked office complex with over 200 parking spaces creates a potential risk for those who use adjacent streets and park land. This change would also potentially facilitate loitering or even criminal activity by miscreants (or worse) posing as office patrons while awaiting/stalking victims in the park.

A primary purpose of city planning is to allow individuals and business to anticipate future land use. This land parcel has been reserved for residential user ever since it was first taken out of agricultural uses. Changing the use of this parcel now negates decades of wise planning and blurs the line separating commercial and residential use. This is important as conflicts can arise when commercial use evolves in similar settings...reference the problems associated with the recent Porter Avenue Study.

In conclusion, I cry foul and respectfully request the City of Norman deny any and all such requests for amending the Cascade Estates PUD and the Norman 2025 Land Use and Transportation Plan.

Sincerely,



Gordon Mohon
3912 Ripple Ave
Norman OK 73072

FILED IN THE OFFICE
OF THE CITY CLERK
ON 7/8/11

out

City of Norman
Planning Commission
P.O. Box 370
Norman, OK 73070

July 8, 2011

Re: Proposal by The Tecumseh Project, LLC to amend the Cascade Estates PUD and the Norman 2025 Land Use and Transportation Plan

To the Members of the Norman Planning Commission,

This letter is to protest the proposal by The Tecumseh Project, LLC to amend the Cascade Estates PUD and the Norman 2025 Land Use and Transportation Plan by changing the use of a parcel of land southeast of the intersection of Tecumseh Road and Astor Drive from Low Density Residential to Office. I have been notified that my property at 3520 Bright St., Norman, OK 73072 is within 350 feet of the proposed change.

I oppose this change for the following reasons:

- The increase in traffic. Roosevelt Elementary School is located at 4250 W. Tecumseh Road and St. Mark's Catholic Church, Mother's Day Out is located across the street at 3939 W. Tecumseh Road. Also, the Cascades Estate Park would be just south of the building project. At one point, they were also discussing an entrance into the building off of Astor Drive, which would be even more dangerous for children walking home from school or the park.

- The extended construction period. We have been advised by the Tecumseh Project, LLC that they do not plan to build the entire office center at one time, but will build each additional office building as it is sold. This means that the construction could drag on for several years.

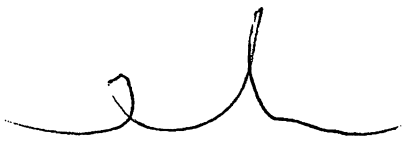
- The construction noise. Since it is unclear how quickly this building project would be completed, there could be construction noise off and on for several years.

- Decrease in home values. Our home is located just southeast of the proposed building site. The building would not only impede our view, but if a two story design is built, the occupants of the upper floors may be able to see into our fenced and private back yard.

FILED IN THE OFFICE
OF THE CITY CLERK
ON 7-8-11 mc

We appreciate your consideration of our reasons to protest this change in the zoning law.

Sincerely,



Timothy D. Black

Cara L. Black

Cara L. Black

3520 Bright St.
Cascasde Estates Addition
Norman, OK 73072

2

37-44

3921 Ripple Ave.
Norman, OK 73072
405-473-6662 (cell)

City of Norman
Planning Commission
P.O. Box 370
Norman, OK 73070

July 7, 2011

To the Members of the Norman Planning Commission,

This letter is to protest the proposal by The Tecumseh Project, LLC to amend the Cascade Estates Planned Unit Development (PUD) and the Norman 2025 Land Use and Transportation Plan by rezoning a parcel of land southeast of the intersection of Tecumseh Road and Astor Drive from Low Density Residential to Office. I have been notified that our residence at 3921 Ripple Ave is within 350 feet of the proposed change; our property is just across the city park from the subject parcel.

We oppose this change because it is unfair to change a residential PUD plan after nearly all the homes have been built, it will change the character of the neighborhood and the neighborhood association will lose aesthetic control of this parcel. Finally, we think it is poor planning to extend the extent of the boundary line between commercial and residential properties in this area, inviting future conflict. This document will explain our position on each of those points.

Unfair

In 1997 Cascade Development Company, led by Mr. Newcomer and Mr. Clagg, proposed the current PUD including a City Park and a cul du sac with 12 residential lots between my property on Ripple Ave. and Tecumseh Road. This PUD was approved by the Parks Board, the Planning Commission and the City Council. I spoke at the City Council meeting in support of this PUD. Although I was a little disappointed that their plan cut-off that green space right at the north edge of the pipeline easement, I was content with plan for homes on the opposite side of the park and I thought they had a good plan for the neighborhood overall. I would not have spoken in favor of a plan that included any commercial development on Tecumseh Road.

A few years later, the owners erected a "For Sale or Lease" sign in that area. I phoned asked about the intent of the sign. At that time Mr. Newcomer told me he was trying to see if a church would interested in buying that property and that I should not be concerned because the land was zoned residential, was part of an established PUD and thus was very restricted in what could be built there. Because of those assurances I was not concerned about the use of that land and

FILED IN THE OFFICE
OF THE CITY CLERK
ON 7/8/11

when we considered buying other property in Norman, one of the factors in our decision not to relocated was thinking our current location had distinct advantages, including the proximity to the park. If the land across from the park becomes commercial we feel it will detract from the advantages we factored into the decision process.

Beyond our experience, there are literally hundreds of people who bought homes or built homes in Cascade Estates with the expectation – from the published plan – that Cascade Estates was going to be entirely residential. The owners gave no indication that commercial offices would be built there until March of 2011, after nearly every lot and home in the remainder of the development had been sold to builders or individuals. .

Change in Character

This area of Northwest Norman is a very attractive area for families and has long been planned to have a nearly continuous strip residential, park, school and church usage from Robinson Street north to Franklin Road. The contiguous strip makes for a zone where people can jog, bike and walk through the adjoining neighborhoods with low traffic, noise, etc, due to the lack of commercial development. Astor Drive is a bike route, for this reason. This is a result of wise planning that has been carried through many versions of the Norman Comprehensive Plan.

Changing this parcel to office use changes the character of not only Cascade Estates but the adjacent Castlerock subdivision and Cascade Park. In west Norman there is no other neighborhood park that is bounded by a commercial land, with the lone exception of Russell Bates Park which is within a commercial development. In addition to that increased traffic for the 211-space parking lots, there is some concern that the parking lots surrounding the office buildings could be used by criminals who might prey on people using the park, posing as office patrons while watching activity in the park. In contrast, a stranger loitering in the planned cul du sac would be more easily detected and reported police.

This corner is the north entrance to Cascade Estates, putting an office building at this location detracts from the residential character of our subdivision's "front door", affecting the first impression of visitors and potential home buyers entering from the north.

Although the office use is less intrusive to the residential character than, say, retail or restaurant use, it will put the property in the commercial use category and, as such, it begins a slippery slope toward other commercial use with relatively minor re-zoning consideration over the long term future.

Loss of Aesthetic Control

The aesthetic qualities of Cascade Estates and Castlerock are preserved through homeowner covenants enforced by the neighborhood homeowner associations. These covenants and their enforcement are important to preserve the aesthetic condition of the properties in the area for the

long term and hence preserve property values, safety and quality of life for the residents. If the Cascade Estates PUD is completed as originally planned, the 12 homes on the parcel will be subject to such covenants and subsequent long-term enforcement.

The Tecumseh Project owners are proposing building plans and covenants for the office property that they envision for this parcel. While the current owners can come up with some plans that might be aesthetically appealing when first built, their covenants would be controlled and enforced by the future office building owners and as such there is no guarantee to the neighboring homeowners that such enforcement would be effective, nor that the covenants would not be changed in the future. Given the harsh weather in Oklahoma, landscape maintenance is key to maintaining an attractive appearance. We are concerned, in particular, that the eventual building owners will not have a long term interest in maintaining the appearance and landscaping of back side of their office buildings, the side that will face the park and many Cascade homeowners.

Furthermore, all plans are being shown by the Tecumseh Project owners, but they will not be the eventual builders, owners or operators of the buildings. They intend to subdivide and sell the office lots. So what is stated or shown as example buildings or landscaping is not legally binding and the present owners will be far out of the picture should a problem arise with the eventual owners not properly landscaping or maintaining their buildings or landscaping.

Poor Planning

We believe that allowing a change to the current 2025 Plan represents poor planning. Part of the purpose of a published plan is to allow all citizens and developers to know the future intended use of land in the area where they are considering moving or building. If the plan is changed it is nullifying the wise choices of decades of city planners. Furthermore, the additional of a commercial use of land in this parcel will increase the length of the most sensitive and critical city planning line, that line that divides commercial property from single-family residential property. The recent Porter Street Study highlighted the problems surrounding this line and how it invites future conflict as commercial use of properties evolves with time. Extending the length of the line is inviting increased future problems – wise development avoids the need for future expensive revitalization projects.

The critical commercial-residential line near Cascade currently affects only the homes on the east side of Glisten St., about 14 homes. Allowing commercial office use will extend the line to also affect parts of Bright St., homes on the north side of Ripple Ave., the east end of Teton Lane and also one home in Castlerock, a total of 35 homes plus Cascade Park.

Changes should be made when there is a compelling reason driven by outside changes. So what compelling reason does the Tecumseh Project present for changing the Cascade Estates PUD? Is there a dire and compelling need for office space? There is good demand for single family homes in Northwest Norman so it is quite reasonable to expect that the home lots in the Cascade

PUD will sell. Meanwhile, there appears to be considerable unused commercial land adjacent to the Norman Healthplex and in the surrounding area. In the area from Rock Creek Rd to north of Tecumseh Rd along and east of 36th Avenue NW we count more than 230 acres of land developed or zoned for commercial development. In addition there is about 250 acres of land available just across I-35 in the University North Park planned mixed use development north of Rock Creek Rd. See attached map. We see no advantage to the City of Norman or its citizens to add this relatively small parcel to the land available for offices in this part of the city.

We urge the Norman Planning Commission and the City Council to reject any use of this property other than low-density single-family homes. We are open to redrawing the individual lot boundaries within the parcel if that is needed to improve their marketability.

Sincerely,

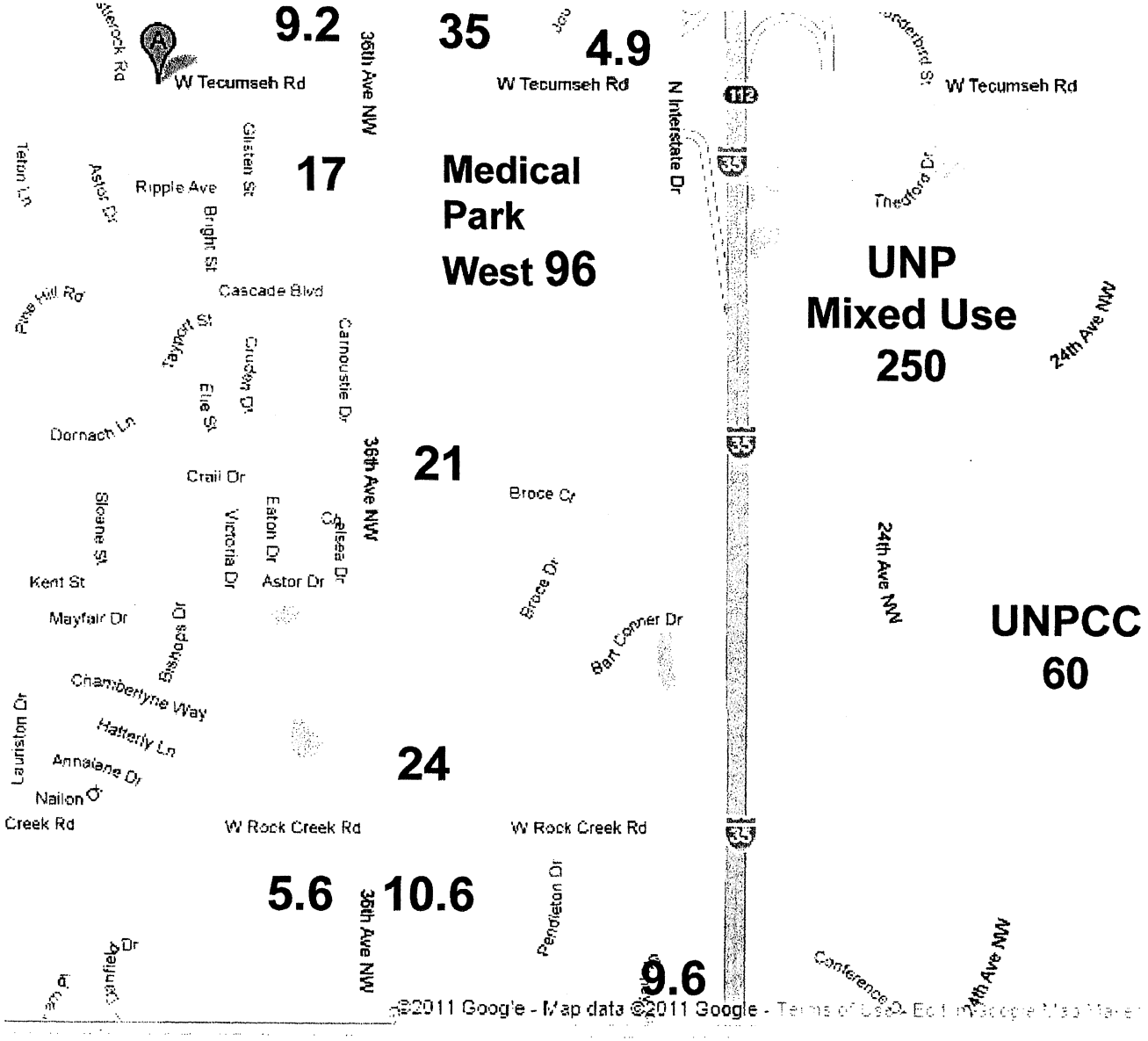
Keith Brewster

Crystal Brewster

Undeveloped/Recently-Developed Land for Office Space Zoned Office or Commercial (Acres)

West of I-35 : 233 acres

UNP N of Rock Creek Rd:
Mixed Use: ~250 acres
Corp Centre: ~60 acres



Address: 3516 Bright St.
Norman, OK 73072

City of Norman
Planning Commission
P.O. Box 370
Norman, OK 73070

Date: 7/7/11

To the Members of the Norman Planning Commission,

This letter is to protest the proposal by The Tecumseh Project, LLC to amend the Cascade Estates PUD and the Norman 2025 Land Use and Transportation Plan by changing the use of a parcel of land southeast of the intersection of Tecumseh Road and Astor Drive from Low Density Residential to Office. I have been notified that my property at address 3516 Bright St. is within 350 feet of the proposed change.

I oppose this change for the following reasons: poor planning, safety, and neighborhood character. One purpose of city planning is to allow individuals and business to anticipate future land use. The subject parcel has been reserved for residential use ever since it was first taken out of agriculture use. At the same time, there are large areas along 36th Ave NW which have long been zoned for commercial and light industrial use. Changing the use of this parcel now negates decades of wise planning and increases the length of the line separating commercial and residential use. The line is important because conflicts can arise as commercial use evolves – a lesson learned from the recent Porter Avenue Study. If this should be rezoned the fact that it could have over 200 parking spaced there is a safety risk now involved. Office parking lots adjacent to the park could aide a criminal who could loiter there posing as an office patron while awaiting a victim. Finally the proposed changes will alter the residential character of the Cascade Estates and Castlerock neighborhoods. This change would break-up what is now a contiguous strip of quality neighborhood space, consisting of residences, green space, neighborhood parks, churches and schools running from Robinson Street north to Franklin Road, and beyond. This makes it a very attractive area for families, the result of careful consideration and planning by many citizens, developers and civic leaders over the last few decades.

We sincerely hope you take the interest of those who actually live and make their homes here. While we certainly don't begrudge anyone from trying to make a profit from their property, we think the city as a whole would benefit more from single residential homes being built on this parcel.

Sincerely,

R. Scott Copeland

Paula J. Copeland

in, already have

FILED IN THE OFFICE
OF THE CITY CLERK
ON 7-11-11 2M

37-50

Address: 3917 Ripple
Norman, Ok

City of Norman
Planning Commission
P.O. Box 370
Norman, OK 73070

Date: 7-8-11

Dear Norman Planning Commission,

This letter is to protest the request by The Tecumseh Project, LLC to amend the Cascade Estates PUD and the Norman 2025 Land Use and Transportation Plan by rezoning a parcel of land southeast of the intersection of Tecumseh Road and Astor Drive from Low Density Residential to Office use. I have been notified that my property at 3917 Ripple is within 350 feet of the proposed change.

I oppose this change for the following reasons: See attached.

Sincerely,
Cheryl Conley

Legal Homeowner Name:

Margaret Crawford
Second Homeowner Name, if owned jointly:

FILED IN THE OFFICE
OF THE CITY CLERK
ON 7-11-11 AM

37-51

Alex Chadwick
Address: 3908 Ripple Ave
Norman OK 73072

City of Norman
Planning Commission
P.O. Box 370
Norman, OK 73070

Date: 7/7/11

Dear Norman Planning Commission,

This letter is to protest the request by The Tecumseh Project, LLC to amend the Cascade Estates PUD and the Norman 2025 Land Use and Transportation Plan by changing a parcel of land southeast of the intersection of Tecumseh Road and Astor Drive from Low Density Residential to Office use. I have been notified that my property at 3908 Ripple Ave, Norman, OK is within 350 feet of the proposed change.

I oppose this change for the following reasons:

We bought our property with the expectation that this area would remain residential as it was zoned. This was a key selling point for us as this creates a safe, quiet community atmosphere. Close enough to the conveniences of the city yet removed enough to feel secure and welcoming. We don't feel it is fair that were forced to accept such a drastic change that could negatively affect our property value, especially considering that the alternative of selling and moving with the current housing market is ill advised at best. We fear that opening our neighborhood to commercial offices and parking threatens its safety with increased traffic and people accessing the area, especially right next to a park regularly used by our children. This will also make it more difficult exiting from Astor and Tecumseh.

Sincerely,

X Alex Chadwick

Legal Homeowner Name: Alex Chadwick

X Kathryn Chadwick

Second Homeowner Name, if owned jointly: KATHRYN CHADWICK

we already have out

FILED IN THE OFFICE
OF THE CITY CLERK
ON 7-11-11 NC

37-52

Address: 3904 Ripple Ave
Norman, OK 73072

City of Norman
Planning Commission
P.O. Box 370
Norman, OK 73070

Date: Thursday, July 7th, 2011

Dear Norman Planning Commission,

This letter is to protest the request by The Tecumseh Project, LLC to amend the Cascade Estates PUD and the Norman 2025 Land Use and Transportation Plan by changing a parcel of land southeast of the intersection of Tecumseh Road and Astor Drive from Low Density Residential to Office use. I have been notified that my property at 3904 Ripple Ave is within 350 feet of the proposed change.

I oppose this change for the following reasons:

Safety Risk ⇒ Many recreational visitors in the area
Neighborhood Character ⇒ diminish the quality of the neighborhood & attractiveness for families

Sincerely,

X [signature]

Legal Homeowner Name:

X KRISJANIS VERMELIS

Second Homeowner Name, if owned jointly:

out

FILED IN THE OFFICE
OF THE CITY CLERK
ON 7-11-11 DM

37-53

Address: 3916 Ripple Avenue
Norman, Oklahoma
73072-1914

City of Norman
Planning Commission
P.O. Box 370
Norman, OK 73070

Date: July 8, 2011

Dear Norman Planning Commission,

This letter is to protest the request by The Tecumseh Project, LLC to amend the Cascade Estates PUD and the Norman 2025 Land Use and Transportation Plan by changing a parcel of land southeast of the intersection of Tecumseh Road and Astor Drive from Low Density Residential to Office use. I have been notified that my property at 3916 Ripple Avenue is within 350 feet of the proposed change.

I oppose this change for the following reasons:

SEE ATTACHMENT.

Sincerely,

X [signature]

Legal Homeowner Name:

X Monte L. Stutterheim

Second Homeowner Name, if owned jointly:

Brenda Stutterheim

FILED IN THE OFFICE
OF THE CITY CLERK
ON 7-11-11 M

joint, already have

37-54

Some Objections

These are personal opinions gathered from discussion among several of the residents and do not represent the official position of any one person or entity and are presented in no particular order.

1. **Fairness:** The current Cascade Estates Residential PUD was created 13 years ago and since then many important personal and financial decisions were made by Cascade residents based on that plan. Now the same authors of the PUD are asking to make a major change after all the lots have been sold and people have settled into their homes. The timing and the way that this has been handled seems unfair to the residents.
2. **Neighborhood Character**: The proposed changes will alter the residential character of the Cascade Estates and Castlerock neighborhoods. This change would break-up what is now a contiguous strip of quality neighborhood space, consisting of residences, green space, neighborhood parks, churches and schools running from Robinson Street north to Franklin Road, and beyond. This makes it a very attractive area for families, the result of careful consideration and planning by many citizens, developers and civic leaders over the last few decades.
3. **Loss of Aesthetic Control**: Placement of office property and large parking lots could detract from the aesthetics of the neighborhood and Cascade Park that border the rear and sides of the commercial buildings. The covenants will be completely controlled by the office owners, removing control and enforcement from the neighborhood association. Over the long term there is the risk of deterioration of the appearance of the buildings and landscaping and coincident reduction in nearby property values. While the current owners promise nice buildings and landscaping, they will not be the ultimate owners so they cannot guarantee quality long term maintenance.
4. **Safety:** Office buildings and vehicles utilizing over 200 parking spaces added to this area pose a potential safety risk to those who use adjacent streets and park land. The area has many recreational visitors using the nearby park, green space, sidewalks and designated bike route. Office parking lots adjacent to the park could also aide a criminal who could loiter there posing as an office patron while awaiting a victim in the adjacent park.
5. **Poor Planning**: One purpose of city planning is to allow individuals and business to anticipate future land use. The subject parcel has been reserved for residential use ever since it was first taken out of agriculture use. At the same time, there are large areas along 36th Ave NW which have long been zoned for commercial and light industrial use. Changing the use of this parcel now negates decades of wise planning and increases the length of the line separating commercial and residential use. The line is important because conflicts can arise as commercial use evolves – a lesson learned from the recent Porter Avenue Study.

FILED IN THE OFFICE
OF THE CITY CLERK
ON 7-11-11 MK

James C. and Brandy M. Reese

4100 Teton Ln.

Norman, OK 73072-1973

City of Norman
Planning Commission
P.O. Box 370
Norman, OK 73070

Date: July 11, 2011

To the Members of the Norman Planning Commission,

This letter is to protest the proposal by The Tecumseh Project, LLC to amend the Cascade Estates PUD and the Norman 2025 Land Use and Transportation Plan by changing the use of a parcel of land southeast of the intersection of Tecumseh Road and Astor Drive from Low Density Residential to Office. I have been notified that my property at address 4100 Teton Ln. is within 350 feet of the proposed change.

I oppose this change for the following reasons:

- The proposal would increase vehicle traffic and congestion along Tecumseh Road and Astor Drive.
- The proposal would increase the safety risk to Cascade residents and younger pedestrians accessing Roosevelt Elementary School.
- The proposal exacerbates the underutilization of already established commercial and office zoning immediately East of 36th Ave. N.W.

Sincerely,

James C. Reese

Brandy Reese

Brandy M. Reese

FILED IN THE OFFICE
OF THE CITY CLERK
ON 7-11-11 mc

we already have

37-56

Address: 3509 Bright St
Norman, OK 73072

City of Norman
Planning Commission
P.O. Box 370
Norman, OK 73070

Date: July 8, 2011

Dear Norman Planning Commission,

This letter is to protest the request by The Tecumseh Project, LLC to amend the Cascade Estates PUD and the Norman 2025 Land Use and Transportation Plan by changing a parcel of land southeast of the intersection of Tecumseh Road and Astor Drive from Low Density Residential to Office use. I have been notified that my property at 3509 Bright Street is within 350 feet of the proposed change.

I oppose this change for the following reasons: When we purchased our lot in 1997 and had our house built we expected the area to become housing not business in the area being considered for change. There is already plenty of commercial areas on Tecumseh & 36th which creates traffic and noise. It seems unfair to change this now. It also will cause a problem with safety because children & families will be at the adjacent park. The neighborhood residents work to make this area an aesthetically attractive area. This change will be detrimental because of noise and traffic. Please leave this area as residential.

Sincerely,

x Joyce F Harris

Legal Homeowner Name:

x Douglas Harris

Second Homeowner Name, if owned jointly:

FILED IN THE [illegible]
OF THE CITY [illegible]
ON 7-11-11 PM

We already have

37-57

Address: 3513 Bright Street
Norman Oklahoma
73072

City of Norman
Planning Commission
P.O. Box 370
Norman, OK 73070

Date: July 7, 2011

Dear Norman Planning Commission,

This letter is to protest the request by The Tecumseh Project, LLC to amend the Cascade Estates PUD and the Norman 2025 Land Use and Transportation Plan by changing a parcel of land southeast of the intersection of Tecumseh Road and Astor Drive from Low Density Residential to Office use. I have been notified that my property at 3513 Bright Street is within 350 feet of the proposed change.

I oppose this change for the following reasons:

I would like the area west of 36th street and south of Tecumseh ~~to~~ remain exclusively residential.

Sincerely,

X James W. Gentry

Legal Homeowner Name:

X JAMES WALTER GENTRY

Second Homeowner Name, if owned jointly:

FILED IN THE OFFICE
OF THE CITY CLERK
ON 7-12-11 NK

IN

37-58

4104 Dornoch Lane
Norman, OK 73072
paul.phelps@eac.edu
July 20, 2011

City of Norman
ATTN: Planning Commission
P.O. Box 370
Norman, OK 73070

To the Members of the Norman Planning Commission,

Since the July 14 Planning Commission meeting did not deal with the following subject, and we will be unable to attend your August 9 and 11, 2011, meeting(s), we are sending this letter to protest the proposal by The Tecumseh Project, LLC, to amend the Cascade Estates Planned Urban Development and the Norman 2025 Land Use and Transportation Plan by changing the use of a parcel of land southeast of the intersection of Tecumseh Road and Astor Drive from "Low Density Residential" to "Office," OR any other use than residential.

Our property at 4104 Dornoch Lane, Norman, 73072, is not within 350-feet of the proposed change, but we are property owners in Cascade subdivision and our concern is the same as if we were within the designated/ affected 350 feet of the proposed change.

We oppose this proposed change for the following reasons:

- There is sufficient commercial property on Tecumseh east of 36th NW on which to build the proposed commercial/office buildings.
- The proposed change area is adjacent to a public park area and a church area which would be adversely impacted *(additional traffic, noise, trash, large buildings, etc.)* by creating commercial/office space.
- The traffic at the intersection of Astor and Tecumseh, particularly during the school year, is already problematic and the proposed rezoning for commercial building would only add to the problem.
- Although the public Park area is still rather primitive in its beauty, it will get better, but adding a bunch of commercial buildings would detract from the park's current/future beauty.
- Once a zoning change occurs it will only encourage further "domino-effect" rezoning requests and, no doubt, subsequent approvals in the future.
- The property owners in the Cascade and Castlerock subdivisions purchased their homes there so as to be separated from commercial building and the aforementioned problems that such building would inevitably bring.

If the Planning Commission thinks that commercial/office building should take place in a residential/ park/church/school area, then we would suggest that one, or all, of you should recommend your personal residential neighborhood(s) in which to have the requested commercial interest built.

Commerce is great, BUT putting that interest ahead of a residential neighborhood's interest and stability is wrong and inappropriate.

Sincerely,

Paul E Phelps & Erica B. Phelps

FILED IN THE OFFICE
OF THE CITY CLERK
ON 7-21-11

3921 Ripple Ave.
Norman, OK 73072
405-473-6662 (cell)

City of Norman
Planning Commission
c/o City Clerk
P.O. Box 370
Norman, OK 73070

August 8, 2011

To the Members of the Norman Planning Commission,

This letter is in regard to the proposal by The Tecumseh Project, LLC to amend the Cascade Estates Planned Unit Development (PUD) and the Norman 2025 Land Use and Transportation Plan (2025 Plan) by rezoning a parcel of land southeast of the intersection of Tecumseh Road and Astor Drive from Low Density Residential to Office. Our home is just across the city park from the subject parcel.

My wife and I oppose this change and we have sent a letter describing our reasons last month (letter dated July 7). Since that time I have attended another public meeting with the applicants and read the city staff report. The purpose of this letter is to demonstrate that the justification for change to the 2025 Plan is weak and based on inaccurate assumptions. The strong opposition from the residents in Cascade and nearby subdivisions should clearly demonstrate that the change is also detrimental to the interests of the citizens.

The rules for revising the 2025 Plan require that there be a change in the general area that necessitates an amendment to the plan. Logic dictates that such changes should have occurred after the writing of the 2025 Plan (dated December, 2004) and that such changes are significant and directly relevant to the parcel in question. The applicants have asserted that the change in traffic on Tecumseh Road have made R-1 home lots that back to Tecumseh road undesirable, and imply that they will be difficult to sell. They state that changes in traffic are due to the extension of Tecumseh Road from Porter Avenue east to 12th Avenue East and two new churches, St Mark the Evangelist Catholic Church and Journey Church. This is echoed by the city staff report without any supporting data.

Let's look at the facts. The initial St Mark's building was built in 1993 and membership grew rapidly via transfers from other Norman Catholic churches in the early years. The main sanctuary was completed in 2000 and by the end of 2002, two years before the creation of the 2025 Plan, the church membership had grown to 1100 families. In the following 9 years the church has continued to grow, but at a much smaller rate, today comprising 1356 families. The

FILED IN THE OFFICE
OF THE CITY CLERK
ON 8/8/11

primary growth at St Mark's church clearly preceded the 2025 Plan. Journey Church is indeed a new addition to the area, being complete in January, 2006, but my observation is that most of the Journey Church members turn left from the Journey Church Parkway to go east on Tecumseh Rd., and continue east or enter I-35. In fact, there are two dedicated left turn lanes to handle the large volume of traffic heading east on Tecumseh Rd.

The changes to Tecumseh Road in east Norman are not at all relevant to traffic west of 36th Ave NW. The only reason for residents of that part of town, or even HealthPlex visitors, to travel west of 36th Ave NW would be to go to residences in the immediate vicinity or to horse farms in 10-mile flats. Data from the Association of Central Oklahoma Governments (ACOG) traffic map, Fig. 1, shows the most recent traffic counts on Tecumseh Rd. Note that there are two points with 14,000 vehicles-per-day traffic count east of 36th Ave NW, likely a result of some of the factors cited by the applicants, but the traffic drops sharply to below 8,000 west of 36th Ave NW. Historical data provided by Norman Assistant City Traffic Engineer David Riesland that I plotted in Figure 2, show the rate of increase on Tecumseh Rd east of I-35 is much higher than the gradual rate of increase west of 36th Ave NW (there is no historical data for the point just east of 36th Ave NW, only the 2010 count).

So the traffic rate is moderate on Tecumseh Rd at Astor Road and is relatively unaffected by the factors cited by the applicants. Form my observation the biggest single factor causing a change to traffic since the opening of Astor Drive in 2004, would be the addition of the proposed office buildings, adding 1000 trips per day (applicant's traffic study). While being concerned about their own property, the applicants don't address the negative impact their project's traffic would have on the existing residences at the north end of Bright St and Glisten St.

To address the implication that increased traffic in the area has made the planned Cascade Estates Section 8 residential lots difficult to sell, I examined past land and home sales for Cascade Estates. There are lots along Ladybank Lane that back to 36th Ave NW with similar lots across the street. The Ladybank lots adjacent to 36th Ave NW sold for an average of $30.8k each, slightly more than corresponding lots across the street, selling at an average $29.0k each. While the interior lots sold sooner, the lots adjacent to 36th Ave NW increased in price with time and the developers were able to capture that increase. During the years that the Ladybank homes sold the traffic counts on 36th Ave NW were between 7700 and 9700 vehicles per day.

Specific to Tecumseh Rd, I conducted a similar review of land and home sales on Teton Lane in Cascade Estates. The lots on Teton Lane that back to Tecumseh Rd all sold for $40k, exactly the same as the home lots on the other side of the street. Home sales were actually slower on the interior lots. Traffic counts of around 6500 vehicles per day on Tecumseh Rd did not deter new home buyers on Teton Lane who bought homes valued between $214k to $329k. New home values per square foot at time of initial sale were $109/sq ft for the interior lots and $106/sq ft for those along Tecumseh Rd. It should be noted that the developers' own plan amendment filed in 2007, more than doubled the number of lots that backed to Tecumseh Rd from 3 to 7. If they

were concerned about traffic on Tecumseh Rd, it is not reflected in their 2007 PUD amendment. The developers are now telling Cascade Residents that in that amendment they also removed plans for a brick wall and an entrance sign to pair with the entrance sign on the west side of Astor Drive. The other changes by the developers in 2007 to reduce the size of the Section 8 lots (from 8000-9000 sq ft each to 6000 sq ft) and replacing the brick barrier with stockade fencing are contributing to making these lots less desirable to builders and home buyers.

The applicants have stated that a recent significant change in this area was the acquisition of land for the HealthPlex and subsequent build-out of the HealthPlex area. According to the deed transfer records of the Cleveland County Clerk (Table 1) the acquisition of land by the Norman Regional Hospital Authority for the HealthPlex actually occurred between January, 2001 and April, 2003. The building of the HealthPlex was included in the NRH Master Plan of 2004 and the land around the HealthPlex is thus properly indicated as institutional, commercial and office in the Norman 2025 Plan. While the details of the buildout were uncertain, the planned use was established. The first land sale preceded the final approval of the Cascade Estates Preliminary Plat (March, 2001). A developer in this area would surely be aware of a $4M land sale. As I detailed in my July 7 letter, there are over 200 acres of undeveloped or recently-developed land zoned commercial and office along and east of 36th Ave NW. Most of that was included in the original 2025 Plan.

So, again, I ask the Norman Planning Commission and the City Council to listen to the citizens of this area and reject any use of this property other than low-density single-family homes. The residents are open to redrawing the individual lot boundaries within the parcel if that is needed to improve their marketability. We ask the Planning Commission to recommend that the developers work with the current residents and builders to find such a plan that will retain the promised features of Cascade Estates with marketable lots that provide a reasonable profit to the developers as measured in the context of the entire 300-lot Cascade Estates project.

Sincerely,

Keith Brewster

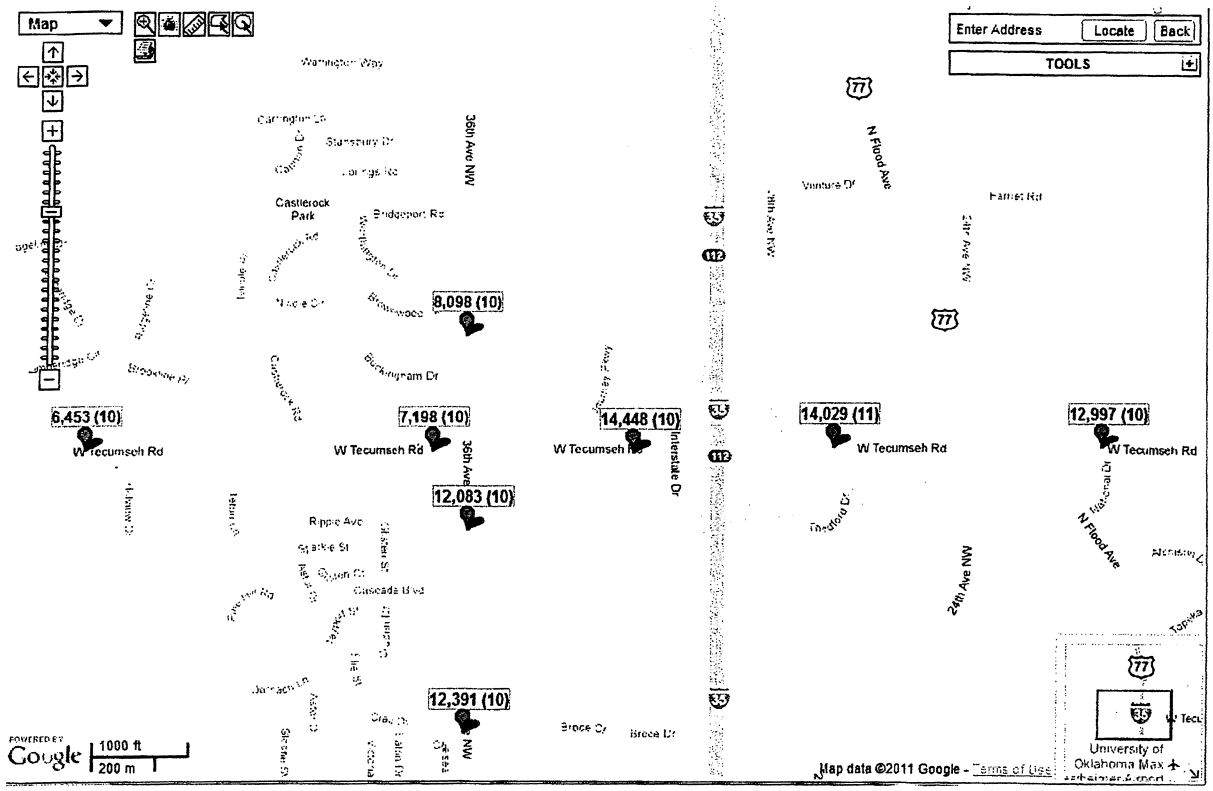


Figure 1. Two-way traffic volume map (average vehicles per day) in the vicinity of West Tecumseh Road and 36th Ave. NW in Norman. Number in parentheses is the year of latest measurement. From Association of Central Oklahoma Governments (ACOG). Accessed August 7, 2011.

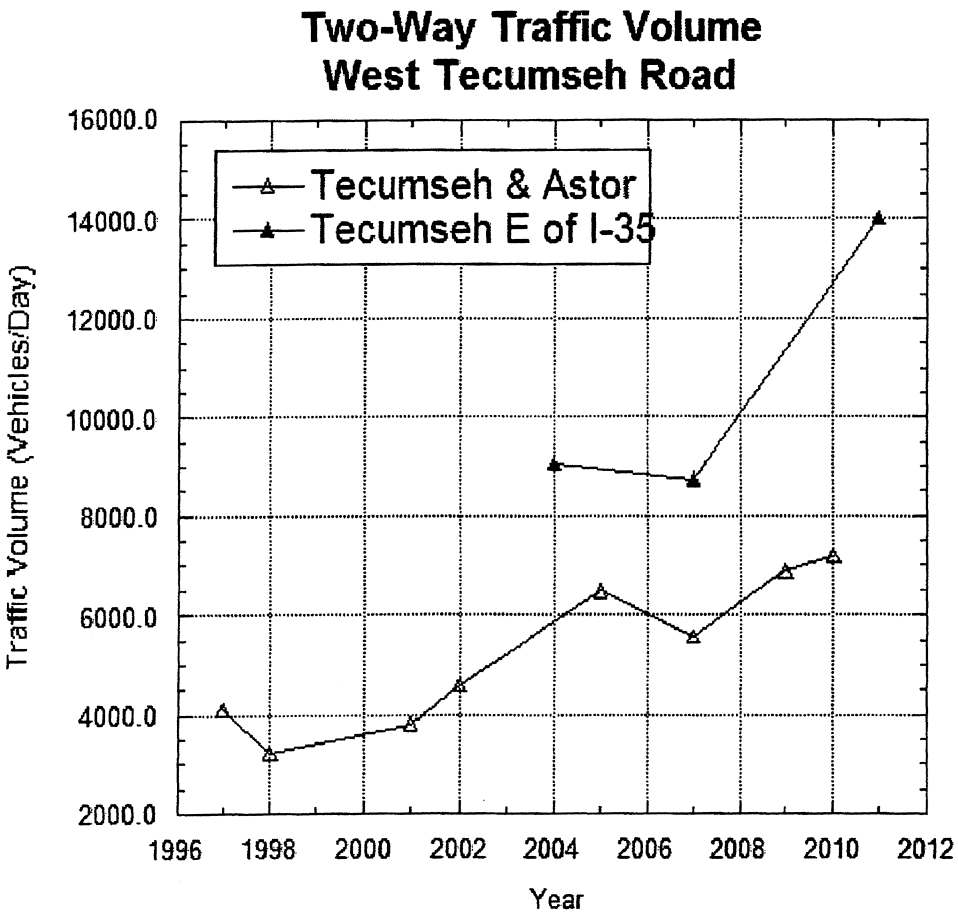


Figure 2. Traffic Volumes on West Tecumseh Rd. Data from City of Norman Traffic Engineering.

Table 1 Warranty Deed Transfers to Norman Regional Hospital Authority for the HealthPlex

Date of Sale	Seller	Price	Book/Page
1/3/2001	Don Young et al.	$3.966M	3225/1343
3/5/2001	Don Young et al.	$348K	3241/1360
8/29/2002	Donroe LLC	$1M	3467/961
12/20/2002	Marvin Sturtz Trust et al.	$805k	3526/20
4/30/2003	Norman Industrial Devel. et al.	$7.419M	3614/40

Data from Cleveland County Clerk database.

BEFORE THE
CITY COUNCIL AND PLANNING COMMISSION
CITY OF NORMAN, OKLAHOMA

PROPERTY OWNERS' PETITION IN PROTEST OF:
Application of Cascade Development, LLC for
(1) Land Use Plan amendment to Office Designation and
(2) proposed rezoning to Commercial Office

This application, if approved, will change the subject property located south of Tecumseh Road at Astor Drive in Norman, Oklahoma, from its current residential designation to commercial offices. A change from residential to commercial use and ensuing commercial development of the subject property will forever adversely alter the well-established quality and residential characteristics of the Cascade and Castlerock Additions to Norman, will adversely affect residential property values in the vicinity, and will pose serious threats to neighborhood safety. Accordingly, for these and other valid reasons, the undersigned owners of real property within 350 feet of the subject property hereby submit this protest petition in opposition to the above captioned and described application.

	PROPERTY OWNER*	ADDRESS	DATE
	Myron K Cunningham		
✓	Myron K. Cunningham	4001 Teton Lane	4/14/11
	Maxine A. Cunningham		
✓	Maxine A. Cunningham	4001 Teton Lane	4/14/11
	Jennifer Elliott		
✓	Jennifer Elliott	4104 Teton Oval	4/14/11
	GORDON MOHON	3912 RIPPLE AVE	4/14/11
out			
out	Alex Chadwick	3908 Ripple Ave	4/14/11
→	Kathy Chadwick	" "	4/14/11
out	Brenda Stutterheim	Brenda Stutterheim	4-14-11
out	Monde Stutterheim 3916 Ripple Ave		4/14/11
out	Roxanne M Johnson 3505 Bright St		4-14-11

***Provide legible printing of name AND signature.**
***If property jointly owned, all owners should sign.**

FILED IN THE OFFICE
OF THE CITY CLERK
ON 6-27-11

BEFORE THE
CITY COUNCIL AND PLANNING COMMISSION
CITY OF NORMAN, OKLAHOMA

PROPERTY OWNERS' PETITION IN PROTEST OF:
Application of Cascade Development, LLC for
(1) Land Use Plan amendment to Office Designation and
(2) proposed rezoning to Commercial Office

This application, if approved, will change the subject property located south of Tecumseh Road at Astor Drive in Norman, Oklahoma, from its current residential designation to commercial offices. A change from residential to commercial use and ensuing commercial development of the subject property will forever adversely alter the well-established quality and residential characteristics of the Cascade and Castlerock Additions to Norman, will adversely affect residential property values in the vicinity, and will pose serious threats to neighborhood safety. Accordingly, for these and other valid reasons, the undersigned owners of real property within 350 feet of the subject property hereby submit this protest petition in opposition to the above captioned and described application.

PROPERTY OWNER*	ADDRESS	DATE
out DANNY HALES	3513 Glisten St.	4/14/11
Danny Halls		
✓ Kelly Foster	3525 Glisten St	4/14/11
Kelly Foster		
✓ Brandy Reese	4100 Teton Lane	4/14/11
Brandy Reese		
DONNA Wright		
✓ Donna Wright	3512 Glisten St	4/14/11
R Scotty Copeland		
Not owner ✓ R. Scott Copeland	3516 Bright St	4/14/2011
Not owner ✓ Cara L. Black	3520 Bright St.	4/14/2011
Cara L. Black		
✓ Kevin Foster	3525 Glisten St.	4-14-11
Kevin Foster		

***Provide legible printing of name AND signature.**
***If property jointly owned, all owners should sign.**

FILED IN THE OFFICE
OF THE CITY CLERK
ON 6-27-11 MC

BEFORE THE
CITY COUNCIL AND PLANNING COMMISSION
CITY OF NORMAN, OKLAHOMA

PROPERTY OWNERS' PETITION IN PROTEST OF:
Application of Cascade Development, LLC for
(1) Land Use Plan amendment to Office Designation and
(2) proposed rezoning to Commercial Office

This application, if approved, will change the subject property located south of Tecumseh Road at Astor Drive in Norman, Oklahoma, from its current residential designation to commercial offices. A change from residential to commercial use and ensuing commercial development of the subject property will forever adversely alter the well-established quality and residential characteristics of the Cascade and Castlerock Additions to Norman, will adversely affect residential property values in the vicinity, and will pose serious threats to neighborhood safety. Accordingly, for these and other valid reasons, the undersigned owners of real property within 350 feet of the subject property hereby submit this protest petition in opposition to the above captioned and described application.

	PROPERTY OWNER*	ADDRESS	DATE
not owner	Timothy D Black	3520 Bright St	4/14/11
✓	Joyce Harris	3509 Bright St	4/14/11
✓	Joyce Harris	3509 Bright St	"
✓	Douglas Harris	Douglas M Harris	
✓	Warren Hsieh	3343 Teton Circle	4/11/11
✓	Kevin L. Haney	4013 Ripple Ave	4/14/11
	Kevin L. Haney		
✓	Kay S. Beavers (Haney)	4013 Ripple Ave	4/14/2011
	Kay S. Beavers (Haney)		
letter ✓	Robert Morey	4009 Teton Ln.	
			4-14-2011
✓	Vicki Hundley	4017 Teton LN	4-28-11

***Provide legible printing of name AND signature.**
***If property jointly owned, all owners should sign.**

FILED IN THE OFFICE
OF THE CITY CLERK
ON 6-27-11 0M

BEFORE THE
CITY COUNCIL AND PLANNING COMMISSION
CITY OF NORMAN, OKLAHOMA

PROPERTY OWNERS' PETITION IN PROTEST OF:
Application of Cascade Development, LLC for
(1) Land Use Plan amendment to Office Designation and
(2) proposed rezoning to Commercial Office

This application, if approved, will change the subject property located south of Tecumseh Road at Astor Drive in Norman, Oklahoma, from its current residential designation to commercial offices. A change from residential to commercial use and ensuing commercial development of the subject property will forever adversely alter the well-established quality and residential characteristics of the Cascade and Castlerock Additions to Norman, will adversely affect residential property values in the vicinity, and will pose serious threats to neighborhood safety. Accordingly, for these and other valid reasons, the undersigned owners of real property within 350 feet of the subject property hereby submit this protest petition in opposition to the above captioned and described application.

PROPERTY OWNER*	ADDRESS	DATE
Stacy Morey	4009 Teton Lane	4/14/11
Shannon Johnson	4000 Teton Lane	4/14/11
Shannon Johnson BETH A. WINDHAM	4004 TETON LN	4/14/11
Mike Wilds	" " "	"
already have BETHANY McCOY	4021 TETON LN	4-14-11
Beth McCoy		
already have MARK R. McCOY	4021 TETON LN	4-14-11
JAMES L. JONES		
Taya S. Jones	3524 GLISTEN ST	4-14-11
Taya L. Jones	3524 Glisten St.	04-14-11
Catie R. Jewell	4005 Teton Lane	4-14-11

***Provide legible printing of name AND signature.**
***If property jointly owned, all owners should sign.**

FILED IN THE OFFICE
OF THE CITY CLERK
ON 6-27-11 JMC

BEFORE THE
CITY COUNCIL AND PLANNING COMMISSION
CITY OF NORMAN, OKLAHOMA

PROPERTY OWNERS' PETITION IN PROTEST OF:
Application of Cascade Development, LLC for
(1) Land Use Plan amendment to Office Designation and
(2) proposed rezoning to Commercial Office

This application, if approved, will change the subject property located south of Tecumseh Road at Astor Drive in Norman, Oklahoma, from its current residential designation to commercial offices. A change from residential to commercial use and ensuing commercial development of the subject property will forever adversely alter the well-established quality and residential characteristics of the Cascade and Castlerock Additions to Norman, will adversely affect residential property values in the vicinity, and will pose serious threats to neighborhood safety. Accordingly, for these and other valid reasons, the undersigned owners of real property within 350 feet of the subject property hereby submit this protest petition in opposition to the above captioned and described application.

PROPERTY OWNER*	ADDRESS	DATE
out Ken Sutton	4009 SPARKLE	4-14-11
✓ Bridget Furnish	4100 Teton Oval	4-14-11
Bridget Furnish		
✓ Peter S. KHOR	4105 Teton Oval	4/14/11
✓ Irene Woo-Khor	4105 Teton Oval	4/14/11
✓ Susan Wood	4008 Teton Ln	4/14/11
✓ Susan Wood	4008 Teton Ln.	4/14/11
✓ Tonya Edmunds	4016 Ripple Ave	4/14/11
✓ Tonya Edmunds	4016 Ripple Ave	4/14/11
✓ RANDAL H EDMUNDS	4016 RIPPLE AVE	4/14/11
✓	4016 RIPPLE AVE	4/14/11
✓ Paula J. Copeland	3516 Bright St.	4/14/11
✓	3516 Bright St.	4/14/11

***Provide legible printing of name AND signature.**
***If property jointly owned, all owners should sign.**

FILED IN THE OFFICE
OF THE CITY CLERK
ON 6-27-11

BEFORE THE
CITY COUNCIL AND PLANNING COMMISSION
CITY OF NORMAN, OKLAHOMA

PROPERTY OWNERS' PETITION IN PROTEST OF:
Application of Cascade Development, LLC for
(1) Land Use Plan amendment to Office Designation and
(2) proposed rezoning to Commercial Office

This application, if approved, will change the subject property located south of Tecumseh Road at Astor Drive in Norman, Oklahoma, from its current residential designation to commercial offices. A change from residential to commercial use and ensuing commercial development of the subject property will forever adversely alter the well-established quality and residential characteristics of the Cascade and Castlerock Additions to Norman, will adversely affect residential property values in the vicinity, and will pose serious threats to neighborhood safety. Accordingly, for these and other valid reasons, the undersigned owners of real property within 350 feet of the subject property hereby submit this protest petition in opposition to the above captioned and described application.

	PROPERTY OWNER*	ADDRESS	DATE
already have	Kieth Hunley Kieth Hunley	4017 Teton Lane	4-14-11
✓	JEANNIE CRAIG Jeannie Craig	3913 Ripple Ave	4-14-11
✓	Thomas L. Cole Thomas L. Cole	3900 Ripple ave	4-14-11
✓	Bonner Slayton Bonner Slayton	4001 Ripple Ave	4-14-11
✓	Jennifer Manhattan	4009 Ripple Ave	4-14-11
out	Carolyn Cole Cascade	3900 Ripple Ave	4-14-11
✓	Lauren Cornwell Lauren L. Cornwell	4010 Ripple Ave	4-14-11
✓	Ben Cornwell	4010 Ripple Ave	4-14-11
✓	Justin Furnish	4100 Teton Ave	4-14-11
✓	Justin Furnish	4100 Teton Ave	4-14-11

***Provide legible printing of name AND signature.**
***If property jointly owned, all owners should sign.**

FILED IN THE OFFICE
OF THE CITY CLERK
ON 6-27-11

BEFORE THE
CITY COUNCIL AND PLANNING COMMISSION
CITY OF NORMAN, OKLAHOMA

PROPERTY OWNERS' PETITION IN PROTEST OF:
Application of Cascade Development, LLC for
(1) Land Use Plan amendment to Office Designation and
(2) proposed rezoning to Commercial Office

This application, if approved, will change the subject property located south of Tecumseh Road at Astor Drive in Norman, Oklahoma, from its current residential designation to commercial offices. A change from residential to commercial use and ensuing commercial development of the subject property will forever adversely alter the well-established quality and residential characteristics of the Cascade and Castlerock Additions to Norman, will adversely affect residential property values in the vicinity, and will pose serious threats to neighborhood safety. Accordingly, for these and other valid reasons, the undersigned owners of real property within 350 feet of the subject property hereby submit this protest petition in opposition to the above captioned and described application.

	PROPERTY OWNER*	ADDRESS	DATE
ont	Bruce Kennedy	3909 Sparkle St.	4-14-11
✓	Phillip Johnson	4000 Teton Lane	4-14-11
	Phillip Johnson		
✓	James Reese	4100 Teton Ln.	4/14/11
✓	Gregg Parker	3905 Ripple Ave.	4/14/11
	Gregg Parker		
✓	Michelle Parker	3905 Ripple Ave.	4/14/11
	Michelle Parker		
✓	Chris Dunlap	3517 Gloster Street	4/14/11
✓	Letitia Manning	3909 Ripple Ave	4/14/11

***Provide legible printing ~~of name AND~~ signature.**
***If property jointly owned, all owners should sign.**

FILED IN THE OFFICE
OF THE CITY CLERK
ON 6-27-11 DM

BEFORE THE
CITY COUNCIL AND PLANNING COMMISSION
CITY OF NORMAN, OKLAHOMA

PROPERTY OWNERS' PETITION IN PROTEST OF:
Application of Cascade Development, LLC for
(1) Land Use Plan amendment to Office Designation and
(2) proposed rezoning to Commercial Office

This application, if approved, will change the subject property located south of Tecumseh Road at Astor Drive in Norman, Oklahoma, from its current residential designation to commercial offices. A change from residential to commercial use and ensuing commercial development of the subject property will forever adversely alter the well-established quality and residential characteristics of the Cascade and Castlerock Additions to Norman, will adversely affect residential property values in the vicinity, and will pose serious threats to neighborhood safety. Accordingly, for these and other valid reasons, the undersigned owners of real property within 350 feet of the subject property hereby submit this protest petition in opposition to the above captioned and described application.

PROPERTY OWNER*	ADDRESS	DATE
Melissa Eulberg Melissa Eulberg	4009 Wood Castle St	4/16/11
Rick Eulberg Rick Eulberg	4009 Wood Castle St	4/16/11
Ross McClish Ross McClish	4012 Wood Castle St.	4/16/11
Jeanne McClish Jeanne McClish	4012 Wood Castle St.	4/16/11
Michelle Bourne Michelle Bourne	4008 Wood Castle St.	4/16/11
Julie Troutt Julie Troutt	4004 Wood Castle St	4-16-11
Robert Troutt Robert Trout	4004 WOOD CASTLE ST	4-16-11
Leslie Wilson Leslie Wilson	3609 Castlerock	4-16-11
Jackie Garbarino Jackie Garbarino	3613 Castlerock	4-16-11
John Garbarino John Garbarino	3613 CASTLEROCK	4-16-11
Greg Brockshier GREG BROCKSHIER	3605 CASTLEROCK	4-16-11
Tonya Baker	3508 Bright St	4-28-11
Roland Barrett Roland Barrett	3339 Teton Circle	4-28-11

*Provide legible printing of name AND signature.
*If property jointly owned, all owners should sign.

FILED IN THE OFFICE
OF THE CITY CLERK
ON 6-27-11 mc

BEFORE THE
CITY COUNCIL AND PLANNING COMMISSION
CITY OF NORMAN, OKLAHOMA

PROPERTY OWNERS' PETITION IN PROTEST OF:
Application of Cascade Development, LLC for
(1) Land Use Plan amendment to Office Designation and
(2) proposed rezoning to Commercial Office

This application, if approved, will change the subject property located south of Tecumseh Road at Astor Drive in Norman, Oklahoma, from its current residential designation to commercial offices. A change from residential to commercial use and ensuing commercial development of the subject property will forever adversely alter the well-established quality and residential characteristics of the Cascade and Castlerock Additions to Norman, will adversely affect residential property values in the vicinity, and will pose serious threats to neighborhood safety. Accordingly, for these and other valid reasons, the undersigned owners of real property within 350 feet of the subject property hereby submit this protest petition in opposition to the above captioned and described application.

PROPERTY OWNER*	ADDRESS	DATE
Ryan Jarvell	4005 Teton Lane	4/28/11
Donald Lee Elliott	4104 Teton OVAL	4/28/11
Misty Hsieh	3343 Teton Circle	4/28/11

***Provide legible printing of name AND signature.**
***If property jointly owned, all owners should sign.**

FILED IN THE OFFICE
OF THE CITY CLERK
ON 6-07-11 MC

BEFORE THE
CITY COUNCIL AND PLANNING COMMISSION
CITY OF NORMAN, OKLAHOMA

PROPERTY OWNERS' PETITION IN PROTEST OF:
Application of Cascade Development, LLC for
(1) Land Use Plan amendment to Office Designation and
(2) proposed rezoning to Commercial Office

This application, if approved, will change the subject property located south of Tecumseh Road at Astor Drive in Norman, Oklahoma, from its current residential designation to commercial offices. A change from residential to commercial use and ensuing commercial development of the subject property will forever adversely alter the well-established quality and residential characteristics of the Cascade and Castlerock Additions to Norman, will adversely affect residential property values in the vicinity, and will pose serious threats to neighborhood safety. Accordingly, for these and other valid reasons, the undersigned owners of real property located in the Cascade Addition to Norman hereby submit this protest petition in opposition to the above captioned and described application.

PROPERTY OWNER*	ADDRESS	DATE
Kendall Speer		
Kendall Speer	3107 Ladybank Lane	4/14/11
MICHAEL HOUCK	4017 DORNOCH LN	4/14/11
Michael Houck		
ont ✓	3351 Teton Circle	4-14-11
ANDRES LUCAS	3609 GUILANE DR	4/14/2011
Luisa Lucas	3609 Guilane Dr	4/14/01
Pamela Winters	4108 TETON LN	4-14-11
William B Winters	4108 Teton Lane	4-14-11
Michelle Camp	3020 Cruden Dr.	4/14/11
Harriett Brooks	3809 Elie St.	4-14-11
Damon Brooks	3809 Elie St.	4/14/11

***Provide legible printing of name AND signature.**

FILED IN THE OFFICE
OF THE CITY CLERK
ON 6-27-11 MC

ont

BEFORE THE
CITY COUNCIL AND PLANNING COMMISSION
CITY OF NORMAN, OKLAHOMA

PROPERTY OWNERS' PETITION IN PROTEST OF:
Application of Cascade Development, LLC for
(1) Land Use Plan amendment to Office Designation and
(2) proposed rezoning to Commercial Office

This application, if approved, will change the subject property located south of Tecumseh Road at Astor Drive in Norman, Oklahoma, from its current residential designation to commercial offices. A change from residential to commercial use and ensuing commercial development of the subject property will forever adversely alter the well-established quality and residential characteristics of the Cascade and Castlerock Additions to Norman, will adversely affect residential property values in the vicinity, and will pose serious threats to neighborhood safety. Accordingly, for these and other valid reasons, the undersigned owners of real property located in the Cascade Addition to Norman hereby submit this protest petition in opposition to the above captioned and described application.

PROPERTY OWNER*	ADDRESS	DATE
[illegible]	3401 Bright St	4/14/11
Shari Erickson	3823 Tayport St	4/14/11
Geo & Bill Shaber	3301 Teton Ln	4-14-11
David Grogan	4125 Pine Hill Rd	4-14-11
D Nanpen	3921 Glisten Ct	4-14-11
Karmen Dwicker	4109 TETON	4-14-11
Nick & Destiny Merkley	3801 Tayport	4/14/11
Lisa & Steve Hare	4157 Pine Hill	4/14/11
Terresa Verble	3313 Bright St	4/14/11
Ronald Dean Springfield	4129 Eden Court	4-14-11
Wayne R. Rives	4108 Troon St	4-14-11
[illegible]	3016 CRUDEN DR	4.14.11
Ginger R. Noble	3009 Pine Hill Rd	4-14-11
[illegible]	3520 Teton Ln	4-14-11

***Provide legible printing of name AND signature.**

FILED IN THE OFFICE
OF THE CITY CLERK
ON 6-27-11 [illegible]

out

BEFORE THE
CITY COUNCIL AND PLANNING COMMISSION
CITY OF NORMAN, OKLAHOMA

PROPERTY OWNERS' PETITION IN PROTEST OF:
Application of Cascade Development, LLC for
(1) Land Use Plan amendment to Office Designation and
(2) proposed rezoning to Commercial Office

This application, if approved, will change the subject property located south of Tecumseh Road at Astor Drive in Norman, Oklahoma, from its current residential designation to commercial offices. A change from residential to commercial use and ensuing commercial development of the subject property will forever adversely alter the well-established quality and residential characteristics of the Cascade and Castlerock Additions to Norman, will adversely affect residential property values in the vicinity, and will pose serious threats to neighborhood safety. Accordingly, for these and other valid reasons, the undersigned owners of real property located in the Cascade Addition to Norman hereby submit this protest petition in opposition to the above captioned and described application.

PROPERTY OWNER*	ADDRESS	DATE
Shelba McGowen	3520 Teton Lane	4-14-11
Jill Smith	3504 Teton Lane	4-14-11
[illegible]	3924 IRVINE DR	4-14-11
[illegible]	3120 TAYPORT ST	4/14/11
Rumen Nikolov	3012 Elie St	4/14/11
Carrie Vincent	3016 Cruden Drive	4-14-11
Jill Henniges	4114 Pine Hill Rd	4/14/11
[illegible] PETER DUCHENE	4114 PINE HILL RD	4/14/11
Rake Parthy RAMKUMAR PARTHASARATHY	4109 DORNOCH CN	4/14/2011
Toni Pace	3408 Glisten St.	4/14/11
Matthew Pempin	3307 Teton CN	4/14/11
[illegible]	3912 Clister Cnt.	4-14-11
[illegible]	4105 Dornoch Lane	4-14-11

***Provide legible printing of name AND signature.**

FILED IN THE OFFICE
OF THE CITY CLERK
ON 6-27-11 [illegible]

out

BEFORE THE
CITY COUNCIL AND PLANNING COMMISSION
CITY OF NORMAN, OKLAHOMA

PROPERTY OWNERS' PETITION IN PROTEST OF:
Application of Cascade Development, LLC for
(1) Land Use Plan amendment to Office Designation and
(2) proposed rezoning to Commercial Office

This application, if approved, will change the subject property located south of Tecumseh Road at Astor Drive in Norman, Oklahoma, from its current residential designation to commercial offices. A change from residential to commercial use and ensuing commercial development of the subject property will forever adversely alter the well-established quality and residential characteristics of the Cascade and Castlerock Additions to Norman, will adversely affect residential property values in the vicinity, and will pose serious threats to neighborhood safety. Accordingly, for these and other valid reasons, the undersigned owners of real property located in the Cascade Addition to Norman hereby submit this protest petition in opposition to the above captioned and described application.

PROPERTY OWNER*	ADDRESS	DATE
[illegible]	4112 Eden CT	4/14/11
Leah Pitts	4116 Dornoch Ln	4/14/11
Cecyle Haley	3124 Pine Hill Rd	4/14/11
[illegible] C Haley	3124 PINE HILL RD	4/14/11
Vicki Y. Medlin	3104 Pine Hill Rd	4/14/11
Jerry L. Medlin	3104 Pine Hill Rd	4/14/11
Cassandra Crawford	3436 Teton Court	4/14/11
L. CHIDAMBARAM & A. LAKSHMANAN	3408 TETON CT	4/14/11
Luther Lee / Luther Lee	3001 Ladybank Lane	4/14/11
Marcy Lee / Marcy Lee	3001 Ladybank Lane	4/14/11
Beverly Nelson	4137 Pine Hill Rd	4-14-11
Vicki Hoplin	4112 Teton Oval	4-14-11
[illegible]	3607 Gullara Dr.	4-14-11
[illegible]	3109 Lady Burke	4/14/11

***Provide legible printing of name AND signature.**

FILED IN THE OFFICE
OF THE CITY CLERK
ON 6-27-11 [illegible]

out

BEFORE THE
CITY COUNCIL AND PLANNING COMMISSION
CITY OF NORMAN, OKLAHOMA

PROPERTY OWNERS' PETITION IN PROTEST OF:
Application of Cascade Development, LLC for
(1) Land Use Plan amendment to Office Designation and
(2) proposed rezoning to Commercial Office

This application, if approved, will change the subject property located south of Tecumseh Road at Astor Drive in Norman, Oklahoma, from its current residential designation to commercial offices. A change from residential to commercial use and ensuing commercial development of the subject property will forever adversely alter the well-established quality and residential characteristics of the Cascade and Castlerock Additions to Norman, will adversely affect residential property values in the vicinity, and will pose serious threats to neighborhood safety. Accordingly, for these and other valid reasons, the undersigned owners of real property located in the Cascade Addition to Norman hereby submit this protest petition in opposition to the above captioned and described application.

PROPERTY OWNER*	ADDRESS	DATE
Melissa Free	4109 Teton Oval	4-14-11
Alan V Free	4109 Teton Oval	4-14-11
Judy Foster	3132 Pine Hill	4-14-11
Debra Dial	4150 Pine Hill Rd	4-14-11
Mary Lynne Cooper	3912 Glisten court	4-14-11
Susan L. Dickman	4108 Dornoch Lane	4-14-11
Robert A Dial	4100 Dornoch Lane	4-14-11
Mrs. Tracey L. Mikkanen	3409 Glisten Street	4-14-11
[illegible]	3607 Gulland	4-14-11
Lee Ann Bartrug	4125 Eden Ct.	4-14-11
Ann McGehee	4108 Teton Oval	4-14-11
[illegible]	4108 Teton Oval	4-14-11
Orvil & BARBARA CORLEE	4112 DORNOCH LN	4-14-11

***Provide legible printing of name AND signature.**

FILED IN THE OFFICE
OF THE CITY CLERK
ON 6-27-11 [illegible]

ont

BEFORE THE
CITY COUNCIL AND PLANNING COMMISSION
CITY OF NORMAN, OKLAHOMA

PROPERTY OWNERS' PETITION IN PROTEST OF:
Application of Cascade Development, LLC for
(1) Land Use Plan amendment to Office Designation and
(2) proposed rezoning to Commercial Office

This application, if approved, will change the subject property located south of Tecumseh Road at Astor Drive in Norman, Oklahoma, from its current residential designation to commercial offices. A change from residential to commercial use and ensuing commercial development of the subject property will forever adversely alter the well-established quality and residential characteristics of the Cascade and Castlerock Additions to Norman, will adversely affect residential property values in the vicinity, and will pose serious threats to neighborhood safety. Accordingly, for these and other valid reasons, the undersigned owners of real property located in the Cascade Addition to Norman hereby submit this protest petition in opposition to the above captioned and described application.

PROPERTY OWNER*	ADDRESS	DATE
[illegible]	3012 Carnoustie	4/14/11
Lucy Hoeksel	3012 Carnoustie	4-14-11
Mary Ann Lovett	3920 Glisten ct	4-14-11
Shea and Mindy Hawter	3016 Pine Hill Rd	4-14-11
[illegible]	4004 Dornoch Ln	4.14.11
Jaime Mincher	3432 Teton Ct.	4-14-11
[illegible] Mincher	3432 Teton Ct	4-14-11
Margaret Cullins	3015 Ladybank Ln	4-14-11
Anne Bailey	3045 Glisten	4-14-11
Christi Smith	3109 Tayport St	4.14.11
Raquel [illegible]	3113 Ladybank Lane	4-14-11
Gregory Mings	3113 Ladybank Lane	4/14/11
Paula Cook	3102 Carnoustie	4/14/2011

***Provide legible printing of name AND signature.**

FILED IN THE OFFICE
OF THE CITY CLERK
ON 6-27-11 [illegible]

ont

BEFORE THE
CITY COUNCIL AND PLANNING COMMISSION
CITY OF NORMAN, OKLAHOMA

PROPERTY OWNERS' PETITION IN PROTEST OF:
Application of Cascade Development, LLC for
(1) Land Use Plan amendment to Office Designation and
(2) proposed rezoning to Commercial Office

This application, if approved, will change the subject property located south of Tecumseh Road at Astor Drive in Norman, Oklahoma, from its current residential designation to commercial offices. A change from residential to commercial use and ensuing commercial development of the subject property will forever adversely alter the well-established quality and residential characteristics of the Cascade and Castlerock Additions to Norman, will adversely affect residential property values in the vicinity, and will pose serious threats to neighborhood safety. Accordingly, for these and other valid reasons, the undersigned owners of real property located in the Cascade Addition to Norman hereby submit this protest petition in opposition to the above captioned and described application.

PROPERTY OWNER*	ADDRESS	DATE
Gregory L Cook	3102 Carnoustie Dr	4/14/11
	3308 Teton Ln	4/14/11
Dana Nyberg	3516 Teton LN	4/14/11
	3516 Teton Ln	4/14/11
	3300 TETON LN	4/14/11
	3606 Ladybank	4/14/11
Kathryn Chambers	3908 Ripple Ave	4/14/11
Carol E Allen	4149 Pine Hill Rd	4/14/11
Kristi Eschin	3606 Jubilee	4-14-11
Jim Dembowski	3309 Bright St.	4/14/11
Leigh W. Dembowski	3309 Bright St	4/14/11
Linda J Burch	3400 Teton Ct.	4/14/11
Andrea Elder	3309 Glisten St	4/14/11
	3615 CARNOUSTIE DR	4-14-11

***Provide legible printing of name AND signature.**

FILED IN THE OFFICE
OF THE CITY CLERK
ON 6-27-11 DM

out

BEFORE THE
CITY COUNCIL AND PLANNING COMMISSION
CITY OF NORMAN, OKLAHOMA

PROPERTY OWNERS' PETITION IN PROTEST OF:
Application of Cascade Development, LLC for
(1) Land Use Plan amendment to Office Designation and
(2) proposed rezoning to Commercial Office

This application, if approved, will change the subject property located south of Tecumseh Road at Astor Drive in Norman, Oklahoma, from its current residential designation to commercial offices. A change from residential to commercial use and ensuing commercial development of the subject property will forever adversely alter the well-established quality and residential characteristics of the Cascade and Castlerock Additions to Norman, will adversely affect residential property values in the vicinity, and will pose serious threats to neighborhood safety. Accordingly, for these and other valid reasons, the undersigned owners of real property located in the Cascade Addition to Norman hereby submit this protest petition in opposition to the above captioned and described application.

PROPERTY OWNER*	ADDRESS	DATE
	3412 Teton Ct	April 14, 2011
	3412 Teton Ct	April 14 2011
	3032 Elliott	4.14.11
	3032 Elliott	4.14.11
Angela Wright	4113 Teton Oval	4-14-11
Dustin Nichols	3813 Ellie St.	4-14-11
Sheryn Nichols	3813 Ellie St.	4-14-11
	4117 Teton Lane	4-14-11
CLAY BARTRUG, III	4124 Eden Ct	4-14-11
	4161 Pine Hill Rd	4-14-11
	4100 Troon St	4-14-11
	4145 Pine Hill	4-14
	3416 TETON CT	4-14-11
Sarah K Tumbo	3610 Ladybank Ln.	4-14-11

***Provide legible printing of name AND signature.**

out

FILED IN THE OFFICE
OF THE CITY CLERK
ON 6-27-11 one

BEFORE THE
CITY COUNCIL AND PLANNING COMMISSION
CITY OF NORMAN, OKLAHOMA

PROPERTY OWNERS' PETITION IN PROTEST OF:
Application of Cascade Development, LLC for
(1) Land Use Plan amendment to Office Designation and
(2) proposed rezoning to Commercial Office

This application, if approved, will change the subject property located south of Tecumseh Road at Astor Drive in Norman, Oklahoma, from its current residential designation to commercial offices. A change from residential to commercial use and ensuing commercial development of the subject property will forever adversely alter the well-established quality and residential characteristics of the Cascade and Castlerock Additions to Norman, will adversely affect residential property values in the vicinity, and will pose serious threats to neighborhood safety. Accordingly, for these and other valid reasons, the undersigned owners of real property located in the Cascade Addition to Norman hereby submit this protest petition in opposition to the above captioned and described application.

PROPERTY OWNER*	ADDRESS	DATE
[illegible]	3610 Ladybank	4-14-11
[illegible]	3606 Gullane	04-14-2011
Becky Schmidt	3323 Teton Ln	4-14-2011
Michelle Groza	4125 Pine Hill Rd.	4-14-2011
Denise Sarabia	3116 Pine Hill Rd	4-14-2011
Beth Martin	4108 Eden Ct	4-14-2011
Grant Ozment	3532 Teton Ln	4-17-11
Maria C. Ozment	3528 Teton Ln	4-17-11
[illegible] R. [illegible]	Box 6321 Norm. 73070	4/28/11
Patricia N. Dutton	3101 Cruden Dr	4/28/11
~~[illegible]~~ Betty Walker	3106 Carnoustie Dr	4/28/11
[illegible]	4009 Troon St.	4/28/11
Paul FAGIANO	3605 Ladybank Ln	4/28/11
[illegible] L Blunk	3717 Glisten Ct	4-28-11

***Provide legible printing of name AND signature.**

FILED IN THE OFFICE
OF THE CITY CLERK
ON 6-27-11 MC

out

BEFORE THE
CITY COUNCIL AND PLANNING COMMISSION
CITY OF NORMAN, OKLAHOMA

PROPERTY OWNERS' PETITION IN PROTEST OF:
Application of Cascade Development, LLC for
(1) Land Use Plan amendment to Office Designation and
(2) proposed rezoning to Commercial Office

This application, if approved, will change the subject property located south of Tecumseh Road at Astor Drive in Norman, Oklahoma, from its current residential designation to commercial offices. A change from residential to commercial use and ensuing commercial development of the subject property will forever adversely alter the well-established quality and residential characteristics of the Cascade and Castlerock Additions to Norman, will adversely affect residential property values in the vicinity, and will pose serious threats to neighborhood safety. Accordingly, for these and other valid reasons, the undersigned owners of real property located in the Cascade Addition to Norman hereby submit this protest petition in opposition to the above captioned and described application.

PROPERTY OWNER*	ADDRESS	DATE
B. Ernestine Trollberg	3424 Teton Ct.	4-14-11
Susan T Thurston & [illegible]	3508 Teton Ln	4-16-11
Raphael [illegible]	3905 Glisten Ct	4/16/11
Phylis J. Ellzey	3009 Elie	4/28-11
Lucian P. Ellzey Jr	3009 Elie Street	4/28-11
Cynthia A. Creger	3117 Tayport St.	4-28-11
Erica B Phelps Erica B Phelps	4104 Dornoch Lane	4-28-11
Paul E Phelps Paul E. Phelps	4104 Dornoch Ln	4/28/11
Christy McDonald	3005 Elie St.	4/28/11
Melannie Maxon	3611 Carnoustie Dr.	4/28/11
Paula Brown	3112 Tayport St	4/28/11
Kevin Brown	3112 Tayport St	4/28/11
[illegible]	3436 Teton Court	4/28/11

***Provide legible printing of name AND signature.**

FILED IN THE OFFICE
OF THE CITY CLERK
ON 6-27-11 [illegible]

out

BEFORE THE
CITY COUNCIL AND PLANNING COMMISSION
CITY OF NORMAN, OKLAHOMA

PROPERTY OWNERS' PETITION IN PROTEST OF:
Application of Cascade Development, LLC for
(1) Land Use Plan amendment to Office Designation and
(2) proposed rezoning to Commercial Office

This application, if approved, will change the subject property located south of Tecumseh Road at Astor Drive in Norman, Oklahoma, from its current residential designation to commercial offices. A change from residential to commercial use and ensuing commercial development of the subject property will forever adversely alter the well-established quality and residential characteristics of the Cascade and Castlerock Additions to Norman, will adversely affect residential property values in the vicinity, and will pose serious threats to neighborhood safety. Accordingly, for these and other valid reasons, the undersigned owners of real property located in the Cascade Addition to Norman hereby submit this protest petition in opposition to the above captioned and described application.

PROPERTY OWNER*	ADDRESS	DATE
[signature]	3610 Carnoustie Dr	4/28/11
Lindsay Cal[illegible]	3610 Carnoustie Dr.	4/28/11
Kamshad/Nita Saran	3024 Elee St.	4/28/11
[signature]	3606 Gullane Dr	4/28/11
[signature]	3816 IRVING DR	4-28-11
[signature] Manilamani	3816 IRVING DR	4-28-11
Cathy Delaney	4101 Dornoch Dr.	4-28-11
Jerel Delaney	4101 Dornoch Ln.	4-28-11
Kim Smith	4100 Troon St	4-28-11
Susan K. Burns	3417 Glisten St.	4/28/11
Jerel J. B[illegible]	3417 GLISTEN ST	4/28/11
Christ[illegible] Moore	4000 Sparkle St.	4-28-11
[signature]	4000 Sparkle St.	4-28-11
[signature]	3408 GLISTEN ST.	4-28-11

***Provide legible printing of name AND signature.**

FILED IN THE OFFICE
OF THE CITY CLERK
ON 6-27-11 @ 1pm

out

BEFORE THE
CITY COUNCIL AND PLANNING COMMISSION
CITY OF NORMAN, OKLAHOMA

PROPERTY OWNERS' PETITION IN PROTEST OF:
Application of Cascade Development, LLC for
(1) Land Use Plan amendment to Office Designation and
(2) proposed rezoning to Commercial Office

This application, if approved, will change the subject property located south of Tecumseh Road at Astor Drive in Norman, Oklahoma, from its current residential designation to commercial offices. A change from residential to commercial use and ensuing commercial development of the subject property will forever adversely alter the well-established quality and residential characteristics of the Cascade and Castlerock Additions to Norman, will adversely affect residential property values in the vicinity, and will pose serious threats to neighborhood safety. Accordingly, for these and other valid reasons, the undersigned owners of real property located in the Cascade Addition to Norman hereby submit this protest petition in opposition to the above captioned and described application.

PROPERTY OWNER*	ADDRESS	DATE
Kristie Bright	3305 Gibson St.	4/28/11
Janet Dulin	3117 Troon St.	4-28-11

***Provide legible printing of name AND signature.**

out

FILED IN THE OFFICE
OF THE CITY CLERK
ON 6-27-11 MC

PROPERTY OWNERS' PETITION IN PROTEST OF:
Application of Cascade Development, LLC for
(1) Land Use Plan amendment to Office Designation and
(2) proposed rezoning to Commercial Office

This application, if approved, will change the subject property located south of Tecumseh Road at Astor Drive in Norman, Oklahoma, from its current residential designation to commercial offices. A change from residential to commercial use and ensuing commercial development of the subject property will forever adversely alter the well-established quality and residential characteristics of the Cascade and Castlerock Additions to Norman, will adversely affect residential property values in the vicinity, and will pose serious threats to neighborhood safety. Accordingly, for these and other valid reasons, the undersigned owners of real property in Castlerock, Carrington, Warwick, Berkley, Rock Creek Polo, and Grand View Additions hereby submit this protest petition in opposition to the above captioned and described application.

PROPERTY OWNER	ADDRESS	DATE
Curtis Bischoff	4121 Castlerock	4/22/11
Otto Cox	4105 Castlerock	4/22/11
C F Flowman	4101 Castlerock	4/22/11
Cindy Flowman	4101 Castlerock	4/22/11
Mona B Thompson	4013 Castlerock	4\22\11
Brenda Argo	4000 Castlerock Rd	4/22/11
Suzanne Dunn	4012 Castlerock	4/22/11
[illegible]	4109 Castlerock Rd	4/22/11
[illegible]	4109 Castlerock Rd	4/22/11
[illegible]	4104 Castlerock Rd.	4/22/11
[illegible]	4112 Castlerock Rd	4/22/11
David Stensrud	4108 Castlerock RD	4/23/11
Carl D. Mahan	4116 Castlerock Rd	4/23/11
Pauline Mahan	4116 Castlerock	4/23/11
JACK LOERWALD	4132 CASTLEROCK RD	4/23/11
Mark LaCroix	4113 Castlerock rd	4/23/11
Cheryl LaCroix	4113 Castlerock Rd	4/23/11

FILED IN THE OFFICE
OF THE CITY CLERK
ON 7-8-11

37-86

PROPERTY OWNERS' PETITION IN PROTEST OF:
Application of Cascade Development, LLC for
(1) Land Use Plan amendment to Office Designation and
(2) proposed rezoning to Commercial Office

This application, if approved, will change the subject property located south of Tecumseh Road at Astor Drive in Norman, Oklahoma, from its current residential designation to commercial offices. A change from residential to commercial use and ensuing commercial development of the subject property will forever adversely alter the well-established quality and residential characteristics of the Cascade and Castlerock Additions to Norman, will adversely affect residential property values in the vicinity, and will pose serious threats to neighborhood safety. Accordingly, for these and other valid reasons, the undersigned owners of real property in Castlerock, Carrington, Warwick, Berkley, Rock Creek Polo, and Grand View Additions hereby submit this protest petition in opposition to the above captioned and described application.

PROPERTY OWNER	ADDRESS	DATE
✓ Saba Tahmassebi	4013 Wood Castle St	4/23/2011
✓ Carol Moore	4016 Wood Castle St	4/23/11
JEFF SPEARS	3825 CASTLEROCK RD	4-23-11
✓ ROSS WHITE	3705 CASTLEROCK RD	4-26-11
✓ Bob Bledsoe	3813 Castlerock Rd	4/27/11
✓ & Jimmy Givens	3708 Castlerock Rd	4/27/11
✓ JAMES O. SCOTT	3712 CASTLEROCK RD	4/27/2011
✓ DON BOWER	3801 CASTLEROCK Rd	4/27/2011
✓ Thad Wilson	3713 Castlerock	4/27/2011
✓ Linda D. Hart	3709 Castlerock Rd.	4/28/11

FILED IN THE OFFICE
OF THE CITY CLERK
ON 7-8-11

PROPERTY OWNERS' PETITION IN PROTEST OF:
Application of Cascade Development, LLC for
(1) Land Use Plan amendment to Office Designation and
(2) proposed rezoning to Commercial Office

This application, if approved, will change the subject property located south of Tecumseh Road at Astor Drive in Norman, Oklahoma, from its current residential designation to commercial offices. A change from residential to commercial use and ensuing commercial development of the subject property will forever adversely alter the well-established quality and residential characteristics of the Cascade and Castlerock Additions to Norman, will adversely affect residential property values in the vicinity, and will pose serious threats to neighborhood safety. Accordingly, for these and other valid reasons, the undersigned owners of real property in Castlerock, Carrington, Warwick, Berkley, Rock Creek Polo, and Grand View Additions hereby submit this protest petition in opposition to the above captioned and described application.

PROPERTY OWNER	ADDRESS	DATE
Robert Cook	4005 Stonehurst	5-3-11
Russell Schmidt	4001 Stonehurst	5-3-11
✓ Shelli Cook	4000 Stonehurst	5/3/11
✓ Scott Mullen	4004 STONEHURST	5/3/11
✓ MATT SWEED	4100 STONEHURST	5/3/11
✓ Liz Robertson	4104 Stonehurst St	5.3.11
✓ Millie R. Heflin	4108 Stonehurst St	5-3-11
Fran Allen	4109 STONEHURST ST	5-3-11
J. Allen Schons	4105 Stonehurst st	5/3/11
Amy Slovacek	4017 Brownwood Ln	5-21-11

FILED IN THE OFFICE
OF THE CITY CLERK
ON 7-8-11

PROPERTY OWNERS' PETITION IN PROTEST OF:
Application of Cascade Development, LLC for
(1) Land Use Plan amendment to Office Designation and
(2) proposed rezoning to Commercial Office

This application, if approved, will change the subject property located south of Tecumseh Road at Astor Drive in Norman, Oklahoma, from its current residential designation to commercial offices. A change from residential to commercial use and ensuing commercial development of the subject property will forever adversely alter the well-established quality and residential characteristics of the Cascade and Castlerock Additions to Norman, will adversely affect residential property values in the vicinity, and will pose serious threats to neighborhood safety. Accordingly, for these and other valid reasons, the undersigned owners of real property in Castlerock, Carrington, Warwick, Berkley, Rock Creek Polo, and Grand View Additions hereby submit this protest petition in opposition to the above captioned and described application.

PROPERTY OWNER	ADDRESS	DATE
Cheryl Alexander	3812 Drawbridge	4-20-11
David Kenny	4105 Drawbridge Lane	4-20-11
Graham Johnston	4101 Drawbridge Lane	4-20-11
Connie L. Hall	4000 Drawbridge Ln.	4/20/11
Cynthia M Sohl	4100 Drawbridge Ln	4/20/11
[illegible]	4113 Stonehurst	4-20-11
Abbey Page	3820 Drawbridge Ln	4-25-11
[illegible]	3804 Drawbridge Ln	4-25-11
Terri Sargent	3800 Drawbridge Ln	4-25-11
Marian C Hall	4108 Drawbridge Lane	4-26-11
KENNETH W. SAY	4005 DRAWBRIDGE LANE	4-26-11

FILED IN THE OFFICE
OF THE CITY CLERK
ON 7-8-11

PROPERTY OWNERS' PETITION IN PROTEST OF:
Application of Cascade Development, LLC for
(1) Land Use Plan amendment to Office Designation and
(2) proposed rezoning to Commercial Office

This application, if approved, will change the subject property located south of Tecumseh Road at Astor Drive in Norman, Oklahoma, from its current residential designation to commercial offices. A change from residential to commercial use and ensuing commercial development of the subject property will forever adversely alter the well-established quality and residential characteristics of the Cascade and Castlerock Additions to Norman, will adversely affect residential property values in the vicinity, and will pose serious threats to neighborhood safety. Accordingly, for these and other valid reasons, the undersigned owners of real property in Castlerock, Carrington, Warwick, Berkley, Rock Creek Polo, and Grand View Additions hereby submit this protest petition in opposition to the above captioned and described application.

PROPERTY OWNER*	ADDRESS	DATE
Kristi Gray	4108 Moorgate Cir	4-15-11
Karla Hanson	3805 Warrington Way	4-15-11
CHRIS ELLIOTT	3705 LORINGS RD	4/15/2011
Rhonda Elliott	3705 Lorings Rd	4/15/2011
David Hanson	3805 Warrington Way	4/15/2011
Rachelle Selensky	4104 moorgate circle	4-15-2011

FILED IN THE OFFICE
OF THE CITY CLERK
ON 7-8-11

PROPERTY OWNERS' PETITION IN PROTEST OF:
Application of Cascade Development, LLC for
(1) Land Use Plan amendment to Office Designation and
(2) proposed rezoning to Commercial Office

This application, if approved, will change the subject property located south of Tecumseh Road at Astor Drive in Norman, Oklahoma, from its current residential designation to commercial offices. A change from residential to commercial use and ensuing commercial development of the subject property will forever adversely alter the well-established quality and residential characteristics of the Cascade and Castlerock Additions to Norman, will adversely affect residential property values in the vicinity, and will pose serious threats to neighborhood safety. Accordingly, for these and other valid reasons, the undersigned owners of real property in Castlerock, Carrington, Warwick, Berkley, Rock Creek Polo, and Grand View Additions hereby submit this protest petition in opposition to the above captioned and described application.

PROPERTY OWNER	ADDRESS	DATE
Daniel Emery	3809 Wellington Place	4/25
Eileen Jensen	3905 Wellington Pl	4/25
Joe Shannon	3813 Wellington Pl	4/25
Jana Williams	3817 Wellington Place	4/25/11
Junko Gramoll	3816 Wellington Pl	4.25.11
Kurt Gramoll	3816 Wellington Pl	4/25/11
Tracy Campbell	3812 Wellington Pl	4/25/11
Mark Campbell	3812 Wellington Pl	4.25.11

FILED IN THE OFFICE
OF THE CITY CLERK
ON 7-8-11

PROPERTY OWNERS' PETITION IN PROTEST OF:
Application of Cascade Development, LLC for
(1) Land Use Plan amendment to Office Designation and
(2) proposed rezoning to Commercial Office

This application, if approved, will change the subject property located south of Tecumseh Road at Astor Drive in Norman, Oklahoma, from its current residential designation to commercial offices. A change from residential to commercial use and ensuing commercial development of the subject property will forever adversely alter the well-established quality and residential characteristics of the Cascade and Castlerock Additions to Norman, will adversely affect residential property values in the vicinity, and will pose serious threats to neighborhood safety. Accordingly, for these and other valid reasons, the undersigned owners of real property in Castlerock, Carrington, Warwick, Berkley, Rock Creek Polo, and Grand View Additions hereby submit this protest petition in opposition to the above captioned and described application.

PROPERTY OWNER	ADDRESS	DATE
Loreta L. Hayes	2817 Brompton Dr. Norman	4/21/11
Tricia R. Carleton	2801 Chelsea Dr.	4/22/11
Crystal Tuggong	4113 Sloane St	4/23/11
Kathy Cardott	2400 Lawriston	4/25/11
Richard Carleton	2801 Chelsea Dr.	4/26/11
Rosemary Quillin	2824 Eaton Dr	4/27/11
Barry Quillin	2824 EAton DR.	4-27-11

FILED IN THE OFFICE
OF THE CITY CLERK
ON 7-8-11

PROPERTY OWNERS' PETITION IN PROTEST OF:
Application of Cascade Development, LLC for
(1) Land Use Plan amendment to Office Designation and
(2) proposed rezoning to Commercial Office

This application, if approved, will change the subject property located south of Tecumseh Road at Astor Drive in Norman, Oklahoma, from its current residential designation to commercial offices. A change from residential to commercial use and ensuing commercial development of the subject property will forever adversely alter the well-established quality and residential characteristics of the Cascade and Castlerock Additions to Norman, will adversely affect residential property values in the vicinity, and will pose serious threats to neighborhood safety. Accordingly, for these and other valid reasons, the undersigned owners of real property in Castlerock, Carrington, Warwick, Berkley, Rock Creek Polo, and Grand View Additions hereby submit this protest petition in opposition to the above captioned and described application.

PROPERTY OWNER*	ADDRESS	DATE
✓ Donna Hanna	4008 Knights Bridge	4-26-11
✓ Mike Boerding	4601 Knights Bridge	4-26-11
✓ Cory Gann	4009 Knights Bridge St	4-26-11
✓ Jeff Perkins	4005 Knights Bridge St	4-26-11
✓ [illegible]	3716 Wood Castle	4/26/11
✓ [illegible]	3708 Wood Castle	4/26/11
✓ Kanali Nall	4108 Knights bridge	4/26/11
✓ Warwick Campbell	4100 Knights Bridge	4/26/11
[illegible]	4104 Glasgow Dr.	4/26/11
Beth Grant	" "	"

FILED IN THE OFFICE
OF THE CITY CLERK
ON 7-8-11

PROPERTY OWNERS' PETITION IN PROTEST OF:
Application of Cascade Development, LLC for
(1) Land Use Plan amendment to Office Designation and
(2) proposed rezoning to Commercial Office

This application, if approved, will change the subject property located south of Tecumseh Road at Astor Drive in Norman, Oklahoma, from its current residential designation to commercial offices. A change from residential to commercial use and ensuing commercial development of the subject property will forever adversely alter the well-established quality and residential characteristics of the Cascade and Castlerock Additions to Norman, will adversely affect residential property values in the vicinity, and will pose serious threats to neighborhood safety. Accordingly, for these and other valid reasons, the undersigned owners of real property in Castlerock, Carrington, Warwick, Berkley, Rock Creek Polo, and Grand View Additions hereby submit this protest petition in opposition to the above captioned and described application.

PROPERTY OWNER	ADDRESS	DATE
Monica Rauch	4020 Nicole Pl	4/27/11
[illegible]	4032 Nicole Pl	4/26/11
Gregg L. Elliott-Teague	4032 Nicole Pl	4/26/11
[illegible]	4048 Nicole Place	4/26/2011
[illegible]	4048 Nicole Place	4/26/11
[illegible]	4020 Nicole Place	4/26/11
[illegible]	4029 Nicole Place	4/27/11

FILED IN THE OFFICE
OF THE CITY CLERK
ON 7-8-11

PROPERTY OWNERS' PETITION IN PROTEST OF:
Application of Cascade Development, LLC for
(1) Land Use Plan amendment to Office Designation and
(2) proposed rezoning to Commercial Office

This application, if approved, will change the subject property located south of Tecumseh Road at Astor Drive in Norman, Oklahoma, from its current residential designation to commercial offices. A change from residential to commercial use and ensuing commercial development of the subject property will forever adversely alter the well-established quality and residential characteristics of the Cascade and Castlerock Additions to Norman, will adversely affect residential property values in the vicinity, and will pose serious threats to neighborhood safety. Accordingly, for these and other valid reasons, the undersigned owners of real property in Castlerock, Carrington, Warwick, Berkley, Rock Creek Polo, and Grand View Additions hereby submit this protest petition in opposition to the above captioned and described application.

PROPERTY OWNER	ADDRESS	DATE
Terry Goss	4114 Nicole Pl.	042711
Marty Pruett	4117 Nicole Pl	4-27-11
Sattes Family	4128 Nicole Pl.	4.27.11

FILED IN THE OFFICE
OF THE CITY CLERK
ON 7-8-11

PROPERTY OWNERS' PETITION IN PROTEST OF:
Application of Cascade Development, LLC for
(1) Land Use Plan amendment to Office Designation and
(2) proposed rezoning to Commercial Office

This application, if approved, will change the subject property located south of Tecumseh Road at Astor Drive in Norman, Oklahoma, from its current residential designation to commercial offices. A change from residential to commercial use and ensuing commercial development of the subject property will forever adversely alter the well-established quality and residential characteristics of the Cascade and Castlerock Additions to Norman, will adversely affect residential property values in the vicinity, and will pose serious threats to neighborhood safety. Accordingly, for these and other valid reasons, the undersigned owners of real property in Castlerock, Carrington, Warwick, Berkley, Rock Creek Polo, and Grand View Additions hereby submit this protest petition in opposition to the above captioned and described application.

PROPERTY OWNER	ADDRESS	DATE
[illegible] Rodriguez	4000 NICOLE PLACE	4/22/11
Joyce [illegible]	4012 Nicole Place	4/22/11
[illegible]	4024 Nicole Pl.	4/22/11
Shannon Goodman	4024 Nicole Pl	4/22/11
[illegible]	4040 Nicole Pl.	4/22/11
Beverly Reese	4040 Nicole P	4/22/11
Gang Li	4037 Nicole Pl	4/22/11
Liu Li	"	4/22/11
KEITH GALLAHER	4045 NICOLE PL	4/25/11
GARY DAVIS	4044 Nicole Pl	4/25/11
RAYMOND CALLAN	4052 NICOLE PLACE	4/25/11
ROBERT OCHSNER	Robert Ochsner 4053 Nicole Pl.	4/25/11
BONNIE OCHSNER	[illegible] 4053 Nicole Pl.	4/25/11
[illegible]	4004 NICOLE PL	4/26/11
Jim Rauch	4020 Nicole Pl	4/27/11

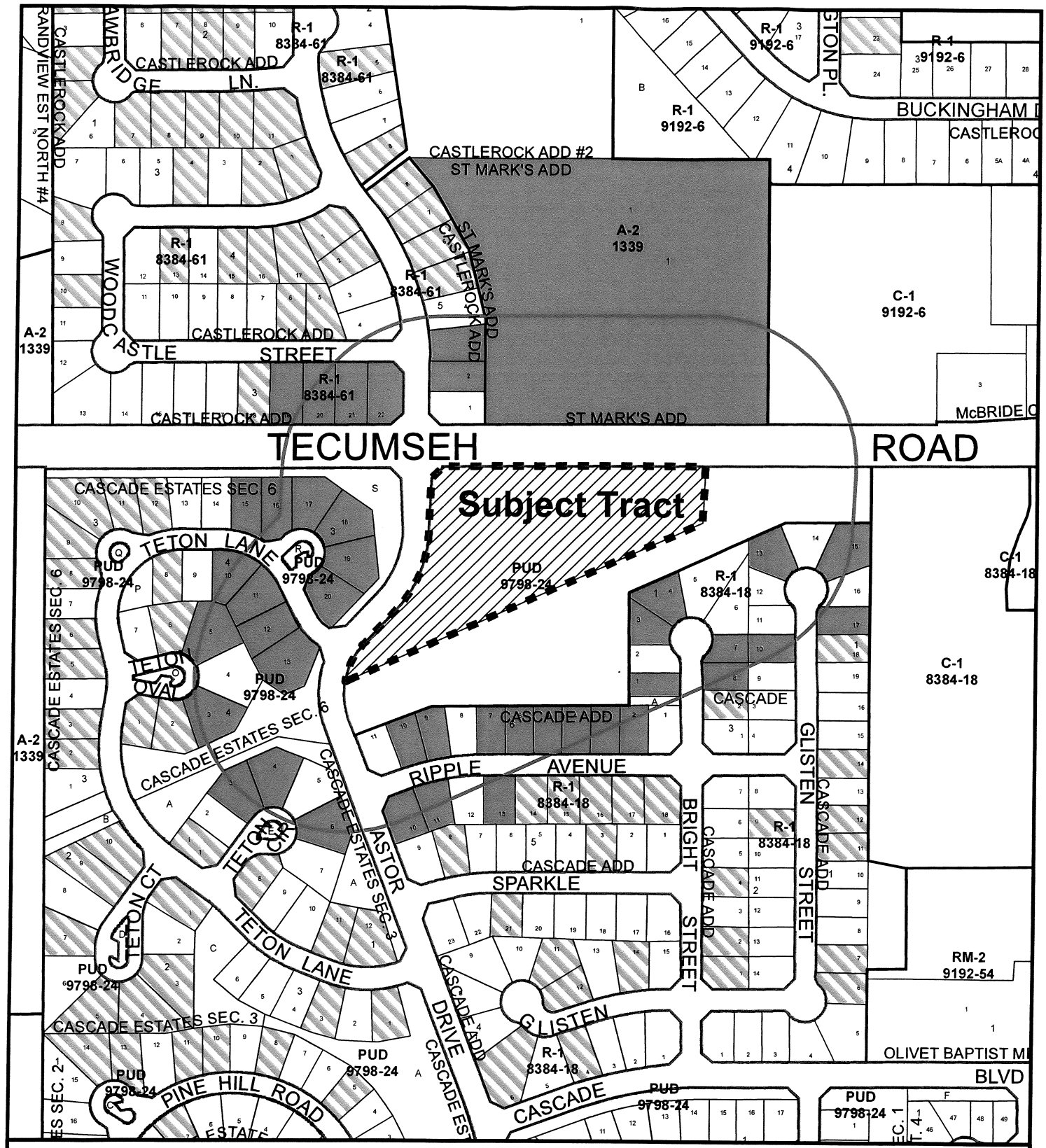
FILED IN THE OFFICE
OF THE CITY CLERK
ON 7-8-11

PROPERTY OWNERS' PETITION IN PROTEST OF:
Application of Cascade Development, LLC for
(1) Land Use Plan amendment to Office Designation and
(2) proposed rezoning to Commercial Office

This application, if approved, will change the subject property located south of Tecumseh Road at Astor Drive in Norman, Oklahoma, from its current residential designation to commercial offices. A change from residential to commercial use and ensuing commercial development of the subject property will forever adversely alter the well-established quality and residential characteristics of the Cascade and Castlerock Additions to Norman, will adversely affect residential property values in the vicinity, and will pose serious threats to neighborhood safety. Accordingly, for these and other valid reasons, the undersigned owners of real property in Castlerock, Carrington, Warwick, Berkley, Rock Creek Polo, and Grand View Additions hereby submit this protest petition in opposition to the above captioned and described application.

PROPERTY OWNER*	ADDRESS	DATE
Marla J. Mann	4033 Nicole Place	4/14/11
LeAnn Williams	3800 Lorings Road	4/14/11
Ken Benjamin Williams	3800 LORINGS ROAD	4/14/11
✓	4104 Drawbridge Ln	4/14/11
✓	4104 Drawbridge Ln.	4/14/11
✓	4004 Drawbridge	4/14/11
✓ Cheryl Patrick	4012 Knights Bridge	4-14-11
✓	4012 KNIGHTS BRIDGE	4-14-11
Andy McPherson	3901 Brunswick Lane	4-16-11
Teri Emery	3809 Wellington Pl.	4-16-11
	3916 Nicole Cir	4/16/11
Andrea Kaplan	3916 Nicole Circle	4-16-11
Kelly Bright	4036 Nicole Place	4-25-11
John Bright	4036 Nicole Pl	4-25-11

FILED IN THE OFFICE
OF THE CITY CLERK
ON 7-8-11



Protest Map

52.1% 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" = 300'
October 5, 2011

- Subject Tract
- Protest
- Notification Area
- Protest Outside Notification Area

37-98

Address: 3331 Teton Circle
NORMAN, OK 73072

Norman City Council
c/o City Clerk
P.O. Box 370
Norman, OK 73070

Date: 10/3/2011

Dear Norman City Council,

This letter is to protest the request by The Tecumseh Project, LLC to amend the Cascade Estates PUD and the Norman 2025 Land Use and Transportation Plan by changing a parcel of land southeast of the intersection of Tecumseh Road and Astor Drive from Low Density Residential to Office use. I have been notified that my property at 3331 Teton Circle NORMAN, OK 73072 is within 350 feet of the proposed change.

I oppose this change for the following reasons:

- Poor Planning - Purpose of city planning is to anticipate future land use. The subject parcel was reserved for residential use. This is why we bought our property. We based our financial plan on this information. There are plenty of other properties available along 36th Ave NW - which are zoned commercial!
- Safety - Traffic in this area will increase dramatically if this is changed to commercial. Children and adults walk, bike and play in the areas around here. There is a park along this property. I question the safety of children in this park if proposed changes go through. Also, criminals could loiter in parking areas awaiting a victim in adjacent park.

Sincerely,

X

Legal Homeowner Name: Deanna L. Larson

X

Second Homeowner Name, if owned jointly: Paul R. Larson

FILED IN THE OFFICE
OF THE CITY CLERK
ON 10-5-11

37-99

- Neighborhood character. We bought this property with the understanding that it was completely zoned residential. That was the community we were seeking. If proposed changes go through it will break up the character of this neighborhood. Currently it consists of residences, churches, green spaces parks and schools. We bought property and built here because that's the community we wanted to be a part of.

- Fairness - The current Cascade Estates Residential PUD was created 13 years ago & since then, many important personal & financial decisions were made by Cascade Estates residents - based on that plan. Now the same authors of the PUD are asking to make a major change after all lots have been sold & we've settled into our homes. The timing & the way this has been handled seems extremely unfair to residents.

Thank you for your consideration.

Address: Matt and Teresa Frazier
4013 Tetra Lane
Norman OK 73072

Norman City Council
c/o City Clerk
P.O. Box 370
Norman, OK 73070

Date: 10-3-11

Dear Norman City Council,

This letter is to protest the request by The Tecumseh Project, LLC to amend the Cascade Estates PUD and the Norman 2025 Land Use and Transportation Plan by changing a parcel of land southeast of the intersection of Tecumseh Road and Astor Drive from Low Density Residential to Office use. I have been notified that my property at 4013 Tetra Lane is within 350 feet of the proposed change.

I oppose this change for the following reasons:

Sincerely,

X Teresa M Frazier

FILED IN THE OFFICE
OF THE CITY CLERK
ON 10-5-11

Legal Homeowner Name:

X Matthew and Teresa Frazier

Second Homeowner Name, if owned jointly:

Matthew P Frazier

Chanda Lee
Address: 4000 Wood Castle
Norman, OK 73072

Norman City Council
c/o City Clerk
P.O. Box 370
Norman, OK 73070

Date: 10/3/11

Dear Norman City Council,

This letter is to protest the request by The Tecumseh Project, LLC to amend the Cascade Estates PUD and the Norman 2025 Land Use and Transportation Plan by changing a parcel of land *southeast of the intersection of Tecumseh Road and Astor Drive from Low Density Residential* to Office use. I have been notified that my property at 4000 Wood Castle Street is within 350 feet of the proposed change.

I oppose this change for the following reasons:

Safety. I have a 6 year old that enjoys riding his bike around the neighborhood. With added traffic due to the office buildings, I am afraid someone will get hit by a car.

FILED IN THE OFFICE
OF THE CITY CLERK
ON 10-4-11

Sincerely,

x Chanda Lee

Legal Homeowner Name:

x Chanda Lee, Rick Lee

Second Homeowner Name, if owned jointly:

City of Norman, OK

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

Master

File Number: PP-1112-1

File ID:	PP-1112-1	**Type:**	Preliminary Plat	**Status:**	Non-Consent Items
Version:	1	**Reference:**	Item No. 38	**In Control:**	Planning Commission
Department:	Public Works Department	**Cost:**		**File Created:**	06/21/2011
File Name:	Preliminary Plat Tecumseh Project			**Final Action:**	

Title: CONSIDERATION OF PRELIMINARY PLAT FOR THE TECUMSEH PROJECT ADDITION, A PLANNED UNIT DEVELOPMENT, AND WAIVER OF ALLEY REQUIREMENTS. (GENERALLY LOCATED SOUTH OF WEST TECUMSEH ROAD EAST OF ASTOR DRIVE)

ACTION NEEDED: Motion to approve or reject the preliminary plat for the Tecumseh Project Addition, a Planned Unit Development, and waiver of alley requirements.

ACTION TAKEN: _____

Notes: October 11, 2011, City Council Agenda

Agenda Date: 10/11/2011

Agenda Number: 38

Attachments: Attachment A-Traffic Table, Tecumseh Project Location Map, Tecumseh Project Prelim Plat, Staff Report - Tecumseh Project Prelim Plat, Tecumseh Project Site Plan, Tecumseh Project Traffic Iimpact, Tecumseh Project Alley Waiver, Tecumseh Project Pre-Dev Summary 3-11, Tecumseh Road Medical GES, Tecumseh Project Greenbelt Comments

Project Manager: Ken Danner, Development 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					
1	Planning Commission	08/11/2011					

Text of Legislative File PP-1112-1

body

BACKGROUND: This item is a preliminary plat for Tecumseh Project Addition and is generally located one-quarter of a mile west of 36th Avenue N.W. on the south side of Tecumseh Road. This property consists of 5.53 acres and four (4) office lots. Planning Commission, at its meeting of August 11, 2011 recommended to City Council the amending of the NORMAN 2025 Land Use and Transportation Plan to designate this property as Offices and removing it from Low Density Residential Designation. Also, Planning Commission recommended amending Ordinance No. O-9798-24 of the Planned Unit Development for this property to include offices. In addition, Planning Commission recommended the approval to waive alley requirements and approval of the preliminary plat for Tecumseh Project Addition.

DISCUSSION: The mixed use office (18,000 square feet) and medical office (22,100 square feet) space in this preliminary plat are expected to generate approximately 1,045 trips per day and 174 trips during the PM peak hour. The traffic capacity on the affected roadways exceeds the demand for existing and proposed trips as a result of this development. No negative traffic impacts are anticipated on these facilities. (Reference Attachment "A" for data).

Because of the development's size and traffic generation potential, the applicant was required to conduct a comprehensive traffic impact analysis. The study was completed by Traffic Engineering Consultants, Inc., and was submitted in May, 2011.

No off-site improvements were recommended in the traffic impact analysis as submitted. The site will be served by two driveways along Tecumseh Road to the east of the Astor Drive intersection. The spacing of these two driveways will violate the spacing requirements in Section 4018 of the Engineering Design Criteria. However, staff supports the variance of the City's driveway spacing requirements in this case because the developer has agreed to configure the westernmost driveway closest to Astor Drive to accommodate only right-in and right-out traffic. This configuration will also work best should the intersection of Tecumseh Road with Astor Drive/Castlerock Road be signalized in the future.

Public improvements for this property consist of the following:

Alley. The engineer for the developer has submitted a request to waive alley requirements. Sufficient circulation is available for the property and Staff recommends approval of the alley request. Planning Commission, at its meeting of August 11, 2011 recommended waiver of alley requirements.

Fire Hydrants. Fire hydrants will be installed in accordance with approved plans. Their locations have been approved by the Fire Department.

Sanitary Sewers. Sanitary sewer main is existing.

Sidewalks. Sidewalks will be constructed adjacent to Tecumseh Road and Astor Drive.

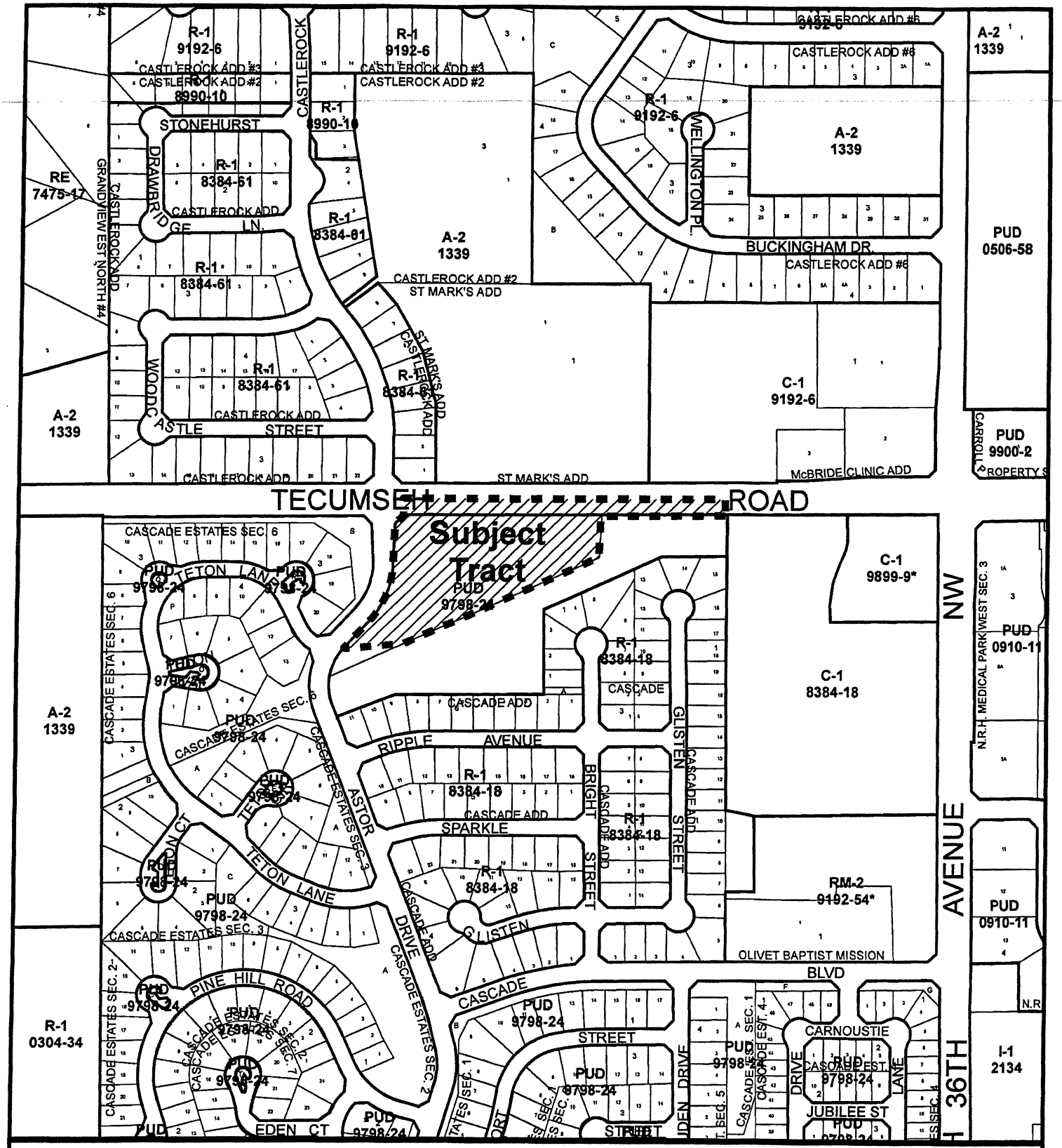
Storm Sewers. Storm sewers and appurtenant drainage structures will be installed in accordance with approved plans and City drainage standards. An existing detention facility will be utilized.

Streets. Tecumseh Road and Astor Drive are existing.

Water Mains. Water mains are existing.

Public Dedications. All rights-of-way and easements will be dedicated to the City with final platting.

RECOMMENDATION: Based on the above information, staff recommends approval of the request to waive alley requirements and approval of the preliminary plat for Tecumseh Project Addition subject to City Council approval of Resolution No. R-1112-4 and Ordinance No. O-1112-1.



Location Map

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

N
W E
S

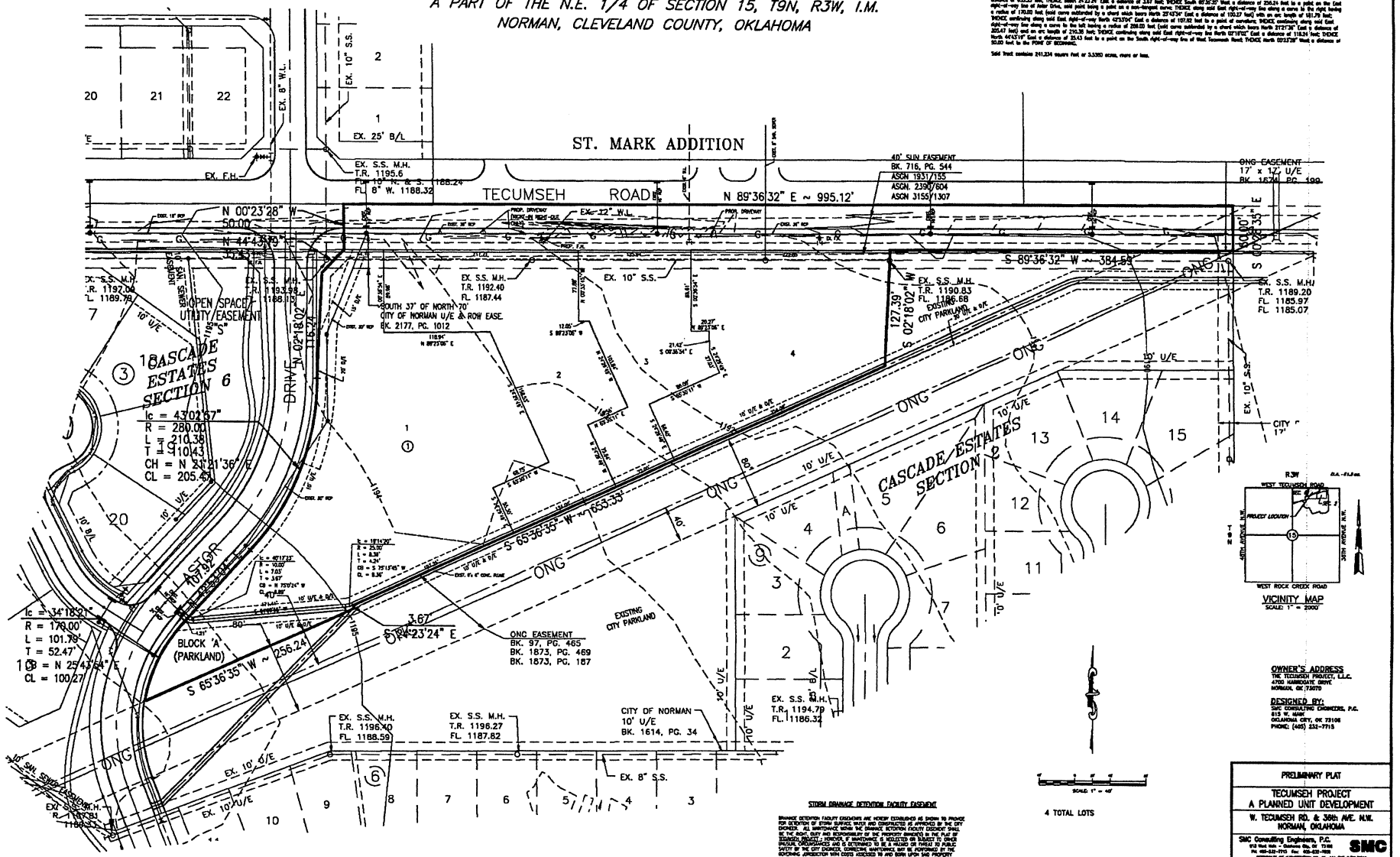
June 20, 2011

0 200 400 Ft.

Subject Tract

Zoning

PRELIMINARY PLAT
TECUMSEH PROJECT
A PLANNED UNIT DEVELOPMENT
A PART OF THE N.E. 1/4 OF SECTION 15, T9N, R3W, I.M.
NORMAN, CLEVELAND COUNTY, OKLAHOMA



LEGAL DESCRIPTION

A tract of land being a part of the N.E. 1/4, Section 15, Township 9 North, Range 3 West, I.M., Norman, Cleveland County, Oklahoma, and being more particularly described as follows:

Commencing at the Northeast corner of the N.E. 1/4 of Said Section 15;

THENCE North 89°36'32" East along the North line of said Section 15, said line also being the centerline of West Tecumseh Road, a distance of 821.80 feet to the Point of Beginning;

THENCE North 89°36'32" East continuing along the North line of said Section 15, a distance of 995.12 feet to a point on said North Section line; THENCE South 00°23'28" East, a distance of 50.00 feet to a point on the South right-of-way line of West Tecumseh Road; THENCE South 89°36'32" West along said South right-of-way line of West Tecumseh Road a distance of 384.58 feet; THENCE South 02°18'02" West a distance of 127.39 feet; THENCE South 89°36'32" West a distance of 653.33 feet; THENCE South 34°23'24" East a distance of 3.67 feet; THENCE South 65°36'35" West a distance of 256.24 feet to a point on the East right-of-way line of Aster Drive, said point being a point on a non-tangent curve; THENCE along said East right-of-way line along a curve to the right having a radius of 170.00 feet, (said curve subtended by a chord which bears North 25°43'54" East a distance of 100.27 feet) with an arc length of 101.78 feet; THENCE continuing along said East right-of-way North 43°03'04" East a distance of 107.92 feet to a point of curvature; THENCE continuing along said East right-of-way line along a curve to the left having a radius of 280.00 feet (said curve subtended by a chord which bears North 21°21'36" East a distance of 205.45 feet) and an arc length of 210.38 feet; THENCE continuing along said East right-of-way line North 00°19'52" East a distance of 118.24 feet; THENCE North 44°43'19" East a distance of 35.43 feet to a point on the South right-of-way line of West Tecumseh Road; THENCE North 00°23'28" West a distance of 50.00 feet, to the POINT OF BEGINNING.

Said Tract contains 241,234 square feet or 5.5393 acres, more or less.

STORM DRAINAGE DETENTION FACILITY EASEMENT

DRAINAGE DETENTION FACILITY EASEMENTS ARE HEREBY ESTABLISHED AS SHOWN TO PROVIDE FOR DETENTION OF STORM SURFACE WATER AND CONSTRUCTED AS APPROVED BY THE CITY ENGINEER. ALL MAINTENANCE WITHIN THE DRAINAGE DETENTION FACILITY EASEMENT SHALL BE THE RIGHT, DUTY AND RESPONSIBILITY OF THE PROPERTY OWNER(S) IN THE PLAT OF SUBDIVISION, INDIVIDUALLY, JOINTLY, OR MAINTENANCE IS ACCEPTED AS SUBJECT TO CHECK DRAINAGE ORDINANCE AND IS DETERMINED TO BE A HAZARD OR THREAT TO PUBLIC SAFETY BY THE CITY ENGINEER, CORRECTIVE MAINTENANCE MAY BE PERFORMED BY THE MUNICIPAL JURISDICTION WITH COSTS ASSESSED TO AND BORNE UPON SAID PROPERTY OWNER(S). WITHIN THE DETENTION FACILITY EASEMENTS, NO STRUCTURE (INCLUDING BUT NOT LIMITED TO, BUILDINGS, FENCES, RETAINING WALLS, ETC.) SHALL BE PLACED UPON THE RIGHT TO ENTER UPON THE EASEMENT FOR PURPOSES OF PERIODIC INSPECTION AND FOR CORRECTIVE MAINTENANCE OF THE FACILITY, UPON RECEIVING WRITTEN APPROVAL FROM THE ENGINEERING DIVISION, PUBLIC WORKS DEPARTMENT, PROPERTY OWNERS MAY CONSTRUCT IMPROVEMENTS WITHIN THE EASEMENT, PROVIDED THE IMPROVEMENT DOES NOT INTERFERE WITH THE FUNCTION OF THE DETENTION FACILITY.

OWNER'S ADDRESS
THE TECUMSEH PROJECT, L.L.C.
4700 HAMMOCKS DRIVE
NORMAN, OK 73070

DESIGNED BY:
SMC CONSULTING ENGINEERS, P.C.
815 W. MAIN
OKLAHOMA CITY, OK 73106
PHONE: (405) 232-7715

PRELIMINARY PLAT
TECUMSEH PROJECT
A PLANNED UNIT DEVELOPMENT
W. TECUMSEH RD. & 36th AVE. N.W.
NORMAN, OKLAHOMA

SMC Consulting Engineers, P.C.
915 West Main - Oklahoma City, OK 73106
PH. 405-232-7715 Fax 405-232-7836
CERTIFICATE OF AUTHORIZATION NO. PL 4A1 EXP. 6/30/2021

No.	Revision	By	Date
1	Revised per City plan review comments	DJS	6-28-13
2	Revised per City plan review comments	DJS	8-26-13
3	Revised per City plan review comments	DJS	9-25-13

DWG: 1/14/13 | SCALE: 1" = 40' | SHEET NO. 1
DESIGN BY: DJS
PROJECT NO.: 0726.00
CHECKED: TIM L. MORRIS, P.E. 13418

PRELIMINARY PLAT ITEM NO. 6c

ITEM: Consideration of a Preliminary Plat for TECUMSEH PROJECT, A PLANNED UNIT DEVELOPMENT.

LOCATION: Generally located one-quarter of a mile west of 36th Avenue N.W. on the south side of West Tecumseh Road.

INFORMATION:

1. Owner. Tecumseh Project, L.L.C.
2. Developer. Tecumseh Project, L.L.C.
3. Engineer. SMC Consulting Engineers, P.C.

HISTORY:

1. July 7, 1983. The Norman Board of Parks Commissioners, on a vote of 6-0, recommended fee in lieu of park land dedication.
2. July 14, 1983. Planning Commission, on a vote of 7-1, recommend to City Council that this property be placed in R-1, and removed from A-2 zoning classification.
3. July 14, 1983. Planning Commission, on a vote of 8-0, tabled the preliminary plat for Cascade Addition.
4. August 9, 1983. City Council adopted Ordinance No. O-8384-2 placing this property in R-1 and removing it from A-2, zoning classification.
5. August 11, 1983. Planning Commission, on a vote of 3-4, made no recommendation to City Council placing this property in R-1 and removing it from A-2 and R-1, zoning classifications.
6. August 11, 1983. Planning Commission, on a vote of 9-0, approved the preliminary plat for Cascade Addition containing the proposed R-1 single family property.

7. November 15, 1983. City Council adopted Ordinance No. O-8384-18 placing this property in R-1 and removing it from A-2 and R-1 zoning classifications.

8. August 11, 1988. In accordance with Section 19-505 of the City Code, the approval of the preliminary plat for Cascade Addition became null and void.

9. February 1, 1996. The Norman Board of Parks Commissioners, on a vote of 9-0, recommended approval of private park land.

10. February 8, 1996. Planning Commission, on a vote of 9-0, approved the preliminary plat for Cascade Addition.

11. November 13, 1997. Planning Commission, on a vote of 8-0, recommended to City Council that this property be placed in the Planned Unit Development (PUD) and removed from the R-1, zoning classification.

12. November 13, 1997. Planning Commission, on a vote of 8-0, approved the preliminary plat for Cascade Estates Addition, a Planned Unit Development.

13. January 13, 1998. City Council adopted Ordinance No. O-9798-24 placing this property in the PUD and removing it from R-1, zoning classification.

14. March 8, 2001. Planning Commission, on a vote of 9-0, recommended to City Council that the amendment of the Cascade Estates Planned Unit Development be approved.

15. March 8, 2001. Planning Commission, on a vote of 9-0, recommended to City Council that the preliminary plat for Cascade Estates Addition, a Planned Unit Development be approved.

16. April 10, 2001. City Council adopted Ordinance No. O-0001-45 amending the Planned Unit Development.

17. April 10, 2001. City Council approved the preliminary plat for Cascade Estates Addition, a Planned Unit Development

18. March 8, 2006. Approvals of the preliminary plat became null and void.

19. August 9, 2007. Planning Commission, on a vote of 7-0-1, recommended to City Council that the preliminary plat for Cascade Estates Addition, Section 8, a Planned Unit Development, be approved.

20. September 11, 2007. City Council approved the preliminary plat for Cascade Estates Addition, Section 8, a Planned Unit Development.

21. September 11, 2010. Approvals of the preliminary plat for Cascade Estates Addition, Section 8, a Planned Unit Development become null and void.

22. July 14, 2011. The applicant made a request to amend the NORMAN 2025 Land Use and Transportation Plan from Low Density Residential to Office Designation.

23. July 14, 2011. The applicant made a request to amend the Planned Unit Development Ordinance No. O-9798-24 to allow business, professional and medical offices.

24. July 14, 2011. Planning Commission, at the request of the applicant, postponed an amendment to the Norman 2025 Land Use and Transportation Plan from Low Density Residential Designation to Office Designation.

25. July 14, 2011. Planning Commission, at the request of the applicant, postponed the amendment to the Planned Unit Development (PUD) established by Ordinance No. O-9798-24 to allow business, professional and medical offices.

26. July 14, 2011. Planning Commission, at the request of the applicant, postponed the preliminary plat for Tecumseh Project Addition.

27. August 11, 2011. The applicant has made a request to amend the NORMAN 2025 Land Use and Transportation Plan from Low Density Residential Designation to Office Designation.

28. August 11, 2011. The applicant has made a request to amend the Planned Unit Development Ordinance No. O-9798-24 to allow business, professional and medical offices.

IMPROVEMENT PROGRAM:

1. Alleys. The engineer for the owner has made a request to waive alley requirements for Tecumseh Project Addition.

2. Fire Hydrants. Fire hydrants will be installed in accordance with approved plans and City standards. Their locations have been approved by the Fire Department.

3. Permanent Markers. Permanent markers will be installed prior to filing of the final plat.

4. Sanitary Sewers. Sanitary sewer mains are existing.

5. Sidewalks. Sidewalks will be constructed in accordance with approved plans and City sidewalk standards.

6. Storm Sewers. Storm sewer and appurtenant drainage structures will be installed in accordance with approved plans and City drainage standards. Storm water will be conveyed to privately-maintained detention facility.

7. Streets. Tecumseh Road and Astor Drive are existing.

8. Water Mains. There is an existing twelve inch (12") water main adjacent to Tecumseh Road and an eight inch (8") water main adjacent to Astor Drive.

PUBLIC DEDICATIONS:

1. Easements. All required easements will be dedicated to the City on the final plat.

2. Rights-of-Way. All street rights-of-way will be dedicated to the City on the final plat.

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

STAFF COMMENTS AND RECOMMENDATION: Staff recommends approval of the request to waive alley requirements based on the fact adequate circulation has been provided for service and emergency vehicle, and the preliminary plat for Tecumseh Project Addition, a Planned Unit Development subject to approvals of Resolution No. R-1112-4 and Ordinance No. O-1112-1.

ACTION NEEDED: Recommend approval or disapproval of the request to waive alley requirements and approval or disapproval of the preliminary plat for Tecumseh Project Addition, a Planned Unit Development, to the City Council.

ACTION TAKEN:_____

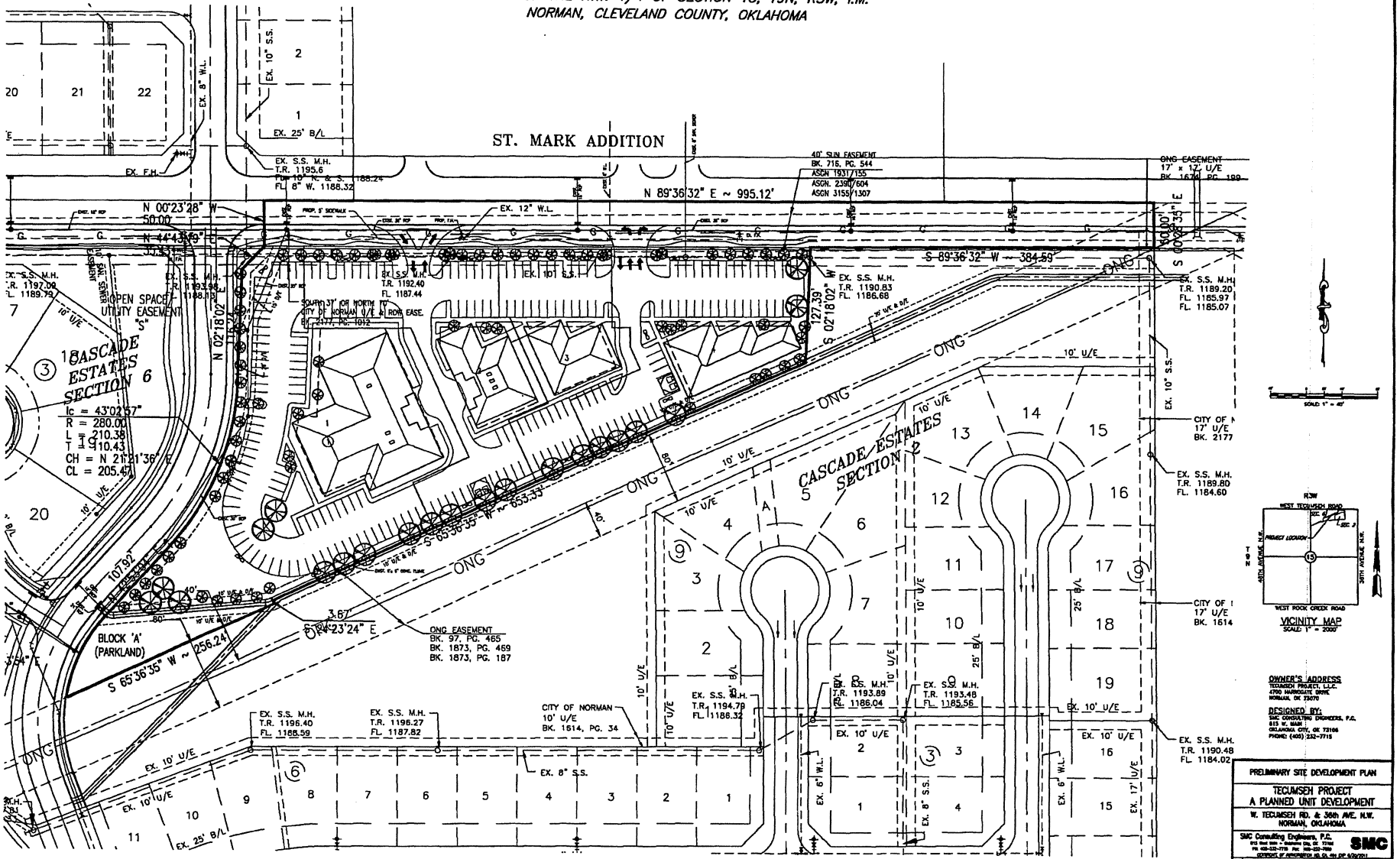
PRELIMINARY SITE DEVELOPMENT PLAN

TECUMSEH PROJECT

A PLANNED UNIT DEVELOPMENT

A PART OF THE N.W. 1/4 OF SECTION 15, T9N, R3W, I.M.

NORMAN, CLEVELAND COUNTY, OKLAHOMA



VICINITY MAP

SCALE: 1" = 2000'

OWNER'S ADDRESS
TECUMSEH PROJECT, L.L.C.
4700 HARRISON DRIVE
NORMAN, OK 73070

DESIGNED BY:
SMC CONSULTING ENGINEERS, P.C.
815 W. MAIN
OKLAHOMA CITY, OK 73106
PHONE: (405) 232-7715

PRELIMINARY SITE DEVELOPMENT PLAN

TECUMSEH PROJECT
A PLANNED UNIT DEVELOPMENT
W. TECUMSEH RD. & 36th AVE. N.W.
NORMAN, OKLAHOMA

SMC Consulting Engineers, P.C.

SMC

No.	Revision	By	Date
1	REVISED PER CITY COMMENTS	KLA	11/21/01
2	REVISED PER CITY COMMENTS	KLA	12/19/01
3	REVISED PER CITY COMMENTS	KLA	1/11/02

DATE: 8/07/01
SCALE: 1" = 40'
SHEET NO. 1

CITY OF NORMAN
Development Review Form
Transportation Impacts

DATE: July 6, 2011 **STAFF REVIEW BY:** David R. Riesland, P.E.
Assistant City Traffic Engineer

PROJECT NAME: Tecumseh Project Addition **PROJECT TYPE:** Office/Medical Office
Owner: Tecumseh Project, LLC
Developer's Engineer: SMC
Developer's Traffic Engineer: TEC

SURROUNDING ENVIRONMENT (Streets, Developments)
Commercial and institutional uses exist to the north, commercial exists to the east and south, and low-density residential development exists to the west and south of the proposed site. Tecumseh Road is the main east/west roadway, and the site is west of 36th Avenue NW.

ALLOWABLE ACCESS:
Proposed access will require a variance to Section 4018 of the City's Engineering Design Criteria.

EXISTING STREET CHARACTERISTICS (Lanes, Speed Limits, Sight Distance, Medians)
Tecumseh Road: 4 lanes (existing and future). Speed Limit - 40 mph. No sight distance problems. No medians.

ACCESS MANAGEMENT CODE COMPLIANCE: **YES** ☐ **NO** ■
Proposed number of access points for the development will require a variance to be in compliance with what is allowed in the subdivision regulations. Staff supports this variance request.

TRIP GENERATION

Time Period	Total	In	Out
Weekday	1,045	522	523
A.M. Peak Hour	98	82	16
P.M. Peak Hour	174	37	137

TRANSPORTATION IMPACT STUDY REQUIRED? **YES** ■ **NO** ☐

Traffic Impact Study prepared by Traffic Engineering Consultants, Inc. of Oklahoma City, Oklahoma.

RECOMMENDATION: **APPROVAL** ■ **DENIAL** ☐ **N/A** ☐ **STIPULATIONS** ☐

Recommendations for Approval refer only to the transportation impact and do not constitute an endorsement from City Staff.

No off-site improvements were recommended in the traffic impact analysis as submitted. The site will be served by two driveways along Tecumseh Road to the east of the Astor Drive intersection. The spacing of these two driveways will violate the spacing requirements in Section 4018 of the Engineering Design Criteria. However, staff can support the variance to be requested as the developer has agreed to configure the westernmost driveway closest to the Astor Drive intersection to accommodate only right-in and right-out traffic. This configuration will also work best should the intersection of Tecumseh Road with Astor Drive/Castlerock Road be signalized in the future.

TECUMSEH PROJECT – PRELIMINARY

The mixed use office (18,000 square feet) and medical office (22,100 square feet) space in this preliminary plat are expected to generate approximately 1,045 trips per day and 174 trips during the PM peak hour. The traffic capacity on the affected roadways exceeds the demand for existing and proposed trips as a result of this development. No negative traffic impacts are anticipated on these facilities.

STREET	NO. OF LANES	PROPOSED DEVELOPMENT (Veh/day)	EXISTING TRAFFIC (Veh/day)	TOTAL PROJECTED TRAFFIC (Veh/day)	ROADWAY CAPACITY L.O.S. "E"	% CAPACITY USED (EXISTING)	% CAPACITY USED (PROJECTED)
Tecumseh Road	4	1,045	7,198	8,243	34,200	21.05	24.10

Because of the development's size and traffic generation potential, the applicant was required to conduct a comprehensive traffic impact analysis. The study was completed by Traffic Engineering Consultants, Inc., and was submitted in May, 2011.

No off-site improvements were recommended in the traffic impact analysis as submitted. The site will be served by two driveways along Tecumseh Road to the east of the Astor Drive intersection. The spacing of these two driveways will violate the spacing requirements in Section 4018 of the Engineering Design Criteria. However, staff can support the variance to be requested as the developer has agreed to configure the westernmost driveway closest to the Astor Drive intersection to accommodate only right-in and right-out traffic. This configuration will also work best should the intersection of Tecumseh Road with Astor Drive/Castlerock Road be signalized in the future.

SMC
Your Civil Engineering Solution

Consulting Engineers, P.C.
815 West Main
Oklahoma City, OK 73106
405-232-7715
FAX 405-232-7859
www.smcokc.com

Civil Engineering
Land Development
Storm Water Management

Tom L. McCaleb
Terence L. Haynes
Christopher D. Anderson
Ole M. Marcussen

July 5, 2011

Mr. Jim Gasaway, Chairman
Planning Commission
City of Norman
P.O. Box 370
Norman, Oklahoma 73070

Re: Preliminary Plat
Tecumseh Project
SMC Project #5226.00

Dear Mr. Gasaway:

As agent for the applicant, we respectfully request a waiver of the alley requirements for the above referenced addition for all commercial, industrial, and office areas in accordance with Section 19-302 of the City of Norman. The plat has large tracts that can be designed adequately without the use of an alley. All utilities, sanitary access, emergency access, and fire protection will be provided and identified without the use of an alley.

The location of fire hydrants will be identified on plot plan as submitted and will be further identified on the final construction plans at the time of final platting.

Please accept this request and grant the alley waiver.

Sincerely,

SMC Consulting Engineers, P.C.

Tom L. McCaleb, P.E.

cc: Mickey Clagg

City of Norman Predevelopment **March 24, 2011**

Applicant	Cascade Development LLC
Location	South side of Tecumseh Road at Astor Drive
Case Number	PD11-13
Time	5:30—6:15 PM

Attendee	Stakeholder	Address	Phone
Mickey Clagg	Co-applicant	4700 Harrogate Dr	364-9020
Ben Newcomer	Co-applicant	3750 W Main, #101	329-5033
Rick McKinney	Applicants' architect	3600 W Main	360-1400
Marla Mann	Neighbor	4033 Nicole Place	321-6201
Robert Morey	Neighbor	4009 Teton Lane	517-6990
Cara and Tim Black	Neighbors	3520 Bright Street	364-0803
Myron Cunningham	Neighbor	4001 Teton Lane	360-1917
Jerry Kershaw	Neighbor	4104 Teton Lane	488-4326
Phillip Johnson	Neighbor	4000 Teton Lane	488-4326
Jeff and Yumi Davis	Neighbors	4113 Teton Lane	205-5153
Vicki Hopkins	Neighbor	4112 Teton Oval	701-5836
Chuck Simonds	Neighbor	3901 Ripple Avenue	366-7483
Keith Brewster	Neighbor	3921 Ripple Avenue	473-6662
Susan Atkinson	City Staff		366-5392
Ken Danner	City staff		366-5458
Leah Messner	City staff		366-7748

Application Summary. Applicants are seeking a preliminary plat and a rezoning of this 5.33-acre parcel in NW Norman from the current PUD for Low Density Residential to a Commercial-Office use. The *Norman 2025 Land Use Plan* designation for the parcel is Low Density Residential.

Applicant's Opportunity. The applicants have owned this parcel for many years and originally obtained a PUD for low-density residential use on the property. Recently they

perceive a demand for "garden-style" professional offices in the area, largely driven by the hospital's recent construction at 36th and Tecumseh. They are seeking to build a professional/medical office park on this triangular parcel (flanked by a natural gas pipeline) that would include four lots with four, single-story professional office buildings, surrounded by parking. The landscaping for the development would be jointly maintained by all tenants and there would be cross-access agreements throughout the parking area which surrounds the buildings on nearly all sides. From a design standpoint, the applicants are seeking a "residential feel" to the form and look of these buildings.

The proposed development has undergone a formal traffic study which recommends two curb cuts and driveways on 36th Avenue and one on Astor Drive. The developers stated that they are willing to allow their parking lot to be used for overflow parking from the adjacent Cascade Park, or for large events held at the church across Tecumseh Road.

The developers stated that the application had been reviewed by the Norman Greenbelt Commission on March 21. They stated that the Greenbelt Commission recommended approval of the application.

Neighbor's Comments. Neighboring property owners in attendance were overwhelmingly negative about the proposal in general, and particularly concerned about the proposed curb cut and driveway on Astor Drive. They felt this would endanger the current heavy pedestrian and bicycle traffic to and from Cascade Park.

> **Applicants' Response.** After discussion, applicants stated "we can remove the curb cut and driveway on Astor."

Future Land Use. Neighbors were concerned whether the parcel could be used as a convenience store in the future if the lots don't sell as professional offices.

> **Applicants' Response.** Explained that the zoning was very specific about allowable uses and that a Commercial-Office category would not allow a convenience store.

Other Land Use Concerns. Neighbors in attendance were generally opposed to any change in land use on this parcel—it is currently vacant with Cascade Park south of the natural gas pipeline easement. Neighbors were concerned this development would negatively affect their property values, would intrude on rear yard privacy for parcels that back up to the park, and would visually detract from the residential character of the adjacent subdivisions.

Landscaping. Neighbors were concerned that landscaping, particularly along Astor Drive, be dense enough to really screen the view of parking lots and buildings.

Traffic. Neighbors were very concerned that with a driveway on Astor Drive, the adjacent neighborhood would be subjected to cut-through traffic. This was still a concern after the applicant agreed to remove the Astor Drive curb cut. Neighbors stated that a need for overflow parking for the park or church was not an issue for the neighborhood.

Pre-Development Case No. PD 11-13

NORMAN GREENBELT ENHANCEMENT STATEMENT DATE: 3-7-11

The Norman City Council established the Norman Greenbelt Commission and charged the group with reviewing proposed developments in order to increase the preservation of beneficial green spaces and to identify trail system opportunities in new developments where appropriate. This Greenbelt Enhancement Statement form was developed to aid in assessing proposed new developments to insure that green space and trail opportunities are being included in new development designs, whenever possible.

As part of your application and submittal of information for a Pre-Development Meeting, this form should be utilized to address the Greenbelt Commission's review. ***The City of Norman ordinances require that you complete this Greenbelt Enhancement Statement and leave it with City of Norman staff at the same time as you submit the required information for a Pre-Development Meeting.***

Review: At the time you submit the application and information for a Pre-Development Meeting, you will be provided with both the date of the Pre-Development Meeting and the date of the next Greenbelt Commission meeting. You are urged to attend that Greenbelt Commission meeting where you will be provided an opportunity to present information, to explain and discuss your proposed development, and to answer questions the Greenbelt Commission might have about your submittal. Based upon the review and discussion at the Greenbelt Commission meeting, the Greenbelt Commission will make comments and recommendations about your proposal. Those comments and recommendations will then be recorded and provided to you. The comments and recommendations will also be forwarded to the Planning Commission and City Council as part of their agenda packets whenever you make an application for consideration of your proposed development.

Should you have any questions about this process or any of the questions, please feel free to contact the City of Norman Greenbelt Commission staff at 405-366-5435. (Attached is the adopted Greenbelt Ordinance which includes guidelines.)

Greenbelt Enhancement Statement for Proposed Developments

Applicant Name: Cascade Development, LLC Date: February 7, 2011

Contact Person: Tom L. McCaleb, P.E. Telephone/Fax/Email: (405) 232-7715

1. List development name, location, number of acres, and type of development, including types of buildings and their proposed uses.

   This is a 5.33 acre revision of the approved Cascade Development Addition Preliminary Plat. The location is on the south side of Tecumseh Road at Aster Drive. The applicant is requesting the use of professional offices that will be adjacent to the existing park.

2. How does your proposed development or project incorporate open space(s)? Are those open spaces accessible to the general public, only to the future owners of property within the proposed development, or some other arrangement? Please explain.

   Existing Parkland is located abutting this tract. The office area will be designed to have connectivity with the Parkland.

3. Does (do) the open space(s) for this development include some kind of trail or path? Indicate all that are applicable.

   The Parkland is open to the public. The offices will be private. Access from the offices will be sidewalk or non-paved trails.

	For access only	Within open space
Sidewalks		
Other paved surface trail		
Unpaved Trail		
Direct Access from lots		

4. Identify the public open space(s), such as a parks or trails, within ½ mile of your proposed development. Explain how the proposed development will connect to that area via a trail, sidewalk, or other means.

   This is adjacent to the Parkland for this area.

5. Please provide a short description for each type of proposed trail, if any. The description should include information about anticipated users, connectivity, accessibility to area residents, accessibility by the general public, and other information which you believe would be helpful for the Commission to understand your development's compliance with the Guidelines for Evaluating Greenbelt Enhancement Statements in Sec. 4-2028 of the Greenbelt Commission Ordinance.

   See 3.

6. Projects in close proximity to schools, recreational areas (parks, playgrounds), commercial sites, and residential neighborhoods should, ideally, allow connection points promoting non-motorized transportation between key areas. Please describe how the proposed development plan accommodates those using alternative transportation, such as walkers and bicyclists? Examples include sidewalks connecting key areas, designated bike paths, and bike parking.

   The office area is being designed to access the park.

7. Please circle, from the following (or make a list) of geographical and/or environmental factors in your development that might offer opportunities for greenbelts and trails. These may include:
Utility easements. How will your development incorporate those elements into greenbelts and trails?

   Attached drawing illustrates the concept design.

8. If after answering the above questions you feel like your proposed development or project has no opportunities to add to nor detract from the City of Norman Greenbelt System, please explain briefly.

   This is a Greenbelt design.

9. Other comments:

   None

Signature of Applicant or Contact Person: _____
Tom L. McCaleb, P.E., Agent

GREENBELT COMMISSION COMMENTS AND SUGGESTIONS ABOUT PROPOSED DEVELOPMENT AS SUBMITTED FOR PLANNING COMMISSION AND CITY COUNCIL CONSIDERATION (MAY ATTACH AS SEPARATE SHEET):

VOTE BY COMMISSION

Greenbelt Commission Regular Meeting **Greenbelt Case No. 11-07**

Monday – March 21, 2011- 6:30 p.m.

Greenbelt Commission comments and suggestions regarding proposed development submitted for Planning Commission and City Council consideration are as follows:

> *This item was on the consent docket and passed unanimously with no additional comments.*

Vote by Commission: Move to approve; 6-0

City of Norman, OK

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

Master

File Number: R-1112-53

File ID:	R-1112-53	**Type:**	Resolution	**Status:**	Non-Consent Items
Version:	1	**Reference:**	Item No. 39	**In Control:**	City Council
Department:		**Cost:**		**File Created:**	10/05/2011
File Name:	In God We Trust resolution			**Final Action:**	

Title: RESOLUTION NO. R-1112-53: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, SUPPORTING THE DISPLAY OF THE NATIONAL MOTTO "IN GOD WE TRUST" IN THE NORMAN CITY COUNCIL CHAMBERS IN A PROMINENT LOCATION.

INFORMATION: Section 2-101(e) of Chapter 2 of the Norman Code of Ordinances states "The City Manager shall be required to place policy and budget items on the Agenda of the City Council Meetings when three (3) Councilmembers request it." This item has been submitted as a "Rule of Three" request by Councilmembers Gallagher, Lockett, and Spaulding.

ACTION NEEDED: Motion to adopt or reject Resolution No. R-1112-53.

ACTION TAKEN: _____

Notes: October 11, 2011, City Council Agenda

Agenda Date: 10/11/2011

Agenda Number: 39

Attachments: In God We Trust resolution.pdf

Project Manager:

Entered by: brenda.hall@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-1112-53

Resolution

R-1112-53

A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, SUPPORTING THE DISPLAY OF THE NATIONAL MOTTO "IN GOD WE TRUST" IN THE NORMAN CITY COUNCIL CHAMBERS IN A PROMINENT LOCATION.

§ 1. WHEREAS, "In God We Trust" became the United States national motto on July 30, 1956, and the words have been used on United States currency since 1864; and

§ 2. WHEREAS, the same slogan is engraved above the entrance to the U.S. Senate Chamber as well as above the Speaker's dais in the U.S. House; and

§ 3. WHEREAS, these words have been a profound source of strength and guidance to many generations of Americans; and

§ 4. WHEREAS, the Council desires to display this patriotic motto in the Council Chambers to solemnize public occasions and express confidence in our society.

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

§ 5. That the historic words of our national motto, "In God We Trust," shall be permanently and prominently displayed in the Norman Council Chambers of City Hall, centered on the wall behind the Councilmembers and legible throughout the chambers.

§ 6. Further, that the City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

PASSED AND ADOPTED THIS 11th day of October, 2011.

_____
Mayor

ATTEST:

_____
City Clerk