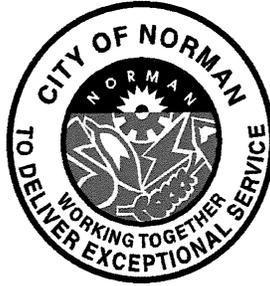


City of Norman, OK

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



Meeting Agenda

Tuesday, December 28, 2010

6:30 PM

Municipal Building Council Chambers

City Council

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

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

Roll Call**Pledge of Allegiance****Awards and Presentations****3 TMP-117**

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

Attachments: [Press Release](#)

4 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 5 through Item 17 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:

5 **GID-1011-7** CONSIDERATION OF APPROVAL OF THE MINUTES AS FOLLOWS:

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

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:** November 17 Finance Committee minutes
 December 1 Finance Committee minutes
 December 7 SS Minutes
 December 14 Conference Minutes
 December 14 minutes.pdf

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

ACTION NEEDED: Motion to Introduce and adopt Ordinance No. O-1011-34 upon First Reading by title.

ACTION TAKEN: _____

Attachments: O-1011-34 clean
 O-1011-34 Annotated
 Pert Exc 10-28-10 Transportation Comm Minutes
 December 14 Conference Minutes

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

ACTION NEEDED: Motion to Introduce and adopt Ordinance No. O-1011-36 upon First Reading by title.

ACTION TAKEN: _____

Attachments: O-1011-36 annotated
 O-1011-36 clean

- 8 **RPT-1011-25** SUBMISSION AND ACKNOWLEDGING RECEIPT OF THE FINANCE DIRECTOR'S INVESTMENT REPORT AS OF NOVEMBER 30, 2010, AND DIRECTING THE FILING THEREOF.

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

ACTION TAKEN: _____

Attachments: Finance Directors Report November, 2010

- 9 **RPT-1011-26** SUBMISSION AND ACKNOWLEDGING RECEIPT OF THE MONTHLY DEPARTMENTAL REPORTS FOR THE MONTH OF NOVEMBER, 2010, AND DIRECTING THE FILING THEREOF.

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

ACTION TAKEN: _____

- 10 **RPT-1011-23** SUBMISSION AND ACKNOWLEDGING RECEIPT OF REPORTS ENTITLED "COMPREHENSIVE ANNUAL FINANCIAL REPORT FOR FISCAL YEAR ENDED JUNE 30, 2010," THE CITY OF NORMAN SINGLE AUDIT REPORT FOR THE YEAR ENDED JUNE 30, 2010,"AND "NORMAN TAX INCREMENT FINANCE AUTHORITY FINANCIAL STATEMENT FOR THE YEAR ENDED JUNE 30, 2010" AS PREPARED BY THE FIRM OF COLE AND REED, P. C., FOR THE CITY OF NORMAN, OKLAHOMA, NORMAN UTILITIES AUTHORITY, NORMAN MUNICIPAL AUTHORITY, AND NORMAN TAX INCREMENT FINANCE AUTHORITY.

ACTION NEEDED: Acting as the City Council, Norman Utilities Authority, Norman Municipal Authority, and Norman Tax Increment Finance Authority, motion to acknowledge receipt of the reports and direct the filing thereof.

ACTION TAKEN: _____

Attachments: Letter from Cole and Reed

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

ACTION NEEDED: Acting as the Norman Utilities Authority, motion to accept all bids as meeting specifications, and, if accepted, award the bid in the amount of \$2,305,000 to Oil Capital Electric, L.L.C.; approve Contract No. K-1011-42 and the performance, statutory, and maintenance bonds; authorize execution of the contract and the Norman Utilities Authority as part of the contract to pay subcontractors for equipment and supplies in an approximate amount of \$2,305,000 for the Wastewater Treatment Plant Energy and SCADA Improvements Project; direct the filing of the bonds; and appropriate \$889,611 from the Wastewater Fund Balance (032-0000-253.00-00) to Project No. WW0043, WWTP Aeration Basin Blower, Construction (032-9911-432.61-01), \$254,826, and Project No. WW0052, WWTP SCADA Improvements, Construction (032-9911-432.61-01), \$634,785.

ACTION TAKEN: _____

Attachments: Garver Bid Recommendation
 K-1011-42
 Performance B-1011-11
 Statutory B-1011-12
 MB-1011-6

- 12 **LL-1011-8** LIMITED LICENSE NO. LL-1011-8: LIMITED LICENSE TO PLACE FOUR (4) SIGNS WITHIN THE PUBLIC RIGHTS-OF-WAY PURSUANT TO A REQUEST FROM FIREHOUSE ART CENTER FOR THE CHOCOLATE FESTIVAL TO BE HELD ON FEBRUARY 5, 2011.

ACTION NEEDED: Motion to approve or reject Limited License No. LL-1011-8; and, if approved, direct the filing thereof.

ACTION TAKEN: _____

Attachments: Application from Firehouse Art Center
 Example of Sign
 LL-1011-8

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

ACTION NEEDED: Motion to approve or reject Special Claim No. SC-1011-5; and, if approved, direct payment in the amount of \$1,743.86 contingent upon obtaining a Release and Covenant Not to Sue from Southwestern Bell Telephone Company d/b/a AT&T Oklahoma.

ACTION TAKEN: _____

Attachments: Staff Memos
 ATT Tort Claim
 ATT Invoice

- 16 **K-1011-80,
CHG #1** CHANGE ORDER NO. ONE TO CONTRACT NO. K-1011-80: BY AND BETWEEN THE CITY OF NORMAN AND SCHAFFNER-VALOUCH CONTRACTOR, INC., INCREASING THE CONTRACT AMOUNT BY \$3,877 FOR THE MUNICIPAL BUILDING B LIGHTING REPLACEMENT PROJECT AND FINAL ACCEPTANCE OF THE CONTRACT.

ACTION NEEDED: Motion to approve or reject Change Order No. One to Contract No. K-1011-80 with Schaffner-Valouch Contractor, Inc., increasing the contract amount by \$3,877; and, if approved, authorize the execution thereof, accept the project, and direct final payment in the amount of \$8,428.50 to Schaffner-Valouch Contractor, Inc.

ACTION TAKEN: _____

Attachments: Change #1 Schaffner-Valouch
 PO Schaffner-Valouch

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

ACTION NEEDED: Acting as the Norman Utilities Authority, motion to adopt or reject Resolution No. R-1011-75.

ACTION TAKEN: _____

Attachments: R-1011-75

Non-Consent Items

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

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

ACTION TAKEN: _____

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

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

ACTION NEEDED: Motion to adopt or reject Ordinance No. ZO-0910-3 upon Second Reading section by section.

ACTION TAKEN: _____

ACTION NEEDED: Motion to adopt or reject Ordinance No. ZO-0910-3 upon Final Reading as a whole.

ACTION TAKEN: _____

- Attachments:** ZO-0910-3
 Location Map - Monnett
 Staff Report - Monnett Alley
 Site Plan - Monnett
 Staff memo
 Letter of request with description
 Radius map
 Non-Objection Letters
 11-18-10 PC Minutes - Khouri Alley
 Staff Report Requesting Postponement
 6-10-10 PC Minutes - Khouri Alley

Legislative History

6/10/10	Planning Commission	Postponed
11/18/10	Planning Commission	Recommended for Adoption at a subsequent City Council Meeting to the City Clerk Department
12/14/10	City Council	Introduced and adopted on First Reading by title only

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

ACTION NEEDED: Motion to adopt or reject Ordinance No. O-1011-26 upon Second Reading section by section.

ACTION TAKEN: _____

ACTION NEEDED: Motion to adopt or reject Ordinance No. O-1011-26 upon Final Reading as a whole.

ACTION TAKEN: _____

- Attachments:** O-1011-26
- Location Map - Grandview Estates
 - Staff Report - Grandview Estates
 - Staff Memo - Grandview
 - Letter of request, petition, radius map
 - Non-Objection Letters - Grandview
 - Letters of Support - Grandview
 - 11-18-10 PC Minutes - Grandview Easement

Legislative History

11/18/10	Planning Commission	Recommended for Adoption at a subsequent City Council Meeting to the City Clerk Department
12/14/10	City Council	Introduced and adopted on First Reading by title only

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

ACTION NEEDED: Motion to adopt or reject Resolution No. R-1011-66, Land Use Plan Amendment No. LUP-1011-4; and, if adopted, amend the NORMAN 2025 Land Use and Transportation Plan according thereto.

ACTION TAKEN: _____

Attachments: R-1011-66 - Jerry's LLC
 2025 Map - 316-322 E Daws
 Staff Report - Van's 2025
 11-18-10 PC Minutes - Jerry's LLC

Legislative History

11/18/10	Planning Commission	Recommended for Adoption at a subsequent City Council Meeting to the City Clerk Department
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22 O-1011-25 ORDINANCE NO. O-1011-25: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 460 OF CHAPTER 22 OF THE CODE OF THE CITY OF NORMAN SO AS TO PLACE LOTS 21-24, BLOCK 20 OF ORIGINAL TOWN OF NORMAN, CLEVELAND COUNTY, OKLAHOMA, IN THE C-2, GENERAL COMMERCIAL DISTRICT, AND REMOVE THE SAME FROM THE R-3, MULTI-FAMILY DWELLING DISTRICT, OF SAID CITY; AND PROVIDING FOR THE SEVERABILITY THEREOF. (316 AND 322 EAST DAWS STREET)

ACTION NEEDED: Motion to adopt or reject Ordinance No. O-1011-25 upon Second Reading section by section.

ACTION TAKEN: _____

ACTION NEEDED: Motion to adopt or reject Ordinance No. O-1011-25 upon Final Reading as a whole.

ACTION TAKEN: _____

- Attachments:** O-1011-25
 Site Plan - Van's Pig Stand
 Location Map - 316-322 E Daws
 Staff Report - Van's Rezoning
 11-18-10 PC Minutes - Jerry's LLC

Legislative History

11/18/10	Planning Commission	Recommended for Adoption at a subsequent City Council Meeting to the City Clerk Department
12/14/10	City Council	Introduced and adopted on First Reading by title only

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

ACTION NEEDED: Motion to adopt or reject Ordinance No. O-1011-23 upon Second Reading section by section.

ACTION TAKEN: _____

ACTION NEEDED: Motion to adopt or reject Ordinance No. O-1011-23 upon Final Reading as a whole.

ACTION TAKEN: _____

- Attachments:** O-1011-23 Clean
 O-1011-23 Annotated
 11-18-10 PC Minutes - Greenbelt Ords
 August 17 2010 SS Minutes

Legislative History

11/18/10	Planning Commission	Recommended for Adoption at a subsequent City Council Meeting to the City Clerk Department
12/14/10	City Council	Introduced and adopted on First Reading by title only

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

ACTION NEEDED: Motion to adopt or reject Ordinance No. O-1011-24 upon Second Reading section by section.

ACTION TAKEN: _____

ACTION NEEDED: Motion to adopt or reject Ordinance No. O-1011-24 upon Final Reading as a whole/

ACTION TAKEN: _____

Attachments: O-1011-24 Clean
 O-1011-24 Annotated
 11-18-10 PC Minutes - Greenbelt Ords
 August 17 2010 SS Minutes

Legislative History

11/18/10	Planning Commission	Recommended for Adoption at a subsequent City Council Meeting to the City Clerk Department
12/14/10	City Council	Introduced and adopted on First Reading by title only

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

ACTION NEEDED: Motion to adopt or reject Ordinance No. O-1011-31 upon Second Reading section by section.

ACTION TAKEN: _____

ACTION NEEDED: Motion to adopt or reject Ordinance No. O-1011-31 upon Final Reading as a whole.

ACTION TAKEN: _____

Attachments: [O-1011-31 Clean.pdf](#)
 [O-1011-31 Annotated.pdf](#)
 [November 16 Study Session minutes](#)

Legislative History

12/14/10	City Council	Introduced and adopted on First Reading by title only
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26 O-1011-32 ORDINANCE NO. O-1011-32: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AUTHORIZING THE CALLING AND HOLDING OF A SPECIAL ELECTION IN THE CITY OF NORMAN, COUNTY OF CLEVELAND, STATE OF OKLAHOMA, ON THE 1ST DAY OF MARCH, 2011, FOR THE PURPOSE OF SUBMITTING TO THE REGISTERED VOTERS OF THE CITY OF NORMAN AMENDMENTS TO ARTICLE II, SECTION 2 OF THE CHARTER OF THE CITY OF NORMAN WHICH RELATES TO MAYORAL AND COUNCIL CANDIDATE QUALIFICATIONS; ARTICLE VIII, SECTION 2 OF THE CHARTER OF THE CITY OF NORMAN WHICH RELATES TO THE USE OF CERTAIN PARK LAND FEES; ARTICLE IX, SECTIONS 2, 3, 4 AND 5, OF THE CHARTER OF THE CITY OF NORMAN WHICH RELATES TO THE CITY OF NORMAN’S INVOLVEMENT WITH THE NORMAN REGIONAL HEALTH SYSTEM; AND PROVIDING FOR THE SEVERABILITY THEREOF.

ACTION NEEDED: Motion to adopt or reject Ordinance No. O-1011-32 upon Second Reading section by section.

ACTION TAKEN: _____

ACTION NEEDED: Motion to adopt or reject Ordinance No. O-1011-32 upon Final Reading as a whole/

ACTION TAKEN: _____

- Attachments:** [O-1011-32 Calling Election.pdf](#)
 [Proclamation Notice.pdf](#)
 [November 16 Study Session minutes](#)

Legislative History

12/14/10	City Council	Introduced and adopted on First Reading by title only
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27 **R-1011-73** RESOLUTION NO. R-1011-73: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, GIVING THE SECRETARY OF THE CLEVELAND COUNTY ELECTION BOARD NOTICE OF A SPECIAL ELECTION TO BE HELD ON MARCH 1, 2011, REGARDING PROPOSED CHARTER AMENDMENTS.

ACTION NEEDED: Motion to adopt or reject Resolution No. R-1011-73.

ACTION TAKEN: _____

Attachments: R-1011-73 Notice of Special Election
 O-1011-32

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

ACTION NEEDED: Motion to adopt or reject Ordinance No. O-1011-37 upon Second Reading section by section.

ACTION TAKEN: _____

ACTION NEEDED: Motion to adopt or reject Ordinance No. O-1011-37 upon Final Reading as a whole.

ACTION TAKEN: _____

Attachments: O-1011-37 Sanitation Rates-Annotated
 O-1011-37 Sanitation Rates-Clean
 December 7 SS Minutes

Legislative History

12/14/10 City Council Introduced and adopted on First Reading by title only

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

ACTION NEEDED: Motion to adopt or reject Ordinance No. O-1011-38 upon Second Reading section by section.

ACTION TAKEN: _____

ACTION NEEDED: Motion to adopt or reject Ordinance No. O-1011-38 upon Final Reading as a whole.

ACTION TAKEN: _____

- Attachments: [O-1011-38 Special Election-Sanitation](#)
- [Proc-Notice Amend Sanitation- Special Election](#)
- [December 7 SS Minutes](#)

Legislative History

12/14/10 City Council Introduced and adopted on First Reading by title only

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

ACTION NEEDED: Motion to adopt or reject Resolution No. R-1011-76.

ACTION TAKEN: _____

Attachments: R-1011-76 Notice of Special Election
 O-1011-38

- 31 **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.

- 32 **Adjournment**



**CITY COUNCIL AGENDA
DECEMBER 28, 2010**

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

**Item No. 3
Test File Number: TMP-117**

Introduced: 12/21/2010

Version: 1

Title

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

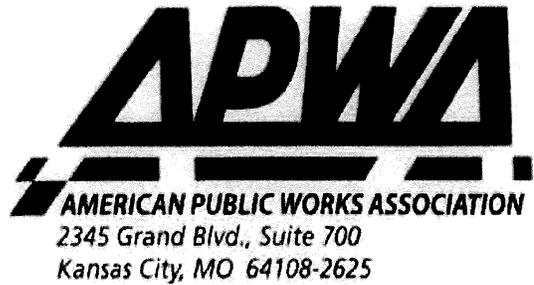
Current Status: Awards & Presentations

Matter Type: Award

FOR IMMEDIATE RELEASE:

December 16, 2010

CONTACT: Laura Bynum,
APWA Media Relations/Communications Manager
P: 202.218.6736, lbynum@apwa.net



APWA Awards Norman Public Works Team First Accreditation in Oklahoma

KANSAS CITY, Mo. – The City of Norman, Oklahoma’s Public Works Department, Utilities Department, and Parks and Recreations Department were recently awarded the prestigious American Public Works Association (APWA) Accreditation, which is the first APWA Accreditation award in Oklahoma, and the 64th agency in the U. S. to achieve the award. APWA President George R. Crombie will present the award to the Public Works Team Directors from the three departments with the Accreditation plaque during the City Council Meeting at 6:30 p.m. on December 28, 2010.

“The departments that make up Norman’s public works team are to be congratulated on earning this Accreditation,” said Ann Daniels, Director of Credentialing for APWA. “The staff is to be applauded for their perseverance and dedication to improving their organization. They proved that an important part of the local city government, the public works, and the people of the city, can work together to attain the highest level of achievement,” she said.

“Receiving this Accreditation award as the first agency in Oklahoma to achieve this status is proof that our City Council and staff are working together to be leaders in what we do. APWA’s Accreditation is a very important milestone, and I’d like to thank all the directors and staff for their efforts to make this a reality,” said Public Works Director Shawn O’Leary.

The full Public Works team in Norman is composed of several different departments. They are:

- Public Works Department,
- Utilities Department,
- Parks and Recreation Department.

The APWA Accreditation program recognizes public works agencies that go beyond the requirements of the management practices established nationally in the public works industry. On a daily basis, accredited agencies meet or exceed standards of performance in areas such as water, solid waste management, street/sewer repair and maintenance, engineering, building maintenance, storm water drainage, traffic safety, environmental services and vehicle maintenance. “I’m extremely proud of every employee who contributed toward achieving this goal,” said Norman Training and Development Manager Jackie Crumrine, who serves as the Norman Accreditation Manager. “From start to finish, the staff of all three departments displayed professional expertise and persistence throughout all the steps accomplished for this prestigious APWA Accreditation.”

FOR IMMEDIATE RELEASE

In order to attain the Accreditation award, Norman's Public Works team had to successfully complete a thorough evaluation of operations during a October 6-8, 2010 site visit by a team of public works professionals from Illinois, Florida, and Texas. "It's exciting to complete the detailed review of an agency's policies and procedures, and then recommend them for the Accreditation," said Daniels. "Norman's Public Works Team is to be highly commended for being the first agency in Oklahoma to showcase their excellent commitment to improving operations and to enhance their internal performance, assuring their community they meet or exceed national standards."

City Manager Steve Lewis commented "Accreditation is not a destination; it is part of a continuous improvement process. It is the mark of professionalism that indicates that a public works agency is well managed, complies with recommended practices, and is dedicated to continuous improvement."

For more information on the APWA Accreditation, please contact APWA Director of Credentialing Ann Daniels at adaniels@apwa.net. For APWA Media queries, please contact Laura Bynum, Media Relations and Communications Manager at lbynum@apwa.net, or by phone at 202.218.6736.

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About APWA

The American Public Works Association (www.apwa.net) is a not-for-profit, international organization of more than 29,500 members involved in the field of public works. APWA serves its members by promoting professional excellence and public awareness through education, advocacy and the exchange of knowledge. APWA is headquartered in Kansas City, Missouri, has an office in Washington, D.C. and 64 chapters in North America.



**CITY COUNCIL AGENDA
DECEMBER 28, 2010**

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

Item No. 5

File Number: GID-1011-7

Introduced: 12/13/2010 by Brenda Hall, City Clerk

Current Status: Consent Item

Version: 1

Matter Type: Minutes

Title

CONSIDERATION OF APPROVAL OF THE MINUTES AS FOLLOWS:

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

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: _____

FINANCE COMMITTEE MINUTES

November 17, 2010

The City Council Finance Committee of the City of Norman, Cleveland County, State of Oklahoma, met at 5:30 p.m. in the Municipal Building Study Session Room on the 17th day of November 2010, and notice and agenda of the meeting were posted in the Municipal Building at 201 West Gray and the Norman Public Library at 225 North Webster 48 hours prior to the beginning of the meeting.

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

ABSENT: None

OTHERS PRESENT: Al Atkins, Council Member
Jim Griffith, Council Member
Steve Lewis, City Manager
Anthony Francisco, Finance Director
Clint Mercer, Chief Accountant
Ken Komiske, Utilities Director
Mark Daniels, Utilities Engineer
Chris Mattingly, Utilities Superintendent
Bryan Hapke, Utilities Supervisor

DISCUSSION REGARDING OKLAHOMA CITY EMERGENCY WATER PURCHASING ARRANGEMENT

Bryan Hapke, Utilities Supervisor, reviewed report with the Committee members, City of Norman 2010 Water Production Costs prepared by the Utilities Department.

- City of Norman produces water cheaper than purchase cost of Oklahoma City water
- Highlights of report:
 - Non-water production costs
 - Capital Projects costs
 - Capital cost per thousand gallons
 - Oklahoma City Water rates
 - Fixed and variable costs for water production
 - Impact of Oklahoma City water – City of Norman will produce less
 - How costs vary with water production
 - Because of cost interactions, City needs to look at overall costs when analyzing alternatives
 - Oklahoma City Water Rates
 - Take or Pay – City must commit to 15% usage of the historic peak month (an average of 0.38 MGD)

- Service Availability – City must commit to usage of 90% of historic peak month (about 2.2 MGD minimum)
- Demand – City would not have to commit to water usage per month – if not water is used, will be charged monthly meter cost of \$966.60
- Higher peak month usage increases commitment for future months usage
- Cost Model spreadsheet has been developed to illustrate impact of different factors on water production costs
- Best use of City water wells is to buy water from Oklahoma City when needed but City should produce water during peak periods

Items submitted for the record

1. City of Norman 2010 Water Production Costs, prepared by Utilities Department

DISCUSSION OF NEW GOVERNMENTAL ACCOUNTING STANDARD (GASB Statement No. 54) Classification of Fund Balance

Anthony Francisco, Finance Department, and Clint Mercer, Chief Accountant, made the presentation. Mr. Francisco told the Committee the City of Norman is more ready and prepared than most city governments to use the new GASB Statement No. 54. Highlights of the report covered:

- Highlights of the report:
- Who is the GASB – background and history of organization
- GASB Standard No. 54 was issued in February 2009 and becomes effective for financial statements for periods beginning after June 15, 2010 (FYE 2011).
- Non-spendable Fund Balance – portion of net resources that cannot be spent because of their form
- Restricted Fund Balance – limitations imposed by various outside sources and those by City laws, rules and regulations
- Committed Fund Balance – self-imposed limitation set in place prior to the end of the reporting period that required highest level of decision making that also requires formal action at the same level to remove commitment
- Assigned Fund Balance – intended use established by highest level of decision making; or established by body designated for that purpose; or established by official designated for that purpose. Less formality needed than “committed” category
- Unassigned Fund Balance – available for any purpose and reported only in the General Fund (except in the case of negative fund balance)
- Minimum Fund Balance Policies – if a government body has formally adopted a minimum fund balance policy, the government should describe in the notes to its financial statement
- Encumbrances – should not be displayed separately within the restricted, committed, and assigned categories
- GASB Statement No. 54 – Fund Type Definitions:
 - Special revenue – funds must have a real revenue source (not a transfer)
 - Capital projects – modified only slightly (removed “facilities” wording)

- Debt service – same as capital projects (removed “legally mandated” wording)
- GASB No. 54 effective for FYE 2011 reporting period
- Cubberley – look at financial policies and possibly write ordinances to protect funds that are used for specific purposes – especially self-insurance funds.

Items submitted for the record

1. GASB Statement No. 54 – Fund Balance Reporting and Governmental Fund Type Definitions, prepared by Accounting Division

DISCUSSION REGARDING FYE 12 BUDGET CALENDAR PROCESS

Committee in agreement with FYE 12 budget calendar. Will discuss further in December Finance Committee meeting

DISCUSSION REGARDING POLICY FOR FUNDING NON-PROFIT AGENCIES IN FYE 12

- We need to let the non-profits know as soon as possible what to expect in FYE 2012.
- Need to decide what is realistic for the City’s budget.
- All these services deal with people.
- Look for groups that have an income string of their own.
- Must decide what is important to keep.
- Avoid duplication when possible.
- Should we support the Arts?
- Should we be paying utilities for some of the groups?
- One suggestion has been that the City gets rid of these buildings.
- Arts are primarily funded by Room Tax Fund.
- Will discuss further at the December Finance Committee meeting.

DISCUSSION REGARDING THE REVENUE / EXPENDITURE REPORT

- Sales tax collections were up 1% which is still minus 9% from previous year
- Almost breaking even in General Fund - still down from 2 years ago
- Why are residential sanitation collections down?

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 October 31, 2010

DISCUSSION REGARDING REPORT ON OPEN POSITIONS

- 27 positions open and on hold now

Items submitted for the record

1. City of Norman/Human Resources Department Recruitment and Selection Report dated November 8, 2010

The meeting adjourned.

ATTEST:

City Clerk

Mayor

FINANCE COMMITTEE MINUTES

December 1, 2010

The City Council Finance Committee of the City of Norman, Cleveland County, State of Oklahoma, met in Special Called meeting at 5:30 p.m. in the Municipal Building Study Session Room on the 1st day of December 2010, and notice and agenda of the meeting were posted in the Municipal Building at 201 West Gray and the Norman Public Library at 225 North Webster 48 hours prior to the beginning of the meeting.

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

ABSENT: None

OTHERS PRESENT: Cindy Rosenthal, Mayor
Al Atkins, Council Member
Jim Griffith, Council Member
Steve Lewis, City Manager
Anthony Francisco, Finance Director
Suzanne Krohmer, Budget Manager
Clint Mercer, Chief Accountant
Ken Komiske, Utilities Director
Mark Daniels, Utilities Engineer
Scottie Williams, Utilities Superintendent
Roger Gallagher, Citizen
Andrew Knittle, Norman Transcript

DISCUSSION REGARDING SANITATION FUND

- Possible March 2011 election
- Update, rate possibilities to sustain services and what we have to cut out if we don't pursue rate increase or if rate increase fails again
- 1st reading would have to be December 14 to have a March election – with 2nd reading December 28
- Sanitation received phone calls as result of change in yard waste pickup schedule
- 1 - Current scenario of sanitation services
- 2 - Revised scenario (more realistic" view) - increase in salaries and benefits, increase internal services and increase cost allocations - \$454,224 fund balance – FYE 11 estimate
- 3 - Scenario with cuts (reduced yard waste, and spring cleanup eliminated, eliminates replacement of 2 trucks, and postpones container yard repair project (\$400,000). Increase fund balance to \$1,078,545
- 4 - Rate scenario: Puts \$400,000 container maintenance facility back in year 2012
 - 2012 - \$1.00 increase
 - 2013 - \$.75 increase

- 2014 - \$.75 increase
- Add personnel in 2012 and 2013 (\$60,000)
- With some cuts in Scenario 3
- 5 – Rate increase of \$2 in 2012 (1 year increase) as opposed to graduated increases
- 6 – 2012 - \$.95 increase; 2013 - \$.75 increase; 2014 - \$.80 increase
- Rosenthal – Reduce/eliminate alleyway pickups and keep yard waste cuts – only restore spring cleanup – keep efficiencies
- Cubberley – address negative reserves in rate structure
- Ezzell – ask for a rate that is adequate
- Alternative to fall/spring cleanups – buy 1 grating loader/boom truck (approximately \$140,000) and schedule 2 free cleanups each year
- Eliminate bulk pickup every other Saturday
- Council likes year round service instead of fall/spring cleanups – have during week rather than weekends - boom truck with 2 operators for year round pickup
- Look at year round pickup instead of spring/fall cleanup – hire 2 people and include capital costs
- Ezzell – dislikes graduated rate, wants one-time increase
- Cubberley – concerned about recycling contract ending (rates will go up)
- Rosenthal – inequities – volume based concerns (complaints – 1 coupon for cleanup, and charge for second one)
- Cubberley – go to more “on demand service”
- Cubberley – does not want a “rate promise” past recycling contract deadline
- Look at 2 year rate only – graduated rate
- Build in boom truck and 2 employees
- Want sufficient fund balance – shrink deficit to \$300,000
- Make it possible we could purchase a replacement truck
- Restore maintenance repair project – OSHA requirements
- Advantages/disadvantages of maintenance repair contracted out vs. in-house costs
- Discuss in Study Session next week – alleyway collection and rate recommendation

Items submitted for the record

1. Fund Summary – Sanitation Fund 33, prepared by Ken Komiske, Utilities Department

The meeting adjourned at 7:26 p.m.

ATTEST:

City Clerk

Mayor

COUNCIL CONFERENCE MINUTES

December 14, 2010

The City Council of the City of Norman, Cleveland County, State of Oklahoma, met in a conference at 5:30 p.m. in the Municipal Building Conference Room on the 14th day of December, 2010, and notice and agenda of the meeting were posted at the Municipal Building at 201 West Gray, and the Norman Public Library at 225 North Webster 48 hours prior to the beginning of the meeting.

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

ABSENT: Councilmember Ezzell

DISCUSSION REGARDING ADOPTION OF AN ORDINANCE AMENDING THE REGULATIONS FOR A FLASHING YELLOW ARROW TRAFFIC SIGNAL INDICATION FOR LEFT TURN DISPLAYS.

Mr. Shawn O'Leary, Director of Public Works, said the City Council Transportation Committee reviewed the regulations for a flashing yellow arrow traffic signal for a left turn on October 28, 2010, and directed Staff to present the information to Council in a study session. He said the latest Manual on Uniform Traffic Control Devices (MUTCD), the national standards of practice utilized throughout the country, recommends that cities begin using flashing yellow arrows for left turns. He said the system to use flashing yellow arrows has been studied for nearly twenty years and was put into use in various cities around ten years ago. He said there are two traffic signal projects currently under construction where the yellow flashing arrow signalization could be installed at no cost to the City since they are federally funded. He said if Council approves the changes, the City of Norman would be the first city in Oklahoma to implement the national standard change.

Mr. David Riesland, Assistant Traffic Engineer, highlighted the current standards in Norman as follows:

- Permissive only phasing – traffic is permitted to turn only on a green ball – there are no left turn arrows provided
- Protected only phasing – traffic is allowed to turn only when a green arrow is visible – there are no left turns allowed on the green ball
- Protected/Permissive phasing – traffic turning left will be both a green arrow and a green ball at some time during the signal cycle

Mr. Riesland said permissive only phasing is the most common form of left turn treatment and is used in locations where volumes and operating speeds are low. Protected only phasing is used most often at locations that have a higher speed, higher volumes of traffic or where sight distance limitations may create vision problems for left turning vehicles. Protected/Permissive phasing (PPLT) is used when speeds are low enough and when additional capacity is needed to clear the left turn traffic volumes. He said in the protected phase, left turning traffic is protected from oncoming traffic in the protected interval during which the green arrow indication is displayed and the permissive phase displays a circular green indication and left turn movements are made after drivers yield to oncoming traffic and pedestrians. Mr. Riesland said advantages to PPLT phasing advantages are better mobility, improved traffic capacity, and less traffic delay while disadvantages include higher traffic collision rates, reduced signal phasing flexibility, and the yellow trap.

Mr. Riesland said, according to the National Cooperative Highway Research Program (NCHRP) Report findings, flashing yellow arrows (FYA) were found to be the best overall alternative to the circular green light as the permissive signal display for a left turn movement. The FYA was found to have a high level of understanding and correct response by left turn drivers and a lower fail critical rate than the circular green light. The FYA display, in a separate signal face for left turn movement, offers more versatility in field application as it is capable of being operated in any of the various modes of left turn operation by time of day and easily programmed to avoid the "yellow trap" associated with some permissive turns at the end of the circular green display.

Mr. Riesland said Norman currently has 77 signalized intersections utilizing a five section signal head for left and/or right turns and 30 of those 77 intersections are controlled with a controller that is capable of displaying a FYA. He said these controllers can be converted to the FYA display at high traffic collision intersections and corridor treatments for consistency. Future controller orders would target those intersections with incompatible controllers and five section left turn signal heads and future traffic signal projects would include FYA displays.

Mr. Riesland said a standard five section traffic signal head costs \$685 and it would cost approximately \$545 to upgrade a single four head traffic signal and up to \$2,180 to install a new signal head. He said the City has a regular Controller Replacement Program to replace obsolete equipment and Staff would target those intersections with incompatible controllers and five section left turn signal heads or shift some five section heads to other intersections to allow more conversions to save money.

Mr. Riesland said the City Council would need to approve an amendment to Section 20-1106, Traffic Control Signals: Flashing Lights and Staff would be educating the public by placing information in utility bills, news releases, and installing special signs next to the signal heads. He presented a draft ordinance, an example of the informational brochure, and a picture of the FYA sign currently used in Fort Smith, Arkansas.

Councilmember Atkins asked how the large non-resident population, such as university students, would be educated and Mr. O'Leary said Staff would need to work with the university to get educational materials to students. Councilmember Atkins asked if there have been any discussions with the Department of Public Safety (DPS) about adding this information into the driver's license manual and Mr. Riesland said the subject had been raised in a meeting with the Oklahoma Department of Transportation (ODOT) as something that needs to be pursued.

Councilmember Dillingham asked what the timetable was for the first implementation and Mr. O'Leary said the first opportunity to implement the signal would be at 36th Avenue N.W. and Rock Creek Road in late January or early February of 2011 and 24th Avenue N.W. and Rock Creek Road could be installed in June.

Councilmember Kovach said in addition to having benefits in reducing accidents, he felt it would be cost saving to implement the program with current construction projects before the federal government requires it and asked if that was why Staff was pushing the ordinance forward and Mr. O'Leary said yes. He said Staff is also considering submitting the concept as a safety project for ACOG funding in 2011 to upgrade all the traffic signals. Councilmember Quinn said the before and after statistics adds to the potential good of the FYA from a safety standpoint. Councilmember Dillingham asked if the federal government has ever reversed a regulation they have adopted into the MUTCD and Mr. Riesland said no. Mr. O'Leary said the government is very cautious about changing traffic standards in the MUTCD since it is used nationwide.

Mayor Rosenthal asked if the City had reviewed what it would cost if the City paid for the changes as opposed to using grant funds. She said that information would be helpful when looking at the capital budget to weigh the whole program against other capital projects.

Councilmember Kovach felt that implementing the three projects discussed, gives the City an opportunity to see how the program would work with the public before upgrading traffic signals throughout Norman. Councilmember Atkins asked if there was any training law enforcement would need in dealing with the changes and Mr. O'Leary said Staff has collaborated closely with the Norman Police Department as well as the County Sheriff's Department.

Mayor Rosenthal asked Staff to move forward with the ordinance in order to implement the program at the three selected intersections. She asked that Staff report to Council the status of the ACOG grants and Council will review the full signal program when they work on the capital budget.

Items submitted for the record

1. Memorandum dated December 8, 2010, from David Riesland, P.E., Assistant Traffic Engineer, to Honorable Mayor and City Councilmembers
2. PowerPoint presentation entitled, "Flashing Yellow Arrow for Left Turn Displays," City Council Conference, December 14, 2010
3. Draft Ordinance
4. Draft legislatively notated ordinance

The meeting adjourned at 6:00 p.m.

ATTEST:

City Clerk

Mayor

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

December 14, 2010

The City Council of the City of Norman, Cleveland County, State of Oklahoma, met in Regular Session in the Council Chambers of the Norman Municipal Building on the 14th day of December, 2010, at 6:30 p.m., and notice and agenda of the meeting were posted at the Municipal Building at 201 West Gray and at the Norman Public Library at 225 North Webster 24 hours prior to the beginning of the meeting.

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

ABSENT: None

The Pledge of Allegiance was led by Mayor Rosenthal.

* * * *

Item 3, being:

RESOLUTION NO. R-1011-68: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, IN CONJUNCTION WITH THE NORMAN HUMAN RIGHTS COMMISSION, AWARDING THE 2010 CITY OF NORMAN HUMAN RIGHTS AWARD.

Councilmember Kovach moved that Resolution No. R-1011-68 be adopted, which motion was duly seconded by Councilmember Atkins;

Items submitted for the record

1. Text File No. R-1011-68 dated November 23, 2010, by Carol Coles, Administrative Assistant
2. Resolution No. R-1011-68
3. Memorandum dated November 3, 2010, from Phil Cotten, Chief of Police, to Norman Human Rights Commission

Participants in discussion

1. Ms. Charlotte Gordon, Human Rights Commission member, presented the Human Rights Award
2. Ms. Sherryl Shackelford, widow of Booker D. Shackelford, accepted the resolution and thanked the Council
3. Pastor Sheila Lewis thanked the Council
4. Mr. Roger Gallagher, 1522 East Boyd Street, made comments

and the question being upon adopting Resolution No. R-1011-68, 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-1011-68 was adopted.

* * * * *

Item 4, being:

CONSENT DOCKET

Councilmember Kovach moved that Item 5 through Item 30 be placed on the consent docket by unanimous vote, which motion was duly seconded by Councilmember Cubberley; and the question being upon the placement on the consent docket by unanimous vote of Item 5 through Item 30, a vote was taken with the following result:

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

The Mayor declared the motion carried and Item 5 through Item 30 were placed on the consent docket by unanimous vote.

* * * * *

Item 5, being:

CONSIDERATION OF APPROVAL OF THE MINUTES AS FOLLOWS:

- CITY COUNCIL CONFERENCE MINUTES OF NOVEMBER 9, 2010
- CITY COUNCIL PLANNING AND COMMUNITY DEVELOPMENT MINUTES OF NOVEMBER 12, 2010
- CITY COUNCIL STUDY SESSION MINUTES OF NOVEMBER 16, 2010
- CITY COUNCIL BUDGET RETREAT MINUTES OF NOVEMBER 16, 2010
- CITY COUNCIL SPECIAL SESSION MINUTES OF NOVEMBER 16, 2010
- CITY COUNCIL CONFERENCE MINUTES OF NOVEMBER 23, 2010
- CITY COUNCIL MINUTES OF NOVEMBER 23, 2010
- NORMAN UTILITIES AUTHORITY MINUTES OF NOVEMBER 23, 2010
- NORMAN MUNICIPAL AUTHORITY MINUTES OF NOVEMBER 23, 2010
- NORMAN TAX INCREMENT FINANCE AUTHORITY MINUTES OF NOVEMBER 23, 2010
- CITY COUNCIL SPECIAL SESSION MINUTES OF NOVEMBER 30, 2010
- CITY COUNCIL OVERSIGHT MINUTES OF DECEMBER 1, 2010

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

Items submitted for the record

1. City Council Conference minutes of November 9, 2010
2. City Council Planning and Community Development minutes of November 12, 2010
3. City Council Study Session minutes of November 16, 2010
4. City Council Budget Retreat minutes of November 16, 2010
5. City Council Special Session minutes of November 16, 2010
6. City Council Conference minutes of November 23, 2010
7. City Council minutes of November 23, 2010
8. Norman Utilities Authority minutes of November 23, 2010
9. Norman Municipal Authority minutes of November 23, 2010
10. Norman Tax Increment Finance Authority minutes of November 23, 2010
11. City Council Special Session minutes of November 30, 2010
12. City Council Oversight minutes of December 1, 2010

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

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

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

* * * * *

Item 6, being:

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

Councilmember Kovach moved that Ordinance No. ZO-0910-3 be Introduced and adopted upon First Reading by Title, which motion was duly seconded by Councilmember Cubberley;

Items submitted for the record

1. Text File No. ZO-0910-3 dated May 18, 2010, by Doug Koscinski, Current Planning Manager
2. Ordinance No. ZO-0910-3
3. Location map
4. Staff Report dated November 18, 2010, recommending approval
5. Site plan
6. Memorandum dated May 6, 2010, from Brenda Hall, City Clerk, to Doug Koscinski, Planning Manager; Jeff Bryant, City Attorney; Ken Komiske, Director of Utilities; and Ken Danner, Development Coordinator
7. Letter of request filed May 6, 2010, from Robert P. Hendrick, Khouri & Jazzar Properties, L.L.C., to Ms. Brenda Hall, City Clerk, with proposed lot line adjustment survey and legal descriptions
8. Radius map
9. Letter dated October 26, 2010, from Henry Bluejacket, ONEOK Real Estate Services, Oklahoma Natural Gas, a Division of ONEOK, to Mr. Ken Danner, Development Coordinator
10. Letter dated June 3, 2010, from Timothy J. Bailey, Right-of-Way Agent, OG&E Electric Services, to Ken Danner, Development Coordinator
11. Pertinent excerpts from Planning Commission minutes of November 18, 2010
12. Staff Report dated June 3, 2010, from Doug Koscinski, AICP, Manager, Current Planning Division, to Chairman and Members, Norman Planning Commission
13. Pertinent excerpts from Planning Commission minutes of June 10, 2010

and the question being upon the Introduction and adoption of Ordinance No. ZO-0910-3 upon First Reading by title, a vote was taken with the following result:

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

NAYES: None

The Mayor declared the motion carried and Ordinance No. ZO-0910-3 was Introduced, read, and adopted upon First Reading by title.

* * * * *

Item 7, being:

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

Councilmember Kovach moved that Ordinance No. O-1011-23 be Introduced and adopted upon First Reading by Title, which motion was duly seconded by Councilmember Cubberley;

Items submitted for the record

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

Item 7, continued:

and the question being upon the Introduction and adoption of Ordinance No. O-1011-23 upon First Reading by title, a vote was taken with the following result:

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

NAYES: None

The Mayor declared the motion carried and Ordinance No. O-1011-23 was Introduced, read, and adopted upon First Reading by title.

* * * * *

Item 8, being:

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

Councilmember Kovach moved that Ordinance No. O-1011-24 be Introduced and adopted upon First Reading by Title, which motion was duly seconded by Councilmember Cubberley;

Items submitted for the record

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

and the question being upon the Introduction and adoption of Ordinance No. O-1011-24 upon First Reading by title, a vote was taken with the following result:

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

NAYES: None

The Mayor declared the motion carried and Ordinance No. O-1011-24 was Introduced, read, and adopted upon First Reading by title.

* * * * *

Item 9, being:

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

Councilmember Kovach moved that Ordinance No. O-1011-25 be Introduced and adopted upon First Reading by Title, which motion was duly seconded by Councilmember Cubberley;

Items submitted for the record

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

Item 9, continued:

and the question being upon the Introduction and adoption of Ordinance No. O-1011-25 upon First Reading by title, a vote was taken with the following result:

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

NAYES: None

The Mayor declared the motion carried and Ordinance No. O-1011-25 was Introduced, read, and adopted upon First Reading by title.

* * * * *

Item 10, being:

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

Councilmember Kovach moved that Ordinance No. O-1011-26 be Introduced and adopted upon First Reading by Title, which motion was duly seconded by Councilmember Cubberley;

Items submitted for the record

1. Text File No. O-1011-26 dated October 15, 2010, by Doug Koscinski, Current Planning Manager
2. Ordinance No. O-1011-26
3. Location map
4. Staff report dated November 18, 2010, recommending approval
5. Pertinent excerpts from Planning Commission minutes of November 18, 2010
6. Memorandum dated October 8, 2010, from Brenda Hall, City Clerk, to Jeff Bryant, City Attorney; Doug Koscinski, Current Planning Manager; Ken Danner, Development Coordinator; and Ken Komiske, Director of Utilities
7. Letter of request dated October 7, 2010, from Philip A. Schovanec, Moricoli & Schovanec, P.C., to Mrs. Brenda Hall, City Clerk
8. Petition for closure of public access easements with Exhibit A, legal description and radius map
9. E-mail dated November 2, 2010, from Thad Peterson, Supervisor of Engineering Services, Oklahoma Electric Cooperative, to Ken Danner
10. Letter dated October 27, 2010, from Randy Harrell, Team Leader, Oklahoma Natural Gas, a Division of ONEOK, to Ken Danner, Norman Planning Commission
11. Letter dated October 22, 2010, from Timothy J. Bailey, Right-of-Way Agent, OG&E Electric Services, to Ken Danner, Development Coordinator
12. Letter of support dated October 20, 2010, from Jack and Elaine Dake to Norman Planning Commission
13. Letter of support dated November 8, 2010, from William C. and Kay Woods to Norman Planning Commission
14. Pertinent excerpts from Planning Commission minutes of November 18, 2010

and the question being upon the Introduction and adoption of Ordinance No. O-1011-26 upon First Reading by title, a vote was taken with the following result:

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

NAYES: None

The Mayor declared the motion carried and Ordinance No. O-1011-26 was Introduced, read, and adopted upon First Reading by title.

* * * * *

Item 11, being:

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

Councilmember Kovach moved that Ordinance No. O-1011-31 be Introduced and adopted upon First Reading by Title, which motion was duly seconded by Councilmember Cubberley;

Items submitted for the record

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

and the question being upon the Introduction and adoption of Ordinance No. O-1011-31 upon First Reading by title, a vote was taken with the following result:

YEAS:	Councilmembers Atkins, Butler, Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal
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NAYES:	None
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The Mayor declared the motion carried and Ordinance No. O-1011-31 was Introduced, read, and adopted upon First Reading by title.

* * * * *

Item 12, being:

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

Councilmember Kovach moved that Ordinance No. O-1011-32 be Introduced and adopted upon First Reading by Title, which motion was duly seconded by Councilmember Cubberley;

Items submitted for the record

- 1. Text File No. O-1011-32 dated November 30, 2010, by Kathryn Walker, Assistant City Attorney
- 2. Ordinance No. O-1011-32
- 3. Special Election Proclamation and Notice of Election
- 4. City Council Study Session minutes of November 16, 2010

Item 12, continued:

and the question being upon the Introduction and adoption of Ordinance No. O-1011-32 upon First Reading by title, a vote was taken with the following result:

YEAS:	Councilmembers Atkins, Butler, Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal
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NAYES:	None
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The Mayor declared the motion carried and Ordinance No. O-1011-32 was Introduced, read, and adopted upon First Reading by title.

* * * * *

Item 13, being:

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

Councilmember Kovach moved that Ordinance No. O-1011-37 be Introduced and adopted upon First Reading by Title, which motion was duly seconded by Councilmember Cubberley;

Items submitted for the record

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

and the question being upon the Introduction and adoption of Ordinance No. O-1011-37 upon First Reading by title, a vote was taken with the following result:

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

* * * * *

Item 14, being:

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

Councilmember Kovach moved that Ordinance No. O-1011-38 be Introduced and adopted upon First Reading by Title, which motion was duly seconded by Councilmember Cubberley;

Items submitted for the record

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

and the question being upon the Introduction and adoption of Ordinance No. O-1011-38 upon First Reading by title, a vote was taken with the following result:

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

NAYES: None

The Mayor declared the motion carried and Ordinance No. O-1011-38 was Introduced, read, and adopted upon First Reading by title.

* * * * *

Item 15, being:

CONSIDERATION OF THE MAYOR'S APPOINTMENT AS FOLLOWS:

GREENBELT COMMISSION

TERM: 12-14-10 TO 07-13-12: ROBERT A. BRUCE, 5209 LYON DRIVE (WARD 3)

Councilmember Kovach moved that the appointment be confirmed, which motion was duly seconded by Councilmember Cubberley;

Items submitted for the record

1. Text File No. AP-1011-17 dated November 24, 2010

and the question being upon confirming the appointment, 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 appointment was confirmed.

* * * * *

Item 16, being:

CONSIDERATION OF THE NORMAN CONVENTION AND VISITORS BUREAU, INC., SEMI-ANNUAL REPORT ENDING JUNE 30, 2010.

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

Items submitted for the record

- 1. Text File No. RPT-1011-24 dated November 22, 2010
- 2. Norman Convention and Visitors Bureau Annual Report 2010

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

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

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Item 17, being:

CONSIDERATION AND AWARDED OF BID NO. 1011-45 FOR TIRE RETREADING SERVICES FOR THE FLEET MANAGEMENT DIVISION.

Councilmember Kovach moved that all bids meeting specifications be accepted and the bid be awarded to Southern Tire Mart as the lowest and best bidder meeting specifications, which motion was duly seconded by Councilmember Cubberley;

Items submitted for the record

- 1. Text File No. BID-1011-45 dated November 29, 2010, by Mike White, Fleet Superintendent
- 2. Bid tabulation for Tire Retread contract

Participants in discussion

- 1. Mr. Shawn O'Leary, Director of Public Works
- 2. Mr. Mike White, Fleet Superintendent

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

YEAS:	Councilmembers Atkins, Butler, Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal
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NAYES:	None
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The Mayor declared the motion carried and all bids meeting specifications accepted; and the bid was awarded to Southern Tire Mart as the lowest and best bidder meeting specifications.

* * * * *

Item 18, being:

SUBMISSION OF PERMIT NO. WL-000014100746 ISSUED BY THE STATE OF OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY (ODEQ) FOR THE CONSTRUCTION OF WATER LINE IMPROVEMENTS FOR THE HALL PARK WATER LINE REPLACEMENT PROJECT.

Councilmember Kovach moved that the permit be acknowledged and the filing thereof be directed, which motion was duly seconded by Councilmember Cubberley;

Items submitted for the record

1. Text File No. DEQ-WL000014100746 dated December 1, 2010, by Mark Daniels, Utilities Engineer
2. Letter of transmittal dated November 16, 2010, from Gordon Michael Taylor, E.I., and Rocky Chen, P.E., Construction Permit Section, Water Quality Division, State of Oklahoma Department of Environmental Quality, to Mr. Mark Daniels, P.E., Utility Engineer
3. State of Oklahoma Department of Environmental Quality Permit No. WL000014100746 dated November 16, 2010, Water Lines

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

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

* * * * *

Item 19, being:

CONSIDERATION OF ACCEPTANCE OF REIMBURSEMENT OF FUNDS IN THE AMOUNT OF \$772.55 FROM FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FOR WINTER STORM DAMAGE DURING JANUARY 2010.

Councilmember Kovach moved that reimbursement of funds in the amount of \$772.55 from FEMA for winter storm damage during January 2010 be accepted and FEMA Reimbursements (010-0000-334.13-28) be increased by \$772.55, which motion was duly seconded by Councilmember Cubberley;

Items submitted for the record

1. Text File No. OK-DR-1883-PW983 dated November 12, 2010, by James Fullingim, Fire Chief

and the question being upon accepting reimbursement of funds in the amount of \$772.55 from FEMA for winter storm damage during January 2010 and upon the subsequent increase, a vote was taken with the following result:

YEAS:	Councilmembers Atkins, Butler, Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal
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NAYES:	None
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The Mayor declared the motion carried and reimbursement of funds in the amount of \$772.55 from FEMA for winter storm damage during January 2010 accepted; and FEMA Reimbursements (010-0000-334.13-28) was increased by \$772.55.

* * * * *

Item 20, being:

CONSIDERATION OF ACCEPTANCE OF REIMBURSEMENT OF FUNDS IN THE AMOUNT OF \$9,547.22 FROM FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FOR TORNADO RELATED DAMAGE DURING MAY 2010 AND BUDGET APPROPRIATION.

Acting as the City Council and Norman Municipal Authority, Councilmember Kovach moved that reimbursement of funds in the amount of \$9,547.22 from FEMA for tornado related damage during May 2010 be accepted; FEMA Reimbursements (010-0000-334.13-28) be increased by \$9,547.22, and \$7,064.70 be appropriated to Plant and Operating Equipment/Refuse Receptacles (033-5562-432.51-08), which motion was duly seconded by Councilmember Cubberley;

Items submitted for the record

- 1. Text File No. OK-DR-1917-PW83-84 dated November 12, 2010, by James Fullingim, Fire Chief

and the question being upon accepting reimbursement of funds in the amount of \$9,547.22 from FEMA for tornado related damage during May 2010 and upon the subsequent increase and appropriation, 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 reimbursement of funds in the amount of \$9,547.22 from FEMA for tornado related damage during May 2010 accepted; FEMA Reimbursements (010-0000-334.13-28) was increased by \$9,547.22 and \$7,064.70 was appropriated to Plant and Operating Equipment/Refuse Receptacles (033-5562-432.51-08).

* * * * *

Item 21, being:

AMENDMENT NO. ONE TO CONTRACT NO. K-0910-48: BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND SMC CONSULTING ENGINEERS, P.C., INCREASING THE CONTRACT AMOUNT BY \$4,968 TO PROVIDE ADDITIONAL ENGINEERING SERVICES FOR THE DESIGN OF THE ROCK CREEK ROAD AND 24TH AVENUE N.W. AND LEGACY PARK DRIVE AND 24TH AVENUE N.W. INTERSECTION IMPROVEMENTS.

Councilmember Kovach moved that Amendment No. One to Contract No. K-0910-48 with SMC Consulting Engineers, P.C., increasing the contract amount by \$4,968 be approved and the execution thereof be authorized, which motion was duly seconded by Councilmember Cubberley;

Items submitted for the record

- 1. Text File No K-0910-48, Amendment No. One, dated November 30, 2010, by John Clink, Capital Projects Engineer
- 2. Amendment No. One to Contract No. K-0910-48
- 3. Purchase Requisition No. 0000179844 dated December 2, 2010, in the amount of \$4,968 to SMC Consulting Engineers, P.C.

and the question being upon approving Amendment No. One to Contract No. K-0910-48 with SMC Consulting Engineers, P.C., increasing the contract amount by \$4,968 and upon the subsequent authorization, a vote was taken with the following result:

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

NAYES: None

The Mayor declared the motion carried and Amendment No. One to Contract No. K-0910-48 with SMC Consulting Engineers, P.C., increasing the contract amount by \$4,968 approved; and the execution thereof was authorized.

* * * * *

Item 22, being:

AMENDMENT NO. ONE TO CONTRACT NO. K-0910-130: A REIMBURSEMENT AND ENCROACHMENT AGREEMENT BY AND BETWEEN THE CITY OF NORMAN AND CONOCOPHILLIPS PIPELINE COMPANY INCREASING THE CONTRACT AMOUNT BY \$11,130.96 FOR PROPERTY LOCATED ON THE WEST SIDE OF NORTH INTERSTATE DRIVE IN CONNECTION WITH THE ROCK CREEK ROAD OVERPASS PROJECT.

Councilmember Kovach moved that Amendment No. One to Contract No. K-0910-130 with ConocoPhillips Pipeline Company increasing the contract amount by \$11,130.96 be approved and the execution thereof be authorized, which motion was duly seconded by Councilmember Cubberley;

Items submitted for the record

- 1. Text File No K-0910-130, Amendment No. One, dated November 30, 2010, by John Clink, Capital Projects Engineer with Attachment, Summary Table
- 2. Amendment No. One to Contract No. K-0910-130
- 3. Purchase Requisition No. 0000179853 dated December 2, 2010, in the amount of \$11,130.96 to ConocoPhillips Pipeline Company

and the question being upon approving Amendment No. One to Contract No. K-0910-130 with ConocoPhillips Pipeline Company increasing the contract amount by \$11,130.96 and upon the subsequent authorization, a vote was taken with the following result:

YEAS:	Councilmembers Atkins, Butler, Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal
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NAYES:	None
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The Mayor declared the motion carried and Amendment No. One to Contract No. K-0910-130 with ConocoPhillips Pipeline Company increasing the contract amount by \$11,130.96 approved; and the execution thereof was authorized.

* * * * *

Item 23, being:

CONTRACT NO. K-1011-120: A CONTRACT BY AND BETWEEN THE CITY OF NORMAN AND TRAFFIC ENGINEERING CONSULTANTS, INC., IN THE AMOUNT OF \$28,000 TO PROVIDE ENGINEERING SERVICES FOR THE DEVELOPMENT OF TRAFFIC SIGNAL TIMING PLANS FOR THE BOYD STREET AND PORTER AVENUE/CLASSEN BOULEVARD TRAFFIC SIGNAL INTERCONNECT SYSTEMS.

Councilmember Kovach moved that Contract No. K-1011-120 with Traffic Engineering Consultants, Inc., in the amount of \$28,000 be approved and the execution thereof be authorized, which motion was duly seconded by Councilmember Cubberley;

Items submitted for the record

- 1. Text File No. K-1011-120 dated November 29, 2010, by Angelo Lombardo, Traffic Engineer
- 2. Contract No. K-1011-120 with Attachment A, Scope of Services
- 3. Purchase Requisition No. 0000178982 dated November 9, 2010, in the amount of \$28,000 to Traffic Engineering Consultants, Inc.

Participants in discussion

- 1. Mr. Shawn O'Leary, Director of Public Works

and the question being upon approving Contract No. K-1011-120 with Traffic Engineering Consultants, Inc., in the amount of \$28,000 and upon the subsequent authorization, a vote was taken with the following result:

YEAS:	Councilmembers Atkins, Butler, Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal
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NAYES:	None
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The Mayor declared the motion carried and Contract No. K-1011-120 with Traffic Engineering Consultants, Inc., in the amount of \$28,000 approved; and the execution thereof was authorized.

* * * * *

Item 24, being'

CONSIDERATION OF THE ACCEPTANCE OF A GRANT IN THE AMOUNT OF \$19,598 FROM THE STATE OF OKLAHOMA OFFICE OF HOMELAND SECURITY TO BE USED BY THE POLICE DEPARTMENT TO PURCHASE RADIO FREQUENCY SPECIFIC SOFTWARE THAT WILL ENABLE DIGITAL RADIO CHANNELS TO BECOME OPERATIONAL PROGRAM, APPROVAL OF CONTRACT NO. K-1011-124, AND BUDGET APPROPRIATION.

Councilmember Kovach moved that a grant in the amount of \$19,598 from the State of Oklahoma Office of Homeland Security to purchase radio frequency specific software be accepted; Contract No. K-1011-124 be approved; the execution of the contract be authorized; Special Revenue Fund/Homeland Security Grant (022-0000-331.13-52) be increased by \$19,598; and \$19,598 be appropriated to Telecommunications Equipment/Computer Software (022-6045-421.53-04), which motion was duly seconded by Councilmember Cubberley;

Items submitted for the record

1. Text File No. K-1011-124 dated November 19, 2010, by Jim Spearman, Grant Coordinator
2. Contract No. K-1011-124

and the question being upon accepting a grant in the amount of \$19,598 from the State of Oklahoma Office of Homeland Security to purchase radio frequency specific software and upon the subsequent approval, authorization, increase, and appropriation, 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 a grant in the amount of \$19,598 from the State of Oklahoma Office of Homeland Security to purchase radio frequency specific software accepted; Contract No. K 1011-124 was approved; the execution of the contract was authorized; Special Revenue Fund/Homeland Security Grant (022-0000-331.13-52) was increased by \$19,598; and \$19,598 was appropriated to Telecommunications Equipment/Computer Software (022-6045-421.53-04).

* * * * *

Item 25, being:

CONTRACT NO. K-1011-127: A CONTRACT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND REPUBLIC BANK TO SUBORDINATE A LIEN REGARDING FUNDS FROM THE HOME PARTNERSHIP PROGRAM FOR PROPERTY LOCATED AT 1418 AMHURST DRIVE.

Councilmember Kovach moved that Contract No. K-1011-127 with Republic Bank be approved and the execution thereof be authorized, which motion was duly seconded by Councilmember Cubberley;

Items submitted for the record

1. Text File No. K-1011-127 dated December 1, 2010, by Linda Price, Revitalization Manager
2. Contract No. K-1011-127

and the question being upon approving Contract No. K-1011-127 with Republic Bank and upon the subsequent authorization, a vote was taken with the following result:

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

NAYES: None

The Mayor declared the motion carried and Contract No. K-1011-127 with Republic Bank approved; and the execution thereof was authorized.

* * * * *

Item 26, being:

CONSIDERATION OF A RECOMMENDATION FROM THE CITY ATTORNEY THAT THE CITY COUNCIL APPROVE A SETTLEMENT OF LAMAR CENTRAL OUTDOOR ADVERTISING, L.L.C., VS. THE CITY OF NORMAN, CLEVELAND COUNTY DISTRICT COURT CASE NO. CJ-2009-2391-L IN THE AMOUNT OF \$57,200.

Councilmember Kovach moved that the City Attorney's recommendation be approved and the City Attorney's Office be authorized to effectuate the settlement in the amount of \$57,200 which motion was duly seconded by Councilmember Cubberley;

Items submitted for the record

- 1. Text File No. 2009-2391-L dated December 1, 2010, by Rick Knighton, Assistant City Attorney

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

YEAS:	Councilmembers Atkins, Butler, Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal
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NAYES:	None
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The Mayor declared the motion carried and the City Attorney's recommendation approved; and the City Attorney's Office was authorized to effectuate the settlement in the amount of \$57,200.

* * * * *

Item 27, being:

RESOLUTION NO. R-1011-60: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, APPROPRIATING \$4,874 FROM THE ART IN PUBLIC PLACES FUND BALANCE TO BE USED BY THE NORMAN ARTS COUNCIL AS OUTLINED IN ORDINANCE NO. O-0708-5.

Councilmember Kovach moved that Resolution No. R-1011-60 be adopted, which motion was duly seconded by Councilmember Cubberley;

Items submitted for the record

- 1. Text File No. R-1011-60 dated November 4, 2010, by Clint Mercer, Chief Accountant
- 2. Resolution No. R-1011-60
- 3. Norman Arts Council Summary of Revenue and Disbursements from October 1, 2007, through October 31, 2010

and the question being upon adopting Resolution No. R-1011-60, a vote was taken with the following result:

YEAS:	Councilmembers Atkins, Butler, Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal
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NAYES:	None
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The Mayor declared the motion carried and Resolution No. R-1011-60 was adopted.

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Item 28, being:

RESOLUTION NO. R 1011-67: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, GIVING THE SECRETARY OF THE CLEVELAND COUNTY ELECTION BOARD NOTICE OF MUNICIPAL AND MUNICIPAL RUNOFF ELECTIONS.

Councilmember Kovach moved that Resolution No. R-1011-67 be adopted, which motion was duly seconded by Councilmember Cubberley;

Items submitted for the record

1. Text File No. R-1011-67 dated November 22, 2010, by Brenda Hall, City Clerk
2. Resolution No. R-1011-67

and the question being upon adopting Resolution No. R-1011-67, 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-1011-67 was adopted.

* * * * *

Item 29, being:

RESOLUTION NO. R-1011-70: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA APPROPRIATING \$19,045 FROM THE ROOM TAX FUND BALANCE FOR THE NORMAN CONVENTION AND VISITOR'S BUREAU.

Councilmember Kovach moved that Resolution No. R-1011-70 be adopted, which motion was duly seconded by Councilmember Cubberley;

Items submitted for the record

1. Text File No. R-1011-70 dated November 24, 2010, by Clint Mercer, Chief Accountant
2. Resolution No. R-1011-70

Participants in discussion

1. Mr. Roger Gallagher, 1522 East Boyd Street, made comments
2. Mr. Anthony Francisco, Finance Director

and the question being upon adopting Resolution No. R-1011-70, 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-1011-70 was adopted.

* * * * *

Item 30, being:

RESOLUTION NO. R-1011-71: A RESOLUTION OF COUNCIL OF THE CITY OF NORMAN, OKLAHOMA APPROPRIATING \$41,228 FROM THE GENERAL FUND BALANCE AND \$20,682 FROM THE CAPITAL FUND BALANCE TO CLEAR NEGATIVE FYE 2010 EXPENDITURE BALANCES.

Councilmember Kovach moved that Resolution No. R-1011-71 be adopted, which motion was duly seconded by Councilmember Cubberley;

Items submitted for the record

1. Text File No. R-1011-71 dated November 29, 2010, by Suzanne Krohmer, Budget Manager
2. Resolution No. R-1011-71

Participants in discussion

1. Mr. Anthony Francisco, Finance Director

and the question being upon adopting Resolution No. R-1011-71, 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-1011-71 was adopted.

* * * * *

Item 31, being:

RESOLUTION NO. R-1011-45: 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-1011-2, SO AS TO PLACE A PORTION OF LOT 2, BLOCK 1 OF BEL-AIRE ADDITION, SECTION 4, NORMAN, CLEVELAND COUNTY, OKLAHOMA, IN THE COMMERCIAL DESIGNATION AND REMOVE THE SAME FROM THE OFFICE DESIGNATION FOR THE HEREINAFTER DESCRIBED PROPERTY. (GENERALLY LOCATED ONE-QUARTER MILE SOUTH OF ALAMEDA STREET ON THE WEST SIDE OF 12TH AVENUE S.E.)

Councilmember Ezzell moved that Resolution No. R-1011-45, Land Use Plan Amendment No. LUP-1011-2, be adopted and the NORMAN 2025 Land Use and Transportation Plan be amended according thereto, which motion was duly seconded by Councilmember Atkins;

Items submitted for the record

1. Text File No. R-1011-45 dated September 20, 2010, by Doug Koscinski, Current Planning Manager
2. Resolution No. R-1011-45, Land Use Plan Amendment No. LUP-1011-2
3. Location map
4. Staff Report dated October 14, 2010, recommending rejection of the request
5. Pertinent excerpts from Planning Commission minutes of October 14, 2010
6. Legislatively notated copy of Resolution No. R-1011-45 showing revisions of applicant

Participants in discussion

1. Mr. Harold Heiple, 218 East Eufaula Street, attorney representing the applicant
2. Mr. Shawn O'Leary, Director of Public Works
3. Ms. Susan Connors, Director of Planning and Community Development
4. Mr. Darrie Breathwit, 1012 Mockingbird Lane, protestant
5. Ms. Bonnie White, #3 Mockingbird Court, protestant
6. Mr. Jack Dawson, 1361 Creekside Drive, made comments
7. Mr. Ed Sasnett, #4 Mockingbird Court, protestant
8. Ms. Karen Diers, 200 12th Avenue S.E., protestant
9. Mr. Terry Shaw, 3605 Sun Valley Drive, made comments
10. Ms. Carolin Showers, 1005 Mockingbird Lane, protestant
11. Ms. Skye Diers, 3605 Sun Valley Drive, protestant
12. Mr. Mark Campbell, 2821 Dewey Avenue, asked questions
13. Mr. David Edwards, 1001 Mockingbird Lane, protestant

Item 31, continued:

and the question being upon adopting Resolution No. R-1011-45, Land Use Plan Amendment No. LUP-1011-2, and upon the subsequent amendment, a vote was taken with the following result:

YEAS: Councilmembers Butler, Cubberley,
Ezzell, Kovach, Quinn

NAYES: Councilmembers Atkins, Dillingham,
Griffith, Mayor Rosenthal

The Mayor declared the motion carried and Resolution No. R-1011-45, Land Use Plan Amendment No. LUP-1011-2, adopted; and the NORMAN 2025 Land Use and Transportation Plan was amended according thereto.

* * * * *

Item 32, being:

CONSIDERATION OF ADOPTING ORDINANCE NO. O-1011-15 UPON SECOND READING: 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 PLANNED UNIT DEVELOPMENT NARRATIVE APPROVED WITH ORDINANCE NO. O-0203-56, AND SUBSEQUENTLY AMENDED WITH ORDINANCE NO. O-0607-14, SO AS TO ADD SPECIFIED NEIGHBORHOOD COMMERCIAL USES AS ALLOWED USES WITHIN A SPECIFIED PORTION OF LOT 2, BLOCK 1 OF BEL-AIRE ADDITION, SECTION 4, A PLANNED UNIT DEVELOPMENT; AND PROVIDING FOR THE SEVERABILITY THEREOF. (GENERALLY LOCATED ONE-QUARTER MILE SOUTH OF ALAMEDA STREET ON THE WEST SIDE OF 12TH AVENUE S.E.)

Ordinance No. O-1011-15 having been Introduced and adopted upon First Reading by title in City Council's meeting of November 23, 2010, Councilmember Ezzell moved that Ordinance No. O-1011-15 be adopted upon Second Reading section by section, which motion was duly seconded by Councilmember Atkins;

Items submitted for the record

1. Text File No. O-1011-15 dated September 20, 2010, by Doug Kosciński, Current Planning Manager
2. Ordinance No. O-1011-15 with Exhibit "A", site development plan
3. Location map
4. Staff Report dated October 14, 2010, recommending denial
5. 2010 Amended PUD Narrative for Bel-Aire Office Park revised October 3, 2010, from Harold Heiple, Attorney for L & S Development, L.L.C., to Norman Planning Department
6. Norman Predevelopment Summary Case No. PD 10-17 dated August 26, 2010, for L&S Development, L.L.C., located at Lot 2, Block 1, Bel-Aire Addition, Section 4
7. Protest area map dated November 16, 2010, containing 41.2% protest within notification area
8. Letter of protest dated October 11, 2010, from Karen S. Diers to City of Norman Planning Commission
9. Letter of protest dated October 10, 2010, from Carolin Showers to Norman Planning Commission
10. Letter of protest dated October 7, 2010, from Norman Residents named on the attached petition(s)
11. Petition of protest received October 11, 2010, containing thirteen (13) signatures
12. Petition of protest received October 11, 2010, containing twenty-two (22) signatures
13. Petition of protest received October 11, 2010, containing fifteen (15) signatures
14. Petition of protest received October 11, 2010, containing fifteen (15) signatures
15. Petition of protest received October 11, 2010, containing six (6) signatures
16. Petition of protest received October 11, 2010, containing four (4) signatures
17. Petition of protest received October 11, 2010, containing eighteen (18) signatures
18. Petition of protest received October 11, 2010, containing fourteen (14) signatures
19. Petition of protest received October 11, 2010, containing twelve (12) signatures
20. Petition of protest received October 11, 2010, containing twenty-one (21) signatures

Item 32, continued:

Items submitted for the record, continued:

21. Petition of protest received October 11, 2010, containing eleven (11) signatures
22. Petition of protest received November 15, 2010, containing three (3) signatures
23. Pertinent excerpts from Planning Commission minutes of October 14, 2010; June 12, 2003; and September 14, 2006
24. Legislatively notated copy of Ordinance No. O-1011-15 showing revisions of applicant
25. Pertinent excerpts from City Council minutes of July 22, 2003, and October 24, 2006
26. Letter of protest dated December 13, 2010, from Carolin Showers (homeowner), to Norman City Council

Participants in discussion

1. Mr. Mark Campbell, 2821 Dewey Avenue, made comments
2. Mr. Harold Heiple, 218 East Eufaula Avenue, attorney representing the applicant

Thereupon, Councilmember Kovach moved that the Planned Unit Development Narrative for Ordinance No. O-1011-15 be amended to require right of entry (easement) from the applicant to allow maintenance by the City of Norman in the drainage area, which motion was duly seconded by Councilmember Atkins;

Participants in discussion

1. Mr. Harold Heiple, 218 East Eufaula Street, attorney representing the applicant

and the question being upon amending the Planned Unit Development Narrative for Ordinance No. O-1011-15 to require right of entry (easement) from the applicant to allow maintenance by the City of Norman in the drainage area, 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 Planned Unit Development Narrative for Ordinance No. O-1011-15 was amended to require right of entry (easement) from the applicant to allow maintenance by the City of Norman in the drainage area.

Thereupon, Councilmember Kovach moved that the Planned Unit Development Narrative for Ordinance No. O-1011-15 be amended to exclude any school from the list of acceptable uses with the exception of childcare centers, which motion was duly seconded by Councilmember Atkins; and the question being upon amending the Planned Unit Development Narrative for Ordinance No. O-1011-15 to exclude any school from the list of acceptable uses with the exception of childcare centers, 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 Planned Unit Development Narrative for Ordinance No. O-1011-15 was amended to exclude any school from the list of acceptable uses with the exception of childcare centers.

Thereupon, Councilmember Kovach moved that the Planned Unit Development Narrative for Ordinance No. O-1011-15 be amended to require a photometric lighting plan showing light trespass of no more than 0.2 foot candles into the neighborhood and full cutoff wall packs on commercial buildings facing the residential areas, which motion was duly seconded by Councilmember Atkins;

Participants in discussion

1. Mr. Harold Heiple, 218 East Eufaula Street, attorney representing the applicant
2. Mr. Doug Koscinski, Current Planning Manager

Item 32, continued:

and the question being upon amending the Planned Unit Development Narrative for Ordinance No. O-1011-15 to require a photometric lighting plan showing light trespass of no more than 0.2-foot candles into the neighborhood and full cutoff wall packs on commercial buildings facing the residential areas, 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 Planned Unit Development Narrative for Ordinance No. O-1011-15 was amended to require a photometric lighting plan showing light trespass of no more than 0.2 foot candles into the neighborhood and full cutoff wall packs on commercial buildings facing the residential areas.

and the question being upon adopting Ordinance No. O-1011-15, as amended, upon Second Reading section by section, a vote was taken with the following result:

YEAS: Councilmembers Atkins, Cubberley, Ezzell, Griffith, Kovach, Quinn

NAYES: Councilmembers Butler, Dillingham, and Mayor Rosenthal

The Mayor declared the motion carried and Ordinance No. O-1011-15, as amended, was adopted upon Second Reading section by section.

Thereupon, Councilmember Kovach moved that Ordinance No. O-1011-15, as amended, be adopted upon Final Reading as a whole, which motion was duly seconded by Councilmember Ezzell; and the question being upon adopting Ordinance No. O-1011-15, as amended, upon Final Reading as a whole, the roll was called with the following result:

YEAS: Councilmembers Atkins, Cubberley, Ezzell, Kovach, Quinn

NAYES: Councilmembers Butler, Dillingham, Griffith, Mayor Rosenthal

The Mayor declared the motion carried and Ordinance No. O-1011-15, as amended, was adopted upon Final Reading as a whole.

* * * * *

MISCELLANEOUS DISCUSSION

Item 32, Ordinance No. O-1011-15. Ms. Bonnie White, #3 Mockingbird Court, said Ordinance No. O-1011-15 had been adopted this evening but she did not want a stockade fence behind her home because it would only last two to three years. She suggested that the applicant install a cinderblock fence around the property at least six feet tall that would provide privacy for the property owners and help with the noise issue. She said she has not asked the other property owners what they want but her property backs up to the applicant's property and feels that the applicant should install a stockade fence on his property, not the abutting property owners' properties which will help with noise, privacy, and lighting issues.

Councilmember Cubberley asked that Ordinance No. O-1011-15 be reconsidered to make an amendment to require something more substantial than a stockade fence.

Miscellaneous Discussion, continued:

Item 32, Ordinance No. O-1011-15, continued:

Thereupon, Councilmember Cubberley moved that Ordinance No. O-1011-15, as amended, be reconsidered, which motion was duly seconded by Councilmember Dillingham; and the question being upon reconsidering Ordinance No. O-1011-15, as amended, a vote was taken with the following result:

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

The Mayor declared the motion carried and Ordinance No. O-1011-15, as amended, was reconsidered.

Thereupon, Councilmember Cubberley moved that Ordinance No. O-1011-15, be further amended to read as follows:

* * *

§ 5. Further, pursuant to the provisions of Section 22:420 of the Code of the City of Norman, as amended, the following conditions are hereby attached to the development of the tract:

* * *

- b. Concurrently with the application for the next building permit, eight-foot (8') ~~wooden stockade~~ fences or such other buffer as may be acceptable and agreed to by the applicant and a majority of the abutting land owners in any pertinent section of the boundary in consultation with City staff will be installed to shield the residential developments to the South and West of the PUD. Any such fences must be completed before a certificate of occupancy is issued for the next building in the PUD. Further, conditioned upon agreement with City officials and owners of property to the North of the PUD as to a fence location, an eight-foot (8') ~~wooden stockade~~ fence or such other buffer as may be acceptable and agreed to by the applicant and a majority of the abutting land owners in any pertinent section of the boundary in consultation with City staff will be installed to shield the residential developments to the North of the PUD concurrently with the application for the next building permit.

which motion was duly seconded by Councilmember Kovach;

Participants in discussion

- 1. Mr. Harold Heiple, 218 East Eufaula Street, attorney representing the applicant
- 2. Ms. Bonnie White, #3 Mockingbird Court, asked questions

and the question being upon further amending Ordinance No. O-1011-15 as stated above, a vote was taken with the following result:

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

The Mayor declared the motion carried and Ordinance No. O-1011-15 was further amended as stated above.

and the question being upon adopting Ordinance No. O-1011-15, as further amended, upon Second Reading section by section, a vote was taken with the following result:

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

The Mayor declared the motion carried and Ordinance No. O-1011-15, as further amended, was adopted upon Second Reading section by section.

Miscellaneous Discussion, continued:

Item 32, Ordinance No. O-1011-15, continued:

Thereupon, Councilmember Kovach moved that Ordinance No. O-1011-15, as further amended, be adopted upon Final Reading as a whole, which motion was duly seconded by Councilmember Ezzell; and the question being upon adopting Ordinance No. O-1011-15, as further amended, upon Final Reading as a whole, the roll was called with the following result:

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

The Mayor declared the motion carried and Ordinance No. O-1011-15, as further amended, was adopted upon Final Reading as a whole.

*

Merry Christmas. Councilmember Kovach wished everyone a Merry Christmas.

Mayor Rosenthal wished everyone a very safe and happy holiday season and said Council would see everyone after Christmas.

*

Norman Community Christmas Dinner. Councilmember Dillingham reminded citizens about the Norman Community Christmas Dinner at Norman High School from 10 a.m. to 2 p.m. on Christmas Day.

*

Shop Norman. Councilmember Quinn said this is a busy commercial season and invited citizens to find all the businesses in Norman and shop here. He said it is not only good for the economy but for the workers in Norman.

*

Tentative Collective Bargaining Agreements. Mr. Steve Lewis, City Manager, said the American Federation of State, County and Municipal Employees (ASFSCME) and the Fraternal Order of Police (FOP) unions have reached a tentative collective bargaining agreement for the current contract which runs from July 1, 2010, and June 30, 2011, subject to approval of full union membership. He said FOP and AFSCME were scheduled to have arbitration hearings this month; however, those union representatives have now tentatively agreed with management to forgo any pay increases during this fiscal year. In exchange the City has agreed to drop efforts to implement furloughs or other wage reductions through this fiscal year. By settling this contract dispute, the City and the union members will save the cost of two arbitration processes and will bring certainty to the FYE 2011 budget. Throughout the year, City management and City Council have been watchful of several budgetary developments during the first half of the year. Although the City's FYE 2010-2011 Budget reserve accounts declined over the past two years by approximately 2/3, sales tax revenues have shown some positive gains through the first six months of the fiscal year. Additionally, there have been other budgetary adjustments and savings made in the fiscal year to the point of allowing projected reserve level estimates to achieve some partial recovery by the end of this current budget year and all of this will allow consideration of this settlement with these two union groups.

* * * * *

ADJOURNMENT

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

YEAS:	Councilmembers Atkins, Butler, Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal
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NAYES:	None
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The Mayor declared the motion carried and the meeting was adjourned at 10:15 p.m.

ATTEST:

City Clerk

Mayor



**CITY COUNCIL MEETING
DECEMBER 28, 2010**

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

Item No. 6

Text File Number: O-1011-34

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

Current Status: Consent Item

Version: 1

Matter Type: Ordinance

Title

CONSIDERATION OF ORDINANCE NO. O-1011-34 UPON FIRST READING BY TITLE: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 20-1106 OF CHAPTER 20 OF THE CODE OF THE CITY OF NORMAN TO PROVIDE FOR REGULATION RELATED TO A FLASHING YELLOW ARROW TRAFFIC SIGNAL INDICATION; AND PROVIDING FOR THE SEVERABILITY THEREOF.

ACTION NEEDED: Motion to Introduce and adopt Ordinance No. O-1011-34 upon First Reading by title.

ACTION TAKEN: _____

Body

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

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

DISCUSSION: Ordinance No. O-1011-34 amends Section 20-1106 of the Norman City Code. This section instructs drivers how to operate through intersections that have flashing lights as part of the traffic control signal device. Subsection (c) is proposed to be added to instruct drivers that upon approaching an illuminated yellow flashing arrow, they are to exercise caution and yield to oncoming traffic as they traverse through the intersection in accordance with the applicable arrow signal.

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

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

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

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

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

§ 1. That, Section 20-1106 of Chapter 20 of the Code of the City of Norman, Oklahoma, shall be amended to read as follows:

Sec. 20-1106. Traffic control signals: Flashing lights.

(a) Upon approaching an illuminated flashing red signal, no person shall operate a vehicle through that intersection without having first stopped that vehicle before the nearest crosswalk or limit line, or before entering the intersection if neither crosswalk nor limit line, or before entering the intersection if neither crosswalk nor limit line exist, and that person shall yield to all approaching traffic having the right-of-way.

(b) Upon approaching an illuminated flashing yellow signal, no person shall operate a vehicle through that intersection without having slowed that vehicle from its rate of speed, and without exercising caution while proceeding through that intersection.

(c) Upon approaching an illuminated flashing yellow arrow, displayed alone or with another signal indication, no person shall operate a vehicle through that intersection without having slowed that vehicle from its rate of speed, and without exercising caution while proceeding through the intersection only as indicated by such arrow, or other signal indication displayed at the same time. The driver of such vehicle shall yield to all pedestrians within the associated crosswalk and other vehicles lawfully within the intersection.

§ 2. **SEVERABILITY.** If any section, sentence, clause or phrase of this ordinance or any part thereof is for any reason found to be invalid by a court of competent jurisdiction, such decisions shall not affect the validity of the remainder of this ordinance or any part thereof.

ADOPTED this ____ day of _____, 2011.

NOT ADOPTED this ____ day of _____, 2011.

Cindy Rosenthal, Mayor

Cindy Rosenthal, Mayor

ATTEST:

Brenda Hall, City Clerk

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

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

§ 1. That, Section 20-1106 of Chapter 20 of the Code of the City of Norman, Oklahoma, shall be amended to read as follows:

Sec. 20-1106. Traffic control signals: Flashing lights.

(a) Upon approaching an illuminated flashing red signal, no person shall operate a vehicle through that intersection without having first stopped that vehicle before the nearest crosswalk or limit line, or before entering the intersection if neither crosswalk nor limit line, or before entering the intersection if neither crosswalk nor limit line exist, and that person shall yield to all approaching traffic having the right-of-way.

(b) Upon approaching an illuminated flashing yellow signal, no person shall operate a vehicle through that intersection without having slowed that vehicle from its rate of speed, and without exercising caution while proceeding through that intersection.

(c) Upon approaching an illuminated flashing yellow arrow, displayed alone or with another signal indication, no person shall operate a vehicle through that intersection without having slowed that vehicle from its rate of speed, and without exercising caution while proceeding through the intersection only as indicated by such arrow, or other signal indication displayed at the same time. The driver of such vehicle shall yield to all pedestrians within the associated crosswalk and other vehicles lawfully within the intersection.

§ 2. **SEVERABILITY.** If any section, sentence, clause or phrase of this ordinance or any part thereof is for any reason found to be invalid by a court of competent jurisdiction, such decisions shall not affect the validity of the remainder of this ordinance or any part thereof.

ADOPTED this ____ day of _____, 2011.

NOT ADOPTED this ____ day of _____, 2011.

Cindy Rosenthal, Mayor

Cindy Rosenthal, Mayor

ATTEST:

Brenda Hall, City Clerk

Mr. Hutchison said ACOG garnered State Transit Authority (STA) money through the Oklahoma Department of Transportation (ODOT) for an alternatives analysis on the Fixed Guideway Study Commuter Rail Corridors, which consists of Edmond, Norman, Midwest City, and OKC. He said it is important for Norman to insure that ongoing efforts stay coordinated and connected.

Items submitted for the record

1. Federal Railroad Administration High Speed Intercity Passenger Rail Program awards flyer
2. Business Wire news article entitled, "BNSF Selects Contractor to Build New Intermodal Facility," dated October 18, 2010

PRESENTATION FOR PROPOSED CHANGE TO TRAFFIC SIGNAL STANDARDS TO INCLUDE "FLASHING YELLOW ARROWS."

Mr. Shawn O'Leary, Director of Public Works, said the latest Manual on Uniform Traffic Control Devices (MUTCD), the national standards of practice adopted by the City Code of Ordinances, introduces and recommends the use of a safer and more efficient way of accommodating left turning traffic at signalized intersections. He said if Council approves the changes, the City of Norman could be the first city in Oklahoma to implement the national standard change.

Mr. Angelo Lombardo, City Traffic Engineer, highlighted the current standards in Norman as follows:

- Permissive only phasing – traffic is permitted to turn only on a green ball – there are no left turn arrows provided
- Protected only phasing – traffic is allowed to turn only when a green arrow is visible – there are no left turns allowed on the green ball
- Protected/Permissive phasing – traffic turning left will be both a green arrow and a green ball at some time during the signal cycle

Mr. Lombardo said permissive only phasing is the most common form of left turn treatment and is used in locations where volumes and operating speeds are low. Protected only phasing is used most often at locations that have a higher speed, higher volumes of traffic, or where sight distance limitations may create vision problems for left turning vehicles. Protected/Permissive phasing (PPLT) is used when speeds are low enough and when additional capacity is needed to clear the left turn traffic volumes. He said in the protected phase, left turning traffic is protected from oncoming traffic in the protected interval during which the green arrow indication is displayed and the permissive phase displays a circular green indication and left turn movements are made after drivers yield to oncoming traffic and pedestrians. Mr. Lombardo said advantages to PPLT phasing advantages are better mobility, improved traffic capacity, and less traffic delay while disadvantages include higher traffic collision rates, reduced signal phasing flexibility, and the yellow trap.

Mr. Lombardo said, according to the National Cooperative Highway Research Program (NCHRP) Report findings, flashing yellow arrows (FYA) were found to be the best overall alternative to the circular green light as the permissive signal display for a left turn movement. The FYA was found to have a high level of understanding and correct response by left turn drivers and a lower fail critical rate than the circular green light. The FYA display, in a separate signal face for left turn movement, offers more versatility in field application as it is capable of being operated in any of the various modes of left turn operation by time of day and easily programmed to avoid the "yellow trap" associated with some permissive turns at the end of the circular green display.

Mr. Lombardo said the flashing yellow arrow represents a very new way to treat the PPLT phasing. He said the FYA has been implemented in several areas across the country with very good success, but it has not been implemented in Oklahoma and Norman could be the first city in the state to introduce the FYA. He said State and Municipal Traffic Engineers in Oklahoma support the use of the FYA to improve safety at intersection with PPLT.

Mr. Lombardo said Norman currently has 77 signalized intersections utilizing a five section signal head for left and/or right turns and 30 of those 77 intersections are controlled with a controller that is capable of displaying a FYA. He said these controllers can be converted to the FYA display at high traffic collision intersections and corridor treatments for consistency. He said compatible controllers at intersections without five section heads may be shifted to other intersections to allow more conversions. Future controller orders will target those intersections with incompatible controllers and five section left turn signal heads and future traffic signal projects will include FYA displays.

Mr. Lombardo said the City Council would need to approve an amendment to Section 20-1106, Traffic Control Signals: Flashing Lights. The next step would be educating the public by placing information in utility bills, news releases, and installing special signs next to the signal heads. He presented an example of an informational brochure and FYA sign currently used in Fort Smith, Arkansas.

Councilmember Cubberley asked if the City could pass an ordinance before State law is changed and Mr. Lombardo said he hopes the two will happen hand-in-hand; however, changes can be enforced in Norman through an ordinance amendment.

Councilmember Cubberley asked what it cost per signal to retrofit lights throughout Norman and Mr. Lombardo said it would cost approximately \$2000 per intersection or \$500 per signal head. He said this would be a perfect ACOG Safety Project and Staff will package a project that way.

Councilmember Quinn asked if there would be programming issues for a corridor when changing signs from the control panel and Mr. Lombardo said the ability is there and believes the entire traffic industry is moving in the direction of FYA.

Councilmember Butler asked the cost of the controller and Mr. Lombardo said approximately \$3000 to \$4000; however, he did not anticipate replacing any controllers. He said the City has a regular Controller Replacement Program to replace obsolete equipment, but Staff is looking at ways to make the changes without spending a lot of money and felt there are ways to do that.

Councilmember Cubberley asked safety savings have been quantified, such as in the number of accidents, to justify this program to the public and Mr. David Riesland, Assistant Traffic Engineer, said not really since this is such a new program, but there was an initial reduction in accidents and the NCHRP is trying to figure out if that reduction is staying consistent or if people adapt and fall back into patterns using the green ball. Councilmember Cubberley felt even a 20% reduction would be beneficial to the traveling public in the standpoint of insurance and property damage.

Chairman Quinn requested Staff present the information to Council in a Study Session.

Items submitted for the record

1. Memorandum dated October 26, 2010, from Angelo A. Lombardo, City Traffic Engineer, to City Council Transportation Committee Members
2. PowerPoint presentation entitled, "Flashing Yellow Arrow for Left Turn Displays," City Council Transportation Committee, October 28, 2010

MISCELLANEOUS DISCUSSION.

None.

The meeting adjourned at 5:50 p.m.

COUNCIL CONFERENCE MINUTES

December 14, 2010

The City Council of the City of Norman, Cleveland County, State of Oklahoma, met in a conference at 5:30 p.m. in the Municipal Building Conference Room on the 14th day of December, 2010, and notice and agenda of the meeting were posted at the Municipal Building at 201 West Gray, and the Norman Public Library at 225 North Webster 48 hours prior to the beginning of the meeting.

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

ABSENT: Councilmember Ezzell

DISCUSSION REGARDING ADOPTION OF AN ORDINANCE AMENDING THE REGULATIONS FOR A FLASHING YELLOW ARROW TRAFFIC SIGNAL INDICATION FOR LEFT TURN DISPLAYS.

Mr. Shawn O'Leary, Director of Public Works, said the City Council Transportation Committee reviewed the regulations for a flashing yellow arrow traffic signal for a left turn on October 28, 2010, and directed Staff to present the information to Council in a study session. He said the latest Manual on Uniform Traffic Control Devices (MUTCD), the national standards of practice utilized throughout the country, recommends that cities begin using flashing yellow arrows for left turns. He said the system to use flashing yellow arrows has been studied for nearly twenty years and was put into use in various cities around ten years ago. He said there are two traffic signal projects currently under construction where the yellow flashing arrow signalization could be installed at no cost to the City since they are federally funded. He said if Council approves the changes, the City of Norman would be the first city in Oklahoma to implement the national standard change.

Mr. David Riesland, Assistant Traffic Engineer, highlighted the current standards in Norman as follows:

- Permissive only phasing – traffic is permitted to turn only on a green ball – there are no left turn arrows provided
- Protected only phasing – traffic is allowed to turn only when a green arrow is visible – there are no left turns allowed on the green ball
- Protected/Permissive phasing – traffic turning left will be both a green arrow and a green ball at some time during the signal cycle

Mr. Riesland said permissive only phasing is the most common form of left turn treatment and is used in locations where volumes and operating speeds are low. Protected only phasing is used most often at locations that have a higher speed, higher volumes of traffic or where sight distance limitations may create vision problems for left turning vehicles. Protected/Permissive phasing (PPLT) is used when speeds are low enough and when additional capacity is needed to clear the left turn traffic volumes. He said in the protected phase, left turning traffic is protected from oncoming traffic in the protected interval during which the green arrow indication is displayed and the permissive phase displays a circular green indication and left turn movements are made after drivers yield to oncoming traffic and pedestrians. Mr. Riesland said advantages to PPLT phasing advantages are better mobility, improved traffic capacity, and less traffic delay while disadvantages include higher traffic collision rates, reduced signal phasing flexibility, and the yellow trap.

Mr. Riesland said, according to the National Cooperative Highway Research Program (NCHRP) Report findings, flashing yellow arrows (FYA) were found to be the best overall alternative to the circular green light as the permissive signal display for a left turn movement. The FYA was found to have a high level of understanding and correct response by left turn drivers and a lower fail critical rate than the circular green light. The FYA display, in a separate signal face for left turn movement, offers more versatility in field application as it is capable of being operated in any of the various modes of left turn operation by time of day and easily programmed to avoid the "yellow trap" associated with some permissive turns at the end of the circular green display.

Mr. Riesland said Norman currently has 77 signalized intersections utilizing a five section signal head for left and/or right turns and 30 of those 77 intersections are controlled with a controller that is capable of displaying a FYA. He said these controllers can be converted to the FYA display at high traffic collision intersections and corridor treatments for consistency. Future controller orders would target those intersections with incompatible controllers and five section left turn signal heads and future traffic signal projects would include FYA displays.

Mr. Riesland said a standard five section traffic signal head costs \$685 and it would cost approximately \$545 to upgrade a single four head traffic signal and up to \$2,180 to install a new signal head. He said the City has a regular Controller Replacement Program to replace obsolete equipment and Staff would target those intersections with incompatible controllers and five section left turn signal heads or shift some five section heads to other intersections to allow more conversions to save money.

Mr. Riesland said the City Council would need to approve an amendment to Section 20-1106, Traffic Control Signals: Flashing Lights and Staff would be educating the public by placing information in utility bills, news releases, and installing special signs next to the signal heads. He presented a draft ordinance, an example of the informational brochure, and a picture of the FYA sign currently used in Fort Smith, Arkansas.

Councilmember Atkins asked how the large non-resident population, such as university students, would be educated and Mr. O'Leary said Staff would need to work with the university to get educational materials to students. Councilmember Atkins asked if there have been any discussions with the Department of Public Safety (DPS) about adding this information into the driver's license manual and Mr. Riesland said the subject had been raised in a meeting with the Oklahoma Department of Transportation (ODOT) as something that needs to be pursued.

Councilmember Dillingham asked what the timetable was for the first implementation and Mr. O'Leary said the first opportunity to implement the signal would be at 36th Avenue N.W. and Rock Creek Road in late January or early February of 2011 and 24th Avenue N.W. and Rock Creek Road could be installed in June.

Councilmember Kovach said in addition to having benefits in reducing accidents, he felt it would be cost saving to implement the program with current construction projects before the federal government requires it and asked if that was why Staff was pushing the ordinance forward and Mr. O'Leary said yes. He said Staff is also considering submitting the concept as a safety project for ACOG funding in 2011 to upgrade all the traffic signals. Councilmember Quinn said the before and after statistics adds to the potential good of the FYA from a safety standpoint. Councilmember Dillingham asked if the federal government has ever reversed a regulation they have adopted into the MUTCD and Mr. Riesland said no. Mr. O'Leary said the government is very cautious about changing traffic standards in the MUTCD since it is used nationwide.

Mayor Rosenthal asked if the City had reviewed what it would cost if the City paid for the changes as opposed to using grant funds. She said that information would be helpful when looking at the capital budget to weigh the whole program against other capital projects.

Councilmember Kovach felt that implementing the three projects discussed, gives the City an opportunity to see how the program would work with the public before upgrading traffic signals throughout Norman. Councilmember Atkins asked if there was any training law enforcement would need in dealing with the changes and Mr. O'Leary said Staff has collaborated closely with the Norman Police Department as well as the County Sheriff's Department.

Mayor Rosenthal asked Staff to move forward with the ordinance in order to implement the program at the three selected intersections. She asked that Staff report to Council the status of the ACOG grants and Council will review the full signal program when they work on the capital budget.

Items submitted for the record

1. Memorandum dated December 8, 2010, from David Riesland, P.E., Assistant Traffic Engineer, to Honorable Mayor and City Councilmembers
2. PowerPoint presentation entitled, "Flashing Yellow Arrow for Left Turn Displays," City Council Conference, December 14, 2010
3. Draft Ordinance
4. Draft legislatively notated ordinance

The meeting adjourned at 6:00 p.m.

ATTEST:

City Clerk

Mayor



**CITY COUNCIL AGENDA
DECEMBER 28, 2010**

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

Item No. 7

Text File Number: O-1011-36

Introduced: 12/9/2010 by Jeanne Snider, Asst City Attorney

Current Status: Consent Item

Version: 1

Matter Type: Ordinance

Title

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

ACTION NEEDED: Motion to Introduce and adopt Ordinance No. O-1011-36 upon First Reading by title.

ACTION TAKEN: _____

Body

BACKGROUND: This ordinance revision is presented to change the age of children required to be protected by a child passenger restraint system from age four (4) and five (5) to children under six (6) years of age and to meet the requirements of the Oklahoma State Statutes.

DISCUSSION: The Norman Police Department requested the ordinance revision.

In May 2010 the National Highway Traffic Safety Administration reported that injuries suffered in motor vehicle traffic accidents are the leading cause of death among children in the United States. Studies have shown that children who are correctly using the appropriate restraint for their sizes and ages are at a significantly lower risk of sustaining serious or fatal injuries. The injury outcome in children can be worse than similar injuries sustained by adults. For example, children who suffer traumatic brain injuries can experience lasting or late-appearing neuropsychological problems, highlighting the need for careful monitoring of children as they grow older. For this reason, head injuries are of particular concern when studying children injured in motor vehicle traffic accidents. The incident rate of incapacitating injuries is lower among children restrained in child safety seats. *National Highway Traffic Safety Administration, DOT HS 811 325, May 2010.*

Currently, Title 47 O.S. § 11-1112 states that every driver, when transporting a child under six (6) years of age in a motor vehicle on the roadways, streets or highways shall provide for the protection of said child by properly using a child passenger restraint system. It further provides that children at least six (6) years of age but younger than thirteen (13) years of age shall be protected by use of a child passenger restraint system or a seatbelt. There are some exceptions such as the driver of a school bus, taxicab or other vehicle not required to be equipped with seatbelts pursuant to federal laws, driver of an

ambulance or emergency vehicle, driver of a vehicle in which all of the seat belts are in use, transportation of children, who for medical reasons, are unable to be placed in such devices; or transportation of a child who weighs more than forty (40) pounds and who is being transported in the back seat of a vehicle while wearing only a lap safety belt or when lap and shoulder safety belts in the back seat are being used by other children who weigh more than forty (40) pounds.

The City currently has an ordinance which regulates child passenger restraint systems. The revised ordinance would reflect current state law. Any person convicted of violating Sec. 20-607 shall be punished with a fine of \$50.00, which is the current fine amount. The fine shall be suspended and the court costs limited to a maximum of \$15.00 in the case of a first offense upon proof of purchase or acquisition by loan of a child passenger restraint system to encourage compliance of the ordinance.

RECOMMENDATION: Based upon the above and foregoing, it is the recommendation of the City Attorney's Office that the City revise Sec. 20-607 of the City Code regulating child passenger restraint systems.

AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 20-607 OF CHAPTER 20 OF THE CODE OF THE CITY OF NORMAN CHANGING THE AGE OF CHILDREN REQUIRED TO BE PROTECTED BY A CHILD PASSENGER RESTRAINT SYSTEM; AND PROVIDING FOR THE SEVERABILITY THEREOF.

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

§ 1. That Section 20-607 of Chapter 20 of the Code of the City of Norman shall be amended to read as follows:

Sec. 20-607. Child passenger restraint system.

(a) Every driver, when transporting a child under six (6) years of age in a motor vehicle operated on the roadways, streets, or highways of this state, shall provide for the protection of said child by properly using a child passenger restraint system. A "child passenger restraint system" means an infant or child passenger restraint system which meets the federal standards as set by 49 C.F.R., Section 571.213.

(b) Children at least six (6) years of age but younger than thirteen (13) years of age shall be protected by use of a child passenger restraint system or a seat belt.

(c) The provisions of this section shall not apply to:

- (1) The driver of a school bus, taxi cab, moped, motorcycle, or other motor vehicle not required to be equipped with safety belts pursuant to state or federal laws;
- (2) The driver of an ambulance or other emergency vehicle;
- (3) The driver of a vehicle in which all of the seat belts are in use;
- (4) The transportation of children who, for medical reason, are unable to be placed in such devices or
- (5) The transportation of a child who weighs more than forty (40) pounds and who is being transported in the back seat of a vehicle while wearing only a lap safety belt when the back seat of a vehicle is not equipped with combination lap and shoulder safety belts, or when the combination lap and shoulder safety belts in the back seat are being used by other children who weigh more than forty (40) pounds. Provided, however, for purposes of this paragraph, back seat shall include all seats located behind the front seat of a vehicle operated by a licensed child care facility or church. Provided further, there shall be a rebuttable presumption that a child has met the weight requirements of this paragraph if at

the request of any law enforcement officer, the licensed child care facility or church provides the officer with a written statement verified by the parent or legal guardian that the child weighs more than forty (40) pounds.

(d) Any person convicted of violating subsection (a) or (b) of this section shall be punished by a fine of Fifty Dollars (\$50.00) and shall pay all court costs thereof. This fine shall be suspended and the court costs limited to a maximum of Fifteen Dollars (\$15.00) in the case of the first offense upon proof of purchase or acquisition by loan of a child passenger restraint system.

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

ADOPTED this _____ day

NOT ADOPTED this _____ day

of _____, 2011.

of _____, 2011.

Cindy Rosenthal, Mayor

Cindy Rosenthal, Mayor

ATTEST:

Brenda Hall, City Clerk

AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 20-607 OF CHAPTER 20 OF THE CODE OF THE CITY OF NORMAN CHANGING THE AGE OF CHILDREN REQUIRED TO BE PROTECTED BY A CHILD PASSENGER RESTRAINT SYSTEM; AND PROVIDING FOR THE SEVERABILITY THEREOF.

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

§ 1. That Section 20-607 of Chapter 20 of the Code of the City of Norman shall be amended to read as follows:

Sec. 20-607. ~~Motor vehicle equipment for children under the age of six.~~
Child passenger restraint system.

(a) ~~Except as otherwise provided: Every driver, when transporting a child under six (6) years of age in a motor vehicle operated on the roadways, streets, or highways of this state, shall provide for the protection of said child by properly using a child passenger restraint system. A "child passenger restraint system" means an infant or child passenger restraint system which meets the federal standards as set by 49 C.F.R., Section 571.213.~~

(1) ~~Every driver, when transporting a child under four (4) years of age, weighing sixty (60) pounds or less, in a motor vehicle operated on the roadways, streets, or highways of this state, shall provide for the protection of such child by properly using a child passenger restraining system.~~

(2) ~~Children four (4) and five (5) years of age shall be protected by a child passenger restraint system or a seat belt.~~

(3) ~~A "child passenger restraint system" means an infant or child passenger restraint system that meets the federal standards for crash tested restraint systems as set by the United States Department of Transportation.~~

(b) Children at least six (6) years of age but younger than thirteen (13) years of age shall be protected by use of a child passenger restraint system or a seat belt.

(~~b~~c) The provisions of this subsection (a) shall not apply to:

(1) ~~A nonresident driver transporting a child in this state;~~

(2) ~~The driver of a school bus, taxi cab, moped, motorcycle, or other motor vehicle not required to be equipped with safety belts pursuant to state or federal laws;~~

(3) ~~The driver of an ambulance or other emergency vehicle;~~

(~~4~~3) The driver of a vehicle if in which all of the seat belts ~~in the vehicles~~ are in use;

(~~5~~4) The transportation of children who, for medical reason, are unable to be placed in such devices; or

(5) The transportation of a child who weighs more than forty (40) pounds and who is being transported in the back seat of a vehicle while wearing only a lap safety belt when the back seat of a vehicle is not equipped with combination lap and shoulder safety belts, or when the combination lap and shoulder safety belts in the back seat are being used by other children who weigh more than forty (40) pounds. Provided, however, for purposes of this paragraph, back seat shall include all seats located behind the front seat of a vehicle operated by a licensed child care facility or church. Provided further, there shall be a rebuttable presumption that a child has met the weight requirements of this paragraph if at the request of any law enforcement officer, the licensed child care facility or church provides the officer with a written statement verified by the parent or legal guardian that the child weighs more than forty (40) pounds.

(e) ~~The provisions for civil litigation concerning violations of this section are provided in Title 47, Oklahoma Statutes, Section 11-1112, which are hereby incorporated into the Code of the City of Norman, Oklahoma, with the same force and effect as if fully set out in this subsection.~~

~~(d) Pursuant to Title 47, Oklahoma Statutes, Section 11-1112(G), the fine enumerated by the Code of the City of Norman, Section 20-210(e), shall be suspended in the case of the first offense upon proof of purchase or acquisition by loan of a child passenger restraint system. Any person convicted of violating subsection (a) or (b) of this section shall be punished by a fine of Fifty Dollars (\$50.00) and shall pay all court costs thereof. This fine shall be suspended and the court costs limited to a maximum of Fifteen Dollars (\$15.00) in the case of the first offense upon proof of purchase or acquisition by loan of a child passenger restraint system.~~

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

ADOPTED this _____ day

NOT ADOPTED this _____ day

of _____, 2011.

of _____, 2011.

Cindy Rosenthal, Mayor

Cindy Rosenthal, Mayor

ATTEST:

Brenda Hall, City Clerk



**CITY COUNCIL AGENDA
DECEMBER 28, 2010**

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

Item No. 8

Text File Number: RPT-1011-25

Introduced: 12/2/2010 by Anthony Francisco, Finance Director

Current Status: Consent Item

Version: 1

Matter Type: Communication or Report

Title

SUBMISSION AND ACKNOWLEDGING RECEIPT OF THE FINANCE DIRECTOR'S INVESTMENT REPORT AS OF NOVEMBER 30, 2010, AND DIRECTING THE FILING THEREOF.

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

ACTION TAKEN: _____

DATE: 02-Dec-10
 TO: City Council
 FROM: Anthony Francisco, Director of Finance
 PREPARED BY: Clint Mercer, Chief Accountant *[Signature]*
 SUBJECT: Breakdown of Interest Earnings by Fund

FUND	MONTHLY COMPARISON				ANNUAL COMPARISON			
	MONTHLY BUDGETED INTEREST EARNINGS FYE11	MONTHLY INTEREST EARNINGS November 2010	MONTHLY % INCREASE (DECREASE)	MONTHLY % OF PORTFOLIO HOLDINGS	ANNUAL BUDGETED INTEREST EARNINGS FYE10-YTD	INTEREST EARNINGS YTD FYE11	YTD % INCREASE (DECREASE)	YTD % PORTFOLIO HOLDINGS
GENERAL FUND	\$22,917	\$3,785	-83.49%	7.77%	\$114,583	\$23,412	-79.57%	8.16%
PUBLIC SAFETY SALES TAX FUND	N/A	\$3,645	100.00%	7.48%	N/A	\$22,389	100.00%	7.80%
ROOM TAX FUND	\$250	\$123	-50.74%	0.25%	\$1,250	\$447	-64.25%	0.16%
CAPITAL PROJECTS FUND	\$29,167	\$12,718	-56.40%	26.10%	\$145,833	\$63,157	-56.69%	22.01%
SINKING FUND	\$2,083	\$51	-97.55%	0.10%	\$10,417	\$8,472	-18.67%	2.95%
G.O. BOND FUND	\$167	\$98	-41.39%	0.20%	\$833	\$490	-41.16%	0.17%
WESTWOOD FUND	\$625	\$52	-91.67%	0.11%	\$3,125	\$2,748	-12.05%	0.96%
WATER FUND	\$10,000	\$6,887	-31.13%	14.13%	\$50,000	\$38,571	-22.86%	13.44%
WASTEWATER FUND	\$25,000	\$5,792	-76.83%	11.89%	\$125,000	\$32,282	-74.17%	11.25%
HALLPARK FUND	N/A	\$0	100.00%	0.00%	N/A	\$0	100.00%	0.00%
DEVELOPMENT EXCISE	\$16,667	\$7,292	-56.25%	14.96%	\$83,333	\$41,864	-49.76%	14.59%
SEWER SALES TAX	\$16,667	\$4,853	-70.88%	9.96%	\$83,333	\$28,156	-66.21%	9.81%
SANITATION FUND	\$2,500	\$270	-89.18%	0.55%	\$12,500	\$3,702	-70.39%	1.29%
PARKLAND FUND	\$2,255	\$786	-65.13%	1.61%	\$11,275	\$4,506	-60.04%	1.57%
TRUST & AGENCY FUNDS	N/A	\$3	100.00%	0.01%	N/A	\$20	100.00%	0.01%
TAX INCREMENT DISTRICT	\$417	\$948	100.00%	1.94%	\$2,083	\$7,703	100.00%	2.68%
SPECIAL GRANTS FUND	N/A	\$615	100.00%	1.26%	N/A	\$3,803	100.00%	1.33%
CLEET FUND	N/A	\$13	100.00%	0.03%	N/A	\$73	100.00%	0.03%
HOUSING	N/A	(\$44)	100.00%	-0.09%	N/A	\$133	100.00%	0.05%
SITE IMPROVEMENT FUND	N/A	\$27	100.00%	0.06%	N/A	\$156	100.00%	0.05%
ARTERIAL ROAD FUND	N/A	\$570	100.00%	1.17%	N/A	\$3,227	100.00%	1.12%
SEIZURES	\$42	\$248	496.16%	0.51%	\$208	\$1,616	675.89%	0.56%
	<u>\$128,755</u>	<u>\$48,733</u>	<u>-62.15%</u>	<u>100.00%</u>	<u>\$643,775</u>	<u>286,927</u>	<u>-55.43%</u>	<u>100.00%</u>

City funds are invested in interest bearing accounts and investment securities, as directed by the City's Investment Policy. Rates of return on these investments relate directly to current Treasury and Money Market rates. Total funds on deposit of \$ 108.58 million as of 11/30/10 are represented by working capital cash balances of all City funds of approximately \$ 49.48 million, outstanding encumbrances of \$26.19 million, General Obligation Bond proceeds of \$10.48, NUA revenue bond proceeds of \$16.13 million, NMA bond proceeds of \$3.92 million, and UNP TIF reserve amounts of \$2.38 million.

INVESTMENT BY TYPE

November 30, 2010

<u>LIST BY TYPE</u>	<u>SEC. NO.</u>	<u>PURCHASED</u>	<u>MATURITY</u>	<u>YIELD</u>	<u>EARNED INTEREST</u>	<u>COST</u>	<u>MARKET</u>
**Checking							
BANK OF AMERICA	NUA REV. FD.				\$0.00	\$0.00	\$0.00
BANK OF AMERICA	GEN'L DEP.			0.30%	\$1,415.71	\$4,198,765.12	\$4,198,765.12
BANK OF AMERICA	WARRANTS PAYABLE				\$0.00	(\$2,509,898.36)	(\$2,509,898.36)
BANK OF AMERICA	PAYROLL				\$0.00	(\$2,596,357.44)	(\$2,596,357.44)
BANK OF AMERICA	COURT BOND REFUNDS				\$0.00	\$271,142.75	\$271,142.75
BANK OF AMERICA	INSURANCE CLAIMS				\$0.00	(\$428,104.59)	(\$428,104.59)
BANK OF AMERICA	HALLPARK			0.01%	\$1.18	\$141,370.96	\$141,370.96
**Subtotal					\$1,416.89	(\$923,081.56)	(\$923,081.56)
**Money Market							
BANCFIRST-NUA	MONEY MKT.			0.01%	\$12.31	\$1,233,406.88	\$1,233,406.88
BANCFIRST-NMA Sanitat.	MONEY MKT.			0.01%	\$63.35	\$3,591,046.77	\$3,591,046.77
BANCFIRST-NMA Golf	MONEY MKT.			0.01%	\$0.88	\$334,106.00	\$334,106.00
BANCFIRST-NUA Water	MONEY MKT.			0.01%	\$193.43	\$14,900,294.86	\$14,900,294.86
Bank of Oklahoma UNP TIF	MONEY MKT.			0.01%	\$16.44	\$2,381,904.53	\$2,381,904.53
FIRST FIDELITY	MONEY MKT.			0.50%	\$51.19	\$0.00	\$0.00
BANK OF AMERICA	MONEY MKT.			0.01%	\$1.36	\$89,461.94	\$89,461.94
BANK OF AMERICA	MONEY MKT.			0.10%	\$25.65	\$245,509.76	\$245,509.76
BANK OF AMERICA - Drinking W	MONEY MKT.			0.30%	\$612.64	\$2,485,353.67	\$2,485,353.67
BANK OF AMERICA - Clean Water	MONEY MKT.			0.30%	\$110.98	\$404,212.67	\$404,212.67
BANK OF AMERICA-2008A	MONEY MKT.			0.30%	\$511.81	\$2,071,825.08	\$2,071,825.08
BANK OF AMERICA-2008B	MONEY MKT.			0.30%	\$953.51	\$3,768,368.90	\$3,768,368.90
BANK OF AMERICA-2010	MONEY MKT.			0.30%	\$1,287.00	\$4,641,317.82	\$4,641,317.82
**Subtotal					\$3,840.55	\$36,146,808.88	\$36,146,808.88
**Sweep/Overnight							
JP MORGAN	SHORT TERM			0.00%	\$507.96	\$25,025,312.67	\$25,025,312.67
**U.S. Treasury Securities							
FHLB	3133XFJY3	08/31/09	06/10/11	1.11%	5,634.73	5,555,000.00	\$5,693,875.00
T-Note	912828JS0	08/31/09	11/30/10	0.55%	2,330.03	0.00	\$0.00
FHLMC	312SX1EJ2	12/31/09	05/22/13	2.08%	3,649.19	2,000,000.00	\$2,167,420.00
FHLB	3133XWD71	12/31/09	02/28/12	1.24%	5,153.67	5,000,000.00	\$5,034,400.00
T-Note	912828KP4	12/31/09	05/15/12	1.31%	6,550.24	6,000,000.00	\$6,074,896.88
FHLB	3133XWD71	12/31/09	02/28/12	1.25%	5,176.49	5,000,000.00	\$5,034,400.00
T-Note	912828KP4	12/31/09	05/15/12	1.31%	7,369.60	6,750,000.00	\$6,850,415.63
FFCB	31331G2R9	03/31/10	12/07/12	1.58%	132.38	100,000.00	\$102,375.00
FHLB	3133XTS49	03/31/10	06/20/12	1.30%	109.55	100,000.00	\$101,938.00
FHLMC	3128Y9KQ2	03/31/10	11/10/11	0.99%	534.21	0.00	\$0.00
FNMA	31398AZ47	07/29/10	07/29/13	1.19%	3,973.88	4,000,000.00	\$4,008,760.00
FHLB	3133XYHD0	07/22/10	06/14/13	1.05%	1,922.07	4,000,000.00	\$4,080,000.00
FNMA	313359MNU3	11/30/10	08/01/12	0.73%	0.00	8,000,000.00	\$8,572,800.00
FHLB	313371WK8	11/30/10	02/25/14	1.00%	0.00	1,750,000.00	\$1,736,875.00
U.S. STRIPS (Hallpark)	912833KC3	06/09/04	05/15/14	5.12%	431.27	79,860.00	\$126,985.32
**Subtotal					42,967.31	48,334,860.00	\$49,585,140.82
TOTAL					48,732.71	108,583,899.99	\$109,834,180.81

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



**CITY COUNCIL AGENDA
DECEMBER 28, 2010**

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

Item No. 9

Text File Number: RPT-1011-26

Introduced: 12/2/2010 by Carol Coles, Administrative Assistant

Current Status: Consent Item

Version: 1

Matter Type: Communication or Report

Title

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

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

ACTION TAKEN: _____



CITY COUNCIL AGENDA DECEMBER 14, 2010

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

Item No. 10

Text File Number: RPT-1011-23

Introduced: 11/17/2010 by Clint Mercer, Chief Accountant

Current Status: Consent Item

Version: 1

Matter Type: Communication or Report

Title

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

ACTION NEEDED: Acting as the City Council, Norman Utilities Authority, Norman Municipal Authority, and Norman Tax Increment Finance Authority, motion to acknowledge receipt of the reports and direct the filing thereof.

ACTION TAKEN: _____

Body

BACKGROUND: Oklahoma Statutes, Title 11, Section 17-105 require that an audit of the funds, assets, books, and records of the clerk and treasurer of the City be prepared and reviewed by an independent qualified accountant. The City of Norman has, since fiscal year 1989, prepared an audit in conformance with Generally Accepted Accounting Principles (GAAP) promulgated by the Governmental Accounting Standards Board (GASB). For the past eighteen fiscal years, the City has received the Government Finance Officers Association's Award for Achievement for Excellence in Financial Reporting.

Many of the federal and state grants that the City receives also require an audit report to be reviewed by independent accountants, as directed by the Federal Single Audit Act of 1996.

On March 25, 2008, the Council accepted the proposal of Cole and Reed, P.C. (RFP 0708-64), to provide independent auditing services for the City of Norman, the Norman Municipal Authority, the Norman Tax Increment Finance Authority, Norman Utilities Authority and Norman Tax Increment Finance Authority and related entities for a period of three fiscal years with an option to extend the services for an additional two fiscal years.

DISCUSSION: For the eighth fiscal year, the financial statements in this Comprehensive Annual Financial Report (CAFR) are presented in a format compliant with GAAP standard number 34, promulgated by the GASB.

The financial statements of both the City and its Trusts have received an unqualified opinion from Cole and Reed, P.C. that they fairly represent the financial position of the City as of June 30, 2010 (FYE 10) in all material respects.

RECOMMENDATION: It is recommended that the FYE 10 CAFR, Single Audit Report, and Norman Tax Increment Finance Authority Financial Statement be accepted.

Audit Committee
City of Norman
Norman, Oklahoma

This letter is intended to inform the Audit Committee of the City Council of the City of Norman, Oklahoma (the "Audit Committee"), about significant matters related to the conduct of the annual audit so it can appropriately discharge its oversight responsibility and that we comply with our professional responsibilities to the Audit Committee and ultimately, the City Council.

The following summarizes various matters which must be communicated to you under auditing standards generally accepted in the United States of America.

Our Responsibility Under Generally Accepted Auditing Standards and OMB Circular A-133

Our audit of the financial statements of the City for the year ended June 30, 2010 was conducted in accordance with auditing standards generally accepted in the United States of America and *Government Auditing Standards*, issued by the Comptroller General of the United States. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatement, whether caused by error, fraudulent financial reporting or misappropriation of assets. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation. Accordingly, the audit was designed to obtain reasonable, rather than absolute, assurance about the financial statements. We believe that our audit accomplished that objective.

In planning and performing our audit, we considered the City's internal control over financial reporting in order to determine our auditing procedures for the purpose of expressing our opinion on the financial statements and not to provide assurance on the internal control over financial reporting. We also considered internal control over compliance with requirements that could have a direct and material effect on a major federal program in order to determine our auditing procedures for the purpose of expressing our opinion on compliance and to test and report on internal control over compliance in accordance with OMB Circular A-133.

As part of obtaining reasonable assurance about whether the City's financial statements are free of material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts and grants, noncompliance with which could have a direct and material effect on the determination of financial statement amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit. Also, in accordance with OMB Circular A-133, we examined, on a test basis, evidence about the City's compliance with the types of compliance requirements described in the *U.S. Office of Management and Budget ("OMB") Circular A-133 Compliance Supplement* applicable to each of its major federal programs for the purpose of expressing an opinion on the City's compliance with those requirements. While our audit provides a reasonable basis for our opinion, it does not provide a legal determination of the City's compliance with those requirements.

Management Judgments and Accounting Estimates

Accounting estimates are an integral part of the preparation of financial statements and are based upon management's current judgment. The process used by management encompasses their knowledge and experience about past and current events and certain assumptions about future events. Management has informed us that they used all the relevant facts available to them at the time to make the best judgments about accounting estimates and we considered this information in the scope of our audit.

Estimates significant to the financial statements include such items as the liability for self-insurance reserves, the liability for accrued compensated absences, and the allowances for depreciation. The Audit Committee may wish to monitor throughout the year the process used to compute and record these accounting estimates.

Management Representations

Management representations regarding the June 30, 2010 financial statements of the City accompany this communication.

Audit Adjustments

There were no audit adjustments made to the original trial balance presented to us to begin our audit.

Uncorrected Misstatements

We accumulated three (3) uncorrected misstatements, which were discussed with management and were determined by management to be immaterial to the financial statements taken as a whole. Therefore, the adjustments to correct these misstatements were not made to the financial statements. These uncorrected misstatements are included in the accompanying management representation letter.

Accounting Policies and Alternative Treatments

Management and the Audit Committee have the ultimate responsibility for the appropriateness of the accounting policies used by the City. As a governmental entity, the City is required to follow the standards of the Governmental Accounting Standards Board. There were no significant changes to the City's accounting policies from the prior year.

Other Information in Documents Containing Audited Financial Statements

In connection with the City's annual report we did not perform any procedures or corroborate other information included in the annual report. However, we read the annual report and considered whether the information or the manner in which it was presented was materially inconsistent with information or the manner of presentation of the financial statements. Based on our reading, we concluded that the information did not require revision.

Disagreements with Management

We encountered no disagreements with management over the application of significant accounting principles, the basis for management's judgments on any significant matters, the scope of the audit or significant disclosures to be included in the financial statements.

Consultations with Other Accountants

We are not aware of any consultations management had with other accountants about accounting or auditing matters.

Major Issues Discussed with Management Prior to Retention

No major issues were discussed with management prior to our retention to perform the aforementioned audit.

Difficulties Encountered in Performing the Audit

We did not encounter any difficulties in dealing with management relating to the performance of the audit.

Closing

We will be pleased to respond to any questions you have about the foregoing. We appreciate the opportunity to be of service to the City of Norman, Oklahoma.

This report is intended solely for the information and use of the Audit Committee, City Council, management, and applicable governmental agencies and is not intended to be and should not be used by anyone other than the specified parties.

Cole & Reed P.C.

Oklahoma City, Oklahoma
December 16, 2010



CITY COUNCIL AGENDA DECEMBER 28, 2010

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

Item No. 11

Text File Number: K-1011-42

Introduced: 11/19/2010 by Charlie Thomas, Capital Projects Eng.

Current Status: Consent Item

Version: 1

Matter Type: Contract

Title

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

ACTION NEEDED: Acting as the Norman Utilities Authority, motion to accept all bids as meeting specifications, and, if accepted, award the bid in the amount of \$2,305,000 to Oil Capital Electric, L.L.C.; approve Contract No. K-1011-42 and the performance, statutory, and maintenance bonds; authorize execution of the contract and the Norman Utilities Authority as part of the contract to pay subcontractors for equipment and supplies in an approximate amount of \$2,305,000 for the Wastewater Treatment Plant Energy Improvements Project; direct the filing of the bonds; and appropriate \$889,611 from the Wastewater Fund Balance (032-0000-253.00-00) to Project No. WW0043, WWTP Aeration Basin Blower, Construction (032-9911-432.61-01), \$254,826, and Project No. WW0052, WWTP SCADA Improvements, Construction (032-9911-432.61-01), \$634,785.

ACTION TAKEN: _____

Body

BACKGROUND: Currently, the WWTP has four (4) 350 HP blowers supplying air to our aeration basins. The blower motors presently run at 100% speed with an automatic valve on the discharge piping to control how much air is delivered to the basins. By installing variable frequency drive (VFD) motor controls, motor speed may be modulated for the amount of air needed, thus reducing the KWH (electricity) demand to supply the required amount of air. The proposed savings from installing the aeration blower VFDs is 2,628,000 KWH and \$100,104 annually.

The existing North Digester sludge boilers were installed in 1963 and have out lived their useful life. A Department of Labor inspector stated that any repair in the future will preclude return to service. The new boiler units will be upgraded to 450,000 btu/hour, based on 150 gallons per minute of sludge circulation.

On June 23, 2009, staff submitted an application for an Energy Efficiency and Conservation Block Grant (EECBG) administered by the U.S. Department of Energy (DOE) to fund both the preceding components of the project from stimulus funds. On Thursday, August 6, 2009, staff was notified of award of the grant in the amount of \$1,001,400. Grant funds are

available via reimbursement, but funding must be appropriated and contractor payments made prior to grant reimbursement. On November 10, 2009, Council conducted a public hearing regarding grant acceptance.

Supervisory Control and Data Acquisition (SCADA) assists the operator by electronically monitoring various plant treatment and lift station activities and reporting current status to a central location. The existing plant SCADA system is at capacity with no capacity for adding monitoring points, which will be needed as a result of the new VFD and replacement boiler installations. No SCADA currently exists for operation of the lift stations.

On August 20, 2009, the NUA approved Contract K-0910-53 with Garver, LLC for design of the WWTP Energy Improvements Project. To date, \$100,400 of EECBG funds are obligated for work by Garver, leaving \$901,000 of reimbursable funding available for the construction phase.

DISCUSSION: An advertisement for bids was published in the Norman Transcript on September 16 and 23, 2010. Bids were opened October 14, 2010. Per the Engineers letter (attached), two (2) bids were received and Garver recommends award to Oil Capital Electric, LLC the low bidder at \$2,305,000. The engineer's estimate was \$2,246,000, a difference of less than 3%. Subject to funding and award, work should begin during January with a six (6) month contract completion time.

As shown in Table 1 (attached), current funding for the Blowers portion of the work (Project No. WW0043) is \$705,500 in Construction (032-9911-432.61-01), a shortfall of \$254,826. Likewise, current funding for the SCADA portion of the work (Project No. WW0052) is \$314,715 in Construction (032-9911-432.61-01), a shortfall of \$634,785.

To fully fund the award, as shown in attached Table 2, staff recommends supplemental appropriation of \$889,611 from the Wastewater Fund balance (Account 032-0000-253.00-00) into the Construction Accounts shown. The increase results from the experience of both Water Treatment Plant and Information Systems (IS) staff, to provide redundancy of equipment to operate the new WWTP SCADA system, superior benefit to insure City compliance with Permit conditions. However, the necessary redundant servers and backup PCs add some design, programming, equipment, and labor costs, most of which are recoverable through grant reimbursement.

The City of Norman is exempt from the payment of any sales or use taxes. Pursuant to Title 68 O.S., Section 1356 (10) and as allowed by Oklahoma Tax Commission Rules Part 27 Trust Authority 710:65-13-140, direct vendors to the City of Norman are also exempt from those taxes. A bidder and his subcontractors may exclude from their bid, sales taxes on appropriate equipment, materials, and supplies that will not have to be paid while acting on behalf of the City of Norman. To minimize project costs, the NUA will make payment directly to vendors supplying equipment and materials for incorporation into the project.

RECOMMENDATIONS:

- 1) Recommend the NUA accept the bids received in response to Bid 1011-9 and award bid to the low bidder, Oil Capital Electric, LLC.

- 2) Recommend the NUA authorize the appropriation of \$889,611 from the Wastewater Fund balance, as follows:
\$254,826 into Blowers Construction (032-9911-432.61-01, WW0043)
\$634,785 into SCADA Construction (032-9911-432.61-01, WW0052)

- 3) Recommend the NUA authorize the Chairman to sign Contract K-1011-42 with Oil Capital Electric, LLC in the amount of \$2,305,000 and Performance Bond B-1011-11, Statutory Bond B-1011-12, and Maintenance Bond MB-1011-06; each in the contract amount.

- 4) Recommend the NUA allow the Utilities Director to approve the purchase of equipment and materials for the WWTP Energy Improvements Project directly from vendors at prices agreed to by the contractor.

Table 1, Current Funding

<u>Account Number</u>	<u>Cost Element</u>	WW0043 <u>Blowers</u>	WW0047 <u>Boilers</u>	WW0052 <u>SCADA</u>	<u>Totals</u>
032-9911-432.61-01	Construction	\$705,500	\$464,100	\$314,715	\$1,484,315
Contract value		\$960,326	\$395,174	\$949,500	\$2,305,000
Balance		(\$254,826)	\$68,926	(\$634,785)	(\$889,611)

Table 2, Transfers

<u>Account Number</u>	<u>Account Name</u>	<u>Project No.</u>	<u>Current Balance</u>	<u>Funding Changes</u>	<u>Revised Funding</u>
032-0000-253.00-00	WW fund balance	N/A		(\$889,611)	Appropriation
032-9911-432.61-01	Blower Construction	WW0043	\$705,500	\$254,826	\$960,326
032-9911-432.61-01	SCADA Construction	WW0052	\$314,715	\$634,785	\$949,500
Totals			\$0	\$0	



1016 24th Avenue NW
Norman, OK 73069

TEL 405.329.2555
FAX 405.329.3555

www.GarverUSA.com

October 25th, 2010

Mr. Charlie Thomas
City of Norman
201 West Gray
Norman, OK 73069

Re: Norman WWTP Energy Improvements Project- Garver Project No. 08422020

Mr. Thomas:

On October 14th, 2010 two bids were received and opened for the above referenced project at the City of Norman City Hall. The bids included a base bid with selected manufacturers, and the additive or deductive amounts required to select alternative manufacturers for certain major equipment components. The Total Base Bids are summarized as follows:

Bidder	Total Base Bid
Jordan Contractors Inc.	\$2,815,400
Oil Capital Electric LLC	\$2,305,000

Oil Capital Electric (OCE) LLC of Oklahoma City, Oklahoma is the apparent low bidder as defined in the bid documents. OCE's bid was within 3% of our estimate, which is a reasonable difference considering the specialized complexity of this project. The references and completed projects submitted with OCE's bid demonstrate an exceptional amount of project experience relative to the majority of work required on this project.

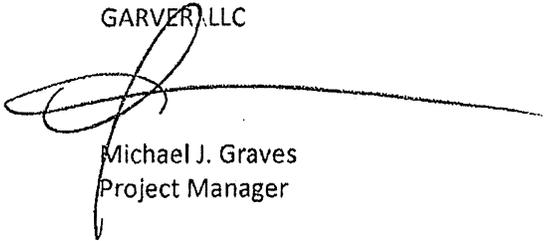
Mr. Thomas
October 25th, 2010
Page 2 of 2

Therefore, Garver recommends that the Total Base Bid be awarded to Oil Capital Electric, LLC, for a total project amount of \$2,305,000.

If you have any questions, or require further explanation, please contact me at (405) 329-2555.

Sincerely,

GARVER, LLC



Michael J. Graves
Project Manager

CC: Scott Zotti - Garver

CONTRACT

This AGREEMENT made this _____ day of _____, _____, by and between OIL CAPITAL ELECTRIC, LLC a ~~Corporation~~ ^{LLC} organized and existing under the laws of the State of Oklahoma hereinafter called the "Contractor", and **NORMAN UTILITIES AUTHORITY**, hereinafter called the "Owner".

WITNESSETH:

That the Contractor and the Owner for the consideration stated herein mutually agree as follows:

ARTICLE 1. Statement of Work. The Contractor shall furnish all supervision, technical personnel, labor, materials, machinery, tools, equipment, incidentals and services, including utility and transportation services and perform and complete all work required for

NORMAN WASTEWATER TREATMENT PLANT ENERGY IMPROVEMENTS

in strict accordance with the Contract Documents.

ARTICLE 2. The Contract Price. The Owner will pay the Contractor, because of his performance of the Contract, for the total quantities of work performed at the lump sum named in the proposal Two million, three hundred five thousand & no/100 Dollars (\$2,305,000.00), subject to additions, and deductions as provided in the Section entitled "CHANGES IN THE WORK" under GENERAL CONDITIONS.

ARTICLE 3. Contract Time. The Contractor agrees to begin work within ten (10) calendar days after issuance by the Owner of a "Work Order" or "Notice to Proceed" and to complete the work within one hundred eighty (180) consecutive calendar days thereafter (except as modified in accordance with the GENERAL CONDITIONS of these Contract Documents). If the Contractor shall fail to complete the work within the time specified, he and his Surety shall be liable for payment to the Owner, as liquidated damages ascertained and agreed, and not in the nature of a penalty, the amount specified in SPECIAL CONDITIONS of these Contract Documents for each day of delay. To the extent sufficient in amount, liquidated damages shall be deducted from the payments to be made under this Contract.

ARTICLE 4. Contract. The executed Contract Documents shall consist of the following:

- a. Executed Agreement
- b. Addenda (if any)
- c. Advertisement for Bids
- d. Instructions to Bidders
- e. Bid Form
- f. Statement of Bidders Qualifications
- g. List of Proposed Subcontractors
- h. General Conditions
- i. Supplementary Conditions
- j. Special Terms and Conditions for EECBG Program
- k. Technical Specifications
- l. Performance Bonds
- m. Certificates of Insurance
- n. Maintenance Bond
- o. Statutory Bond
- p. Anti-collusion and Business Relationships Affidavit
- q. Disadvantaged Business Enterprises Forms

This Agreement, together with other Documents enumerated in this Article 4, which said other Documents are as fully a part of the Contract as if hereto attached or herein repeated, form the Contract between the parties hereto. In the event that any provisions in any component part of this Contract conflicts with any provision of any other component part, the conflict shall be resolved by the Engineer whose decision shall be final.

ARTICLE 5. Surety. The Surety on the Bonds shall be a surety company of financial resources satisfactory to the Owner, authorized to do business in the State of Oklahoma, and shall comply with applicable Oklahoma laws.

ARTICLE 6. Buy American. The Contractor acknowledges to and for the benefit of the Owner that it understands the goods and services under this Agreement are being funded with monies made available by the federal American Recovery and Reinvestment Act of 2009 (ARRA) and such law contains provisions commonly known as "Buy American"; that requires all of the iron, steel, and manufactured goods used in the project be produced in the United States ("Buy American Requirements") including iron, steel and manufactured goods provided by the Contractor pursuant to this Agreement.

The Contractor hereby represents and warrants to and for the benefit of the Owner that:

(a) The Contractor has reviewed and understands the Buy American requirements, all of the iron, steel, and manufactured goods used in the project will be and/or have been produced in the United States in a manner that complies with the Buy American Requirements, unless a waiver of the requirements is approved, and

(b) The Contractor will provide any further verified information, certification or assurance of compliance with this paragraph, or information necessary to support a waiver of the Buy American Requirements, as may be required by the Owner.

Notwithstanding any other provision of this Agreement, any failure to comply with this paragraph by the Contractor shall permit the Owner to recover as damages against the Contractor any loss, expense or cost (including without limitation attorney's fees) incurred by the Owner resulting from any such failure (including without limitation any impairment or loss of funding, whether in whole or in part, from the State or any damages owed to the State by the Owner). While the Contractor has no direct contractual privity with the State, as a lender to the Owner for the funding of its project, the Owner and the Contractor agree that the State is a third-party beneficiary and neither this paragraph (nor any other provision of this Agreement necessary to give this paragraph force or effect) shall be amended or waived without the prior written consent of the State."

ARTICLE 7. Davis Bacon Act. Davis Bacon Act wage rules shall apply. All laborers and mechanics employed by contractors and subcontractors on projects funded directly by or assisted in whole or in part by and through the Federal Government pursuant to ARRA shall be paid wages at rates not less than those prevailing on projects of a character similar in the locality as determined by the Secretary of Labor in accordance with subchapter IV of Chapter 31 of Title 40, United States Code. The Department of Labor provides all pertinent information related to compliance with labor standards, including prevailing wage rates and instructions for reporting. For more information please refer to www.wdol.gov.

IN WITNESS WHEREOF, the parties hereto have caused this CONTRACT to be executed in five (5) counterparts, each of which shall be considered an original on the day and year first above written.

STATE OF Oklahoma)
)§
COUNTY OF Tulsa)

James F. Lewis, 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 AUTHORITY. 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 AUTHORITY any money or other thing of value, either directly or indirectly, in the procuring of the CONTRACT.

James F. Lewis
Subscribed and sworn to before me this 7 day of December, 2010.

Ruth H. Morrel
Notary Public (or Clerk or Judge)

My Commission Expires: 3.04



IN WITNESS WHEREOF, CONTRACTOR and AUTHORITY have executed this instrument

DATED this _____ day of _____, 2010.

(Corporate Seal) (where applicable)
ATTEST

Corporate Secretary (where applicable)

Oil Capital Electric, L.L.C.
PRINCIPAL
Signed: James F. Lewis
Authorized Representative
James F. Lewis, Manager
Name and Title

Address: 12718 E. 55th St.
Tulsa, OK 74146-6221

Telephone: 918-317-3255

NORMAN UTILITIES AUTHORITY

APPROVED as to form and legality this 15 day of December, 2010.

AUTHORITY Attorney



Approved by the Trustees of the NORMAN UTILITIES AUTHORITY this _____ day of _____, 20____.

NORMAN UTILITIES AUTHORITY

ATTEST

By: _____

Title: Chairman

Secretary

PERFORMANCE BOND

Know all men by these presents that OIL CAPITAL ELECTRIC, LLC, as PRINCIPAL, and Hartford Fire Insurance Company, a corporation organized under the laws of the State of Connecticut, and authorized to transact business in the State of Oklahoma, as SURETY, are held and firmly bound unto NORMAN UTILITIES AUTHORITY, a Public Trust of the State of Oklahoma, herein called AUTHORITY, in the sum of Two million, three hundred five thousand & no/100 Dollars (\$2,305,000.00), for the payment of which sum PRINCIPAL and SURETY bind themselves, their heirs, executors, administrators, successors and assigns jointly and severally.

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

NORMAN WASTEWATER TREATMENT PLANT ENERGY IMPROVEMENTS
NORMAN, OKLAHOMA

has entered into a written CONTRACT (K-1011-42) with the AUTHORITY, 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 the 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 AUTHORITY from all loss, damage, and expense to life or property suffered or sustained by any person, firm, or corporation caused by the 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 the PRINCIPAL or his or its agents, servants, or employees; and if the PRINCIPAL shall protect and save the AUTHORITY 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 and by the Secretary of the U.S. Department of Labor or as determined by a court on appeal.

IN WITNESS WHEREOF, the PRINCIPAL has caused these presents to be executed in its name and its corporate seal (where applicable) to be hereunto affixed by its duly authorized representative(s), on the 6th day of December, 20 10, 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 6th day of December, 20 10.

(Corporate Seal) (where applicable)

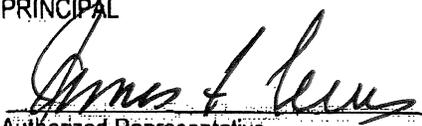
ATTEST

Corporate Secretary (where applicable)

Oil Capital Electric, LLC

PRINCIPAL

Signed:


Authorized Representative

James F. Lewis, Manager
Name and Title

Address:

12718 East 55th Street

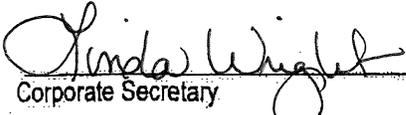
Tulsa OK 74146-6221

Telephone:

918-317-3255

(Corporate Seal)

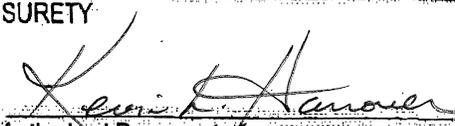
ATTEST


Corporate Secretary

Hartford Fire Insurance Company

SURETY

Signed:


Authorized Representative

Kevin L. Hanover, Attorney-In-Fact
Name and Title

Address:

5601 South 122nd East Avenue

Tulsa, OK 74146

Telephone:

918-582-0565

CORPORATE ACKNOWLEDGEMENT

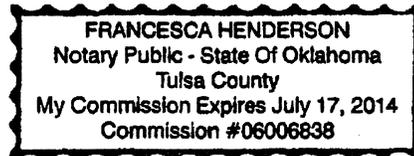
STATE OF OKLAHOMA)
COUNTY OF Tulsa)§

The foregoing instrument was acknowledged before me this 6 day of December
20 10, by Kevin L. Hanover, Attorney-in-Fact of Hartford Fire Insurance Company
Name and Title
a Connecticut corporation, on behalf of the corporation.

WITNESS my hand and seal this 6 day of December, 20 10.

Francesca Henderson
Notary Public

My Commission Expires: July 17, 2014



NORMAN UTILITIES AUTHORITY

APPROVED as to form and legality this 22 day of December, 20 10.

[Signature]
AUTHORITY Attorney

Approved by the Trustees of the NORMAN UTILITIES AUTHORITY this _____ day of _____, 20____.

NORMAN UTILITIES AUTHORITY

ATTEST

By: _____
Title: Chairman

Secretary

STATUTORY BOND

Know all men by these presents that OIL CAPITAL ELECTRIC, LLC, as PRINCIPAL, and Hartford Fire Insurance Company, a corporation organized under the laws of the State of Connecticut, and authorized to transact business in the State of Oklahoma, as SURETY, are held and firmly bound unto NORMAN UTILITIES AUTHORITY, a Public Trust of the State of Oklahoma, herein called AUTHORITY, in the sum of Two million, three hundred five thousand & no/100 Dollars (\$2,305,000.00), for the payment of which sum PRINCIPAL and SURETY bind themselves, their heirs, executors, administrators, successors and assigns jointly and severally.

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

NORMAN WASTEWATER TREATMENT PLANT ENERGY IMPROVEMENTS
NORMAN, OKLAHOMA

has entered into a written CONTRACT (K-1011-42) with the AUTHORITY, 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 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 §2, for the amount so due and unpaid.

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

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

IN WITNESS WHEREOF, the PRINCIPAL has caused these presents to be executed in its name and its corporate seal (where applicable) to be hereunto affixed by its duly authorized representative(s), on the 6th day of December, 20 10, and the SURETY has caused these presents to be executed in its name and its corporate seal to be hereunto affixed by its authorized representative on the 6th day of December, 20 10

(Corporate Seal) (where applicable)

ATTEST

Corporate Secretary (where applicable)

Oil Capital Electric, LLC

PRINCIPAL

Signed:

James F. Lewis
Authorized Representative

James F. Lewis, Manager
Name and Title

Address:

12718 East 55th Street

Tulsa, OK 74146

Telephone:

918-317-3255

(Corporate Seal)

ATTEST

Ronda Wright
Corporate Secretary

Hartford Fire Insurance Company

SURETY

Signed:

Kevin L. Hanover
Authorized Representative

Kevin L. Hanover, Attorney-In-Fact
Name and Title

Address:

5601 South 122nd East Avenue

Tulsa, OK 74146

Telephone:

918-582-0565

CORPORATE ACKNOWLEDGEMENT

STATE OF OKLAHOMA)
COUNTY OF TULSA) IS

The foregoing instrument was acknowledged before me this 6 day of December

20 10 by Kevin L. Hanover, Attorney-in-Fact of Hartford Fire Insurance Company
Name and Title
a Connecticut corporation, on behalf of the corporation.

WITNESS my hand and seal this 6 day of December, 20 10

Francesca Henderson
Notary Public

My Commission Expires: July 17, 2014

FRANCESCA HENDERSON
Notary Public - State Of Oklahoma
Tulsa County
My Commission Expires July 17, 2014
Commission #08006838

NORMAN UTILITIES AUTHORITY

APPROVED as to form and legality this 22 day of December, 20 10.

[Signature]
AUTHORITY Attorney

Approved by the Trustees of the NORMAN UTILITIES AUTHORITY this _____ day of _____, 20____.

NORMAN UTILITIES AUTHORITY

ATTEST

By: _____

Title: Chairman

Secretary

MAINTENANCE BOND

Know all men by these presents that OIL CAPITAL ELECTRIC, LLC, as PRINCIPAL, and Hartford Fire Insurance Company, a corporation organized under the laws of the State of Connecticut, and authorized to transact business in the State of Oklahoma, as SURETY, are held and firmly bound unto NORMAN UTILITIES AUTHORITY, a Public Trust of the State of Oklahoma, herein called AUTHORITY, in the sum of Two million, three hundred five thousand & no/100 Dollars (\$2,305,000.00), for the payment of which sum PRINCIPAL and SURETY bind themselves, their heirs, executors, administrators, successors and assigns jointly and severally.

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

NORMAN WASTEWATER TREATMENT PLANT ENERGY IMPROVEMENTS
NORMAN, OKLAHOMA

has entered into a written CONTRACT (K-1011-42) with the AUTHORITY, dated _____ for the erection and construction of this PROJECT, that CONTRACT being incorporated herein by reference as if fully set forth.

WHEREAS, under the ordinances of the AUTHORITY, the PRINCIPAL is required to furnish to the AUTHORITY 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 AUTHORITY or expense to the AUTHORITY any and all defects arising from improper workmanship, materials, or failure to protect new work until it is accepted; all for a period of two (2) years from the date of the written final acceptance by the AUTHORITY, 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 AUTHORITY 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 6th day of December, 20 10, 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 6th day of December, 20 10.

(Corporate Seal) (where applicable)

ATTEST

Corporate Secretary (where applicable)

Oil Capital Electric, LLC

PRINCIPAL

Signed:

James F. Lewis
Authorized Representative

James F. Lewis, Manager
Name and Title

Address:

12718 East 55th Street

Tulsa, OK 74146

Telephone:

918-317-3255

(Corporate Seal)

ATTEST

Linda Wright
Corporate Secretary

Hartford Fire Insurance Company

SURETY

Signed:

Kevin L. Hanover
Authorized Representative

Kevin L. Hanover, Attorney-In-Fact
Name and Title

Address:

5601 South 122nd East Avenue

Tulsa, OK 74146

Telephone:

918-582-0565

CORPORATE ACKNOWLEDGEMENT

STATE OF OKLAHOMA)
COUNTY OF TULSA)§

The foregoing instrument was acknowledged before me this 6 day of December,
20 10, by Kevin L. Hanover, Attorney-in-Fact of Hartford Fire Insurance Company
a Connecticut corporation, on behalf of the corporation.

WITNESS my hand and seal this 6 day of December, 20 10.

Francesca Henderson
Notary Public

My Commission Expires: July 17, 2014



NORMAN UTILITIES AUTHORITY

APPROVED as to form and legality this 22 day of December, 20 10.

[Signature]
AUTHORITY Attorney

Approved by the Trustees of the NORMAN UTILITIES AUTHORITY this _____ day of _____, 20____.

NORMAN UTILITIES AUTHORITY

ATTEST

By: _____
Title: Chairman Secretary

POWER OF ATTORNEY

Direct Inquiries/Claims to:

THE HARTFORD
 BOND, T-4
 P.O. BOX 2103, 690 ASYLUM AVENUE
 HARTFORD, CONNECTICUT 06115
 call: 888-266-3488 or fax: 860-757-5835
 Agency Code: 38-382980

KNOW ALL PERSONS BY THESE PRESENTS THAT:

- Hartford Fire Insurance Company**, a corporation duly organized under the laws of the State of Connecticut
- Hartford Casualty Insurance Company**, a corporation duly organized under the laws of the State of Indiana
- Hartford Accident and Indemnity Company**, a corporation duly organized under the laws of the State of Connecticut
- Hartford Underwriters Insurance Company**, a corporation duly organized under the laws of the State of Connecticut
- Twin City Fire Insurance Company**, a corporation duly organized under the laws of the State of Indiana
- Hartford Insurance Company of Illinois**, a corporation duly organized under the laws of the State of Illinois
- Hartford Insurance Company of the Midwest**, a corporation duly organized under the laws of the State of Indiana
- Hartford Insurance Company of the Southeast**, a corporation duly organized under the laws of the State of Florida

having their home office in Hartford, Connecticut, (hereinafter collectively referred to as the "Companies") do hereby make, constitute and appoint, **up to the amount of unlimited:**

*Kevin L. Hanover, George J. Kolczun Jr., Nancy Scheib, Linda Wright,
 Annissa R. DeJamett, Georgia A. Craig, James B. Geisinger, Lori Grimes*
 of
 Tulsa, OK

their true and lawful Attorney(s)-in-Fact, each in their separate capacity if more than one is named above, to sign its name as surety(ies) only as delineated above by , and to execute, seal and acknowledge any and all bonds, undertakings, contracts and other written instruments in the nature thereof, on behalf of the Companies in their business of guaranteeing the fidelity of persons, guaranteeing the performance of contracts and executing or guaranteeing bonds and undertakings required or permitted in any actions or proceedings allowed by law.

In Witness Whereof, and as authorized by a Resolution of the Board of Directors of the Companies on January 22, 2004 the Companies have caused these presents to be signed by its Assistant Vice President and its corporate seals to be hereto affixed, duly attested by its Assistant Secretary. Further, pursuant to Resolution of the Board of Directors of the Companies, the Companies hereby unambiguously affirm that they are and will be bound by any mechanically applied signatures applied to this Power of Attorney.



Paul A. Bergenholtz

Paul A. Bergenholtz, Assistant Secretary

M. Ross Fisher

M. Ross Fisher, Assistant Vice President

STATE OF CONNECTICUT }
 COUNTY OF HARTFORD } ss. Hartford

On this 3rd day of March, 2008, before me personally came M. Ross Fisher, to me known, who being by me duly sworn, did depose and say: that he resides in the County of Hartford, State of Connecticut; that he is the Assistant Vice President of the Companies, the corporations described in and which executed the above instrument; that he knows the seals of the said corporations; that the seals affixed to the said instrument are such corporate seals; that they were so affixed by authority of the Boards of Directors of said corporations and that he signed his name thereto by like authority.



CERTIFICATE

Scott E. Paseka

Scott E. Paseka
 Notary Public
 My Commission Expires October 31, 2012

I, the undersigned, Assistant Vice President of the Companies, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of the Power of Attorney executed by said Companies, which is still in full force effective as of December 6, 2010.
 Signed and sealed at the City of Hartford.



Gary W. Stumper

Gary W. Stumper, Assistant Vice President

PURCHASE REQUISITION NBR: 0000180129

STATUS: INSUFFICIENT FUNDS
REASON: WWTP ENERGY PROJECT

REQUISITION BY: WEBB G

DATE: 12/08/10

SHIP TO LOCATION: P W - UTILITIES DIRECTOR

SUGGESTED VENDOR: OIL CAPITAL ELECTRIC, LLC

DELIVER BY DATE: 6/30/11

LINE NBR	DESCRIPTION	QUANTITY	UOM	UNIT COST	EXTEND COST	VENDOR PART NUMBER
1	BLOWER CONSTRUCTION COMMODITY: CONSTRUCTION SERVICES, HE SUBCOMM: CONSTRUCTION AND UPGRADES	960326.00	DOL	1.0000	960326.00	
2	BOILERS CONSTRUCTION COMMODITY: CONSTRUCTION SERVICES, HE SUBCOMM: CONSTRUCTION AND UPGRADES	395174.00	DOL	1.0000	395174.00	
3	SCADA CONSTRUCTION COMMODITY: CONSTRUCTION SERVICES, HE SUBCOMM: CONSTRUCTION AND UPGRADES	949500.00	DOL	1.0000	949500.00	

REQUISITION TOTAL: 2305000.00

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

LINE #	ACCOUNT	PROJECT	%	AMOUNT
1	03299114326101	Capital Projects Construction	100.00	960326.00
2	03299114326101	Capital Projects Construction	100.00	395174.00
3	03299114326101	Capital Projects Construction	100.00	949500.00
		WWTP SCADA Imp		2305000.00

REQUISITION IS IN THE CURRENT FISCAL YEAR.

REQUISITION COMMENTS:

CONTRACT K-1011-42 CONTINGENT ON NUA APPROVAL
12-14-10



**CITY COUNCIL AGENDA
DECEMBER 28, 2010**

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

Item No. 12

Text File Number: LL-1011-8

Introduced: 12/7/2010 by Wayne Stenis, Planner II

Current Status: Consent Item

Version: 1

Matter Type: Limited License

Title

LIMITED LICENSE NO. LL-1011-8: LIMITED LICENSE TO PLACE FOUR (4) SIGNS WITHIN THE PUBLIC RIGHTS-OF-WAY PURSUANT TO A REQUEST FROM FIREHOUSE ART CENTER FOR THE CHOCOLATE FESTIVAL TO BE HELD ON FEBRUARY 5, 2011.

ACTION NEEDED: Motion to approve or reject Limited License No. LL-1011-8; and, if approved, direct the filing thereof.

ACTION TAKEN: _____

Body

BACKGROUND: Section 18-308 states:

Festival or Public Event Banners.

Signs announcing specific events or promotions that are of a legitimate public benefit to the community at large may be erected within the public right-of-way when authorized by a limited license granted by the City Council. The size, number, type, and wording of such signs must be specified in the license, as well as their location and duration of use. Because of their unique location within the public right-of-way, such banners may not be placed so as to interfere with legitimate traffic and safety concerns.

DISCUSSION: The Firehouse Art Center, a 501(c)(3) organization, will host their Annual Chocolate Festival on February 5, 2011. They have requested permission to display four signs throughout the community to announce the event. Each sign is 4' by 8' and states the event, date and location. The banners would be erected on January 7th and removed February 7th. They would be located at the intersections of 24th Avenue NW and Main Street, 12th Avenue SE and Alameda Street, 24th Avenue NW and Robinson Street, and Symmes Street and Flood Avenue. These are acceptable, so long as the signs are placed in the right-of-way and do not present a safety hazard.

STAFF RECOMMENDATION: The locations are acceptable, and will not impact any designated sight triangles if properly placed. Staff has prepared the license in accordance with their request, and presents it to the Council for consideration. Other than the stipulated time frame and placement, staff does not suggest additional conditions. Conditions may be attached, if the Council desires. Staff recommends approval of this Limited License.

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

Date 12/1/10

Name of Applicant Firehouse Art Center

Address 444 South Flood Ave Telephone Number 329-4523

Number of Banners 4

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

nw 24th & Main

SE 12th & Alameda

nw 24th & Robinson

Symmes & Flood

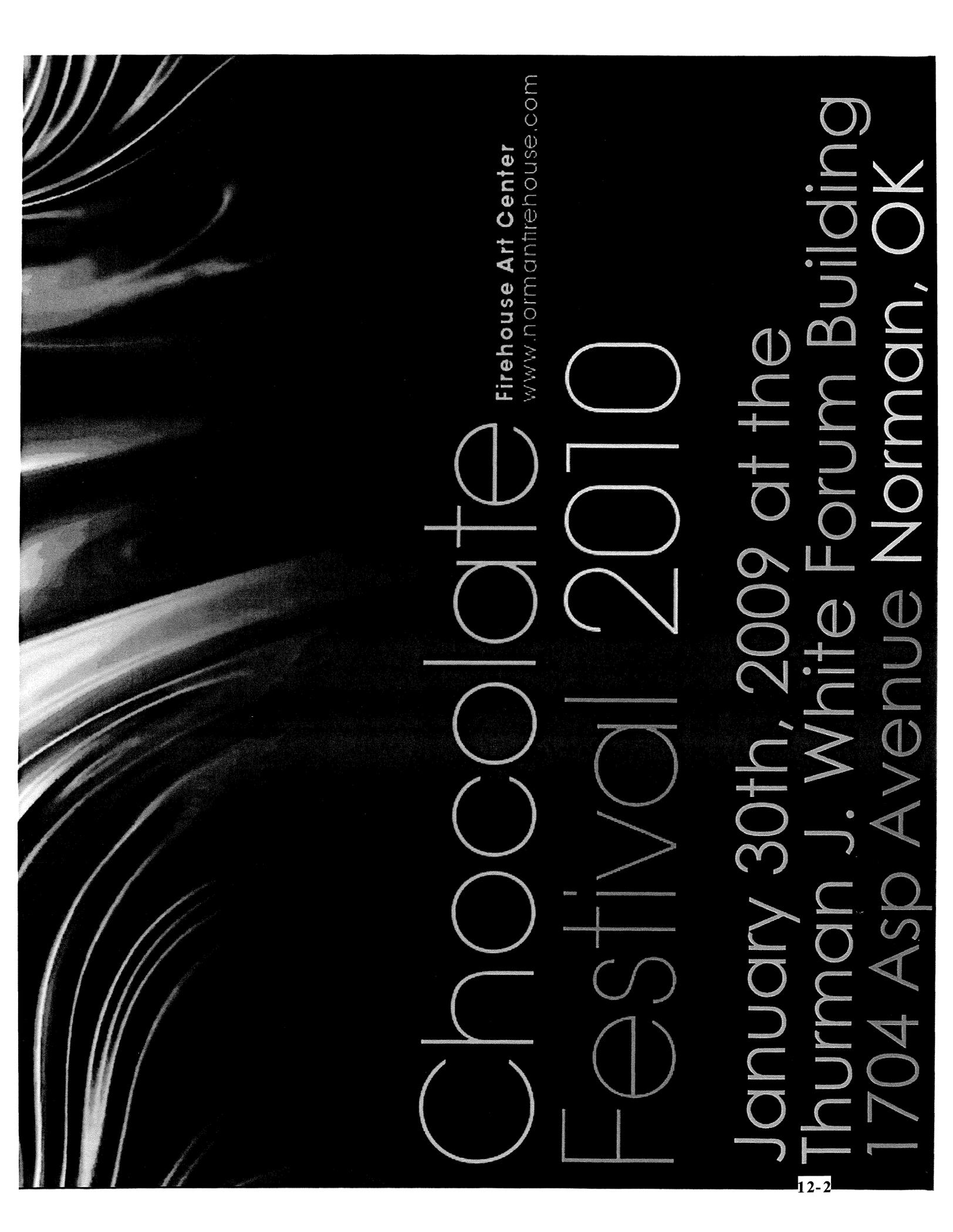
Banner/Sign Size 4' x 8'

Type of Banner/Sign vinyl

Wording of Banner/Sign Chocolate Festival 2011

Feb. 5th, Forum Bldg, 1704 Asp Ave

Duration of Use January 7 thru February 7



Chocolate
Festival 2010

Firehouse Art Center
www.normanfirehouse.com

January 30th, 2009 at the
Thurman J. White Forum Building
1704 Asp Avenue Norman, OK

LIMITED LICENSE NO. 1011-8

**LIMITED LICENSE TO PLACE FOUR (4) GROUND
BANNERS WITHIN THE PUBLIC RIGHTS-OF-WAY
PURSUANT TO A REQUEST FROM THE FIREHOUSE
ART CENTER FOR THE 2011 CHOCOLATE FESTIVAL
TO BE HELD FEBRUARY 5, 2011.**

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

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

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

License limited for a thirty-two day period from January 7 through February 7, 2011.

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

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

Approved this 28th day of December, 2010.

CITY OF NORMAN

Mayor

ATTEST:

City Clerk



**CITY COUNCIL AGENDA
DECEMBER 28, 2010**

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

Item No. 13

Text File Number: SC-1011-5

Introduced: 12/13/2010 by Jeanne Snider, Asst City Attorney

Current Status: Consent Item

Version: 1

Matter Type: Special Claim

Title

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

ACTION NEEDED: Motion to approve or reject Special Claim No. SC-1011-5; and, if approved, direct payment in the amount of \$1,743.86 contingent upon obtaining a Release and Covenant Not to Sue from Southwestern Bell Telephone Company d/b/a AT&T Oklahoma.

ACTION TAKEN: _____

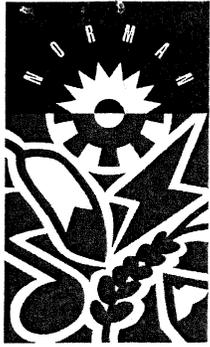
Body

BACKGROUND: A claim has been filed by Southwestern Bell Telephone Company d/b/a AT&T Oklahoma for damages incurred to a telephone cable on October 20, 2010 in the amount of \$1,743.86. AT&T alleges that City employees were installing new water lines at 1801 Delancey Drive when a telephone cable was damaged.

DISCUSSION: This incident was investigated by David Hager, Utilities Superintendent. According to his investigation, Division records indicate a Water Line Maintenance construction crew was excavating a trench at the subject location on October 20, 2010. It was determined that the on-site crew chief misinterpreted the legal start time regarding the Oklahoma One-Call utility request notification by one hour.

As indicated above, there appears to be possible negligence on the part of the City in this matter and, consequently, potential liability on the City. The amount claimed by AT&T appears to be reasonable.

RECOMMENDATION: Based upon the above and foregoing, it is the recommendation of the City Attorney's Office that the claim for AT&T in the amount of \$1,743 86, as above set forth, be approved.



DATE: October 29, 2010

TO: Ken Komiske, Director of Utilities
Jeff Bryant, City Attorney

FROM: Brenda Hall, City Clerk

A handwritten signature in black ink, appearing to be 'BH'.

SUBJECT: Claim from Southwestern Bell Telephone Company d/b/a AT&T
Oklahoma

I am in receipt of a claim from Southwestern Bell Telephone Company d/b/a AT&T Oklahoma for damages incurred to a telephone cable due to their claim that the cable was allegedly damaged on October 20, 2010, when City employees were installing new water lines at 1801 Delancy Drive. The amount is not yet determined and will be submitted at a later date.

Ken, I would appreciate your checking with your staff regarding verification of the problem. Please report your findings by written memorandum to me with a copy to Jeff.

Jeff, I am forwarding the claim to your office. If further action is needed from my office, please advise.

smr
attachment

office memorandum



DATE: December 7, 2010

TO: Jeff Bryant, City Attorney

FROM: Brenda Hall, City Clerk

SUBJECT: Additional Information from AT&T

I am in receipt of an itemized statement from AT&T in the amount of \$1,743.86 for damages incurred to a telephone cable due to their claim that the cable was allegedly damaged on October 20, 2010, when City employees were installing new water lines at 1801 Delancy Drive. The original claim in an undetermined amount was filed October 29 2010.

I am forwarding the statement to your office. If further action is needed from my office, please advise.

BH:smr
attachment
cy: Ken Komiske, Director of Utilities

office memorandum

TORT CLAIM VOUCHER

SBC Claim # SWBT-04-201010-04-0070

NORMAN CITY OF

TODAY'S DATE: October 26, 2010

CLAIMANT: SOUTHWESTERN BELL TELEPHONE COMPANY
dba AT&T Oklahoma
909 CHESTNUT, 39-N-13
ST. LOUIS, MO 63101-3099
314-235-5336 or 1-800-894-0374

DATE OF DAMAGES: Oct 20, 2010

LOCATION OF DAMAGES: F 1801 DELANCY DR, NORMAN, OK

MANNER IN WHICH DAMAGE OCCURRED: CITY OF NORMAN PLACING NEW WATER LINES CUT 200 PAIR CABLE IN HALF. LOCATES WERE CALLED IN THEY WERE DO AT 1030 AM, THE CITY OF NORMAN DAMAGED THE CABLE PRIOR TO THIS TIME. THE LOCATER ARRIVED ON SITE AT 9AM AND THE DAMAGE HAD ALREADY OCCURED. 10/20/10

ITEMS DAMAGED: BURIED CABLE DAMAGE-200 Pair

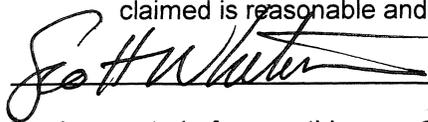
VALUE OR COST OF REPAIR: (BILL IS FORTHCOMING UNDER SEPARATE COVER.)

TOTAL AMOUNT CLAIMED: UNDETERMINED AT THIS TIME

CITY OF ST. LOUIS) S.S.
STATE OF MISSOURI)

Southwestern Bell Telephone Company, d/b/a AT&T Oklahoma being duly sworn, says on its oath that the within and foregoing claim of damages is correct and that the damage actually occurred; and that the amount claimed is reasonable and that no part thereof has been previously paid.

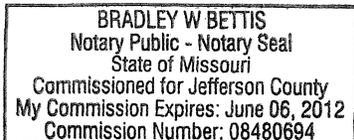
Signature



Subscribed and sworn to before me this 27 day of October, 2010.


NOTARY PUBLIC Bradley W. Bettis

My Commission Expires:
06-06-2012



FILED IN THE OFFICE
OF THE CITY CLERK
ON 10-29-10



Claim for Damages

To:
NORMAN CITY OF
CITY CLERK
201 WEST GRAY
NORMAN, OK 73069

Claim Number: SWBT-04-201010-04-0070-CEW

Charges for Damages to:
SOUTHWESTERN BELL TEL CO., DBA AT&T OKLAHOMA

Occured/Discovered On or About: 10/20/2010

Approximate Location:
F 1801 DELANCY DR, NORMAN, OK

How Damage Occured:
CITY OF NORMAN PLACING NEW WATER LINES CUT 200
PAIR CABLE IN HALF. LOCATES WERE CALLED IN THEY
WERE DO AT 1030 AM, THE CITY OF NORMAN DAMAGED
THE CABLE PRIOR TO THIS TIME. THE LOCATER ARRIVED
ON SITE AT 9AM AND THE DAMAGE HAD ALREADY
OCCURED.10/20/10

Summary of Charges

The following amounts include direct and indirect costs covering repair of this damage including but not limited to personnel, equipment and vehicles. These include the labor, contractor, material, loss of service and other miscellaneous costs

LABOR COST	\$924.00
MATERIALS/UNIT COST ITEMS	\$197.86
CONTRACTOR	\$250.00
LOSS OF SERVICE	\$372.00
TOTAL AMOUNT DUE:	\$1,743.86

FILED IN THE OFFICE
OF THE CITY CLERK
ON 12-6-10

**Call before you dig
Call 811**

For Inquiries Call: 800-894-0374 or 800-363-3234 (FAX)

This payment is due upon receipt. If payment is not received within 30 days further collection action will be taken. IF A PAYMENT FOR LESS THAN THE FULL AMOUNT IS RECEIVED, IT WILL BE APPLIED AS A PARTIAL PAYMENT. **Please do not pay with telephone bill.**

If you are covered by insurance, please forward this to your carrier for payment. Once your claim has been established with your insurance company, please contact us at 800-894-0374 with your claim information, and we will work with your insurance company to resolve. AT&T accepts checks, money orders or credit card payments. We do not accept cash. Please complete the information below and return in the enclosed envelope or you may call 800-894-0374 to pay by phone.



TOTAL AMOUNT DUE: \$1,743.86

Amount enclosed: \$ _____

Return this section with payment in enclosed envelope.

Please write claim number on check or money order to ensure proper credit.

For credit card payment:

Credit Card number: _____
Name on Card: _____
Amount to be charged to your card: _____
Three digit security number on back of card: _____
Expiration Date: _____

Remit Payment to:

AT&T
909 Chestnut Street
Room 39-N-13
St. Louis, MO 63101-3099





CITY COUNCIL AGENDA DECEMBER 28, 2010

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

Item No. 14

Text File Number: K-0708-108 Amend #1

Introduced: 12/13/2010 by Bob Hanger, Stormwater Engineer

Current Status: Consent Item

Version: 1

Matter Type: Contract

Title

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

ACTION NEEDED: Motion to approve or reject Amendment No. One to Contract No. K-0708-108 with Beck Disaster Recovery, Inc., extending the contract until December 27, 2011; and, if approved, authorize the execution thereof.

ACTION TAKEN: _____

Body

BACKGROUND: On December 21, 2007, City Council met to consider the award of Contract No. K-0708-108 for the management of the ice storm debris removal process following the City's worst ice storm in recent history. City Council authorized the City Manager to further evaluate the proposals and to execute the contract with the best qualified firm. On December 28, 2007, the City Manager executed Contract No. K-0708-108 with Beck Disaster Recovery, Inc. (BDR), in the amount of \$665,066. The term of the agreement was three (3) years. The City has the option of extending the agreement for two (2) additional one-year periods.

The services provided by BDR include:

1. Field monitors assigned to each crew (up to 50+)
2. Measure each debris pile in place
3. Measure debris in trucks at temporary disposal sites
4. Address all citizen concerns
5. Coordinate with FEMA to assure reimbursement of up to 87.5%
6. Extensive documentation

It became apparent after the December 2007 ice storm that the City of Norman should have a Debris Management Plan. A Debris Management Plan establishes a strategic framework for providing debris removal assistance in support of a presidential declared emergency or major disaster. On September 8, 2009, City Council accepted the City's first ever Debris Management Plan. The Debris Management Plan recommended that the City have a pre-positioned agreement with three to five debris removal companies.

On December 22, 2009, the City entered into a contract with three debris removal companies. TFR Enterprises, Inc., submitted the lowest bid.

Following the May 10, 2010, tornado, a "Notice to Proceed" was issued within days to BDR to assist the City with the management of the debris removal and disposal. The "Notice to Proceed" was based on the hourly rates established in the original December 28, 2007, BDR contract. The BDR hourly rates have not increased and are outlined in Exhibit "B" of the original December 28, 2007, contract, a copy of which is included in this agenda item. A "Notice to Proceed" was also issued to TFR based on the rates established in their December 22, 2009 contract.

DISCUSSION: The City of Norman needs to be prepared in the event of a debris producing disaster. Beck Disaster Recovery, Inc., performed very well during the December 10, 2007, ice storm and the May 10, 2010, tornado.

RECOMMENDATION: Staff recommends that Amendment No. One to Contract No. K-0708-108 with Beck Disaster Recovery, Inc. be approved which extends the original term of the agreement one year from December 28, 2010, to December 27, 2011.

**DISASTER MANAGEMENT AND RECOVERY
PROFESSIONAL CONSULTING SERVICES CONTRACT
RFP# 0708-52
AMENDMENT A**

This amendment is hereby entered into by City of Norman, a political subdivision of the State of Oklahoma hereinafter referred to as CITY and Beck Disaster Recovery, Inc., a Washington corporation hereinafter referred to as CONSULTANT.

WITNESSETH:

WHEREAS, the CITY and the CONSULTANT entered into an agreement dated December 27, 2007 for professional services in connection with Disaster Management and Recovery Professional Consulting Services and,

WHEREAS, the original term of this Agreement was for three (3) years, and

WHEREAS, the City has the option of extending the Agreement for two (2) additional one year periods, and

WHEREAS, the parties are in agreement to the extension of time;

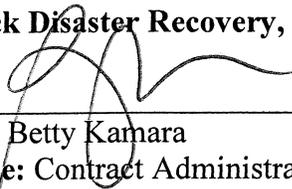
NOW, THEREFORE, the CITY and the CONSULTANT, hereby agree to the following:

The Disaster Management and Recovery Professional Consulting Services Contract is amended to reflect the extension of time from December 28, 2010 to December 27, 2011.

IN WITNESS WHEREOF, the parties hereto have executed this amendment.

CONSULTANT:
Beck Disaster Recovery, Inc.

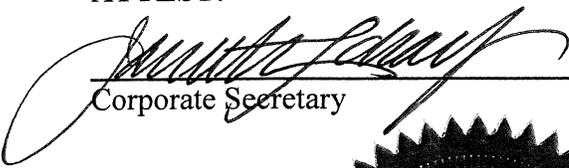
CITY OF NORMAN, OK

By: 
Title: Contract Administrator

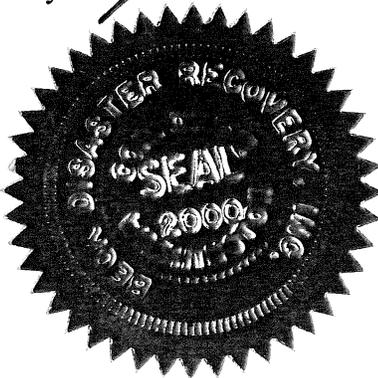
By: Cindy S. Rosenthal
Title: Mayor

ATTEST:

ATTEST:


Corporate Secretary

City Clerk



APPROVED as to form and legality this
20th day of December, 2010.


City Attorney

**DISASTER MANAGEMENT AND RECOVERY
PROFESSIONAL CONSULTING SERVICES CONTRACT**

THIS AGREEMENT is made this the 27th day of December, 2007, by and between the City of Norman, (hereinafter referred to as ("CITY")) and **Beck Disaster Recovery, Inc.** (hereinafter referred to as ("CONSULTANT")), located at 800 N. Magnolia, Ste. 400, Orlando, FL 32803.

WHEREAS, Beck Disaster Recovery, Inc., acting as an independent consultant, is a consultant with extensive experience in providing disaster management and recovery services and shall provide said services in a professional manner in accordance with the terms and conditions of this Agreement and the standards of care practiced by professionals performing similar services.

WHEREAS, the services provided include, but are not limited to, Damage Assessment and Reconstruction Services, Disaster Debris Monitoring Services; and FEMA Reimbursement Services, and

WHEREAS, the City wishes to enter into a contractual agreement with Beck Disaster Recovery, Inc. to provide professional consulting services in accordance with the City of Norman Request for Proposal No. RFP-0708-52 dated December 21, 2007.

WHEREAS, Beck Disaster Recovery, Inc. wishes to provide said services to City in accordance with and as set forth in the Beck Disaster Recovery, Inc. proposal submitted to City dated December 21, 2007. (See Exhibit A, Scope of Services and Exhibit B, Hourly Labor Rates), which exhibits are hereby incorporated and made a part of this Agreement.

NOW, THEREFORE in consideration of the promises herein and for other good and valuable consideration, the parties agree as follows:

1. **Scope of Services:** Consultant and City agree Consultant will perform Services associated with disaster debris monitoring, emergency management planning/training, and damage assessment and reconstruction services as described in the Scope of Services attached as Exhibit A.
2. **Term:** The term of this Agreement shall be three (3) years with the option to extend the Agreement for two (2) additional one year periods under the same terms and conditions upon mutual agreement of both parties.
3. **Independent Contractor:** Consultant is an independent contractor and is not an employee of City. Services performed by Consultant under this Agreement are solely for the benefit of the City. Nothing contained in this Agreement creates any duties on the part of Consultant toward any person not a party to this Agreement.
4. **Standard of Care:** Consultant will perform services under this Agreement with the degree of skill and diligence normally practiced by professional engineers or consultants performing the same or similar services and Consultant shall, at no additional cost to the City, re-perform services which fail to satisfy the foregoing standard of care.

The Consultant represents that all services shall be performed by competent personnel. The Consultant hereby represents that it has and will continue to maintain all licenses and approvals required to conduct its business and perform all Services under this Agreement,

and that it will at all times conduct its business activities in accordance with this contract. Except as may be otherwise provided for in this Agreement, Consultant shall be responsible for obtaining, at its own expense, all permits and approvals necessary to perform the Services under this Agreement for each project.

The Consultant acknowledges that a portion of its fees may be reimbursed to City by state or federal governments and Consultant and City agree to work together to modify or alter its billing procedures as may be necessary to satisfy state or federal payment and/or reimbursement regulations or requirements.

5. **Changes/Amendments:** This Agreement and its exhibits constitute the entire agreement between the Parties and together with its exhibits supersede any prior written or oral agreements. This Agreement may not be amended, modified or changed except by written amendment executed by both Parties. The estimate of the level of effort, schedule and payment required to complete the Scope of Services, as Consultant understands it, is reflected herein. Services not expressly set forth in this Agreement or its exhibits are excluded. Consultant shall promptly notify City if changes to the Scope of Services affect the schedule, level of effort or payment to Consultant and the schedule and payment shall be equitably adjusted.
6. **Uncontrollable Forces:** Neither the City nor Consultant shall be considered to be in default of this Agreement if delays in or failure of performance shall be due to Uncontrollable Forces, the effect of which, by the exercise of reasonable diligence, the non-performing party could not avoid. The term "Uncontrollable Forces" shall mean any event which results in the prevention or delay of performance by a party of its obligations under this Agreement and which is beyond the reasonable control of the nonperforming party. It includes, but is not limited to fire, flood, earthquakes, explosion, strike, transportation, or equipment delays, act of war, Act of God, lightning, epidemic, war, riot, civil disturbance, sabotage, acts of terrorism and governmental actions outside the control of the City. The schedule or payment under the Agreement shall be equitably adjusted, if necessary, and agreed to by both parties to compensate Consultant for any additional costs due to the delay.

Neither party shall, however, be excused from performance if nonperformance is due to forces which are foreseeable, preventable, removable, or remediable, and which the nonperforming party could have, with the exercise of reasonable diligence, prevented, removed or remedied with reasonable dispatch. The nonperforming party shall, within a reasonable time of being prevented or delayed from performance by an uncontrollable force, give written notice to the other party describing the circumstances and uncontrollable forces preventing continued performance of the obligations of this Agreement.

7. **Fee for Services:** The fee for the services under this Agreement will be based on the actual hours of services furnished multiplied by Consultant's Billing Rates as set forth in Exhibit B, plus all reasonable expenses directly related to the services furnished under this Agreement.  The total amount of these services shall not exceed \$665,066 based upon the contract amount of the debris removal. City estimates that the initial contract value represents approximately 30% of total project scope, however, budgetary constraints require that the initial contract only be let in this amount. City anticipates that change orders will be required in order to complete the conceived scope of work. This contract may be renewed or extended only by written agreement as approved by the City Manager as authorized by City Council. If the Consultant's scope of work is increased or changes so as to materially increase the need for

additional management services, in excess of the aforementioned amount, change orders will be issued to increase the debris removal monitoring and management contract costs. Consultant may seek to amend this Contract by written agreement, subject to approval by both parties.

8. **Compensation:** Consultant shall bear the costs of performing all Services under this Agreement, as directed by the City, plus applicable permit and license fees and all maintenance costs required to maintain its vehicles and other equipment in a condition and manner adequate to accomplish and perform all Services under this Agreement.

City shall pay Consultant in accordance with paragraph 7 above, "Fee for Services" and Exhibit B, Hourly Labor Rates, which is attached and incorporated herein by reference as part of this Agreement.

Consultant shall submit bi-monthly invoices for services rendered. Billing periods will be the 1st day of each month through the 15th day of each month, and the 16th day through the last day of each month.

Each individual invoice shall be due and payable thirty (30) days after receipt of an accurate and complete invoice by the City. If City disputes any portion of the invoice, the undisputed portion will be paid and Consultant will be notified in writing, within ten (10) days of receipt of the invoice of the exceptions taken. Consultant and City will attempt to resolve the payment dispute within sixty (60) days or the matter may be submitted to arbitration as provided below.

All invoices shall be delivered to:

Bob Hanger, City Engineer
PO Box 370
Norman, OK 73070

In order for both parties herein to close their books and records, the Consultant will clearly state "Final Invoice" on the Consultant's final/last billing to the City. Such statement shall serve as certification that all services have been properly performed and all charges and costs have been invoiced to the City. Upon submission of the Final Invoice, City's account with Consultant will be closed and any and other further charges if not properly included on the Final Invoice shall be considered waived by the Consultant.

9. **Indemnity:** Consultant agrees to defend, indemnify, and hold harmless the City, its employees and representatives, from any and all liabilities and costs (including all attorney's fees and court costs) to the extent arising in any claims, appeals, legal or administrative proceedings for which the City, its employees and representatives, can or may be held liable as a result of any injury (including death) to persons or damage to property occurring to the extent of the Consultants acts or omissions of the Consultant, its employees, subcontractors or agents arising out of or connected with this Agreement. The Consultant shall not be required to indemnify the City or its agents, employees, or representatives, when an occurrence results from the wrongful acts or omissions of the City, or its agents, employees or representatives.

10. **Insurance:** During the performance of the Services under this Agreement, Consultant shall maintain the following insurance policies written by an insurance company authorized to do business in Oklahoma.

Worker's Compensation:	Statutory Limit required by Law
Employer's Liability:	U.S. \$1,000,000
Commercial General Liability:	U.S. \$1,000,000 per occurrence U.S. \$2,000,000 aggregate
Comprehensive General Auto	U.S. \$1,000,000 combined single limit
Professional Liability	U.S. \$1,000,000 per claim & U.S. \$2,000,000 in the aggregate

Consultant shall furnish the City certificates of insurance, which shall include a provision that policy cancellation, non-renewal, or material reduction of coverage shall not be effective until at least thirty (30) days prior written notice has been made by the insurance company to the City. Consultant shall include the City as an additional insured on the General Liability and Automobile Liability insurance policy required by the Agreement. All of Consultants sub-contractors shall be required to include the City and Consultant as additional insured on their General Liability insurance policies.

In the event that any sub-contractor(s) used by the Contractor in conjunction with performing Services under this Agreement do not have insurance, or do not meet the insurance limits as provided above, Contractor shall indemnify and hold harmless the City for any uninsured claim or for any claim in excess of the sub-contractor(s)'s insurance coverage.

The Consultant shall not commence work under this Agreement until all insurance required as stated herein has been obtained and such insurance has been approved by the City.

11. **Work Product:** City shall have the unrestricted right to use the documents, analyses and other data prepared by Consultant under this Agreement ('Work Products'); provided, however City shall not rely on or use the Work Products for any purpose other than the purposes under this Agreement and the Work Products shall not be changed without the prior written approval of Consultant. If City releases the Work Products to a third party without Consultant's prior written consent, or changes or uses the Work Products other than as intended hereunder, (a) City does so at its sole risk and discretion, (b) Consultant shall not be liable for any claims or damages resulting from the change or use or connected with the release or any third party's use of the Work Products and (c) City shall indemnify, defend and hold Consultant harmless from any and all claims or damages related to the release, change or reuse.

12. **Limitation of Liability:** No employee of Consultant shall have individual liability to City. To the extent permitted by law, the total liability of Consultant, its officers, directors, shareholders, employees and subconsultants for any and all claims arising out of this Agreement, including attorneys' fees, and whether caused by negligence, errors, omissions, strict liability, breach of contract or contribution, or indemnity claims based on third party claims, shall not exceed one million dollars (U.S. \$1,000,000).

13. **No Consequential Damages:** In no event and under no circumstances shall Consultant be liable to City for any principal, interest, loss of anticipated revenues, earnings, profits,

increased expense of operation or construction, loss by reason of shutdown or non-operation due to late completion or otherwise or for any other economic, consequential, indirect or special damages.

14. **Information Provided by Others:** City shall provide to Consultant in a timely manner any information Consultant indicates is needed to perform the services hereunder. Consultant may reasonably rely on the accuracy of information provided by City and its representatives.
15. **Safety and Security:** Consultant has established and maintains programs and procedures for the safety of its employees. Unless specially included as a service to be provided under this Agreement, Consultant specially disclaims any authority or responsibility for job site safety and safety of persons other than Consultant's or subconsultant's employees.
16. **Termination:** This Agreement may be terminated by the Consultant upon sixty (60) days prior written notice to the City in the event of substantial failure by the City to perform in accordance with the terms of the Agreement through no fault of the Consultant. It may also be terminated by the City with or without cause upon thirty (30) days written notice to the Consultant. Unless the Consultant is in breach of this Agreement, the Consultant shall be paid for services rendered to the City's satisfaction through the date of termination. After receipt of a Termination Notice and except as otherwise directed by the City, the Consultant shall:
 - (a) Stop work on the date and to the extent specified.
 - (b) Terminate and settle all orders and subcontracts relating to the performance of the terminated work.
 - (c) Transfer all work in process, completed work, and other material related to the terminated work to the City.
 - (d) Continue and complete all parts of the work that have not been terminated.

The Consultant shall be paid for services actually rendered as of the date of termination. The City will perform a 3-week comprehensive evaluation of the Consultant's overall performance. The Consultant shall cooperate, attend, and submit all documentation and support as necessary for the City to complete their review.

17. **Dispute Resolution:** Consultant and City shall attempt to resolve conflicts or disputes under this Agreement in a fair and reasonable manner and agree that if an informal resolution cannot be achieved to attempt to mediate the conflict by a professional mediator. If mediation does not settle any dispute or action which arises under this Agreement or which relates in any way to this Agreement or the subject matter of this Agreement within ninety (90) days after either requests mediation, the dispute or conflict shall be subject to arbitration under the rules governing expedited commercial arbitration before a single arbitration as promulgated by the American Arbitration Association. All arbitration hearings shall be conducted in Cleveland County, Oklahoma in accordance with Oklahoma law.
18. **Successors and Assigns:** This Agreement is binding upon and will inure to the benefit of City and Consultant and their respective successors and assigns. Neither party may assign its rights or obligations hereunder without the prior written consent of the other party.

19. **Notices:** Any notice required or permitted by this Agreement to be given shall be deemed to have been duly given if in writing and delivered personally or five (5) days after mailing by first-class, registered, or certified mail, return receipt requested, postage prepaid and addressed as follows:

**City: With a copy to: Bob Hanger, City Engineer
PO Box 370
Norman, OK 73070**

**Consultant: With a copy to: Jon Hoyle, Vice President
Beck Disaster Recovery, Inc.
800 N. Magnolia, Ste. 400
Orlando, FL 32803**

20. **Severability:** The invalidity, illegality, or unenforceability of any provision of this Agreement, or the occurrence of any event rendering any portion or provision of this Agreement void, shall in no way affect the validity or enforceability of any other portion or provision of the Agreement. Any void provision shall be deemed severed from the Agreement and the balance of the Agreement shall be construed and enforced as if the Agreement did not contain the particular portion or provision held to be void. The parties further agree to reform the Agreement to replace any stricken provision with a valid provision that comes as close as possible to the intent of the stricken provision. The provisions of this section shall not prevent the entire Agreement from being void should a provision which is of the essence of the Agreement be determined to be void.
21. **Governing Law and Venue:** This Agreement shall be governed by and interpreted according to the laws of the State of Oklahoma. The venue for any and all legal action necessary to enforce the Agreement shall be the County of Cleveland.
22. **Access and Audits:** Consultant shall maintain adequate financial and program records to justify all charges, expenses, and costs incurred in estimating and performing the work under this Agreement for at least three (3) years following final payment to the CITY as Federal Emergency Management Agency sub-grantee as required by FEMA's 322 Public Assistance Guide, page 114, as amended, or any similar regulation, policy, or document adopted by FEMA subsequent to the execution of this Agreement. The City shall have access to all records, documents and information collected and/or maintained by others in the course of the administration of the Agreement. This information shall be made accessible at the Consultant's place of business to the City, including the Comptroller's Office and/or its designees, for purposes of inspection, reproduction, and audit without restriction.
23. **Compliance with Laws:** In performance of the Services, Consultant will comply with applicable regulatory requirements including federal, state, special district, and local laws, rules, regulations, orders, codes, criteria and standards, and shall obtain all permits and licenses necessary to perform the Services under this Agreement at Consultant's own expense.
25. **Equal Employment Opportunities:** In connection with this proposal, the consultant shall not discriminate against any employee or applicant for employment because of race, color,

religion, sex, national origin, age, marital status, being handicapped, or disadvantaged person, or disabled or War Veteran.

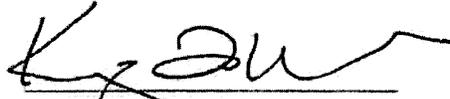
The Consultant shall furnish all necessary information and reports and shall permit access to its books, records and accounts by the City of Norman for purposes of investigation to ascertain compliance with the non-discrimination/minority business provision of any resultant contract.

26. **Waiver:** A waiver by either the City or Consultant of any breach of this Agreement shall not be binding upon the waiving party unless such waiver is in writing. In the event of a written waiver, such a waiver shall not affect the waiving party's rights with respect to any other or further breach. The making or acceptance of a payment by either party with knowledge of the existence of a default or breach shall not operate or be construed to operate as a waiver of any subsequent default or breach.
27. **Entirety of Agreement:** The City and the Consultant agree that this Agreement sets forth the entire agreement between the parties, and that there are no promises or understandings other than those stated herein. This Agreement supersedes all prior agreements, contracts, proposals, representations, negotiations, letters or other communications between the City and Consultant pertaining to the Services, whether written or oral. None of the provisions, terms and conditions contained in this Agreement may be added to, modified, superseded or otherwise altered except by written instrument executed by the parties hereto.
28. **Modification:** The Agreement may not be modified unless such modifications are evidenced in writing and signed by both the City and Consultant. Such modifications shall be in the form of a written Amendment executed by both parties.
29. **Contingent Fees:** The Consultant warrants that it has not employed or retained any company or person, other than a bona fide employee working solely for the Consultant to solicit or secure this Agreement and that it has not paid or agreed to pay any person, company, corporation, individual or firm, other than a bona fide employee working solely for the Consultant, any fee, commission, percentage, gift or any other consideration contingent upon or resulting from the award or making of this Agreement.
30. **Truth-in-Negotiation Certificate:** Execution of this Agreement by the Consultant shall act as the execution of a truth-in-negotiation certificate certifying that the wage rates and costs used to determine the compensation provided for in this Agreement are accurate, complete, and current as of the date of the Agreement.
31. **Confidentiality:** No reports, information, computer programs, documentation, and/or data given to, or prepared or assembled by the Consultant under this Agreement shall be made available to any individual or organization by the Consultant without prior written approval of the City.
32. **Miscellaneous:** City expressly agrees that all provisions of the Agreement, including the clause limiting the liability of Consultant, were mutually negotiated and that but for the inclusion of the limitation of liability clause in the Agreement, Consultant's compensation for services would otherwise be greater and/or Consultant would not have entered into the Agreement.

34. **Counterparts:** This Agreement may be executed in multiple counterparts, each of which shall be deemed to be an original instrument, but all of which taken together shall constitute one instrument.

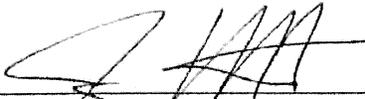
IN WITNESS WHEREOF, the Consultant has caused this Agreement to be signed in its corporate name by its authorized representative, and the City has caused this Agreement to be signed in its legal corporate name by persons authorized to execute this Agreement as of the day and year first written above.

Approved as to form and legality this 28 day of December, 2007



City Attorney

**CONSULTANT:
BECK DISASTER RECOVERY, INC.**



By: Jon Hoyle
Title: Vice President

CITY OF NORMAN



By: Steve Lewis
Title: City Manager

ATTEST:

ATTEST:


City Clerk

EXHIBIT A

SCOPE OF SERVICES

A. DISASTER DEBRIS MONITORING SERVICES

The selected firm will be expected to provide disaster debris monitoring services to include debris generated from the public rights-of-way, private property, drainage areas, waterways, and other public, eligible, or designated areas. Specific services may include:

- a. Coordinating daily briefings, work progress, staffing, and other key items with the City.
- b. Selection and permitting of temporary debris staging and reduction sites (TDSRS) locations and any other permitting/regulatory issues as necessary.
- c. Scheduling work for all team members and contractors on a daily basis.
- d. Hiring, scheduling, and managing field staff.
- e. Monitoring recovery contractor operations, and making/implementing recommendations to improve efficiency and speed up recovery work. Consultant will perform a comprehensive 3-week review of the debris contractors, overall performance and report to the City.
- f. Assisting the City with responding to public concerns and comments.
- g. Certifying contractor vehicles for debris removal using methodology and documentation practices appropriate for contract monitoring.
- h. Entering load tickets into a database application.
- i. Digitization of source documentation (such as load tickets).
- j. Developing daily operational reports to keep the City informed of work progress.
- k. Development of maps, GIS applications, etc. as necessary.
- l. Comprehensive review, reconciliation, and validation of debris removal contractor(s) invoices prior to submission to the City for processing.
- m. Project Worksheet and other pertinent report preparation required for reimbursement by FEMA, FHWA and any other applicable agency for disaster recovery efforts by City staff and designated debris removal contractors.
- n. Final report and appeal preparation and assistance.
- o. Final FEMA audit assistance.

B. EMERGENCY MANAGEMENT PLANNING AND TRAINING

As directed by the City, the Consultant shall provide:

- a. Comprehensive emergency management plans (e.g. COOP, EOP) to include plan development; review, and revisions.
- b. Comprehensive mitigation programs to include development of mitigation plan(s), staff training, cost benefit analysis, project management, environmental review and staff augmentation.
- c. Development of a debris management plan – including identification of an adequate number of TDSRS locations. Staff training as necessary.
- d. Procurement assistance for debris removal contractors and other services as requested.
- e. Project management to include the formulation and management of permanent work projects, task force management, and City Commissions, Boards and Panels.
- f. Technical support and assistance in developing public information.
- g. Other training and assistance as requested by the City.
- h. Other reports and data as required by the City.
- i. Other emergency management and consulting services identified and required by the City.

EXHIBIT B HOURLY LABOR RATES

The following hourly rates are inclusive of labor, equipment, and travel time. All rates listed below are for only those categories of personnel whose labor costs are eligible reimbursement costs under FEMA and OEM guidelines.

<u>Positions</u>	<u>Hourly Rates</u>
Project Manager	\$ 95.00
Operations Q/A Manager	\$ 85.00
Scheduler/Expeditors	\$ 55.00
Field Supervisors	\$ 69.50
Debris Site/Tower Monitors	\$ 49.50
Project Inspectors	\$ 44.75
Load Ticket Data Entry	\$ 37.50
Data Manager	\$ 89.00
Billing/Invoice Analysts	\$ 65.00
Administrative Assistants	\$ 37.50
Collection Monitors	\$ 43.75



Direct project expenses, exclusive of standard per diem items such as lodging, sustenance, vehicle, etc., are billable to client as a pass through with no markup.

This will be a qualification based selection. The hourly rates will not be used for the selection of a firm for this professional service. They will be used to verify reasonable costs of services provided.



CITY COUNCIL AGENDA DECEMBER 28, 2010

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

Item No. 15

File Number: K-0910-53 Amend 1

Introduced: 12/2/2010 by Charlie Thomas, Capital Projects Eng.

Current Status: Consent Item

Version: 1

Matter Type: Contract

Title

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

ACTION NEEDED: Acting as the Norman Utilities Authority, motion to approve or reject Amendment No. One to Contract No. K-0910-53 with Garver, L.L.C., increasing the contract amount by \$49,700; and, if approved, authorize the execution thereof.

ACTION TAKEN: _____

Body

BACKGROUND: On June 23, 2009, staff submitted an application for an Energy Efficiency and Conservation Block Grant (EECBG) administered by the U.S. Department of Energy (DOE) to fund variable frequency drive (VFD) motor controls and new sludge heater units at the Wastewater Treatment Plant (WWTP). On Thursday, August 6, 2009, staff was notified of award of the grant in the amount of \$1,001,400. Another agenda item addresses bid consideration and award of contract.

DISCUSSION: On August 20, 2009, the NUA approved Contract K-0910-53 with Garver, LLC for design of the WWTP Energy Improvements Project. Based on the experience with SCADA by both Water Plant and Information Systems (IS), staff recommended redundant servers and backup PCs. However, design and programming of redundant SCADA equipment is beyond the scope of Garver's current contract. Also, Garver is tasked with assisting NUA to comply with "Buy American" and "Davis-Bacon" (wage rate) provisions of grant funding by reviewing the federal act and developing appropriate forms for insertion into the bid documents. The supplemental tasking is beyond the scope of Garver's current contract, but grant reimbursable. Therefore staff recommends approval of Amendment No. One to Contract No. K-0910-53 with Garver, LLC in the amount of \$49,700.

Funding for the amendment is currently available in Design Account No. 32-9911-432.62-01, Projects WW0047 and 0052.

RECOMMENDATION: Recommend the NUA approve Amendment No. One to Contract No. K-0910-53 with Garver, LLC, in the amount of \$49,700.

AMENDMENT NO. 1
AGREEMENT
FOR
ENGINEERING SERVICES

This is an amendment, AMENDMENT NO. 1, attached to and made a part of the AGREEMENT, dated August 25, 2009, between the NORMAN UTILITIES AUTHORITY (Owner) and GARVER, LLC. (Engineer) for professional engineering services as necessary to complete the design services for the Norman Wastewater Treatment Plant Energy Improvements.

WHEREAS, the Owner has determined the need for additional engineering design during the design phase of the project;

WHEREAS, all provisions of Contract No. K-0910-53 not in conflict with this amendment shall hereinafter remain in full force and effect.

WHEREAS, Engineer is prepared to provide additional services in support of the project;

NOW THEREFORE, in consideration of the promises contained in said AGREEMENT and this AMENDMENT NO. 1, Owner and Engineer agree as follows:

ARTICLE 15 - COMMUNICATIONS

Any communication required by this AGREEMENT shall be made in writing to the address specified below:

ENGINEER:	Michael Graves Garver LLC. 1016 24 th Ave NW Norman, OK 73069 405-329-2555 mjgraves@garverengineers.com	OWNER:	Charlie Thomas Norman Utilities Authority 201-C West Gray Norman, OK 73070 405-366-5426 charlie.thomas@normanok.gov
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SCOPE OF SERVICES

Engineer shall provide additional design services to accommodate fully redundant Supervisory Control and Data Acquisition (SCADA) servers. Engineer will perform all necessary programming, software purchase, installation and setup.

Engineer will also provide American Recovery and Reinvestment Act (ARRA) contract document assistance to assist the owner in meeting the Department of Energy (DOE) requirements for use of ARRA grant funds.

COMPENSATION

For Engineer's additional services, Owner shall pay Engineer **Forty-Nine-Thousand-Seven-Hundred (\$49,700)** dollars for additional services. The Engineer may submit interim statements, not to exceed one per month, for partial payment for Services rendered.

IN WITNESS WHEREOF, Owner and Engineer have executed this Amendment No. 1.

DATED this 7th day of DECEMBER, 2010.

Garver, LLC. (ENGINEER)

By: [Signature]
Title: Michael Graves – Regional Office Manager

ATTEST:

STATE OF OKLAHOMA)
) SS
COUNTY OF CLEVELAND)

This instrument was acknowledged before me on this 7th day of DECEMBER 2010, by Michael J. Graves as Regional Office Manager of Garver, LLC.

[Signature]
Notary Public



My Commission Expires/Commission Number:

April 3, 2012 / 08003781

Norman Utilities Authority (OWNER)
APPROVED as to form and legality this 13 day of December, 2010.

[Signature]
City Attorney

APPROVED by the Trustees of the Norman Utilities Authority this _____ day of _____, 2010.

ATTEST

By: _____
Title: Chairman – N.U.A.

Secretary – N.U.A.

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

PAGE: 1



The City of
NORMAN

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

P.O. #: 178731

DATE: 10/02/09

VENDOR #
8540

GARVER ENGINEERS LLC
1016 24TH AVE NW
NORMAN, OK 73069

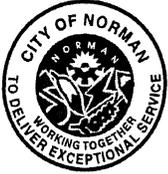
SHIP TO:
City of Norman
P W - UTILITIES DIRECTOR
201-C WEST GRAY STREET
NORMAN, OK 73069

DELIVER BY: 09/30/09 SHIP VIA: BEST WAY F.O.B. DESTINATION TERMS 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	64500.00	DOL	BLOWER VFD DESIGN	1.0000	64500.00
2	35900.00	DOL	BOILERS DESIGN	1.0000	35900.00
3	263600.00	DOL	SCADA DESIGN	1.0000	263600.00
				SUB-TOTAL	364000.00
				TOTAL	364000.00

Change Order No. 1 to Contract K-0910-53 + 49,700.00
Contingent on NUA approval 12-14-10 413,700.00



**CITY COUNCIL AGENDA
DECEMBER 28, 2010**

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

Item No. 16

Text File Number: K-1011-80, CHG #1

Introduced: 12/14/2010 by Brenda Hall, City Clerk

Current Status: Consent Item

Version: 1

Matter Type: Contract

Title

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

ACTION NEEDED: Motion to approve or reject Change Order No. One to Contract No. K-1011-80 with Schaffner-Valouch Contractor, Inc., increasing the contract amount by \$3,877; and, if approved, authorize the execution thereof, accept the project, and direct final payment in the amount of \$8,428.50.

ACTION TAKEN: _____

Body

BACKGROUND: City Council, in its meeting of October 12, 2010, approved Contract No. K-1011-80 with Schaffner-Valouch Contractor, Inc., for the Municipal Building B Lighting Replacement Project.

DISCUSSION: The contract included replacing 363 lighting fixtures installed when the building was constructed. The new bulbs use approximately 30% less energy resulting in ongoing energy savings for the City. It is staff's intent to conduct a comparative analysis of the facilities next year once the lighting has been replaced and a true history can be provided.

Change Order No. One increases the contract amount by \$3,877 and reconciles the as-bid quantities to as-installed quantities as well as accounts for additional wall pack units at some of the outside employee entrance areas for enhanced safety purposes. The wall pack units are shielded fixtures and are in compliance with current fixtures being considered in the latest draft of the proposed lighting ordinance. Change Order No. One increases the contract amount by \$3,877. Sufficient funds remain in the FYE 2011, Capital Budget, Project No. EF1004, Building Lighting, Construction (050-9540-419.61-01) to cover the increased cost.

The project is complete, has been inspected, and complies with all City Codes and specifications outlined in the original contract.

This project qualifies under OG&E's Lighting Rebate Program. OG&E will provide a rebate for replacing old inefficient light fixtures with a more energy efficient light fixtures. The project includes 370 fixtures which are eligible for a total rebate of \$2,960.

STAFF RECOMMENDATION: Staff recommends Change Order No. One to Contract No. K-1011-80 with Schaffner-Valouch Contractor, Inc., increasing the contract amount by \$3,877 be approved, the project be accepted, and final payment in the amount of \$8,428.50 be authorized.

CHANGE ORDER SUMMARY
CITY OF NORMAN
CLEVELAND COUNTY, OKLAHOMA

CHANGE ORDER NO. ONE

DATE: December 13, 2010

CONTRACT NO.: K-1011-80

SUBMITTED BY: Matthew Smith

PROJECT: Municipal Building B Lighting Replacement Project

CONTRACTOR: Schaffner-Valouch Contractor, Inc.

(Name)

1019 North University Boulevard

Norman, Oklahoma 73069

Original Completion Date December 1, 2010

Previous Completion Date _____ ORIGINAL CONTRACT AMOUNT \$45,515

(Increase) this change order 0 Calendar days

New Completion Date _____ PRESENT CONTRACT AMOUNT \$45,515

DESCRIPTION	DECREASE	INCREASE
See change order detail.		\$3,877

NET CHANGE \$ 3,877

REVISED CONTRACT AMOUNT \$ 49,392

CONTRACTOR: *Dan Schaffner*

DATE: 12-14-10

PROJECT MANAGER: *[Signature]*

DATE: 12/16/10

CITY ATTORNEY: *R. Blaine*

DATE: 12-20-10

ACCEPTED BY: _____

DATE: _____

(Mayor)

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

Project Name: Building B Lighting Replacement
Project

Design Engineer: N/A

Address/Phone: _____

Project Account Number 050-9540-419.61-01

Project Number EF1004

Contract No. K-1011-80

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

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

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

D.

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

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

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

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

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

PAGE: 1



The City of
NORMAN

INVOICE TO:
City of Norman
CITY CLERK OFFICE
201 WEST GRAY STREET
NORMAN, OK 73069

P.O. #: 192358

DATE: 09/30/10

VENDOR #
1794

SCHAFFNER-VALOUCH
CONTRACTORS INCORPORATED
1019 NORTH UNIVERSITY BLV
NORMAN, OK 73069

SHIP TO:
City of Norman
CITY CLERK OFFICE
201 WEST GRAY STREET
NORMAN, OK 73069

DELIVER BY: 10/12/10
SHIP VIA: BEST WAY

F.O.B. DESTINATION

TERMS NET/30

CONFIRM BY

FREIGHT

ACCOUNT NO.
05095404196101

REQUISITIONED BY
SRUNYON

REQ. NO.
177008

REQ. DATE
09/29/10

LINE#	QUANTITY	UOM	ITEM NO. AND DESCRIPTION	UNIT COST	EXTENDED COST
1	1.00	EA	CONTRACT NO. K-1011-80 FOR BUILDING B LIGHT FIXTURE REPLACEMENT PROJECT CONTINGENT UPON CITY COUNCIL APPROVAL ON 10/12/10	45515.0000	45515.00
				SUB-TOTAL	45515.00
				TOTAL	45515.00

Invoice No. 10616

40,963.50

Balance Due

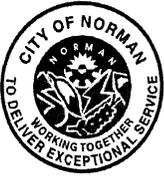
4,551.50

Change Order No. One increasing contract amount contingnet upon Council approval on 12/28/10

3,877.00

Total amount due upon completion

8,428.50



**CITY COUNCIL AGENDA
DECEMBER 28, 2010**

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

Item No. 17

Text File Number: R-1011-75

Introduced: 12/13/2010 by Charlie Thomas, Capital Projects Eng

Current Status: Consent Item

Version: 1

Matter Type: Resolution

Title

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

ACTION NEEDED: Acting as the Norman Utilities Authority, motion to adopt or reject Resolution No. R-1011-75.

ACTION TAKEN: _____

Body

BACKGROUND: On June 23, 2009, staff submitted an application for an Energy Efficiency and Conservation Block Grant (EECBG) administered by the U.S. Department of Energy (DOE) to fund variable frequency drive (VFD) motor controls and new sludge heater units at the Wastewater Treatment Plant (WWTP). On August 6, 2009, staff was notified of award of the grant in the amount of \$1,001,400. Another agenda item addresses bid consideration and award of contract.

DISCUSSION: Due to electrical modifications associated with replacing the Blower motor VFDs, OG+E must replace a transformer and modify other supply system equipment. The invoice costs associated with changes are \$53,206. Supplementary funding for this item is discussed below and all costs are grant reimbursable.

Based on the SCADA experience of both Information Systems (IS) and the Water Plant, staff recommends redundant servers and backup PCs. Estimated cost for equipment purchase by IS to provide the redundancy is \$61,240, but requires supplementary funding.

RECOMMENDATION: To fully fund the project, staff recommends appropriation of \$114,446 from the Wastewater Fund Balance (Account 032-0000-253.00-00), as follows:

- A. \$53,206 into Blowers Construction (032-9911-432.61-01, WW0043)
- B. \$61,240 into SCADA Construction (032-9911-432.61-01, WW0052)

Resolution

R-1011-75

A RESOLUTION OF THE NORMAN UTILITIES AUTHORITY APPROPRIATING \$114,466 FROM THE WASTEWATER FUND BALANCE TO PAY FOR REIMBURSABLE ELECTRICAL MODIFICATIONS IN CONNECTION WITH THE WASTEWATER TREATMENT PLANT SUPERVISORY CONTROL AND DATA ACQUISITION (SCADA) ENERGY PROJECT.

- § 1. WHEREAS, the bid and contract for the Wastewater Treatment Plant Energy and SCADA Improvements Project are to be considered by the Norman Utilities Authority with a recommendation for approval; and
- § 2. WHEREAS, due to electrical modifications associated with replacing the Blower Motor Variable Frequency Drives for the project, Oklahoma Gas and Electric Company must replace a transformer and modify other supply system equipment and these items were not in the original project budget; and
- § 3. WHEREAS, based upon the SCADA experience of both Information Systems (IS) and the Water Plant, staff recommends the purchase of redundant servers and backup PCs which was not a budgeted item for the project; and

NOW, THEREFORE, BE IT RESOLVED BY THE NORMAN UTILITIES AUTHORITY:

- § 4. That the following appropriations be made for the reasons stated above:

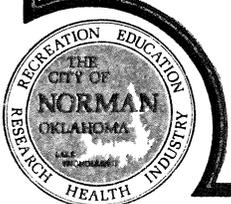
<u>Account Names</u>	<u>Losing Account</u>	<u>Gaining Account</u>	<u>Amount</u>
Project No. WW043, WWTP Aeration Basin Blower, Construction	032-0000-253.00-00	032-9911-432.61-01	\$53,206
Project WW0052, SCADA Improvements, Construction	032-0000-253.00-00	032-9911-432.61-01	\$61,240

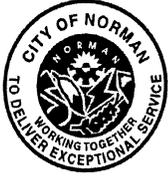
PASSED AND ADOPTED this 28th day of December, 2010.

ATTEST:

Chairman

Secretary





CITY COUNCIL AGENDA DECEMBER 28, 2010

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

Item No. 18

Text File Number: R-1011-74

Introduced: 12/14/2010 by Mark Daniels, Utilities Engineer

Current Status: Non-Consent Item

Version: 3

Matter Type: Resolution

Title

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

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

ACTION TAKEN: _____

Body

BACKGROUND: Ordinance O-9697-30 adopted by Council on February 11, 1997 established a process by which the City of Norman or other entities can recover the costs associated with the extension of utility lines through or by undeveloped property. Under this ordinance, the funding entity (or entities) can recover their costs for right of way acquisition, engineering, utility relocations, and construction from property owners who subsequently develop their property and connect to the utility lines.

The benefited property owners would be liable for their pro-rata share of the cost to design and construct the improvements. For the first fifteen years, the payback cost will be adjusted for inflation using the *Engineering News Record* Construction Cost Index (CCI). The annual inflation factor will be 3.41%, based on the January 2005 and January 1995 ENR CCI's of 7297 and 5443, respectively.

At the end of the year fifteen and for each year thereafter, that cost will be reduced by twenty percent. At the end of the year twenty the payback cost will be zero.

In August 2008, *The Links at Norman* (Links) proposed a new lift station and force main as their sewer solution for their 153-acre tract located southeast of Cedar Lane and 24th Avenue SE. Staff suggested, and City Council agreed, that a solution for the entire sewer basin comprising a total of almost 400 acres would be more appropriate and ultimately more cost effective. On February 10, 2009, the preliminary plat for *The Links at Norman* was approved by Council contingent upon implementation of sewer solution serving the entire sewer basin.

On April 14, 2009, the Council adopted Resolution R-0809-133 declaring the Post Oak Lift Station Project a payback project. This allows the Participants to recover their investment

from benefiting property owners if the benefiting property develops within the term of the payback project. Benefited property owners were shown on the Payback Parcel Map (Exhibit A) and were listed along with property descriptions on Exhibit B. Resolution R-0809-133 and Exhibits A and B are attached.

The payback project consists of a 12-inch gravity sewer main between the Links property and the Post Oak Lift Station along with a force main along Post Oak to Classen Boulevard to the discharge location in the 24-inch sewer interceptor located NE of the intersection of Ann Branden Boulevard and Classen Boulevard. The downstream interceptor is of adequate capacity to accommodate the estimated peak wastewater flow (PWWF) of 1.94 MGD from the Links tract as well as other potential developments in the sewer basin.

On April 14, 2009, the NUA also approved Contract K-0809-128, which is the cost sharing and payback agreement. It provided a means for funding the Post Oak Lift Station Payback Project and paying back the Participants who provided additional funding beyond that needed for their own parcel. As shown on Exhibit B of the agreement, seven benefited properties were identified as potential wastewater contributors to the Post Oak Lift Station Payback Project. The estimated population equivalent and estimated PWWF for each parcel, as well as the pro-rata share of the project costs are shown on Exhibit C. The Norman Utilities Authority (NUA) administers the payback process but the payback project costs were funded entirely by the Participants. Contract K-0809-128 with Exhibits A, B and C are attached.

Property owners of parcels benefiting from the project are required to pay back their share of the project as their parcels develop. The amount of payback collected is based on the estimated PWWF and the time it is developed. The NUA will track development within the sewer basin, collect payback fees, and pay back the investing Participants at the beginning of each fiscal year.

DISCUSSION: Links contracted with Crafton Tull Sparks ((CTS) to design and administer the Post Oak Lift Station Payback Project. As noted in Exhibit A to the payback agreement, engineering fees were estimated at \$90,300. As noted in the attached October 26, 2010 letter from CTS, the final cost for engineering services was \$94,389; the NUA has documentation to support the total fees paid by Links to CTS.

Links contracted with M&M Ditching (M&M) to construct the Post Oak Lift Station Payback Project. As noted in Exhibit A to the payback agreement, construction costs were estimated at \$903,000. As noted in the October 26, 2010 letter from CTS, the final construction cost was \$917,083; the NUA has documentation to support the total fees paid by Links to M&M. The Post Oak Lift Station Payback Project construction was accepted by the City of Norman Development Committee on August 10, 2010. No costs were incurred for easement or right-of-way acquisition.

The NUA has notified the benefiting property owners regarding consideration of this agenda item. By adopting proposed Resolution R-1011-74, the final payback cost and the

pro-rata shares of the costs to design and construct the project will be established. The resolution will be filed of record and essentially places a lien on the benefiting property until the payback project term expires in 20 years or their share of the project cost is recovered. As benefiting parcels are developed, payback fees will be collected with funds deposited into Wastewater Recoupment Account 032-0000-366.12-54. Unless previously paid, the payback cost will be inflated at 3.41% per year from the project bid date of July 8, 2009 and a 2% fee added to cover NUA administrative costs.

As shown on the location map, Exhibit A, seven property owners within the sewer basin may contribute wastewater to the Post Oak Lift Station Payback Project and would have been responsible for the construction of the project if they had developed simultaneously. The pro-rata share of the project costs is based on the estimated PWWF and a final project cost of \$1,011,472. The property ownership, property description, and cost share for each parcel is shown in Exhibit B.

RECOMMENDATION: It is recommended that the City of Norman adopt Resolution R-1011-74 finalizing the project cost and establishing cost shares for the Post Oak Lift Station Payback Project.

Resolution

RESOLUTION NO. R-1011-74

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

1. WHEREAS, City Council, in its meeting of April 14, 2009, adopted Resolution No. R-0809-133 declaring a payback project for the Post Oak Lift Station Project to recover costs from property owners benefiting from the project; and
2. WHEREAS, Sections 19-207 through 19-209 of Chapter 19 of the code of the City of Norman, provide for utility line extension and improvement responsibilities; and
3. WHEREAS, such improvements have been made and final payback costs for the project have been prepared.

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

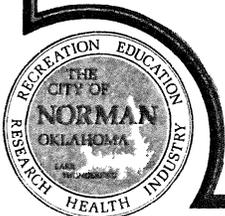
4. That a final cost is established for the sanitary sewer improvements for the Post Oak Lift Station Project declared a payback project in Resolution No. R-0809-133 adopted by the Council in its meeting of April 14, 2009, as more particularly described and defined in Exhibits "A" and "B" attached hereto and made a part thereof.
5. Further, that the Council has delineated the boundaries as shown in Exhibit "A", the map, and the final payback costs of the project as shown in Exhibit "B", the list, prepared and made a part of this declaration, which together show all properties subject to payback, be filed of record in the office of the City Clerk and in the office of the County Clerk of Cleveland County giving notice of this payback project, all pursuant to Sections 19-207 through 19-209 of Chapter 19, of the Code of the City of Norman.
6. Further, that the Director of Utilities, or his designee, be authorized to release and remove from the payback project those properties as their obligations have been fulfilled.

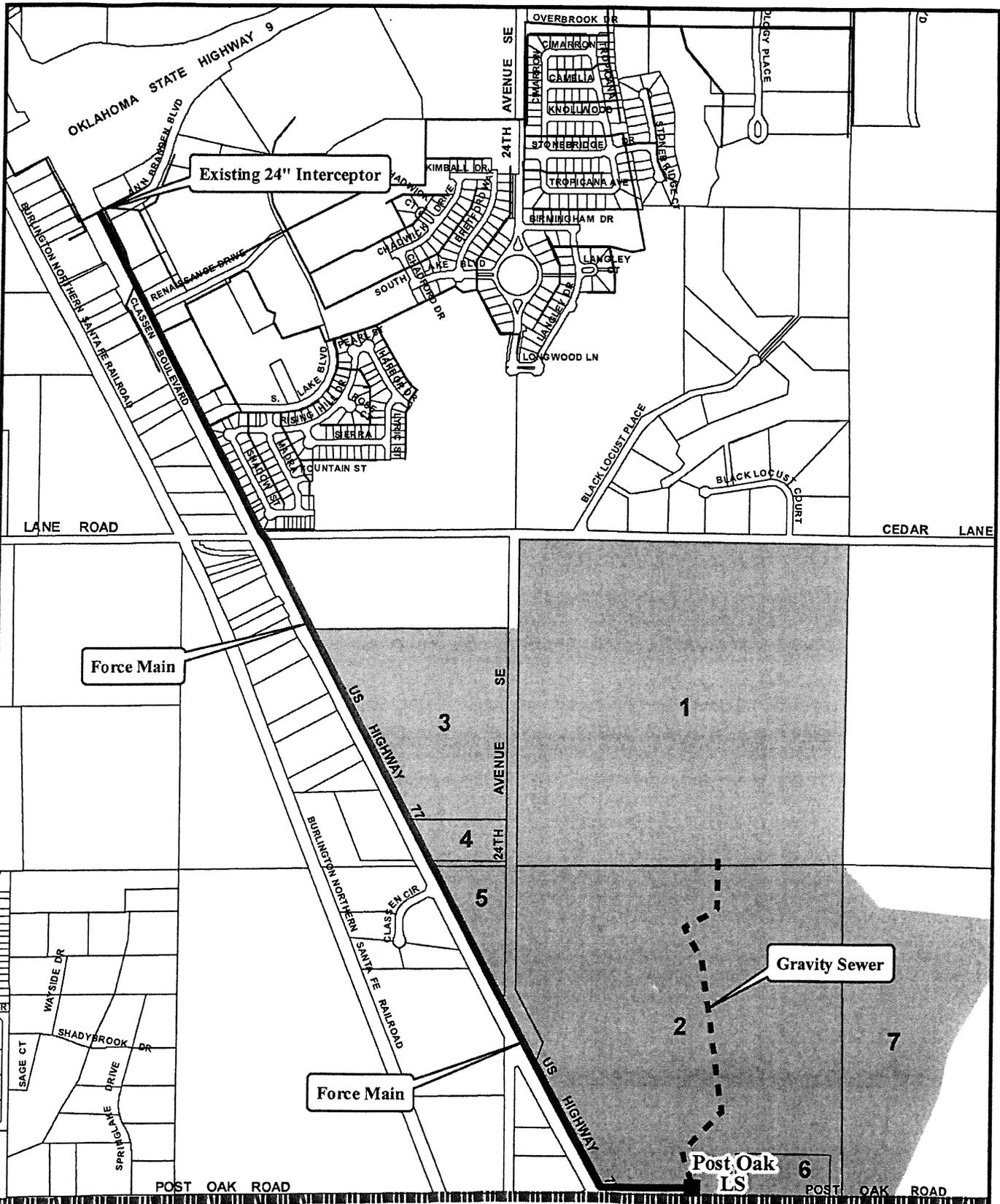
PASSED AND ADOPTED this _____ day of _____, 2010.

Cindy Rosenthal, Mayor

ATTEST:

Brenda Hall, City Clerk



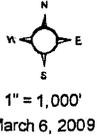


Map Produced by the City of Norman
 Geographic Information System.
 (405) 366-5436
 The City of Norman assumes no
 responsibility for errors or omissions
 in the information presented.

**Post Oak Lift Station
 Sewer Service Area
 Payback Parcel Map**

Resolution R-1011-74, Exhibit A

- Proposed Force Main
- - - Proposed Gravity Main
- Post Oak LS Service Area
- Existing Sewer Lines
- Parcels
- City Limits



Resolution R-1011-74									
Exhibit B									
Post Oak Lift Station Final Payback Costs									
Parcel	Owner	Address	Legal Description	Acres	ADF	PWWF	Share	Cost	
1	Tackett Family Limited Partnership	2004 Ridgecrest Road, Edmond, OK 73003	15 8 2W 160 AC NW/4	153.000	184,750	739,000	38.17%	\$490,039	
2	D. Alan Haws	4401 Northridge Road, Norman, OK 73072	15-8-2W 142.89 AC SW/4 LS PRT SW/4 W OF HWY BEG SW/C SW/4 E618 NW1331.03 S1178. 52 POB & LS PRT SW/4 BEG W100 SE/C N .	137.900	153,250	613,000	31.66%	\$267,031.00	
3	Republic Bank of Norman	PO Box 5369, Norman, OK 73070	16-8-2W 61.92 AC NE/4 & SE/4 LYING E HWY77 LS N735.50 ft. NE/4 LYING E HWY 77 (TRS 11,14,15,16,17,18,19,21 & PRT LOTS 12&13	40.358	72,500	290,000	14.98%	\$126,328.00	
4	Astellas Pharma Technologies	3300 Marshall Avenue, Norman, OK 73072	SOUTH LAKE INDUSTRIAL PARK LOT 1 BLK 1	5.447	6,750	27,000	1.39%	\$11,764.00	
5	Randall P. & Bonnie M. Hawkins	1804 Terryton Drive Norman, OK 73071	16-8-2W 8.75AC PRT NE/4 & SE/4 BEG 2599.24' S NE/C NE/4 S1045.83' S 62D W77.90' N 27D W300' N 28D W300.04' N 27D W612.54' E635.17' POB	7.010	12,625	50,500	2.61%	\$21,999.00	
6	Jackie F. Morgan Living Trust, Trustee	2909 E. Post Oak Road, Norman, OK 73068	15-8-2W 6.21+ AC PRT SW/4 BEG 100 ft. WSE/C N363 ft. W750 ft. S363 ft. E750 ft. POB	5.750	375	1,500	0.08%	\$651.00	
7	Hattie June Smith Living Trust, c/o Peggy Julian	41270 Yucca Lane, Bermuda Dunes, CA 92201	15-8-2W 160 AC SE/4	48.424	53,750	215,000	11.11%	\$93,660.00	



engineering

Conway
Little Rock
Oklahoma City
Rogers
Russellville
Tulsa
Wichita

October 26, 2010

Mr. Mark Daniels, P.E.
City of Norman
Utilities Department
201 W Gray, Bldg C
Norman, OK 73069

RE: The Links @ Norman
Final Offsite Sanitary Sewer Costs
CTS Job No. 088018-00

Dear Mr. Daniels:

This letter shall serve as our certification of final costs associated with the offsite gravity line, lift station, and force main. The final number shall be used as the payback requirements under resolution R-0809-133.

A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, DECLARING A PAYBACK PROJECT FOR COSTS ASSOCIATED WITH THE POST OAK LIFT STATION PROJECT.

Construction cost:	\$917,083.00
Engineering/Survey cost:	\$94,388.78
Total cost:	\$1,011,471.78

The following are attached with this letter as back-up for the final costs:

Exhibit A: Bid Tab (City Concrete was low bid, however they did not have the manpower or equipment necessary to meet the schedule of the project. City Concrete was awarded the site work and M&M Ditching was awarded the offsite)

Exhibit B: Contract Agreement

Exhibit C: Change Order #1 (lift station coating, generator & transfer switch required after bid)

Exhibit D: Change Order #2 (reroute of pressure main required by ODOT, including directional bore)

Exhibit E: Final pay application of original contract

Total construction cost (\$620,626.00+\$219,964.00+\$76,493 = \$917,083.00)

(note: the deductions indicated on change order #2 are reflected on the final pay application and are actually \$30,642.00)

Exhibit F: Engineering costs backup

Exhibit G: Resolution R-0809-133

Exhibit H: Lift Station operation, maintenance, and replacement agreement

Should you have any questions, or require any additional information, please contact us at your convenience.

Sincerely,


Jerry Kelso, P.E.
Vice President

received
10-28-10

AGREEMENT

This Cost Sharing and Payback Agreement (the "Agreement") is made and entered into as of the 19th day of April, 2009, by and between Links at Norman, a limited partnership ("LINKS"); Alan Haws, an individual ("HAWS"); Republic Bank and Trust, an Oklahoma limited liability company ("REPUBLIC"); (collectively know as "PARTICIPANTS") and the Norman Utilities Authority, an Oklahoma public trust, (the "NUA").

WITNESSETH:

WHEREAS, the NUA adopted a Wastewater Master Plan in November 2001 herein after referred to as the "Plan" which identified an engineering solution to upgrade and provide sewage service in Norman, and;

WHEREAS, part of the identified solution in the Plan was to construct a new lift station located just north of Post Oak Road and east of U.S. Highway 77 (the Lift Station), and a new force main to convey the wastewater generated in Future Sewer Service Area 13 to the Discharge Point at the northeast corner of the intersection of Ann Braden Blvd. and State Highway 77 in southeast Norman; and

WHEREAS, LINKS is obligated to construct an appropriately sized lift station and approximately 7,335 linear feet (LF) of 8-inch diameter force main to the Discharge Point to provide a sewer solution for the LINKS property, and;

WHEREAS, a new off-site gravity sewer consisting of approximately 3160 LF of 12-inch diameter piping and appurtenances is required to convey wastewater from the LINKS property to the new Lift Station, and a new pressure force main consisting of approximately 9,940 LF of 12-inch diameter piping and appurtenances is required to convey wastewater from the Lift Station to the Discharge Point, and the sum of these improvements is herein after referred to as "the Project", and

WHEREAS, the Project is a common element that is necessary to provide sewage service to certain identified property in the Plan (Future Service Area 13 as shown on Exhibit B) and is consistent with the NORMAN 2025 LAND USE AND TRANSPORTATION PLAN, and;

WHEREAS, the PARTICIPANTS own certain property which would benefit from the construction of the Project providing a partial sewer solution for their property, and;

WHEREAS, other adjacent properties would also benefit from the construction of the Project providing a partial sewer solution for their property, and;

WHEREAS, the PARTICIPANTS will jointly fund the Project, with LINKS funding the shares attributed to other adjacent benefiting properties known as Parcels 4, 5, 6 and 7, and;

WHEREAS, LINKS' funding of the shares attributed to Parcels 4, 5, 6 and 7 is eligible for Payback under Chapter 19, Section 19-209 of the City of Norman Code, and;

WHEREAS, the other benefiting properties would be subject to Utility Line Extension Payback under Section 19-209 of the Norman Code once the project is completed, and;

WHEREAS, LINKS will enter into an agreement with the engineering firm of Crafton, Tull, Sparks, and Associates, Inc. herein after referred to as the "Engineer" to prepare the necessary engineering plans and specifications to construct the Project.

NOW, THEREFORE, in consideration of the mutual benefits, covenants and agreements contained herein, the parties agree as follows:

1. In the event that it becomes necessary to purchase sewer utility easements from other benefited properties to complete the Project, the cost of those easements (and associated administrative and legal fees) will be added to the Project cost and paid back in accordance with Section 19-209 of the City of Norman Code.
2. In the event that it becomes necessary to purchase sewer utility easements to complete the Project from other properties who are not benefited by the Project, the cost of those easements (and associated administrative and legal fees) will be added to the Project cost and shared by the PARTICIPANTS as set forth in item (6) below.
3. The City will assist LINKS Engineer in acquiring necessary utility easements, using its power of eminent domain, if required, to allow construction of the Project in a timely manner.
4. The PARTICIPANTS agree that design and construction administration costs due to Engineer, will be paid jointly by the PARTICIPANTS as set forth in item (6) below. A complimentary set of construction drawings of the sanitary sewer system should be submitted to the Participant's engineers for review and approval, within a reasonable amount of time, prior to the commencement of construction.
5. The NUA and the PARTICIPANTS agree that NUA staff will provide periodic construction inspection services for the Project and that all associated costs will be paid solely by the NUA.
6. Based upon the Engineer's estimate of costs to implement the Project attached hereto as Exhibit A, the PARTICIPANTS agree to contribute a percentage of the actual cost of the Project and provide initial funding as follows:

<u>Participant</u>	<u>Project %</u>	<u>Initial funding</u>
• Parcel 1 (LINKS)	49.344%	\$490,039
• Parcel 2 (HAWS)	25.947%	\$257,727
• Parcel 3 (REPUBLIC)	12.275%	\$121,926
• Parcels 4, 5, 6, and 7 (LINKS)	<u>12.444%</u>	<u>\$123,608</u>
	100.000%	\$993,300

7. For extraordinary expenses that are incurred during completion of the Project in land areas that are south of the LINKS properties, the PARTICIPANTS agree to provide their percentage pro-rata shares of 100% of the cost adjustment based on wastewater flows as shown below. Extraordinary expenses are those unanticipated costs incurred due to unexpected construction related conditions, but shall **not** include price increases in such items as pipe, materials, or labor costs.

• Parcel 1 (LINKS)	38.17%
• Parcel 2 (HAWS)	31.66%
• Parcel 3 (REPUBLIC)	14.98%
• Parcels 4, 5, 6, and 7 (LINKS)	<u>15.19%</u>
	100.00%

8. The PARTICIPANTS agree to encumber to LINKS their percentage pro-rata share the Engineer's estimate of costs to implement the Project attached hereto as Exhibit A within fifteen (15) calendar days after execution of this agreement.
9. The NUA and PARTICIPANTS agree that LINKS will be responsible to contract with a construction contractor to complete the Project. LINKS shall assure that the provisions of the Oklahoma Competitive Bidding Act, the regulations of the Oklahoma Department of Environmental Quality and ordinances of the City of Norman are complied with for the Project. LINKS will bill the PARTICIPANTS for their proportionate share of the payment each time the Engineer or Project Construction Contractor requests a partial payment under their contract. PARTICIPANTS agree to make payment to LINKS fifteen (15) calendar days after receipt of an acceptable payment request.
10. The NUA and the PARTICIPANTS agree that by contributing their pro-rata share of the cost of the Project, the PARTICIPANTS will be assured capacity for wastewater generated from the identified parcels up to the maximum amounts defined in Exhibit C and will be granted priority for such usage over all other benefited properties.
11. The properties benefited as a result of the Project are shown in the shaded areas of Exhibit B. The expected sewage demand and estimated payback amounts for each benefited property is shown on Exhibit C. While the Project is necessary to provide sewer service to the properties identified, it is not adequate in and of itself to fully serve the properties shown. In all cases, other improvements such as gravity sewer mains will be necessary to complete their sewer solution.
12. LINKS agrees to dedicate a sewer utility easement across its property terminating at its western boundary along 24th Avenue SE such that REPUBLIC may connect to LINKS existing sewer system at Republic's sole option and at its own expense. Any cost necessary to increase the capacity of certain sewer lines internal to the LINKS so sufficient capacity exists to serve REPUBLIC's property, shall be paid by REPUBLIC.
 - a) The Links internal sewer system shall be built using the minimum standards of the City of Norman so that the Links internal system can gravity flow into the Regional Sewer System.
 - b) REPUBLIC agrees to pay for any additional costs incurred by The Links with regard to its internal sewer system, including but not limited to increased pipe size or increase pipe depth, which are a result of modifying The Links internal sewer system so that REPUBLIC's property will gravity flow into the Regional Sewer System.
 - c) Any modification of The Links internal sewer system that is to be done at the option of REPUBLIC shall be done at the time The Links first installs its internal sewer system.
 - d) The Links shall provide appropriate connection opportunities (easements which avoid buildings and large amounts of paved surfaces) adjacent to the Section Line road.

- e) The Links shall provide concurrent construction opportunities for sewer connection points as described in Exhibit "D". Republic understands it will be responsible for the costs of extending sewer connection points to the west side of the Section Line road.
 - f) Participant, or their engineer, must review and approve the Links Construction Drawings to confirm compliance with the conditions and requirements of the Regional Sewer Solution as well as the system's design capability to provide for the sewer needs of the Participant's adjacent property.
13. Upon completion of the Project, declaration of a Payback Project, and acceptance by the City of Norman, the Utilities Engineer or his designated agent will prepare a tract map and list including legal descriptions of the benefiting properties and the estimated pro rata share attributable to each tract that remains unpaid. That map and list will be filed in the property records of Cleveland County to permanently identify those benefiting properties subject to payback along with their proportionate share of the Project cost. The proportionate share subject to payback will be based upon the peak wet weather wastewater flow (PWWF) expected from each parcel as tabulated on Exhibit C, and the associated payback for each benefiting property. When the property is developed, the actual payback amount will be based upon the expected PWWF from the development (PWWF = the average daily wastewater flow times a factor of 4). If a property owner proposes a land use that would result in lower wastewater flows, their unused capacity will go into a pool to be allocated to and managed by the NUA. If a property owner proposes a land use that would result in higher wastewater flows, that property owner will be required to either obtain additional capacity from the NUA or engineer a solution, acceptable to the NUA, to accommodate the additional wastewater flow expected from the proposed development. In no case shall a property owner's payback amount be less than the proportionate share of total costs shown in Exhibit C for property that is developed within fifteen (15) years of the date of issuance of the map and list required by Section 19-210 (f) or (g) of the Code of the City of Norman. If excess capacity is generated by a landowner's use of the property, that landowner shall be entitled to reimbursement of that portion of the payback amount paid at such a time as the excess capacity is used by another development. In the event more than one landowner has contributed excess capacity into the pool, all landowners shall be reimbursed in a proportionate manner.
14. The PARTICIPANTS pro rata share as determined under Chapter 19 Section 19-209 of the City of Norman Code shall be satisfied to the extent that the PARTICIPANTS funding will be provided for completion of the Project in accordance with Items (6) and (7) of this agreement.
15. The PARTICIPANTS, other benefiting properties, and the NUA agree that sewer service provided under this agreement is contingent upon NUA approval of a Lift Station Operation, Maintenance, and Replacement Agreement for each property served by the Lift Station.
16. The PARTICIPANTS and the NUA agree that LINKS, as a result of funding the shares of Parcels 4, 5, 6 and 7, may ask the NUA to distribute the additional capacity provided by the Project to any entity whose property can gravity flow to the Lift Station and is willing to payback the pro-rata share of the excess capacity. Said excess capacity is not reserved for only the benefiting properties shown on Exhibit B.

17. In the event that some alternate sewer solution is developed that provides sewer service to some of the properties identified in Exhibit C without using the lines or capacity provided by the Project, those properties that provide sewer service other than that provided by the Project will be exempt from any payback associated with the Project.
18. The following Exhibits are attached hereto and incorporated herein by reference as illustrations of the intent of the parties and the extent of the Project.
 - a) Exhibit A - "Cost Estimate for Post Oak Lift Station Project" dated February 18, 2009 and consisting of 1 text page.
 - b) Exhibit B - "Post Oak Lift Station Project Property Map" dated March 10, 2009 and consisting of one map.
 - c) Exhibit C - "List of Benefited Properties in Post Oak Lift Station Project" dated March 10, 2009 and consisting of one text page.
 - d) Exhibit D - concurrent construction opportunities for sewer connection points.
19. Applicable federal law and the laws of the state of Oklahoma shall govern this agreement.
20. Any communication required by this Agreement shall be made in writing to the addresses below:

LINKS: LINKS at Norman, a Limited Partnership
 01200 East Joyce Blvd
 Fayetteville, AR 72703
 (479) 521-6686

REPUBLIC: Republic Bank and Trust
 401 West Main
 Norman, OK 73069
 405-366-2777

HAWS Alan Haws
 4401 Northridge Road
 Norman, OK 73072
 405-329-2815

NUA: Mark Daniels, P.E.
 Utilities Engineer
 Norman Utilities Authority
 P.O. Box 370
 Norman OK 73070

Nothing contained in this Article shall be construed to restrict the transmission of routine communications between representatives of NUA and the Participants.

IN WITNESS WHEREOF, the NUA, LINKS, REPUBLIC, and HAWS have executed this Agreement,

DATED this 14th day of April 2009.

NORMAN UTILITIES AUTHORITY

ATTEST

By: *Cindy Rosenthal*
Cindy Rosenthal, Chairman

Brenda Hall
Brenda Hall, Secretary

APPROVED as to form and legality this 8 day of April 2009.
[Signature]
City Attorney

LINKS at Norman, a Limited Partnership
By: *[Signature]*
Name: SAMUEL E. LINDSEY
Title: MANAGER OF GENERAL PARTNERSHIP
Notary or Secretary Attest 1

REPUBLIC
By: *Chuck R. Thompson*
Name: Chuck R. Thompson
Title: President
Notary or Secretary Attest

HAWS
By: *[Signature]*
Name: ALAN HAWES
Title: OWNER
Notary or Secretary Attest



Brenda J. Parks, Secretary

Exhibit A Cost Estimate for Post Oak Lift Station Project

JOB: THE LINKS @ NORMAN - PHASE I
DESC.: PUBLIC STREETS, DRAINAGE, WATER, & SEWER

DATE: 2/18/09

CTSA #: 088018-00

ITEM	DESCRIPTION	UNITS	EST. QTY.	UNIT PRICE	TOTAL
REGIONAL LIFT STATION (OPTION A)					
1.0	12" PVC GRAVITY SEWER LINE	LF	3,160	\$45	\$142,200
2.0	MANHOLES	EA	12	\$2,800	\$33,600
3.0	AIR RELEASE VALVE & VAULT	EA	1	\$3,000	\$3,000
4.0	TIE NEW LINE TO EXISTING MANHOLE	EA	1	\$2,000	\$2,000
5.0	PAVEMENT REMOVE & REPLACE	SY	500	\$50	\$25,000
6.0	SIDEWALK REPLACEMENT	SY	300	\$40	\$12,000
7.0	SODDING	SY	10,000	\$3	\$30,000
8.0	DUAL PUMPS AND CONTROLS	LS	1	\$188,000	\$188,000
9.0	BACKUP GENERATOR	LS	1	\$36,000	\$36,000
10.0	LIFT STATION, WET WELL, VALVES, MISC	LS	1	\$70,000	\$70,000
11.0	12" FORCE MAIN	LF	9,940	\$30	\$298,200
12.0	18" BORE	LF	350	\$180	\$63,000

CONSTRUCTION COSTS \$903,000.00
 DESIGN ENGINEERING 6% \$54,180.00
 CONSTRUCTION ENGINEERING 4% \$ 36,120.00
TOTAL COSTS \$ 993,300.00

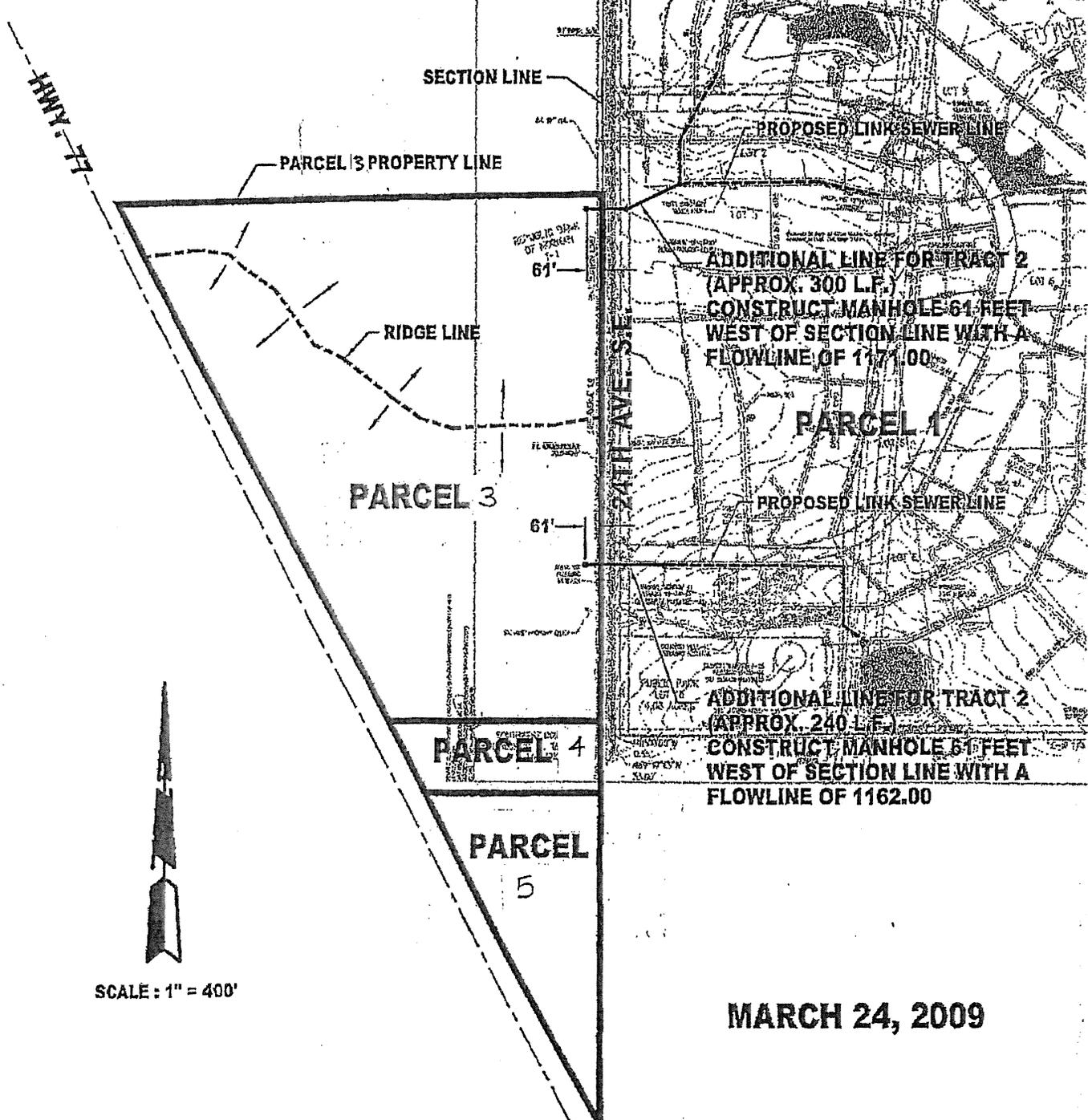
ITEM	DESCRIPTION	UNITS	EST. QTY.	UNIT PRICE	TOTAL
LOCAL LIFT STATION (OPTION B)					
1.0	AIR RELEASE VALVE & VAULT	EA	1	\$3,000	\$3,000
2.0	TIE NEW LINE TO EXISTING MANHOLE	EA	1	\$2,000	\$2,000
3.0	PAVEMENT REMOVE & REPLACE	SY	470	\$50	\$23,500
4.0	SIDEWALK REPLACEMENT	SY	300	\$40	\$12,000
5.0	SODDING	SY	8,150	\$3	\$24,450
6.0	DUAL PUMPS AND CONTROLS	LS	1	\$90,000	\$90,000
7.0	BACKUP GENERATOR	LS	1	\$12,000	\$12,000
8.0	LIFT STATION, WET WELL, VALVES, MISC	LS	1	\$50,000	\$50,000
9.0	8" FORCE MAIN	LF	7,335	\$24	\$176,040
10.0	14" BORE	LF	350	\$150	\$52,500

CONSTRUCTION COSTS \$445,490.00
 DESIGN ENGINEERING 6% \$26,728.40
 CONSTRUCTION ENGINEERING 4% \$ 17,818.60
TOTAL COSTS \$ 480,039.00

Resolution R-0809-133						
Exhibit B						
Post Oak Lift Station Payback Project						
Parcel	Owner	Address	Legal Description	Acres	ADF	Share
1	Tackett Family Limited Partnership	2004 Ridgecrest Road, Edmond, OK 73003	15 8 2W 160 AC NW/4	153.000	184,750	38.17%
2	D. Alan Haws	4401 Northridge Road, Norman, OK 73072	15-8-2W 142.89 AC SW/4 LS PRT SW/4 W OF HWY BEG SW/C SW/4 E618 NW/331.03 S1178.52 POB & LS PRT SW/4 BEG W100 SE/C N.	137.900	153,250	31.66%
3	Republic Bank of Norman c/o Chuck Thompson, President	PO Box 5369, Norman, OK 73070	16-8-2W 61.92 AC NE/4 & SE/4 LYING E HWY77 LS N735.50 ft. NE/4 LYING E HWY 77 (TRS 11,14,15,16,17,18,19,21 & PRT LOTS 12&13	40.358	72,500	14.98%
4	Yamanouchi Pharma Technologies c/o Paul Sweeney, Vice President, General Counsel and Secretary	3300 Marshall Avenue, Norman, OK 73070	SOUTH LAKE INDUSTRIAL PARK LOT 1 BLK 1	5.447	6,750	1.39%
5	Randall P. & Bonnie M. Hawkins	1804 Terryton Drive Norman, OK 73071	16-8-2W 8.75AC PRT NE/4 & SE/4 BEG 2599.24' S NE/C NE/4 S1045.83' S 62D W77.90' N 27D W300' N 28D W300.04' N 27D W612.54' E635.17' POB	7.010	12,625	2.61%
6	Jackie F. Morgan Living Trust, Trustee	2909 E. Post Oak Road, Norman, OK 73071	15-8-2W 6.21+ AC PRT SW/4 BEG 100 ft. WSE/C N363 ft. W750 ft. S363 ft. E750 ft. POB	5.750	375	0.08%
7	Hattie June Smith Living Trust, c/o Peggy Julian	41270 Yucca Lane, Bermuda Dunes, CA 92201	15-8-2W 160 AC SE/4	48.424	53,750	11.11%

EXHIBIT D

CONCURRENT CONSTRUCTION OPPORTUNITIES FOR SEWER CONNECTION POINTS



SCALE : 1" = 400'

MARCH 24, 2009



CITY COUNCIL AGENDA DECEMBER 28, 2010

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

Item No. 19

File Number: ZO-0910-3

Introduced: 5/18/2010 by Doug Koscinski, Current Planning Mgr

Current Status: Non-Consent Items

Version: 1

Matter Type: Zoning Ordinance

Title

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

ACTION NEEDED: Motion to adopt or reject Ordinance No. ZO-0910-3 upon Second Reading section by section.

ACTION TAKEN: _____

ACTION NEEDED: Motion to adopt or reject Ordinance No. ZO-0910-3 upon Final Reading as a whole.

ACTION TAKEN: _____

Body

BACKGROUND. The applicants own a large tract on the east side of Monnett Avenue and are in the process of redeveloping the site. When the property was initially platted as the State University Addition in 1909, the entire east side of the plat along the railroad right-of-way was designated as a twenty-foot alley. The alley at this location was never paved or used as an alley, although some utilities are present in the area. The applicants submitted a request to close and vacate the alley right-of-way, but the item was postponed at the June Planning Commission meeting because of an objection from ONG. The applicant is simply wishing to remove the right-of-way designation from the alley, and has always been willing to dedicate the same area as a Utility Easement. Even though still encumbered as an easement, ownership of the area has a benefit to the owner in the development of their site. In this case, the only location for a dumpster enclosure will partially infringe on the alley, which would be prohibited unless the land is owned by the applicant. Likewise, if the City ever extends Legacy Trail along the railroad, retaining a pedestrian easement through this area would facilitate that construction.

DISCUSSION. At their meeting of November 18, 2010, the Planning Commission, by a vote of 9-0, supported this request and recommended adoption of Ordinance No. ZO-0910-3. No protests were filed on the request.

STAFF RECOMMENDATION: Staff recommends approval of this alley closure and adoption of the ordinance.

ZO-0910-3

AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, CLOSING ALLEY EASEMENTS ADJACENT TO LOT 1A, BLOCK 1, STATE UNIVERSITY ADDITION, TO THE CITY OF NORMAN, CLEVELAND COUNTY, OKLAHOMA; AND PROVIDING FOR THE SEVERABILITY THEREOF. (715 MONNETT AVENUE)

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

- § 1. That, pursuant to Resolution Number R-8182-66, Khouri & Jazzar Properties, L.L.C., owner of the subject property, has petitioned the City to have the alley easements adjacent to Lot 1A, Block 1, STATE UNIVERSITY ADDITION closed; and,
- § 2. That, also pursuant to Resolution Number R-8182-66, the proper notice has been given, and the maps, memorandums and other items required by said Resolution have been presented to this Council; and
- § 3. That, also pursuant to Resolution Number R-8182-66, a public hearing has been held regarding said closing; and
- § 4. That, the alley easements adjacent to Lot 1A, Block 1, STATE UNIVERSITY ADDITION, herein after described, to wit:

An alley easement described as beginning at the Northeast corner of Lot 1, Block 1, State University Addition, Norman, Cleveland County, Oklahoma; Thence N27°45'47"W a distance of 20.0'; Thence S62°16'04"W a distance of 82.16'; Thence S00°00'00"W a distance of 22.6'; Thence N62°16'04"E a distance of 92.66' to the point of beginning, containing 0.040 acres more or less.

and

An alley easement described as beginning at the Northeast corner of Lot 1, Block 1, State University Addition, Norman, Cleveland County, Oklahoma; Thence N27°45'47"W a distance of 20.0'; Thence N62°16'04"E a distance of 20.0'; Thence S27°45'47"E a distance of 231.20'; Thence S62°16'04"W a distance of 20.0'; Thence N27°45'47"W a distance of 211.20' to the point of beginning, containing 0.106 acres more or less.

are hereby closed.

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

ADOPTED this _____ day of
_____, 2010.

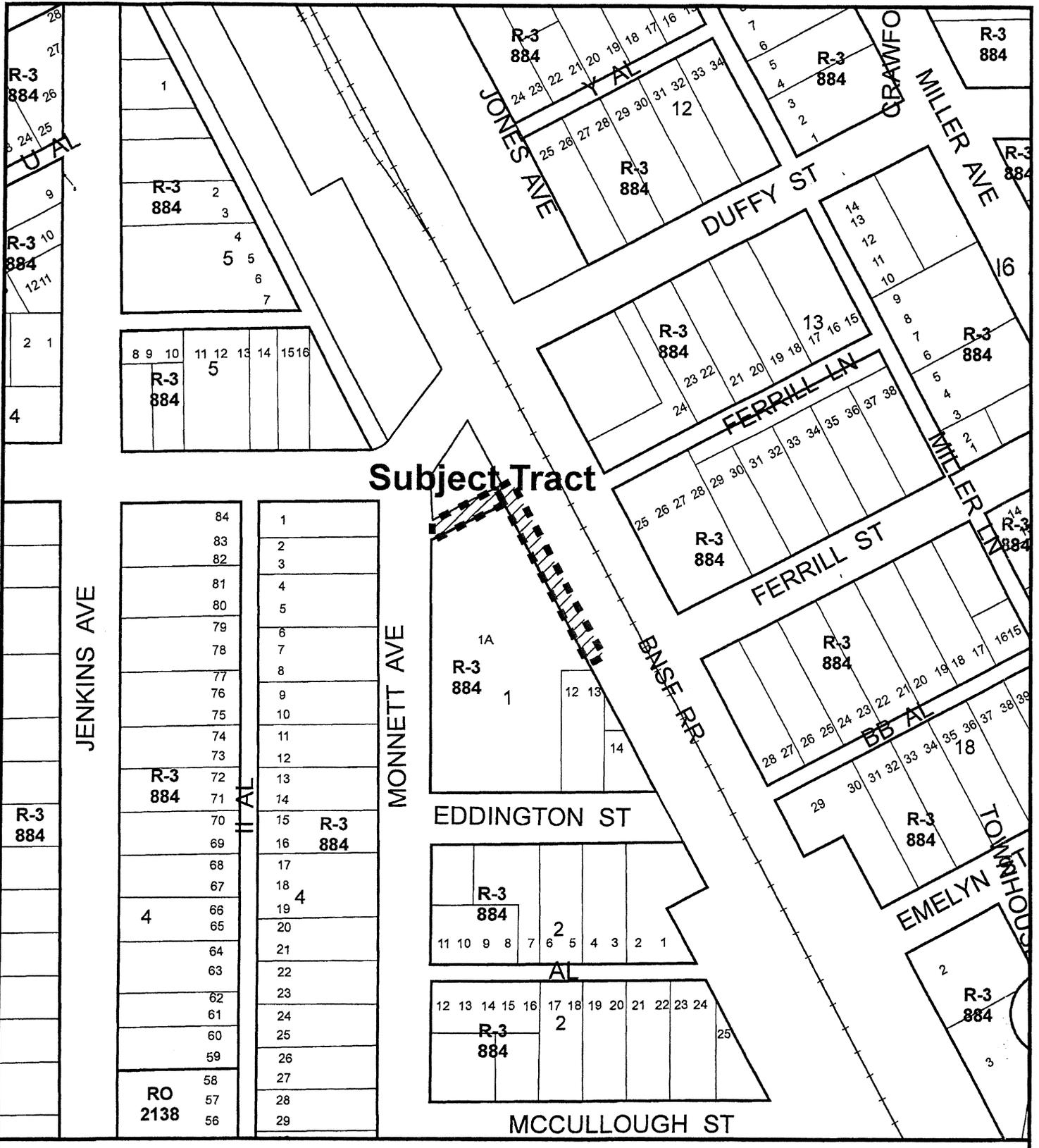
NOT ADOPTED this _____ day of
_____, 2010.

(Mayor)

(Mayor)

ATTEST:

(City Clerk)



Location Map

ZO-0910-3
 Closure of Alley Easements
 STATE UNIVERSITY ADDITION, Lot 1A, Block 1

Owner/Developer: Khouri & Jazzar Properties, LLC



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



ORDINANCE NO. ZO-0910-3

ITEM NO. 7

STAFF REPORT

GENERAL INFORMATION

APPLICANT

Khouri & Jazzar Properties, L.L.C.

REQUESTED ACTION

Closure of the Alley Easement along the northwest and northeast property lines of Lot 1A, Block 1, STATE UNIVERSITY ADDITION (715 Monnett Avenue)

BACKGROUND The applicants own a large tract on the east side of Monnett Avenue, and are in the process of redeveloping the site. When the property was initially platted as the State University Addition in 1909, the entire east side of the plat along the railroad right-of-way was designated as a twenty foot alley easement. Although some pieces were installed, the alley at this location was never built or used as an alley, although some utilities are present in the area. The applicants had submitted a request to close and vacate the alley right-of-way, but the item was postponed at the June Planning Commission meeting because of an objection from ONG.

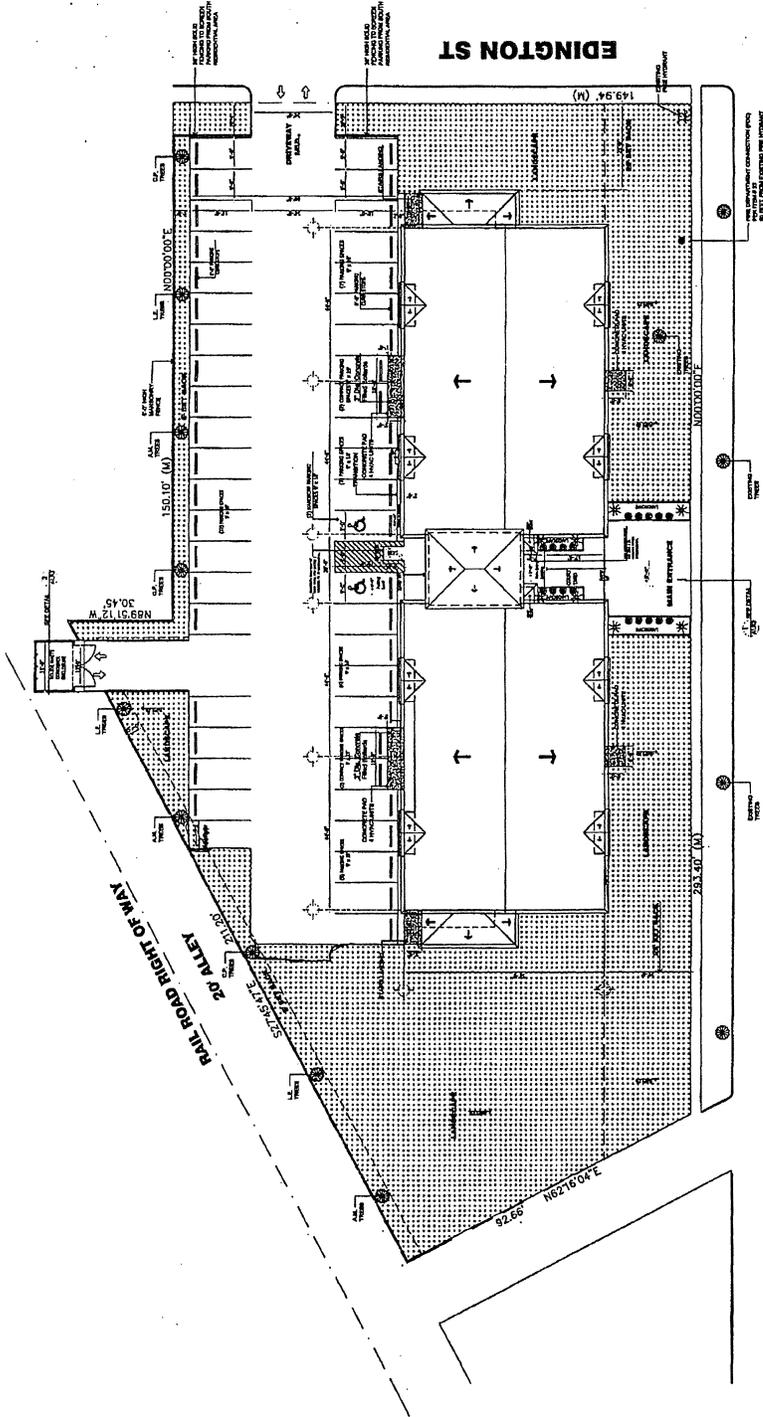
DISCUSSION ONG does have existing facilities within the alley, and initially opposed the closure because of their impression that they would need to remove or relocate their lines. The applicant is simply wishing to remove the "right-of-way" designation from the alley, and has always been willing to dedicate the same area as a Utility Easement. Even though still encumbered as an easement, ownership of the area has a benefit to the owner in the development of their site. In this case, the only location for a dumpster enclosure will partially infringe on the "alley," which would be prohibited unless the land is owned by the applicant. Likewise, if the City ever extends Legacy Trail along the railroad, retaining a pedestrian easement through this area would facilitate that construction.

STAFF RECOMMENDATION As long as a new easement is dedicated for utility use and as a pedestrian access, there is no need for the property to be retained as an alley right-of-way. Staff is able to support this request to close the alley, as it has never functioned for that purpose, provided a new easement is submitted to replace that right-of-way.

MONNETT RESIDENTIAL

RECEIVED
Development Services
JAN 2 2 2010

Drawn: [Signature]



SITE PLAN

SCALE: 1/16" = 1'

SITE PLAN LEGEND

- LANDSCAPE (U-3 BERNARD 300)
- CONCRETE PAD HVAC UNITS
- MASONRY FENCE
- PROPERTY LINE
- SET BACK LINE
- CURB LINE

REVISIONS	BY

ADDITIONAL LANDSCAPE NOTES

LANDSCAPE CONTRACTOR TO PROVIDE IRRIGATION FOR 100% COVERAGE OF LANDSCAPE AREAS.

TREE DETAIL

- AUTUM BLAZE MAPLE (3) - A.M.
- LACEBARK ELM (3) - L.E.
- CHINESE PISTACHE (3) C.P. (EACH TREE 10'-12' TALL)

TOTAL PARKING SPACES = 47

- (41) 9'x15' PARKING SPACES
- (4) 9' x 15' COMPACT PARKING SPACES
- (2) HANDICAP PARKING SPACES

BY

MONNETT RESIDENTIAL
715 MONNETT AVE
NORFOLK, VA 23069
SITE PLAN / LANDSCAPE

DATE	SCALE
DEC 27, 2009	1/16" = 1'-0"

J2-Monnett-02
A.1-R4
OF _____ SHEETS



DATE: May 6, 2010

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

FROM: Brenda Hall, City Clerk

A handwritten signature in black ink, appearing to be "BH", is written over the name "Brenda Hall" in the "FROM:" field.

SUBJECT: Request to Vacate Two Alley Easements

I am in receipt of a request to vacate two alley easements located at the northeast corner of Lot 1, Block 1, State University Addition, and the northeast corner of Lot 1, Block 1, State University Addition. The application fee has been paid.

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

BH:smr
attachments

office memorandum

Robert P. Hendrick, Consultant
400 Westside Drive, Norman, Oklahoma 73069
(405) 321-1551

Ms. Brenda Hall, City Clerk.
City of Norman, City Hall
Norman, Oklahoma

Re: Monnett Residents, Monnett & Eddington, Request for Release of Alley
Easements.

Dear Sirs;

Transmitted herewith are prints of subject property description with two alley easements requested to be vacated and transferred to the developers, Khouri and Jazzar Properties LLC, and the two legal descriptions. The reason for the request is that the City Staff directed them to place the dumpster in the East easement. Both alley easements will be for the Cities utility use and any others required. The first description is on the North side of subject property and the second on the East.

An alley easement described as beginning at the Northeast corner of Lot 1, Block 1, State University Addition, Norman, Cleveland County, Oklahoma; Thence N27 deg. 45' 47" W a distance of 20.0'; Thence S 62 deg. 16' 04" W a distance of 82.16', Thence S 00 deg. 00' 00" W a distance of 22.6', Thence N 62 deg. 16' 04" E a distance of 92.66' to the point of beginning, containing 0.040 acres more or less.

An alley easement described as beginning at the Northeast corner of Lot 1, Block 1, State University Addition, Norman, Cleveland County, Oklahoma, Thence N 27 deg. 45' 47" E a distance of 20.0', Thence N 62 deg. 16' 04" E a distance of 20.0', Thence S 27 deg. 45' 47" E a distance of 231.20', Thence S 62 deg. 16' 04" W a distance of 20.0', Thence N 27 deg. 45' 47" W a distance of 211.20' to the point of beginning, containing 0.106 acres more or less.

Sincerely,



Robert P. Hendrick for
Khouri & Jazzar Properties LLC

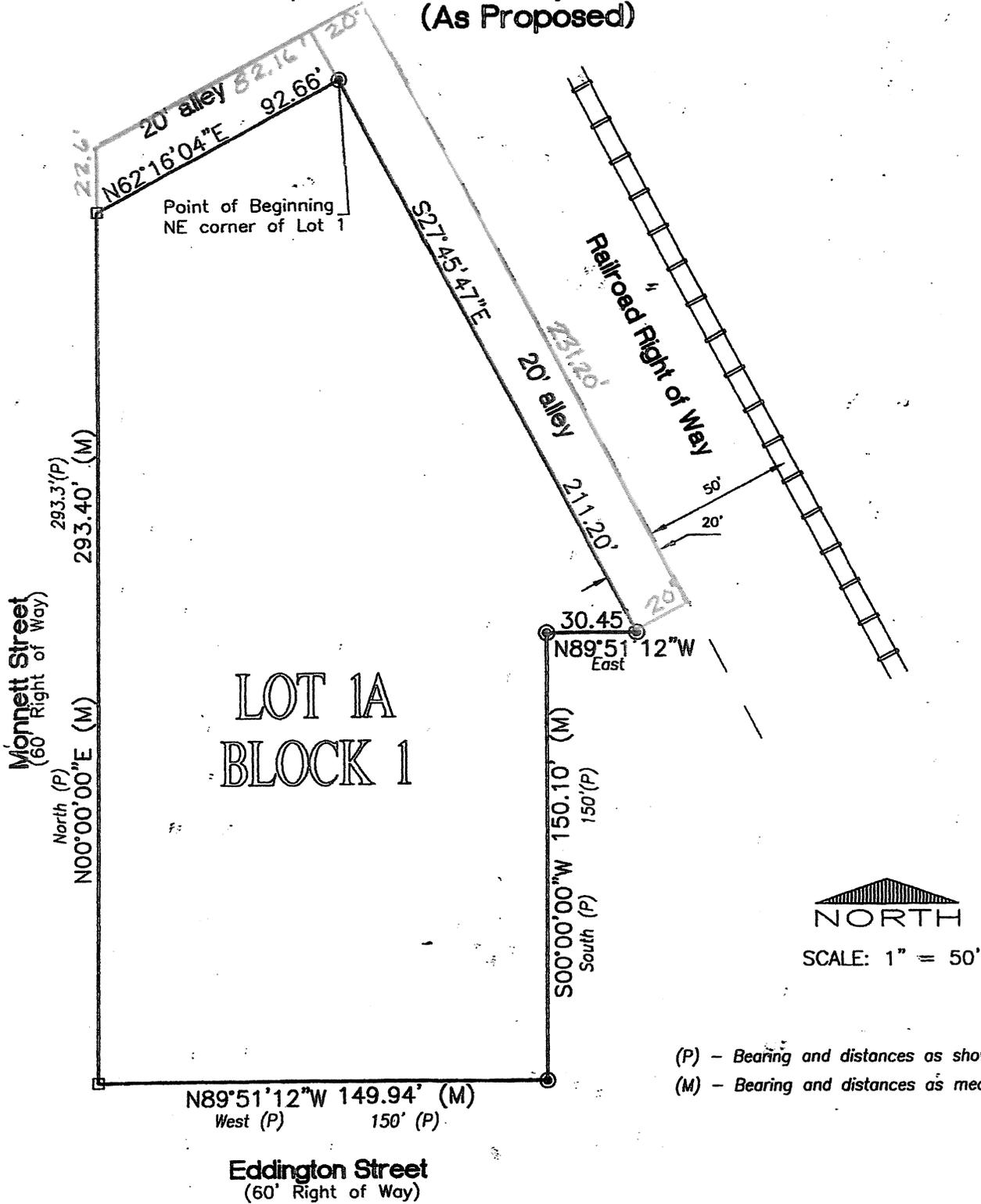
encl.

FILED IN THE OFFICE
OF THE CITY CLERK
ON 5/6/10

Cornerstone Surveying Inc.

P. O. Box 6033 · Norman, OK 73070-6033 · (405) 527-8848
 Certificate of Authorization No. CA 4401 (Exp. 6/30/10)

**Lot Line Adjustment
 (As Proposed)**



(P) - Bearing and distances as shown on plat
 (M) - Bearing and distances as measured

CERTIFICATION:

I hereby certify that this map or plat and the survey on which it is based was prepared in May 2005, under my direct supervision and checking and is correct to the best of my knowledge, belief and opinion.

Cornerstone Surveying Inc.

P. O. Box 6033 · Norman, OK 73070-6033 · (405) 527-8848
Certificate of Authorization No. CA 4401 (Exp. 6/30/10)

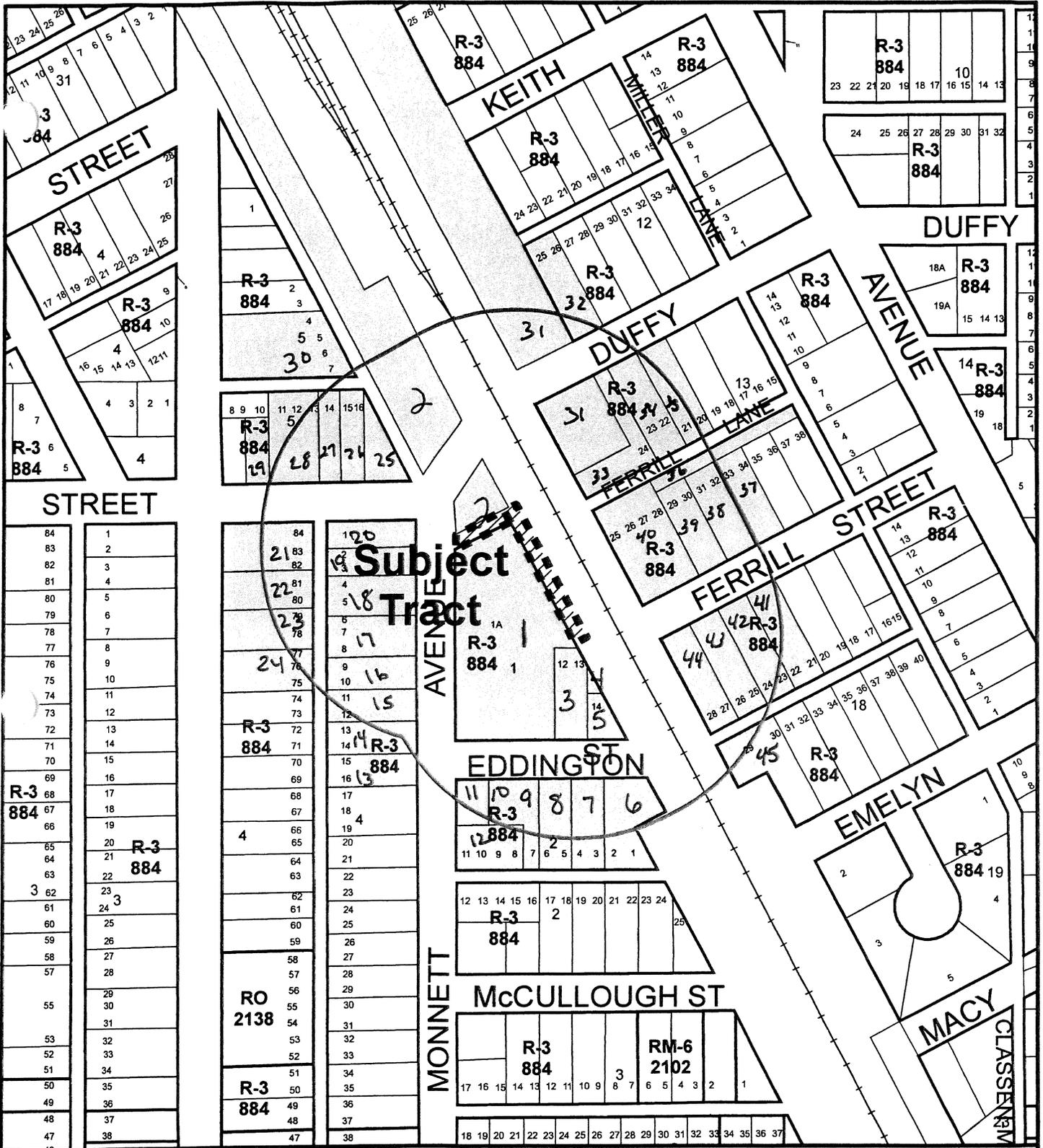
Legal Descriptions

Legal Description

A parcel of land being Lots One (1) through Eleven (11) and the North 10 feet of the vacated alley adjacent to the South line of Lot Five (5) and the South 10 feet of the vacated alley adjacent to North line of Lots Six (6) through Eleven (11), all in Block One (1) of State University Addition to Norman, Cleveland County, Oklahoma, and being more particularly described as follows:

Beginning at the Northeast corner of Lot 1, Block 1 of State University Addition; Thence South 27°45'47" East, along the easterly line of said Block 1, a distance of 211.20 feet to the centerline of vacated alley; Thence North 89° 51'12" West, along said centerline of vacated alley, a distance of 30.45 feet; Thence South 00°00'00" West, along the east line of Lot 11, if extended, a distance of 150.10 feet to the Southeast corner of said Lot 11, said point also being on the north right of way line of Eddington Street; Thence North 89°51'12" West, along said north right of way line, a distance of 149.94 feet to the southwest corner of Lot 6, Block 1, said point also being on the easterly right of way line of Monnett Street; Thence North 00°00'00" East, along said easterly right of way line, a distance of 293.40 feet to the northwest corner of said Lot 1, Block 1; Thence North 62°16'04" East, along the north line of said Lot 1, a distance of 92.66 feet to the Point of Beginning.

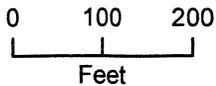




Radius Map 300'



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



Scale: 1" = 200'
 March 17, 2010

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



OKLAHOMA
NATURAL
GAS
A DIVISION OF ONEOK

October 26, 2010

The City Of Norman
Mr. Ken Danner, Development Coordinator
P. O. Box 370
Norman, OK. 73070

Re: Monnett Residents, Monnett & Eddington, Request for Release of Alley Easements

Dear Mr. Danner:

Oklahoma Natural Gas Company has a pipeline [4 ½" BS OG&E Acq.] in the 20 foot alley adjacent to Lots 1 thru 5, Block 1 State University Addition to the City of Norman, Cleveland County, Oklahoma.

Oklahoma Natural Gas Company has no objection to vacating 20 foot alley adjacent to Lots 1 thru 5, Block 1 State University Addition, provided that the rights of Oklahoma Natural Gas Company as a public corporation are here-by expressly reserved and the City of Norman shall in no way impair the rights of Oklahoma Natural Gas Company to repair, operate, maintain, construct or change the size of its pipeline.

Henry Bluejacket
Oneok Real Estate Services

HB/ AP South 4

cc: file/Jay Sullivan/Tom McDaniel/Rudy Khouri

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



OG&E Electric Services
An OGE Energy Corp. Company

JUNE 3, 2010

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

RE: Closing of an alley on two sides
Lot 1A, Block 1, STATE UNIVERSITY ADDITION
Applicant: Khouri & Jazzar Properties, L.L.C.

Mr. Danner:

Available records show that OG&E Electric Services has overhead facilities along the east side of Monnett Avenue that cross the alley located along the northwest side of Lot 1A. OG&E also has a pole line along the northeast side of the property that is in the alley the applicant is requesting to close.

OG&E does not object to the alley easement closings as long as these easements will be converted to utility easements. If I can provide you with any other information, please contact me at (405) 553-5174.

Sincerely,

A handwritten signature in black ink that reads 'Timothy J. Bailey'. The signature is written in a cursive style with a large initial 'T'.

Timothy J. Bailey
Right-Of-Way Agent

Item No. 7, being:

ZO-1011-3 – KHOURI & JAZZAR PROPERTIES, L.L.C., REQUEST CLOSURE OF THE ALLEY EASEMENTS ALONG THE NORTHWEST AND NORTHEAST PROPERTY LINES OF LOT 1A, BLOCK 1, STATE UNIVERSITY ADDITION. (715 MONNETT AVENUE)

ITEMS SUBMITTED FOR THE RECORD:

1. Location Map
2. Staff Report
3. Site Plan
4. Lot Line Adjustment (As Proposed)
5. ONG Letter of Non-Objection
6. OG&E Letter of Non-Objection
7. June 3, 2010 Staff Report
8. June 10, 2010 Planning Commission Minutes

PRESENTATION BY STAFF:

1. Mr. Koscinski explained that this is an older alley that was platted with the original State University Addition in 1909. It has never been paved or used as an alley in recent memory. The abutting property owner has asked to vacate the alley. There are existing utilities and the City and franchised utilities have asked for a utility easement. The vacation of the alley has some benefit to the property owner and would allow him to move a dumpster to this area. Staff has suggested that the applicant provide a separate utility easement and a pedestrian easement if the City ever needs to run a sidewalk through the area as part of the Legacy Trail extension. There was originally a protest, which has been rescinded when they understood there would be a separate utility easement.

2. Mr. Knotts asked if the alley easement continues on to the south. Mr. Koscinski responded that alley easement does continue to the south along the entire east side of the plat. When it gets to Boyd Street, there is a gravel alley that is being used. The applicant only owns the subject piece and has asked for it to be released.

PRESENTATION BY THE APPLICANT:

1. Rudy Khouri, 1213 Woodstock Court – One of the reasons for this request is that the City asked them to locate the dumpster in the back alley on the east side to facilitate access by sanitation trucks. Cornerstone Surveying will provide descriptions of the easements to the City.

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:

Curtis McCarty moved to recommend approval of Ordinance No. ZO-1011-3 to the City Council. Andy Sherrer seconded the motion.

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

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

Recording Secretary Roné Tromble announced that the motion, to recommend approval of Ordinance No. ZO-1011-3 to the City Council, passed by a vote of 9-0.

* * *



office memorandum

DATE: June 3, 2010, 2010

TO: Chairman and Members,
Norman Planning Commission

FROM: Doug Koscinski, AICP *DK*
Manager, Current Planning Division

Ken Danner, *KD*
Development Coordinator

SUBJECT: Ordinance ZO-0910-3

BACKGROUND Staff has requested that this item be postponed, as required responses from all affected franchised utilities have not been received. While the item is generally supportable, questions about existing facilities have not been resolved, and staff is unable to adequately address those issues.

RECOMMENDATION Staff recommends that this item be indefinitely postponed until the needed revisions can be reviewed, and the items properly addressed.

Item No. 2, being:

CONSENT DOCKET

Vice 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 noted that staff has recommended indefinite postponement of Item Nos. 9 and 10 and they can be added to the Consent Docket. He read the items recommended for inclusion on the Consent Docket, as follows:

Item No. 3, being:

APPROVAL OF THE MAY 13, 2010 REGULAR SESSION MINUTES

Item No. 4, being:

CONSIDERATION OF A FINAL PLAT SUBMITTED BY SUMMIT LAKES, L.L.C. (CLOUR PLANNING & ENGINEERING SERVICES, L.L.C.) FOR SUMMIT LAKES ADDITION, SECTION 8 (REAPPROVAL), GENERALLY LOCATED 0.66 MILES SOUTH OF EAST ALAMEDA STREET AND 0.34 MILES EAST OF 24TH AVENUE S.E.

Item No. 5, being:

CONSIDERATION OF A FINAL PLAT SUBMITTED BY SKS1, L.L.C. (SMC CONSULTING ENGINEERS, P.C.) FOR FOUNTAIN VIEW ADDITION, SECTION 1 (REAPPROVAL), GENERALLY LOCATED ON THE EAST SIDE OF 48TH AVENUE N.W. APPROXIMATELY 2,000 FEET SOUTH OF WEST TECUMSEH ROAD.

Item No. 6, being:

CONSIDERATION OF A FINAL PLAT SUBMITTED BY SOUTHWEST CAPITAL GROUP, L.L.C. (SMC CONSULTING ENGINEERS, P.C.) FOR FOUNTAIN VIEW ADDITION, SECTION 2 (REAPPROVAL), GENERALLY LOCATED ON THE EAST SIDE OF 48TH AVENUE N.W. APPROXIMATELY 2,000 FEET SOUTH OF WEST TECUMSEH ROAD.

Item No. 7, being:

CONSIDERATION OF A FINAL PLAT SUBMITTED BY SOUTHWEST CAPITAL GROUP, L.L.C. (SMC CONSULTING ENGINEERS, P.C.) FOR FOUNTAIN VIEW ADDITION, SECTION 3 (REAPPROVAL), GENERALLY LOCATED ON THE EAST SIDE OF 48TH AVENUE N.W. APPROXIMATELY 2,000 FEET SOUTH OF WEST TECUMSEH ROAD.

Item No. 9, being:

CONSIDERATION OF A REQUEST SUBMITTED BY WESTPOINT DEVELOPERS, L.L.C. FOR A TRACT OF LAND GENERALLY LOCATED ON THE NORTH SIDE OF INDIAN HILLS ROAD APPROXIMATELY 1,320 FEET EAST OF 48TH AVENUE N.W.

9A. RESOLUTION NO. LURP-0910-1 – WESTPOINT DEVELOPERS, L.L.C. REQUESTS AMENDMENT OF THE NORMAN 2025 LAND USE AND TRANSPORTATION PLAN (LUP-0910-9) FROM FUTURE URBAN SERVICE AREA TO CURRENT URBAN SERVICE AREA ON PROPERTY GENERALLY LOCATED ON THE NORTH SIDE OF INDIAN HILLS ROAD APPROXIMATELY 1,320 FEET EAST OF 48TH AVENUE N.W.

9B. ORDINANCE NO. ZO-0910-5 – WESTPOINT DEVELOPERS, L.L.C. REQUESTS REZONING FROM A-2, RURAL AGRICULTURAL DISTRICT, TO R-1, SINGLE FAMILY DWELLING DISTRICT, FOR PROPERTY GENERALLY LOCATED ON THE NORTH SIDE OF INDIAN HILLS ROAD APPROXIMATELY 1,320 FEET EAST OF 48TH AVENUE N.W.

9C. CONSIDERATION OF A PRELIMINARY PLAT SUBMITTED BY WESTPOINT DEVELOPERS, L.L.C. (SMC CONSULTING ENGINEERS, P.C.) FOR REDLANDS, GENERALLY LOCATED ON THE NORTH SIDE OF INDIAN HILLS ROAD APPROXIMATELY 1,320 FEET EAST OF 48TH AVENUE N.W.

Item No. 10, being:

ORDINANCE NO. ZO-0910-3 – KHOURI & JAZZAR PROPERTIES, L.L.C., REQUEST CLOSURE OF THE ALLEY EASEMENT ALONG THE NORTHWEST AND NORTHEAST PROPERTY LINES OF LOT 1A, BLOCK 1, STATE UNIVERSITY ADDITION (715 MONNETT AVENUE).

*

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

Chris Lewis moved to place approval of Item Nos. 3 and 4, and the indefinite postponement of Item Nos. 5, 6, 7, 9 and 10, on the Consent Docket and approve by one unanimous vote. Diana Hartley seconded the motion.

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

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

Recording Secretary Roné Tromble announced that the motion, to place approval of Item Nos. 3 and 4, and the indefinite postponement of Item Nos. 5, 6, 7, 9 and 10, on the Consent Docket and approve by one unanimous vote, passed by a vote of 6-0.

* * *

Item No. 10, being:

ORDINANCE NO. ZO-0910-3 – KHOURI & JAZZAR PROPERTIES, L.L.C., REQUEST CLOSURE OF THE ALLEY EASEMENT ALONG THE NORTHWEST AND NORTHEAST PROPERTY LINES OF LOT 1A, BLOCK 1, STATE UNIVERSITY ADDITION (715 MONNETT AVENUE).

ITEMS SUBMITTED FOR THE RECORD:

1. Staff Memo recommending postponement
2. Site Plan
3. Letter of non-objection from OG&E

This item was postponed indefinitely on the Consent Docket by a vote of 6-0.

* * *



**CITY COUNCIL AGENDA
DECEMBER 28, 2010**

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

Item No. 20

Text File Number: O-1011-26

Introduced: 10/15/2010 by Doug Kosciński, Current Planning Mgr

Current Status: Non-Consent Items

Version: 1

Matter Type: Zoning Ordinance

Title

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

ACTION NEEDED: Motion to adopt or reject Ordinance No. O-1011-26 upon Second Reading section by section.

ACTION TAKEN: _____

ACTION NEEDED: Motion to adopt or reject Ordinance No. O-1011-26 upon Final Reading as a whole.

ACTION TAKEN: _____

Body

BACKGROUND. Included within each section of Grandview Estates North Addition is a portion of a pedestrian pathway system that was originally conceived as an interconnected open space that could be used for pedestrian or equestrian use. The current Homeowners Association has voted to petition that all of these pedestrian easements be closed and ultimately vacated.

As originally conceived, these easements were private and usage was limited to homeowners within the subdivision, although they are listed as public access on the various plats that were filed of record from 1975-1977. No trails or pathways were ever constructed and the current owners have no such plans to install them. They do wish to prevent the general public from having access around the individual homes, which is implied by the language of the easement. The easements do not connect to any nearby public pathways, and were not intended to allow the public into what is a rural subdivision of large homes on two-acre lots.

DISCUSSION. At their meeting of November 18, 2010, the Planning Commission, by a vote of 9-0, supported this request and recommended adoption of Ordinance No. O-1011-26. No protests were filed, and two letters supporting the request were received.

STAFF RECOMMENDATION: Staff recommends adoption of this Ordinance.

AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, CLOSING PUBLIC ACCESS EASEMENTS WITHIN GRANDVIEW ESTATES NORTH ADDITION TO THE CITY OF NORMAN, CLEVELAND COUNTY, OKLAHOMA; AND PROVIDING FOR THE SEVERABILITY THEREOF.

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

- § 1. That, pursuant to Resolution Number R-8182-66, Grandview Estates Homeowner's Association, owner of the subject property, has petitioned the City to have the public access easements within GRANDVIEW ESTATES NORTH ADDITION closed; and,
- § 2. That, also pursuant to Resolution Number R-8182-66, the proper notice has been given, and the maps, memorandums and other items required by said Resolution have been presented to this Council; and
- § 3. That, also pursuant to Resolution Number R-8182-66, a public hearing has been held regarding said closing; and
- § 4. That, the public access easements within GRANDVIEW ESTATES NORTH ADDITION, herein after described, to wit:

GRANDVIEW ESTATES NORTH ADDITION, NO. 3, to Norman, Cleveland County, Oklahoma, being a part of the S.W. ¼, Section 10, T9N, R3W of the Indian Meridian.

are hereby closed.

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

ADOPTED this _____ day of _____, 2010.

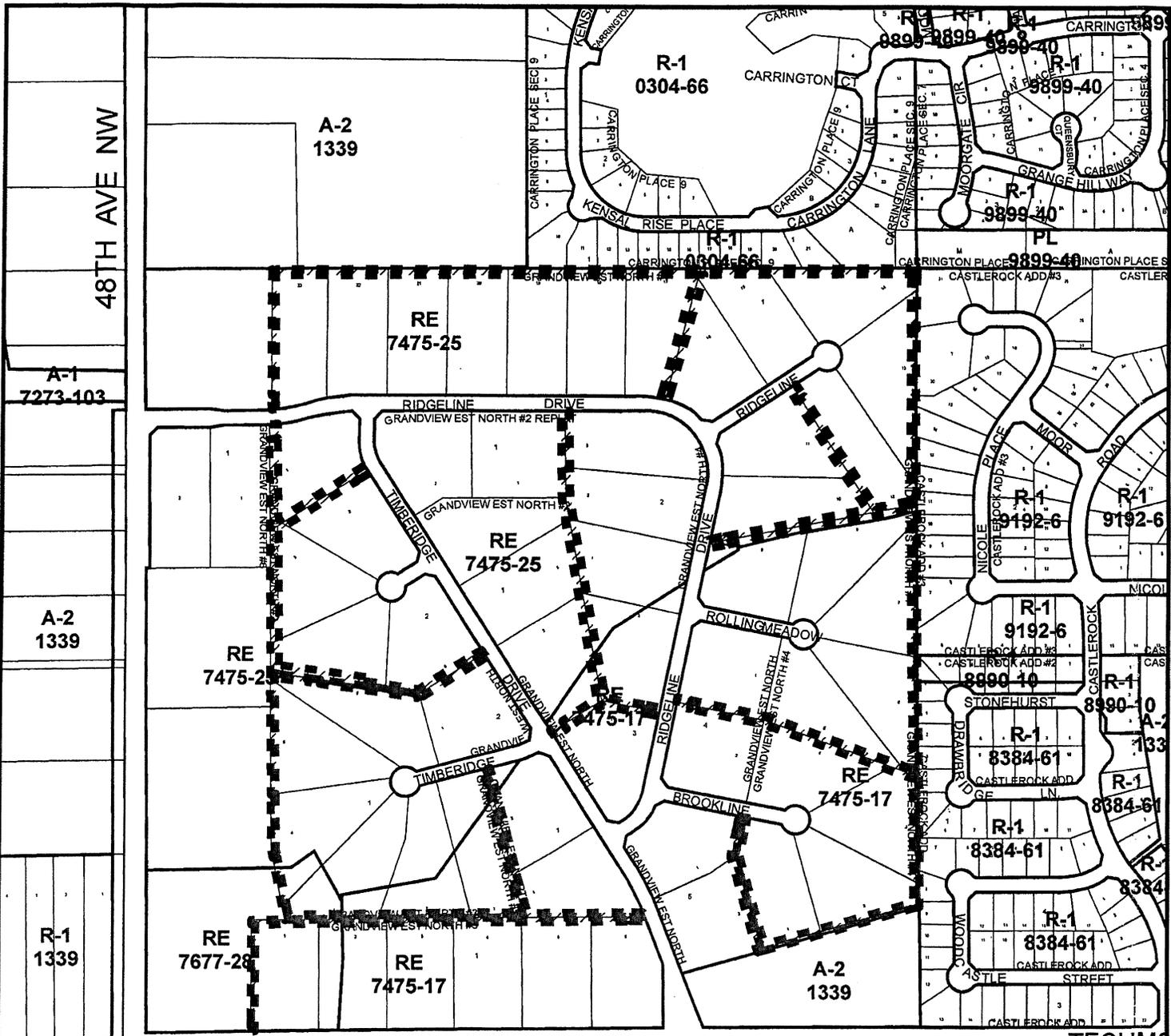
NOT ADOPTED this _____ day of _____, 2010.

(Mayor)

(Mayor)

ATTEST:

(City Clerk)



Location Map

O-1011-26
 Closure of Public Access Easements
GRANDVIEW ESTATES NORTH ADDITION



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.



Applicant: Grandview Estates Homeowners'
 Association

ORDINANCE NO. O-1011-26

ITEM NO. 10

STAFF REPORT

GENERAL INFORMATION

APPLICANT	Grandview Estates Homeowner's Association
REQUESTED ACTION	Closure of the public access easements within GRANDVIEW ESTATES NORTH ADDITION

BACKGROUND Included within each section of Grandview Estates North Addition is a portion of a pedestrian pathway system that was originally conceived as an interconnected open space that could be used for pedestrian or equestrian use. The current Homeowners Association has voted to petition that of all of these pedestrian easements be closed and ultimately vacated.

DISCUSSION As originally conceived, these easements were private and usage was limited to homeowners within the subdivision, although they are listed as "public access" on the various plats that were filed of record from 1975-1977. No trails or pathways were ever constructed within these easements, and the current owners have no such plans to install them. They do wish to prevent the general public from having access around the individual homes, which is implied by the language of the easement. The easements do not connect to any nearby public pathways, and were not intended to allow the public into what is a rural subdivision of large homes on two-acre lots.

RECOMMENDATION All of these easements are also labeled as utility easements. This action would not eliminate that aspect, but only remove the designation as pathways. Because no improvements were ever constructed within these easements, Staff is able to support this request to close the easements.



DATE: October 8, 2010

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

FROM: Brenda Hall, City Clerk

SUBJECT: Request to Close Utility Easement

I am in receipt of a request to close public access easements within Grandview Estates Addition, but utility easements will remain open. The access easements were originally intended to be a system for horseback riding trails throughout the subdivision; however, no trails were ever built and there are no future plans to build them.

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

BH:smr
attachments

office memorandum

Mrs. Brenda Hall
City Clerk
P.O. Box 370
201 West Gray
Norman, OK 73070

October 7, 2010

Request for Closure of Public Access Easements within Grandview Estates

At the annual meeting of the Grandview Estates Homeowner's Association, the association resolved to petition the city of Norman for closure of the public access easements within the subdivision. The utility easements are, however, to remain open. It is our understanding that these easements were originally intended to be a system of horseback riding trails throughout the subdivision; however, no such trails were ever built or are planned on being built in the future. The ultimate goal of the easements is no longer a reality.

The easements do, however, allow the public to have a legitimate claim to access the backyards of nearly every home in the subdivision with the obvious privacy implications which would result from such access.

The ultimate goal of the easements not being realized, the homeowner's association would thus like to close such easements to protect the privacy of the residents.

Philip A. Schovanec
Moricoli & Schovanec, P.C.
Two Leadership Square
211 N. Robinson, Suite 1200
Oklahoma City, OK 73102
Telephone (405) 235-3357
Facsimile (405) 232-6515

FILED IN THE OFFICE
OF THE CITY CLERK
ON 10/8/10

PETITION FOR THE CLOSURE OF PUBLIC ACCESS EASEMENTS

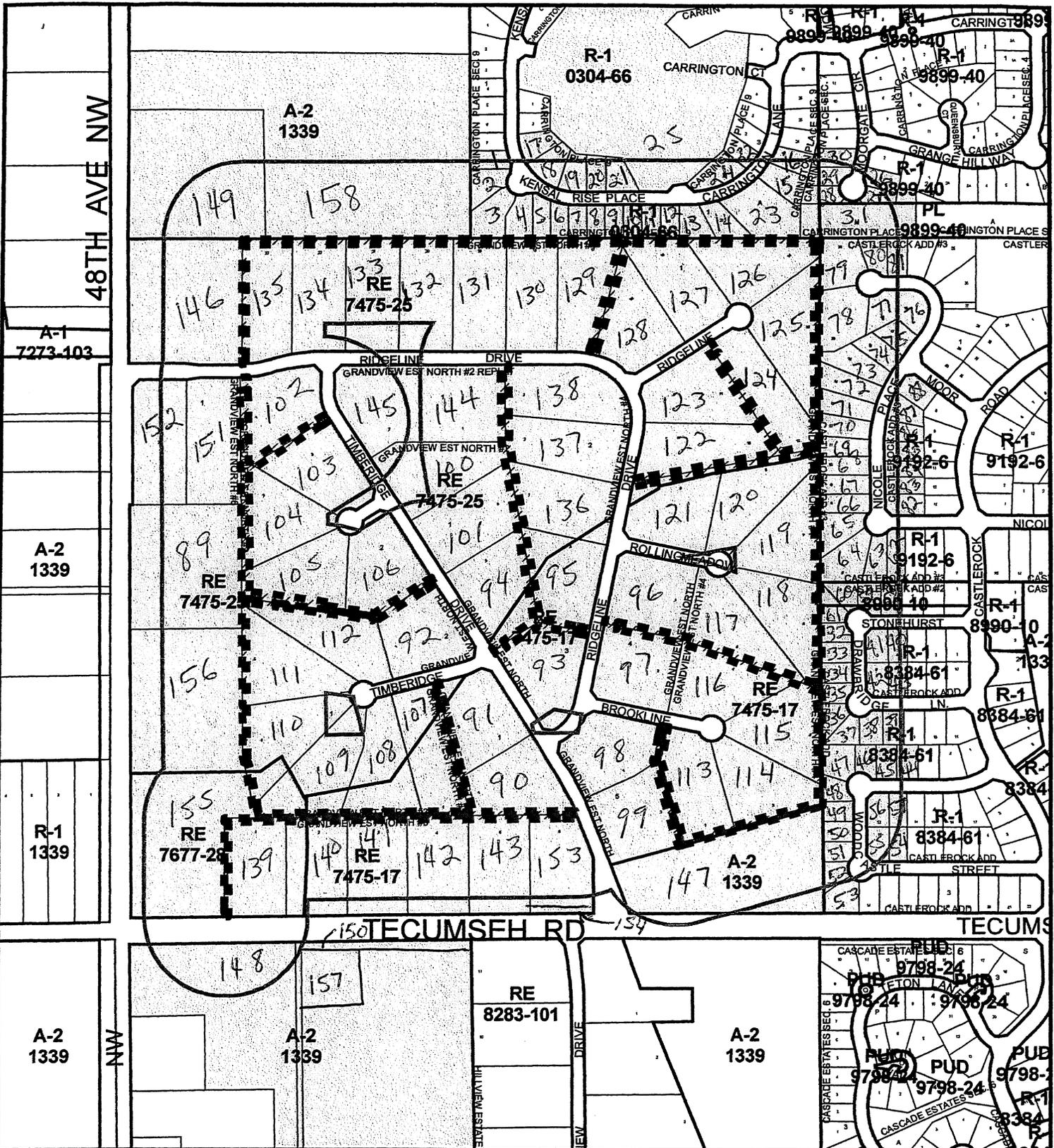
The Petitioners hereby petition the City of Norman to abandon, discontinue, and close all public access easements, but not utility easements, within Grandview Estates North Addition. In support of this Petition, the Petitioners represent and state that the subject easements are being utilized in a manner contrary to their intended purpose, and in a manner that improperly and unduly interferes with the rights of the Petitioners, as owners of the lands affected by said easements. Petitioners further state and certify as follows:

1. That the legal description of Grandview Estates North Addition, and the lands and easements covered and to be affected by this Petition is attached hereto as Exhibit "A."
2. That a list of the property owners within Grandview Estates North Addition, by mailing address, together with the signature of each property owner who approves of and supports this Petition, is attached hereto as Exhibit "B."

Exhibit A

GRANDVIEW ESTATES NORTH, ADDITION NO. 3 to Norman, Cleveland County Oklahoma, being a part of the S.W. 1/4, Section 10, T9N, R3W of Indian Meridian.

See attached Map.



Radius Map



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



0 125 250 500 Feet



September 30, 2010

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

Ken Danner

From: Thad Peterson [TPeterson@okcoop.org]
Sent: Tuesday, November 02, 2010 12:57 PM
To: Ken Danner
Subject: Grandview Estates North Addition

Ken,
Per our conversation last week, OEC has no objection to the closure of the public access easements in Grandview Estates North addition provided that all public utility easements remain in place.

Thanks,

242 24th Ave NW
PO Box 1208
Norman OK 73070
Ph. (405) 321-2024



Thad Peterson
*Supervisor of Engineering
Services*

Office: 405-217-6625
Mobile: 405-641-7372
Fax: 405-217-6933
tpeterson@okcoop.org

Your Touching Energy Cooperative 

www.okcoop.org



OKLAHOMA NATURAL GAS

A DIVISION OF ONEOK

October 27, 2010

Norman Planning Commission
Attention: Ken Danner
P.O. Box 370
Norman, OK 73070

Dear Mr. Danner:

Oklahoma Natural Gas Company has no objection for the closure of the easement within GRANDVIEW ESTATES NORTH ADDITION.

We do have an existing two-inch (2") and 1-1/4 natural gas pipeline in the front easement of the (GRANDVIEW ESTATES NORTH ADDITION) We request that the Okie One-Call (840-5032 or 1-800-840-5032) be contacted a minimum of forty-eight (48) hours if there is any excavation is done. Should our facilities be damaged by the Grandview Estates Homeowner's Association, or by their contractor as result of this closure they will be liable for any costs for repairs. Including gas loss.

Sincerely,

Randy Harrell
Team Leader

RECEIVED

NOV 01 2010

PW/Engineering

625 N. Berry Road • Norman, OK 73069-7541

(405) 366-2407 • Fax (405) 366-2440

www.ong.com

20-10



PO Box 321
Oklahoma City, Oklahoma 73101-0321

OCTOBER 22, 2010

KEN DANNER, DEVELOPMENT COORDINATOR
NORMAN PLANNING COMMISSION
P. O. BOX 370
NORMAN, OK. 73070

RE: **Applicant: The Grandview Estates Homeowner's Association**
Consent to close public access easements within the
GRANDVIEW ESTATES NORTH ADDITION, NO. 3
Part of the SW/4 of Section 10-T9N-R3W

Mr. Danner;

OG&E Electric Services does not object to the closing of the public access easements for the Grandview Estates North Addition. OG&E has no facilities within these easements. If you should have any other questions, I can be reached at 553-5174.

Sincerely,

Timothy J. Bailey
Right-Of-Way Agent

RECEIVED

OCT 26 2010

PW/Engineering



The City of
NORMAN

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

PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT
405-366-5433

NOTICE OF REQUEST FOR CLOSURE OF
A PUBLIC ACCESS EASEMENT

October 20, 2010

RECEIVED

OCT 27 2010

Planning & Community
Development

DEAR CITIZEN:

The purpose of this letter is to formally provide you with *Legal Notice* that Grandview Estates Homeowner's Association has requested closure of the public access easements within GRANDVIEW ESTATES NORTH ADDITION. You, as the owner of property within 300 feet of the applicant's property are being notified by mail so that you may have the opportunity, if you so desire, to express yourself as to whether or not this request should be approved. The Planning Commission will conduct a Public Hearing on the requested closure on **November 18, 2010**, at 6:30 p.m. in the Council Chambers of the Norman Municipal Building located at 201 West Gray Street, Norman, Oklahoma. At that meeting, the public is invited to appear and protest or support the request for closure of the public access easements. Any protest must be in writing and filed with the City Clerk prior to 5:00 p.m. on **Monday, November 15, 2010**, in order to be reported to the Planning Commission. Any protests received after that deadline will be reported to the City Council. Please be advised that e-mail transmissions cannot be considered as legal protest or support. The subject property is more particularly described as follows:

GRANDVIEW ESTATES NORTH ADDITION, NO. 3, to Norman, Cleveland County, Oklahoma, being a part of the S.W. ¼, Section 10, T9N, R3W of Indian Meridian.

Said Ordinance will be brought up for hearing and final passage at a City Council meeting subsequent to the Planning Commission meeting, and may be continued from time to time. Should you have a question regarding this letter of notice or the enclosed map, please call the Norman Planning Department at 366-5433. A staff member in the Department will be pleased to discuss this application and assist in answering your questions.

Secretary,
Norman Planning Commission
201-A West Gray Street (P.O. Box 370)
Norman, OK 73069 (73070)

We support the elimination of these easements -

*Jack Drake
Elaine Drake
4700 W Secumseh Rd
Norman Ok 73072*

November 8, 2010

Norman Planning Commission
P.O. Box 370
Norman, OK 73070

Re: Grandview Easement Closure

Dear Planning Commission Members,

We support the proposed easement closure. We have lived on an unplatted 6 acre tract at the southwest corner of Grandview for 27 years. These easements have never been used since Grandview was begun about 40 years ago.

Our house was broken into on August 24, 2010 (NPD Case #2010-10809). We believe that the burglar arrived on foot. On October 12 our newly upgraded security system detected a nighttime prowler, also on foot, just behind our house. We understand that the public access easements allow burglars and prowlers the legal right to go through the back yards of all of our Grandview neighbors, at any hour of the day or night, without fear of arrest. Closing these easements will make our neighborhood safer.

Thank you for your consideration.

Sincerely,

Wm Wood

William C. and Kay Woods

Residence Address: 4745 W. Tecumseh, Norman, OK 73072

Mailing Address: 2301 W. Main St., Norman, OK 73069

*(Just West of
The GRANDVIEW
PLAT)*

RECEIVED

NOV 15 2010

Planning & Community
Development

20-13

Item No. 10, being:

O-1011-26 – GRANDVIEW ESTATES HOMEOWNER'S ASSOCIATION REQUESTS CLOSURE OF THE PUBLIC ACCESS EASEMENTS WITHIN GRANDVIEW ESTATES NORTH ADDITION.

ITEMS SUBMITTED FOR THE RECORD:

1. Location Map
2. Staff Report
3. OEC Letter of Non-Objection
4. OG&E Letter of Non-Objection
5. ONG Letter of Non-Objection
6. Support Letters

PRESENTATION BY STAFF:

1. Mr. Koscinski explained that this involves a public access easement. Grandview Estates North, when platted, provided for an intricate internal layout of pathways. The original plan was for those to be primarily horse trails. They are labeled as public access easements. When this was platted, they were out in the country and there was no public around the area. They want to foreclose the option of anybody thinking they can walk through the neighborhood. The lots are largely unfenced. The utility easements will remain. We received a couple letters of support, but no protests. There were questions from homeowners in Castlerock Addition, but there should be no effect on anyone outside the Grandview Estates North neighborhood.

2. Ms. Pailles asked whether the Greenbelt Commission could look at this, because the perimeter might be appropriate for a greenbelt trail. Mr. Koscinski indicated there is not yet an established procedure for Greenbelt Commission review. This is all private property and there is no mechanism for the public to take ownership or maintenance of it. Ms. Connors added that the application came in prior to the greenbelt enhancement statement process being active. Mr. Koscinski also noted that this application would not fall under the criteria established for Greenbelt Commission review; there is no rezoning involved and there is no preliminary plat being approved.

PRESENTATION BY THE APPLICANT:

1. Philip Schovanec, 3912 Timberidge Drive – He believes the staff report adequately covered their request. The easements, as depicted in the diagram, are within the internal boundaries of the neighborhood, including the outside easement that runs along the perimeter of the neighborhood.

2. Chairman Trachtenberg asked if there is a physical demarcation between Castlerock Addition. Mr. Schovanec stated that, although their neighborhood does not have wood fences, there is a wood stockade fence that runs along the eastern border and divides their neighborhood from Castlerock. He believes there is also a fence along the north border most of the way.

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:

Jim Gasaway moved to recommend approval of Ordinance No. O-1011-26 to the City Council. Andy Sherrer seconded the motion.

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

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

Recording Secretary Roné Tromble announced that the motion, to recommend approval of Ordinance No. O-1011-26 to the City Council, passed by a vote of 9-0.

* * *



**CITY COUNCIL AGENDA
DECEMBER 28, 2010**

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

Item No. 21

Text File Number: R-1011-66

Introduced: 11/10/2010 by Doug Kosciński, Current Planning Mgr

Current Status: Non-Consent Items

Version: 1

Matter Type: Land Use Plan Resolution

Title

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

ACTION NEEDED: Motion to adopt or reject Resolution No. R-1011-66, Land Use Plan Amendment No. LUP-1011-4; and, if adopted, amend the NORMAN 2025 Land Use and Transportation Plan according thereto.

ACTION TAKEN: _____

Body

BACKGROUND. Jerrys, L.L.C. (Vans Pig Stand), requests amendment of the NORMAN 2025 Land Use and Transportation Plan from Low-Density Residential Designation to Commercial Designation for property located at 316 and 322 East Daws Street. The applicant is seeking rezoning to C-2 in order to allow for the conversion of these lots to commercial parking for his restaurant. A small expansion of the kitchen and dining area will necessitate the installation of additional parking, and will augment the current deficit of available parking.

The Porter Corridor Zoning Overlay District enumerated certain design criteria that must be followed when property is converted to commercial use which abuts existing residential usage. In this case, the three principal components include:

1. A suitable landscape buffer of at least ten feet must be installed between the parking area and the residential property line. As shown on the attached Site Plan, the applicant shows a landscape area that meets that requirement, and widens beyond that minimum dimension towards the front of the lot.
2. In addition to the landscaping, a masonry wall must separate the uses. The proposed four-foot wall starts at the front property line, and increases to six feet where it abuts the rear yard of the neighboring property, and complies with the guideline established by the ZOD.

3. All parking lot lights must comply with the requirement that full cut-off fixtures be used, mounted on poles no taller than twenty feet. A specific lighting plan will be required when construction drawings are submitted which complies with this requirement and demonstrates that no glare will impact the abutting residence.

DISCUSSION. At their meeting of November 18, 2010, the Planning Commission, by a vote of 9-0, supported this request and recommended adoption of Resolution No. R-1011-66, and Ordinance No. O-1011-25, Site Plan and accompanying documentation. No protests were filed on this request.

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

Resolution

R-1011-66
LUP-1011-4

A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING THE NORMAN 2025 LAND USE AND TRANSPORTATION PLAN SO AS TO PLACE LOTS 21-24, BLOCK 20 OF ORIGINAL TOWN OF NORMAN, NORMAN, CLEVELAND COUNTY, OKLAHOMA, IN THE COMMERCIAL DESIGNATION AND REMOVE THE SAME FROM THE LOW DENSITY RESIDENTIAL DESIGNATION FOR THE HEREINAFTER DESCRIBED PROPERTY. (316 AND 322 EAST DAWES STREET)

- § 1. WHEREAS, the Council of the City of Norman recognizes citizens' concerns about the future development of Norman; and
- § 2. WHEREAS, the City Council at its meeting of December 19, 2004, reviewed and adopted the NORMAN 2025 Land Use and Transportation Plan; and
- § 3. WHEREAS, Jerry's, L.L.C. (Van's Pig Stand) has requested that the following described property be moved from the Low Density Residential Designation and placed in the Commercial Designation for the hereinafter described property, to wit:

Lots 21-24, in Block 20 of ORIGINAL TOWN OF NORMAN, Cleveland County, Oklahoma. Said tract contains 0.32 acres, more or less.

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

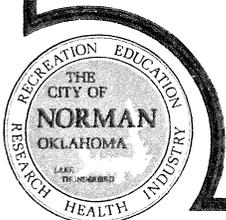
- § 4. That the Council of the City of Norman recognizes the need to control the future growth of the City of Norman; and, that after due consideration has determined that requested amendment to the NORMAN 2025 Land Use and Transportation Plan should be adopted, and does hereby approve the requested designation.

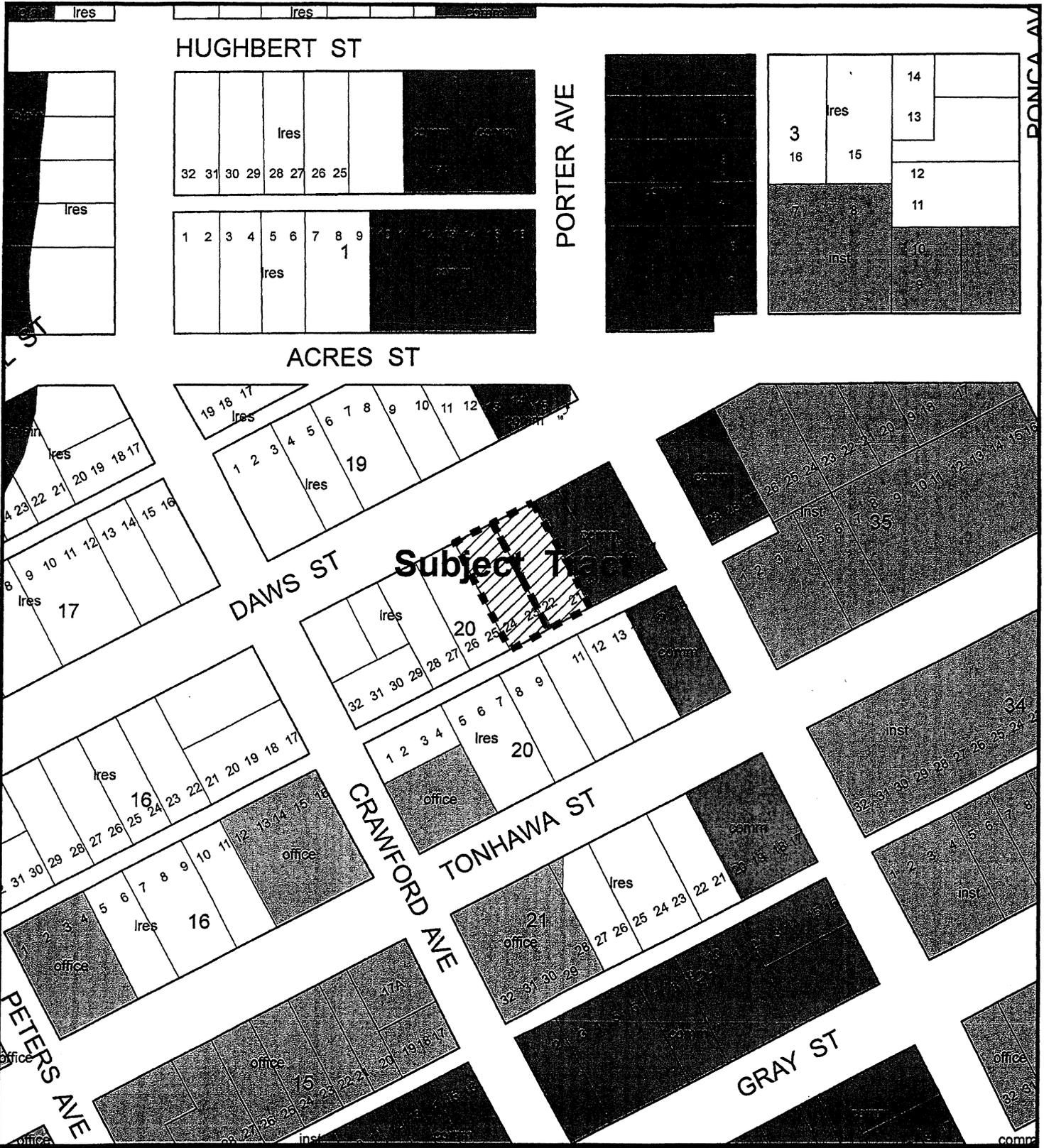
PASSED AND ADOPTED this _____ day of _____, 2010.

(Mayor)

ATTEST:

(City Clerk)





Location Map

R-1011-66
 NORMAN 2025 Amendment
316 and 322 East Daws Street

Owner/Developer: Jerry's, L.L.C. (Van's Pig Stand)



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.



RESOLUTION NO. R-1011-66

ITEM NO. 9a

STAFF REPORT

ITEM Jerry's, L.L.C. (Van's Pig Stand) requests amendment of the NORMAN 2025 Land Use and Transportation Plan from Low Density Residential Designation to Commercial Designation for two tracts located at 316 and 322 East Daws Street.

SUMMARY OF REQUEST Both lots are currently zoned and used residentially. The applicant is seeking to increase the amount of customer parking for the restaurant, and would remove the houses and install additional parking. A portion of the existing parking area would be reconfigured into the expanded lot, and would accommodate approximately twenty-three additional spaces.

STAFF ANALYSIS The Porter Steering Committee worked with the City's consultant and staff to develop the Porter Avenue Corridor Study over the past two years, which has now been adopted. One of the elements that the plan addresses is commercial expansion along Porter Avenue. In this case, five residences will remain within this block, which is an adequate number to retain a residential presence in this area. In addition, a permanent buffer wall will be constructed to establish the boundary between the commercial and residential land use. The proposed commercial expansion is supported by the Porter Avenue Corridor Study and the Zoning Overlay District.

STAFF RECOMMENDATION This request incorporates the design guidelines contained in the Zoning Overlay District, and is within the area designated on the Porter plan for possible commercial expansion. Staff is able to support this request, and recommends adoption of this Land Use Plan amendment.

Item No. 9a, being:

R-1011-66 – JERRY'S, L.L.C. (VAN'S PIG STAND) REQUESTS AMENDMENT OF THE NORMAN 2025 LAND USE AND TRANSPORTATION PLAN (LUP-1011-4) FROM LOW-DENSITY RESIDENTIAL DESIGNATION TO COMMERCIAL DESIGNATION FOR PROPERTY LOCATED AT 316 AND 322 EAST DAWS STREET.

ITEMS SUBMITTED FOR THE RECORD:

1. Location Map
2. Staff Report

and

Item No. 9b, being:

O-1011-25 – JERRY'S, L.L.C. (VAN'S PIG STAND) REQUESTS REZONING FROM R-3, MULTI-FAMILY DWELLING DISTRICT, TO C-2, GENERAL COMMERCIAL DISTRICT, FOR PROPERTY LOCATED AT 316 AND 322 EAST DAWS STREET.

ITEMS SUBMITTED FOR THE RECORD:

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

PRESENTATION BY STAFF:

1. Mr. Kosciński stated that the Porter Steering Committee worked for over two years and a Porter Corridor Master Plan was finally adopted. The plan was adopted, but has not been incorporated into the 2025 Plan, so individuals have to bring forward an application to amend the land use plan. The applicant in this case is asking for a couple of low-density residential parcels to be rezoned to commercial and to be changed in the 2025 Plan to commercial designation. The Porter Corridor Plan indicated an expansion of the commercial line in this area. These lots are currently zoned R-3 and the requested zoning would be C-2, which is what the existing Van's Pig Stand is zoned. The existing residences on the property would be moved. There is currently a chain-link fence separating the residences from Van's Pig Stand. The Porter Corridor Plan wanted to make sure that any of the transition blocks still had a viable amount of residential use, and not just leave one house; this proposal will leave several residential properties on both sides of the street. The Porter Corridor Plan asked for, and this project complies with, a masonry wall between the residential and commercial properties, starting 4' high at the sidewalk and then getting taller toward the back of the residential lot; and a landscape buffer with a minimum dimension of 10' which is shown closest to the alley and wider toward Daws Street. The applicant is trying to incorporate a drive-thru lane in the expanded parking area and utilizing the alley. There are also lighting controls required by the Porter Plan, and the applicant has agreed to comply with all of those. No protests were filed on this request.

2. Mr. Gasaway asked whether the alley will retain its current use and condition. Mr. Kosciński said the answer is probably yes. Commercial applications like this that expand may precipitate a need, by either the applicant or the City, to improve the alley. The alley is currently not in good shape, and a joint project might be useful.

3. Ms. Pailles asked whether the parking spaces in front of Van's Pig Stand will be retained. Mr. Koscinski indicated that they will be retained at this point; if Porter Avenue is changed in the future, some of the parking may have to go away.

4. Ms. Gordon asked if cars waiting for the drive-thru will be blocking the alley. Mr. Koscinski explained that the order station will be at the southwest corner of the new parking area and there is adequate room provided there for stacking. The cars then would drive into the alley and then back onto the property to the pick-up window, where there is room for about three cars. That is a pretty standard stacking requirement for drive-thru facilities.

PRESENTATION BY THE APPLICANT:

1. Bill Swain, Cardinal Engineering, 3226 Bart Conner Drive, representing the applicant, was available to answer any questions.

2. Ms. Hartley asked how many parking spaces there are currently and how many will be added. Mr. Swain said there will be a net increase of 23 parking spaces; there are 24 existing spaces. They are currently working on the details from the conceptual site plan.

3. Ms. Pailles asked if they will be expanding the indoor seating. Mr. Swain said they don't have immediate plans to do that, but it is set up for future expansion to the northwest corner and allows for proper parking for that expansion. The immediate difficulties are traffic congestion and the drive-thru.

4. Mr. Knotts asked if the parking drains to the alley to the storm sewer. Mr. Swain responded that it is really flat, so it mostly just stands. It will slightly grade to the north and a little bit to the south. The only storm sewer is at the northeast corner. They are currently working with Bob Hanger to figure out what needs to be done with the drainage.

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:

Curtis McCarty moved to recommend approval of Resolution No. R-1011-66 and Ordinance No. O-1011-25, the Site Development Plan and accompanying documentation, to the City Council. Andy Sherrer seconded the motion.

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

YEAS

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

NAYES

None

Recording Secretary Roné Tromble announced that the motion, to recommend approval of Resolution No. R-1011-66 and Ordinance No. O-1011-25, the Site Development Plan and accompanying documentation, to the City Council, passed by a vote of 9-0.

Mr. Gasaway thanked the applicant for their patience with the process while the Porter Corridor Plan was worked out.

* * *



**CITY COUNCIL AGENDA
DECEMBER 28, 2010**

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

Item No. 22

Text File Number: O-1011-25

Introduced: 10/15/2010 by Doug Kosciński, Current Planning Mgr

Current Status: Non-Consent Items

Version: 1

Matter Type: Zoning Ordinance

Title

ORDINANCE NO. O-1011-25: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 460 OF CHAPTER 22 OF THE CODE OF THE CITY OF NORMAN SO AS TO PLACE LOTS 21-24, BLOCK 20 OF ORIGINAL TOWN OF NORMAN, CLEVELAND COUNTY, OKLAHOMA, IN THE C-2, GENERAL COMMERCIAL DISTRICT, AND REMOVE THE SAME FROM THE R-3, MULTI-FAMILY DWELLING DISTRICT, OF SAID CITY; AND PROVIDING FOR THE SEVERABILITY THEREOF. (316 AND 322 EAST DAW'S STREET)

ACTION NEEDED: Motion to adopt or reject Ordinance No. O-1011-25 upon Second Reading section by section.

ACTION TAKEN: _____

ACTION NEEDED: Motion to adopt or reject Ordinance No. O-1011-25 upon Final Reading as a whole.

ACTION TAKEN: _____

Body

BACKGROUND. Jerrys, L.L.C. (Vans Pig Stand), requests amendment of the NORMAN 2025 Land Use and Transportation Plan from Low-Density Residential Designation to Commercial Designation for property located at 316 and 322 East Daws Street. The applicant is seeking rezoning to C-2 in order to allow for the conversion of these lots to commercial parking for his restaurant. A small expansion of the kitchen and dining area will necessitate the installation of additional parking, and will augment the current deficit of available parking.

The Porter Corridor Zoning Overlay District enumerated certain design criteria that must be followed when property is converted to commercial use which abuts existing residential usage. In this case, the three principal components include:

1. A suitable landscape buffer of at least ten feet must be installed between the parking area and the residential property line. As shown on the attached Site Plan, the applicant shows a landscape area that meets that requirement, and widens beyond that minimum dimension towards the front of the lot.

2. In addition to the landscaping, a masonry wall must separate the uses. The proposed four-foot wall starts at the front property line, and increases to six feet where it abuts the rear yard of the neighboring property, and complies with the guideline established by the ZOD.

3. All parking lot lights must comply with the requirement that full cut-off fixtures be used, mounted on poles no taller than twenty feet. A specific lighting plan will be required when construction drawings are submitted which complies with this requirement and demonstrates that no glare will impact the abutting residence.

DISCUSSION. At their meeting of November 18, 2010, the Planning Commission, by a vote of 9-0, supported this request and recommended adoption of Resolution No. R-1011-66, and Ordinance No. O-1011-25, Site Plan and accompanying documentation. No protests were filed on this request.

STAFF RECOMMENDATION: Staff recommends adoption of Ordinance No. O-1011-25

O-1011-25

AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 460 OF CHAPTER 22 OF THE CODE OF THE CITY OF NORMAN SO AS TO PLACE LOTS 21-24, BLOCK 20 OF ORIGINAL TOWN OF NORMAN, CLEVELAND COUNTY, OKLAHOMA, IN THE C-2, GENERAL COMMERCIAL DISTRICT, AND REMOVE THE SAME FROM THE R-3, MULTI-FAMILY DWELLING DISTRICT, OF SAID CITY; AND PROVIDING FOR THE SEVERABILITY THEREOF. (316 AND 322 EAST DAWS STREET)

- § 1. WHEREAS, Jerry's, L.L.C. (Van's Pig Stand), the owner of the hereinafter described property, has made application to have the same placed in the C-2, General Commercial District, and to have the same removed from the R-3, Multi-Family Dwelling District; and
- § 2. WHEREAS, said application has been referred to the Planning Commission of said City and said body has, after conducting a public hearing as required by law, considered the same and recommended that the same should be granted and an ordinance adopted to effect and accomplish such rezoning; and
- § 3. WHEREAS, the City Council of the City of Norman, Oklahoma, has thereafter considered said application and has determined that said application should be granted and an ordinance adopted to effect and accomplish such rezoning.

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

- § 4. That Section 460 of Chapter 22 of the Code of the City of Norman, Oklahoma, is hereby amended so as to place the following described property in the C-2, General Commercial District, and to remove the same from the R-3, Multi-Family Dwelling District, to wit:

Lots 21-24, in Block 20 of the ORIGINAL TOWN OF NORMAN, Cleveland County, Oklahoma.

Said tract contains 0.32 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 November 18, 2010, and supporting documentation submitted by the applicant and approved by the Planning Commission.

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

ADOPTED this _____ day of

NOT ADOPTED this _____ day of

_____, 2010.

_____, 2010.

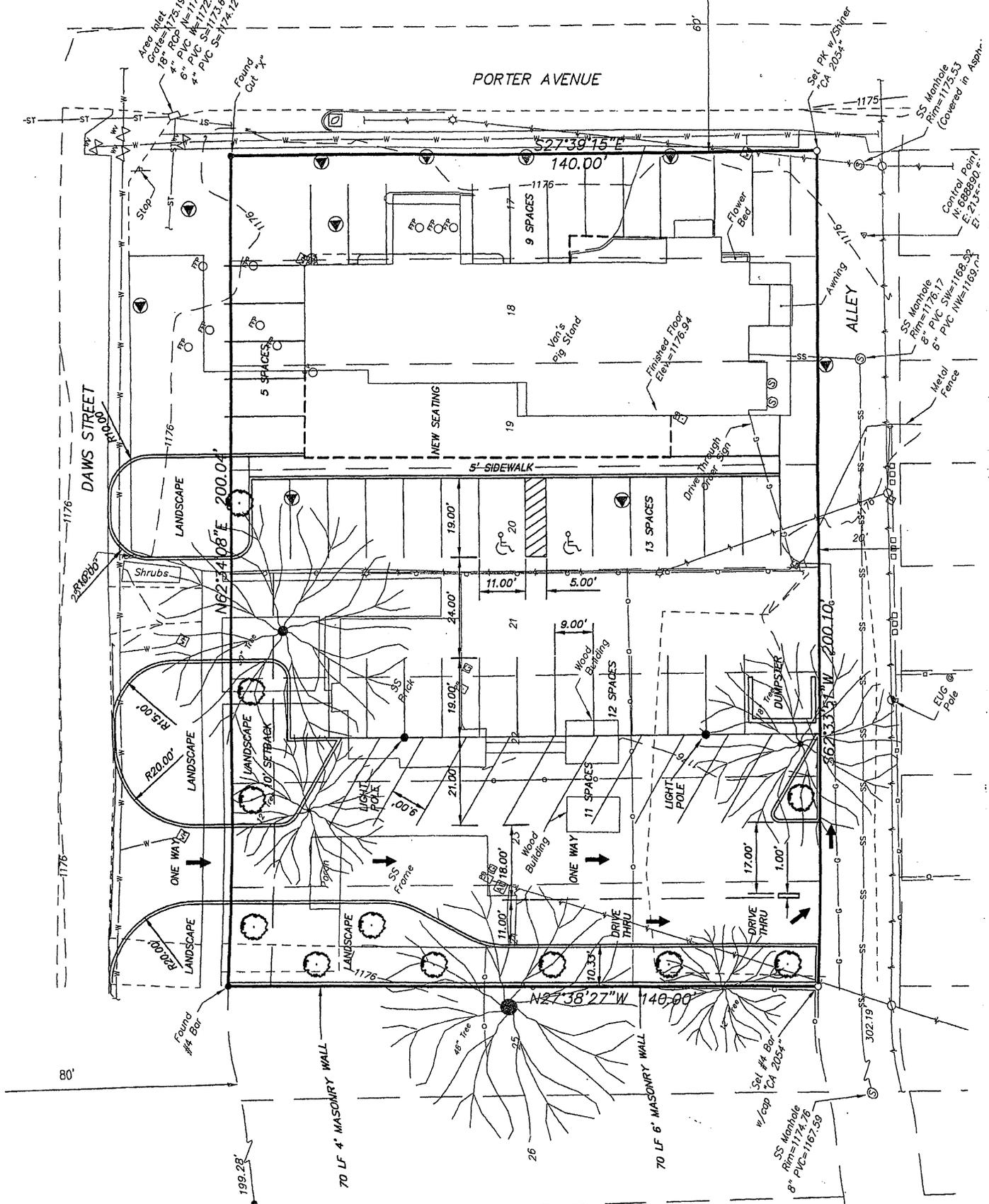
(Mayor)

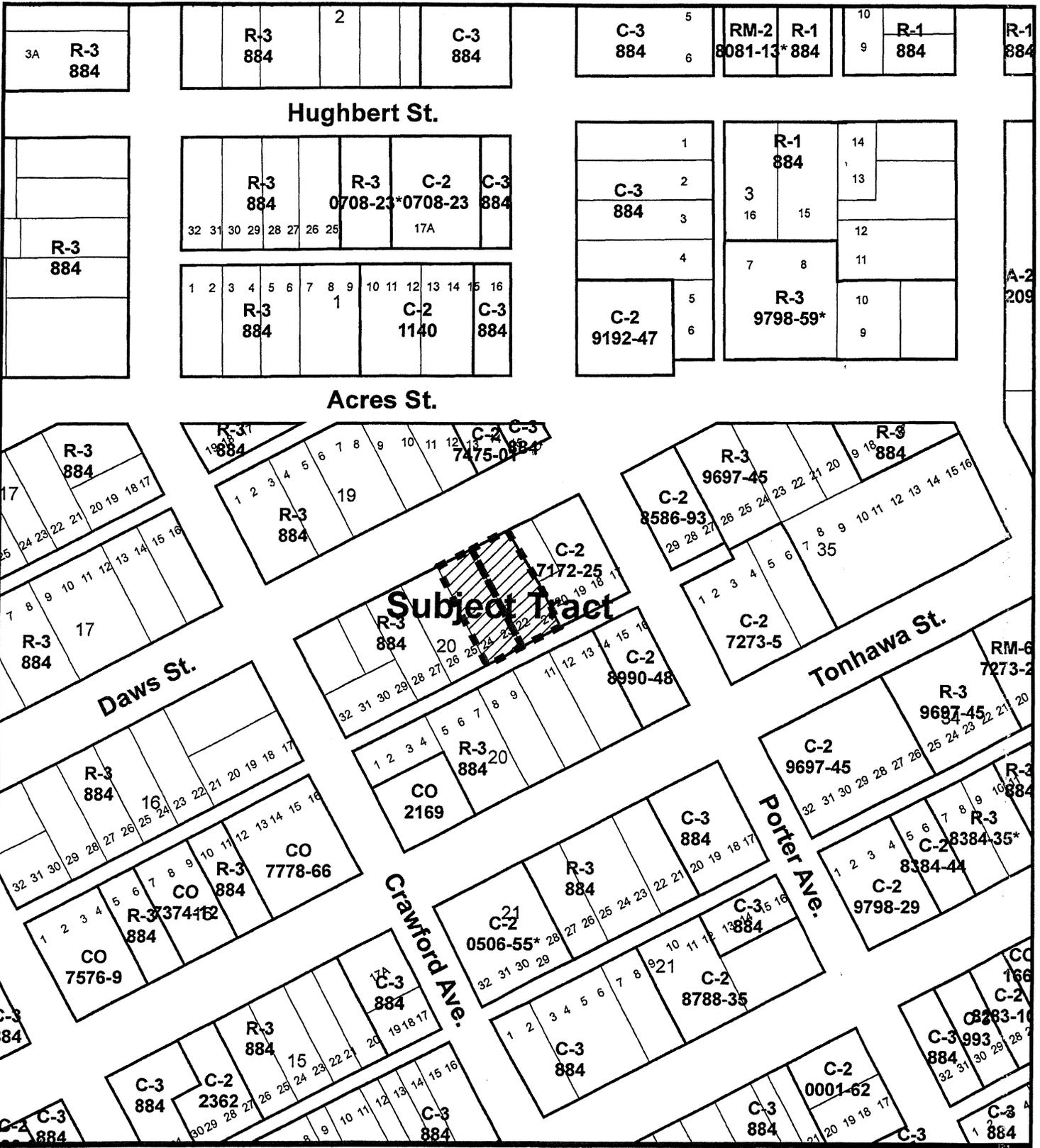
(Mayor)

ATTEST:

(City Clerk)

SITE PLAN
Proposed Rezoning
316 and 322 E. Daws Street
 Owner/Developer: Jerry's L.L.C. (Van's Pig Stand)

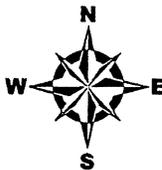




Location Map



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



O-1011-25
 Rezoning from R-3 to C-2
316 and 322 East Daws Street

Owner/Developer: Jerry's, L.L.C. (Van's Pig Stand)

ORDINANCE NO. O-1011-25

ITEM NO. 9b

STAFF REPORT

GENERAL INFORMATION

APPLICANT	Jerry's, L.L.C. (Van's Pig Stand)
REQUESTED ACTION	Rezoning to C-2, General Commercial District
EXISTING ZONING	R-3, Multi-Family
SURROUNDING ZONING	North: R-3, C-2 East: C-2 South: R-3, C-2 West: R-3
LOCATION	316 and 322 East Daws Street
SIZE	0.32 acres, more or less
PURPOSE	Parking lot expansion
EXISTING LAND USE	Single-Family Residences
SURROUNDING LAND USE	North: Residential East: Van's Pig Stand South: Residential West: Residential
LAND USE PLAN DESIGNATION	Commercial

9b-3

SYNOPSIS The owner is seeking rezoning to C-2 in order to allow for the conversion of these lots to commercial parking for his restaurant. A small expansion of the kitchen and dining area will necessitate the installation of additional parking, and will augment the current deficit of available parking.

ANALYSIS A companion item with the Porter Avenue Plan was the adoption of a Zoning Overlay District that enumerated certain design criteria that must be followed when property is converted to commercial use which abuts existing residential usage. In this case the three principal components include:

1. A suitable landscape buffer of at least ten feet must be installed between the parking area and the residential property line. As shown on the attached Site Plan, the applicant shows a landscape area that meets that requirement, and widens beyond that minimum dimension at the front of the lot.
2. In addition to the landscaping, a masonry wall must separate the uses. The proposed four-foot wall starts at the front property line, and increases to six feet where it abuts the rear yard of the neighboring property, and complies with the guideline established by the ZOD.
3. All parking lot lights must comply with the requirement that full cut-off fixtures be used, mounted on poles no taller than twenty feet. A specific lighting plan will be required when construction drawings are submitted which demonstrates that no glare will impact the abutting residence.

STAFF RECOMMENDATION This rezoning request meets or exceeds the requirements identified in the adopted Zoning Overlay District. Accordingly, staff recommends approval of this rezoning request.

Item No. 9a, being:

R-1011-66 – JERRY'S, L.L.C. (VAN'S PIG STAND) REQUESTS AMENDMENT OF THE NORMAN 2025 LAND USE AND TRANSPORTATION PLAN (LUP-1011-4) FROM LOW-DENSITY RESIDENTIAL DESIGNATION TO COMMERCIAL DESIGNATION FOR PROPERTY LOCATED AT 316 AND 322 EAST DAWS STREET.

ITEMS SUBMITTED FOR THE RECORD:

1. Location Map
2. Staff Report

and

Item No. 9b, being:

O-1011-25 – JERRY'S, L.L.C. (VAN'S PIG STAND) REQUESTS REZONING FROM R-3, MULTI-FAMILY DWELLING DISTRICT, TO C-2, GENERAL COMMERCIAL DISTRICT, FOR PROPERTY LOCATED AT 316 AND 322 EAST DAWS STREET.

ITEMS SUBMITTED FOR THE RECORD:

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

PRESENTATION BY STAFF:

1. Mr. Koscinski stated that the Porter Steering Committee worked for over two years and a Porter Corridor Master Plan was finally adopted. The plan was adopted, but has not been incorporated into the 2025 Plan, so individuals have to bring forward an application to amend the land use plan. The applicant in this case is asking for a couple of low-density residential parcels to be rezoned to commercial and to be changed in the 2025 Plan to commercial designation. The Porter Corridor Plan indicated an expansion of the commercial line in this area. These lots are currently zoned R-3 and the requested zoning would be C-2, which is what the existing Van's Pig Stand is zoned. The existing residences on the property would be moved. There is currently a chain-link fence separating the residences from Van's Pig Stand. The Porter Corridor Plan wanted to make sure that any of the transition blocks still had a viable amount of residential use, and not just leave one house; this proposal will leave several residential properties on both sides of the street. The Porter Corridor Plan asked for, and this project complies with, a masonry wall between the residential and commercial properties, starting 4' high at the sidewalk and then getting taller toward the back of the residential lot; and a landscape buffer with a minimum dimension of 10' which is shown closest to the alley and wider toward Daws Street. The applicant is trying to incorporate a drive-thru lane in the expanded parking area and utilizing the alley. There are also lighting controls required by the Porter Plan, and the applicant has agreed to comply with all of those. No protests were filed on this request.

2. Mr. Gasaway asked whether the alley will retain its current use and condition. Mr. Koscinski said the answer is probably yes. Commercial applications like this that expand may precipitate a need, by either the applicant or the City, to improve the alley. The alley is currently not in good shape, and a joint project might be useful.

3. Ms. Pailes asked whether the parking spaces in front of Van's Pig Stand will be retained. Mr. Koscinski indicated that they will be retained at this point; if Porter Avenue is changed in the future, some of the parking may have to go away.

4. Ms. Gordon asked if cars waiting for the drive-thru will be blocking the alley. Mr. Koscinski explained that the order station will be at the southwest corner of the new parking area and there is adequate room provided there for stacking. The cars then would drive into the alley and then back onto the property to the pick-up window, where there is room for about three cars. That is a pretty standard stacking requirement for drive-thru facilities.

PRESENTATION BY THE APPLICANT:

1. Bill Swain, Cardinal Engineering, 3226 Bart Conner Drive, representing the applicant, was available to answer any questions.

2. Ms. Hartley asked how many parking spaces there are currently and how many will be added. Mr. Swain said there will be a net increase of 23 parking spaces; there are 24 existing spaces. They are currently working on the details from the conceptual site plan.

3. Ms. Pailes asked if they will be expanding the indoor seating. Mr. Swain said they don't have immediate plans to do that, but it is set up for future expansion to the northwest corner and allows for proper parking for that expansion. The immediate difficulties are traffic congestion and the drive-thru.

4. Mr. Knotts asked if the parking drains to the alley to the storm sewer. Mr. Swain responded that it is really flat, so it mostly just stands. It will slightly grade to the north and a little bit to the south. The only storm sewer is at the northeast corner. They are currently working with Bob Hanger to figure out what needs to be done with the drainage.

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:

Curtis McCarty moved to recommend approval of Resolution No. R-1011-66 and Ordinance No. O-1011-25, the Site Development Plan and accompanying documentation, to the City Council. Andy Sherrer seconded the motion.

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

YEAS

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

NAYES

None

Recording Secretary Roné Tromble announced that the motion, to recommend approval of Resolution No. R-1011-66 and Ordinance No. O-1011-25, the Site Development Plan and accompanying documentation, to the City Council, passed by a vote of 9-0.

Mr. Gasaway thanked the applicant for their patience with the process while the Porter Corridor Plan was worked out.

* * *



**CITY COUNCIL AGENDA
DECEMBER 28, 2010**

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

Item No. 23

File Number: O-1011-23

Introduced: 10/8/2010 by Kathryn Walker, Asst City Attorney II

Current Status: Non-Consent Items

Version: 2

Matter Type: Ordinance

Title

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

ACTION NEEDED: Motion to adopt or reject Ordinance No. O-1011-23 upon Second Reading section by section.

ACTION TAKEN: _____

ACTION NEEDED: Motion to adopt or reject Ordinance No. O-1011-23 upon Final Reading as a whole.

ACTION TAKEN: _____

Body

BACKGROUND: The Greenbelt Commission, after considerable work from its members and with Council members, submitted Ordinance No. O-1011-6 amending Chapter 4 of the City Code to City Council for consideration on October 12, 2010. Because the Development community primarily relies on Chapters 19 and 22 of the Code for its guidelines, Ordinance Nos. O-1011-23 and O-1011-24 were developed to add sections to Ch. 19 and 22 addressing the new requirements under the Greenbelt Ordinance.

DISCUSSION: Ordinance No. O-1011-23 proposes to amend Section 19-302 of the Code of the City of Norman to include the Greenbelt Enhancement Statement in the packet required for submission for a Pre-Development meeting. This is required by the additions to the Greenbelt Ordinance as well and adding it to the subdivision regulations will be a valuable cross-reference for developers in our community.

At their meeting of November 18, 2010, the Planning Commission, by a vote of 9-0, supported this request and recommended adoption of Ordinance No. O-1011-23.

STAFF RECOMMENDATION: Staff recommends approval of Ordinance No. O-1011-23 amending Section 19-302 of the Code of the City of Norman.

AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 19-302 OF CHAPTER 19 OF THE CODE OF THE CITY OF NORMAN SO AS TO REQUIRE A GREENBELT ENHANCEMENT STATEMENT BE SUBMITTED WITH EACH APPLICATION FOR A PREDEVELOPMENT MEETING; AND PROVIDING FOR THE SEVERABILITY THEREOF.

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

§ 1. That Section 19-302 of Chapter 19 of the Code of the City of Norman, Oklahoma, shall be amended to read as follows:

Sec. 19-302. Preliminary plat: Procedure for filing application for consideration of the Planning Commission.

1. Before a Preliminary Plat can be submitted to the Public Works Department for consideration by the Planning Commission, a Pre-Development Informational Meeting must be held. The purpose of the meeting is to allow surrounding neighbors to meet with the applicant in an informal setting and share information about the proposed application. In order for the meeting to occur, the following items must be submitted to the Public Works Department:

(a) A copy of the deed to the property.

(b) A written description of the proposed development which provides details of the proposal that can be mailed to neighbors. The narrative should be as detailed as practicable, without being lengthy or technical. It should describe the proposed uses contained in the development, any proposed open space or parks, and connections to nearby major roads and subdivisions.

(c) Because this is a preliminary meeting, a fully finished preliminary plat is not required, however, three (3) full-sized drawings are required, as well as an eight and one-half (8 ½) inch by eleven (11) inch reduction, generally showing lots, roads, topography, flood plains, existing easements and structures, physical features (such as ponds, creeks, and large stands of trees), and proposed parks and open spaces.

(d) A site plan must accompany any request for commercial, industrial, multi-family, or special use, generally showing in a preliminary manner proposed buildings, parking, driveways, landscaping areas and screening.

(e) A certified ownership list for all property within a three hundred fifty-foot radius of the exterior boundary of the subject request.

(f) A completed Greenbelt Enhancement Statement if required by and in accordance with Section 4-2027 of the Code of the City of Norman.

(g) A filing fee of one hundred twenty-five (\$125.00), which will be credited against any filing fee charged for a future preliminary plat application for the same property. This fee is non-refundable, and must be paid each time a separate meeting is requested.

* * * *

§ 2. SEVERABILITY. If any section, sentence, clause or phrase of this ordinance or any part thereof is for any reason found to be invalid by a court of competent jurisdiction, such decisions shall not affect the validity of the remainder of this ordinance or any part thereof.

ADOPTED this ____ day of _____, 2010.

NOT ADOPTED this ____ day of _____, 2010.

Cindy Rosenthal, Mayor

Cindy Rosenthal, Mayor

ATTEST:

Brenda Hall, City Clerk

AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 19-302 OF CHAPTER 19 OF THE CODE OF THE CITY OF NORMAN SO AS TO REQUIRE A GREENBELT ENHANCEMENT STATEMENT BE SUBMITTED WITH EACH APPLICATION FOR A PREDEVELOPMENT MEETING; AND PROVIDING FOR THE SEVERABILITY THEREOF.

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

§ 1. That Section 19-302 of Chapter 19 of the Code of the City of Norman, Oklahoma, shall be amended to read as follows:

Sec. 19-302. Preliminary plat: Procedure for filing application for consideration of the Planning Commission.

1. Before a Preliminary Plat can be submitted to the Public Works Department for consideration by the Planning Commission, a Pre-Development Informational Meeting must be held. The purpose of the meeting is to allow surrounding neighbors to meet with the applicant in an informal setting and share information about the proposed application. In order for the meeting to occur, the following items must be submitted to the Public Works Department:

(a) A copy of the deed to the property.

(b) A written description of the proposed development which provides details of the proposal that can be mailed to neighbors. The narrative should be as detailed as practicable, without being lengthy or technical. It should describe the proposed uses contained in the development, any proposed open space or parks, and connections to nearby major roads and subdivisions.

(c) Because this is a preliminary meeting, a fully finished preliminary plat is not required, however, three (3) full-sized drawings are required, as well as an eight and one-half (8 ½) inch by eleven (11) inch reduction, generally showing lots, roads, topography, flood plains, existing easements and structures, physical features (such as ponds, creeks, and large stands of trees), and proposed parks and open spaces.

(d) A site plan must accompany any request for commercial, industrial, multi-family, or special use, generally showing in a preliminary manner proposed buildings, parking, driveways, landscaping areas and screening.

(e) A certified ownership list for all property within a three hundred fifty-foot radius of the exterior boundary of the subject request.

(f) A completed Greenbelt Enhancement Statement if required by and in accordance with Section 4-2027 of the Code of the City of Norman.

~~(f)~~(g) A filing fee of one hundred twenty-five (\$125.00), which will be credited against any filing fee charged for a future preliminary plat application for the same property. This fee is non-refundable, and must be paid each time a separate meeting is requested.

* * * *

§ 2. SEVERABILITY. If any section, sentence, clause or phrase of this ordinance or any part thereof is for any reason found to be invalid by a court of competent jurisdiction, such decisions shall not affect the validity of the remainder of this ordinance or any part thereof.

ADOPTED this _____ day of _____, 2010.

NOT ADOPTED this _____ day of _____, 2010.

Cindy Rosenthal, Mayor

Cindy Rosenthal, Mayor

ATTEST:

Brenda Hall, City Clerk

Item No. 8a, being:

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

ITEMS SUBMITTED FOR THE RECORD:

1. Staff Report
2. Ordinance

and

Item No. 8b, being:

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

ITEMS SUBMITTED FOR THE RECORD:

1. Staff Report
2. Ordinance

PRESENTATION BY STAFF:

1. Ms. Walker reported that over the past couple of years she has been working with the Greenbelt Commission on a greenbelt ordinance, which was passed by City Council in October. It requires that certain development applications file a Greenbelt Enhancement Statement with their application, which would be considered by the Greenbelt Commission. One of these ordinances amends the Zoning Ordinance and the other amends the Subdivision Regulations to cross-reference the adopted ordinance to give developers notice that this is now required.

2. Ms. Pailes asked how the process will work. Ms. Walker explained that the Greenbelt Commission meets once a month. When someone files for a Pre-Development meeting, they will be given the Greenbelt Enhancement Statement form and be told about the Greenbelt Commission meeting. They will fill out the form, which will go to the Greenbelt Commission for their consideration and comments. What will change for the Planning Commission will be that they will have the Greenbelt Commission comments provided in the packet, and will be able to see what they have said about how the development may or may not meet the policies of the greenbelt system as identified by the City. It will be a lot like what the Commission currently receives from the Parks Board.

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:

Curtis McCarty moved to recommend approval of Ordinance Nos. O-1011-23 and O-1011-24 to the City Council. Roberta Pailes seconded the motion.

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

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

Recording Secretary Roné Tromble announced that the motion, to recommend approval of Ordinance Nos. O-1011-23 and O-1011-24 to the City Council, passed by a vote of 9-0.

* * *

CITY COUNCIL STUDY SESSION MINUTES

August 17, 2010

The City Council of the City of Norman, Cleveland County, State of Oklahoma, met in a Study Session at 5:30 p.m. in the Municipal Building Conference Room on the 17th day of August, 2010, and notice and agenda of the meeting were posted at the Municipal Building at 201 West Gray, and the Norman Public Library at 225 North Webster 48 hours prior to the beginning of the meeting.

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

ABSENT: Councilmember Ezzell

DISCUSSION REGARDING AMENDING THE PROCEDURES AND POWERS OF THE GREENBELT COMMISSION AND THE STANDARDS TO BE USED BY THE COMMISSION INCLUDING BUT NOT LIMITED TO, GREENBELT ENHANCEMENT STATEMENTS.

Ms. Kathryn Walker, Assistant City Attorney, provided background on the Greenbelt System to Council stating the Norman 2020 Land Use and Transportation Plan (LUP) established a greenbelt system for Norman and a Citizens Greenbelt Steering Committee was formed and provided a report in October 1997. She said the Greenbelt Task Force was appointed in 2000 to draft a plan for establishing a Greenbelt System and presented Green Dreams in 2002. In May 2004, Sections 4-2021 through 4-2025 were added to the Norman Code to establish the Greenbelt Commission (GC) for the purpose of promoting and protecting the public health, safety, and general welfare by creating a mechanism for providing a Greenbelt System. Ms. Walker said the GC began working on amendments to the Code in 2007 so that a Greenbelt System to include preserved open spaces, protected natural areas, and greenways/trails in a system of land parcels will work to help maintain and preserve the beauty and livability of the City.

Ms. Walker said one of the duties of the GC was to propose an ordinance that would establish a Greenbelt System of open spaces, greenways and trail systems as well as dictate the contents, duties and responsibilities for the submission of Greenbelt Enhancement Statements (GES). The GC began working over two years ago, and presented the proposed ordinance to the Planning and Community Development Committee (PCDC) on May 21, and June 11, 2010.

The proposed ordinance amends several existing sections in Chapter 4 of the Code of Ordinances of the City of Norman and also adds five new sections. Section 4-2022 contains an amendment requiring the GC to meet "as required in furtherance of its duties set forth herein," so that a meeting is required only when there are developments to review. Current language requires the GC to meet at least once per month.

Section 4-2023 contains an amendment clarifying the duties of the GC to propose an ordinance defining, rather than establishing, a Greenbelt System and requiring all applications for a Land Use Plan (LUP) amendment, a Norman Rural Certificate of Survey, or a Preliminary Plat to submit a GES articulating how the subject development meets the goals and objectives for the Greenbelt System Plan. Ms. Walker said this language will exclude from the GC's review short form plats and zoning changes that do not require an accompanying plat.

Section 4-2023 provides definitions to assist in interpreting the remainder of the ordinance. The term "Green Space" has replaced "Open Space" as a result of the PCDC feedback to help avoid conflicts with the multiple references to open space in the Zoning Ordinance.

Section 4-2026 adds specific principles, goals, and purposes to guide both development applications and the GC in the furtherance of their duties including goals that were adopted from the Greenway Master Plan in November 2009, as well as goals articulated in the Norman 2025 LUP.

Section 4-2027 establishes the requirement of submission of a GES with applications for LUP Amendments, Rural Certificate of Surveys, and preliminary platting. Ms. Walker said this section was revised to provide for an “administrative bypass” after considerable discussion amongst the PCDC members. She said some development applications may not present an opportunity for greenbelt activity and therefore should not be required to submit a review to the GC. If the applicant indicates on the GES form there is no opportunity for greenbelt development, or if details of the application support such a finding, the Planning Director or his or her designee may issue a Finding of No Greenbelt Opportunity and the development application would not be reviewed by the GC. Other applications would be reviewed by the GC within the existing development timeline. The GC would provide an initial review after application for a Pre-Development Meeting is made with an official review by the GC occurring upon application for the Planning Commission.

Section 4-2028 provides guidelines by which the GC would review the GES submissions. It is not intended to regulate how property is developed; rather, the guidelines provide the tool for GC’s comments about a proposed development.

Section 4-2029 requires all easements acquired by the City for expanding or enhancing the Greenbelt System be acquired in accordance with the guidelines and policies of the proposed ordinance and the subdivision regulations.

Ms. Walker said it should be noted the GC spent a considerable amount of time drafting the “whereas” clauses contained in the proposed ordinance and because the City does not typically include such clauses in its ordinances, it may be helpful to consider the effect of such language. She said if the ordinance were to be challenged, the fundamental rule employed by the Court would be to ascertain and give effect to the legislative intent, which is first divined from the language of the code provision itself. If the intent cannot be ascertained from the language itself, the rules of statutory construction are applied. The rules are typically invoked for the purpose of ascertaining the meaning of an undefined term, in which case the court might look to our other ordinances or even to the dictionary to define the term. Ms. Walker said it is not entirely clear what purpose the “whereas” clauses may serve in such an inquiry but it is unlikely the Court would use that language to ascertain legislative intent.

Councilmember Dillingham said she understands Staff’s intent with the pre-ambulatory “whereas” clauses regarding the attempts at legislative intent, but felt legislative intent is clearly set out in Section 4-2026. She said when it is subjected to the rules for statutory construction coming forth through common law she felt it might be potentially confusing at the appellate level should the City ever have to go there with a lot of pre-ambulatory “whereas” clauses. Ms. Walker said when the Courts look at an ordinance to ascertain its meaning; if it is unclear they will try to stay within the ordinance. She said she could not find a case in Oklahoma where a “whereas” clause was the basis for legislative history and agreed Section 4-2026 does outline all the policies and adequate to show legislative intent if ever litigated. Councilmember Butler asked if the “whereas” clauses could be placed in an accompanying resolution and Council agreed that would be a better process.

Mayor Rosenthal asked for clarification of the proposed changes pertaining to the GES, specifically when there is no greenbelt opportunity, and asked if such would appear on the GC’s agenda prior to going to the Planning Commission. Ms. Walker said because the decision would be made when the applicant applies for pre-development, which is approximately a month before a Planning Commission, it would appear on the next available GC agenda, and therefore the GC would find out about the GES rather quickly. Mayor Rosenthal asked if the GC wished to comment on a particular finding of no greenbelt opportunity, would their comments become part of the public record and Ms. Walker said it could be included in the Staff report. Mayor Rosenthal felt any GC comments would be valuable.

Ms. Brenda Hall, City Clerk, said GC comments or concerns about the report could be noted in the GC minutes and go forward to the PC and Council. Councilmember Dillingham asked how the applicant would know if GC comments have been made and said one of the goals was to not have the applicant make an appearance at GC meetings resulting in a lesser charge for clients. Councilmember Cubberley asked what documentation will be submitted to the GC when a finding of no greenbelt opportunity exists and Ms. Walker said a copy of the GES as well as a detailed Staff report explaining the conditions that led to the finding. Council discussed and agreed the value of the comments, if any made, are important and Ms. Walker said the process can be refined to include any GC comments about no greenbelt opportunity.

Mayor Rosenthal said there is a desire for balance between the need for the GC to have some oversight for the greenbelt process, making sure the process goes smoothly, and does not add additional time or cost to the developer/applicant. She felt public record is important and having comments on the GC's agenda with the opportunity for comment does provide some oversight. She said it will at least draw attention to those applications where the GC's opinion might differ with the Staff's opinion. She felt it should be up to the development community to decide then whether the applicant would want to be at the meeting or not. Councilmember Kovach asked whether the GC's comments would override Staff's finding and Mayor Rosenthal said no. Councilmember Butler said the value is in the actual GC comments and those comments could be considered by the PC and Council. Councilmember Dillingham said if everything is going to the GC anyway then what is the value of an administrative bypass and Councilmember Cubberley felt putting the comments on a consent docket would take care of the issue. He said it will allow Staff to say whether the application warrants a full discussion and move forward. He felt the small amount of mistrust will be solved over time as Staff, GC, PC, and Council work through the process and a comfort level is obtained.

Councilmember Cubberley suggested putting no greenbelt opportunity findings on the GC consent agenda for a year; revisit and review the process at that time to make certain it is running smoothly and determine if any changes should be made. Councilmember Dillingham liked the idea of the consent docket because she felt it will give the developer(s) and/or applicant an opportunity to talk about any issues with either Staff, GC, etc. Mayor Rosenthal reminded the Committee even if items are put on the consent docket there may be occasions the items are pulled off the consent docket and agreed with Councilmember Cubberley that over time the concerns, issues, and process will become streamlined. The Committee discussed and agreed the no opportunity items should be put on consent docket and revisit this issue in a year to review the process.

Councilmember Kovach asked if easements could be acquired by the City for multiple purposes, i.e., trails along some of the drainage and storm water systems, and would it be possible for the City to obtain easements for maintenance purposes as well. Ms. Walker said she felt purposes for maintenance could be accommodated. Councilmember Kovach asked if there are tax incentives for citizens who wished to donate easements to the City and Ms. Walker said the City does not currently have any incentives; however, she believed there are tax benefits available but did not know the specifics.

Councilmember Kovach asked Staff to define "review" in the current ordinance Section 4-2025 and Ms. Walker said Council has the right to review everything the GC does, whether it is decisions or recommendations. Councilmember Kovach asked if "review" meant Council could override GC decision(s) or recommendation(s) and Ms. Walker said yes it does. Councilmember Dillingham felt the verbiage *decision* should be changed to evaluations or recommendations and the Committee agreed.

Councilmember Butler asked Staff to discuss Section 4-2023A(g), specifically Green Space definition and added language "...open to public use on such conditions as may be reasonably required by the granting authority." Ms. Walker said the verbiage was taken out of a memorandum based on PCDC feedback and the provision simply means if a citizen granted an easement to the City for a greenbelt, but wanted to put conditions on the easement such as they did not want it open for public access or only opened for public access during certain times; the granting authority would be the grantor of the easement and could request such provisions.

Mayor Rosenthal said the GC has requested adding verbiage "...through conservation easements or other means." to Section 4-2026(d)(6) and said felt it was important and acknowledges the way the City has embraced agricultural lands within the City.

Mayor Rosenthal suggested Staff make changes and add the additional language to the proposed ordinance and bring back to the PCDC for review, then back to Council for consideration.

Items submitted for the record

1. Memorandum dated August 11, 2010, from Ms. Kathryn Walker, Assistant City Attorney, through Mr. Jeff H. Bryant, City Attorney, to Honorable Mayor and Council Members
2. Proposed Ordinance No. O-1011-6
3. Article XXI Greenbelt Commission Norman City Code
4. City Council Planning and Community Development Committee Minutes dated May 21, 2010, June 11, 2010, and July 9, 2010
5. PowerPoint presentation entitled, "Proposed Amendments to the Greenbelt Ordinance," dated August 17, 2010

The meeting adjourned at 6:17 p.m.

ATTEST:

City Clerk

Mayor



**CITY COUNCIL AGENDA
DECEMBER 28, 2010**

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

Item No. 24

Text File Number: O-1011-24

Introduced: 10/8/2010 by Kathryn Walker, Asst City Attorney II

Current Status: Non-Consent Items

Version: 2

Matter Type: Ordinance

Title

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

ACTION NEEDED: Motion to adopt or reject Ordinance No. O-1011-24 upon Second Reading section by section.

ACTION TAKEN: _____

ACTION NEEDED: Motion to adopt or reject Ordinance No. O-1011-24 upon Final Reading as a whole.

ACTION TAKEN: _____

Body

BACKGROUND: The Greenbelt Commission, after considerable work from its members and with Council members, submitted Ordinance No. O-1011-6 amending Chapter 4 of the City Code to City Council for consideration on October 12, 2010. Because the Development community primarily relies on Chapters 19 and 22 of the Code for its guidelines, Ordinance Nos. O-1011-23 and O-1011-24 were developed to add sections to Ch. 19 and 22 addressing the new requirements under the Greenbelt Ordinance.

DISCUSSION: Ordinance No. O-1011-24 proposes to amend Section 22:442.1(2) of the Zoning Ordinance to include the Greenbelt Enhancement Statement in the packet required for submission for a Pre-Development meeting. This is required by the additions to the Greenbelt Ordinance as well and adding it to the zoning regulations will be a valuable cross-reference for developers in our community.

At their meeting of November 18, 2010, the Planning Commission, by a vote of 9-0, supported this request and recommended adoption of Ordinance No. O-1011-24.

STAFF RECOMMENDATION: Staff recommends approval of Ordinance No. O-1011-24 amending Section 22:442.1(2) of the Code of the City of Norman.

AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 22:442.1(2) OF CHAPTER 22 OF THE CODE OF THE CITY OF NORMAN SO AS TO REQUIRE A GREENBELT ENHANCEMENT STATEMENT BE SUBMITTED WITH EACH APPLICATION FOR A PREDEVELOPMENT MEETING; AND PROVIDING FOR THE SEVERABILITY THEREOF.

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

- § 1. That Section 22:442.1(2) of Chapter 22 of the Code of the City of Norman, Oklahoma, shall be amended to read as follows:

SEC. 442.1 – AMENDMENTS

2. The purpose of the meeting is to allow surrounding neighbors to meet with the applicant in an informal setting and gain information about the proposed application. In order for the meeting to occur, the following items must accompany your completed application to the Planning Department:
 - (a) a copy of the deed to the property.
 - (b) a written description of the proposed rezoning (or Plan amendment, Special Use or construction of a new Commercial Communication Tower) which provides details of the proposal, such as the proposed use and the number and type of buildings. The narrative should provide as much detail as practicable, without being lengthy or technical.
 - (c) A generalized site plan must accompany any request for commercial, industrial, multi-family, Special Use, or construction of a new Commercial Communication Tower, showing proposed buildings, parking, driveway entrances, landscaping areas, and screening. In addition to three full-sized drawings, an 8 1/2 “ by 11” reduction must be submitted.
 - (d) A certified ownership list for all property within a three hundred fifty (350) foot radius of the exterior boundary of the subject request, said radius to be extended by increments of one hundred (100) feet until the list of property owners includes not less than fifteen (15) separate parcels, or until a maximum radius of one thousand (1,000) feet has been reached.
 - (e) A completed Greenbelt Enhancement Statement if required by and in accordance with Section 4-2027 of the Code of the City of Norman.

§ 3. SEVERABILITY. If any section, sentence, clause or phrase of this ordinance or any part thereof is for any reason found to be invalid by a court of competent jurisdiction, such decisions shall not affect the validity of the remainder of this ordinance or any part thereof.

ADOPTED this ____ day of
_____, 2010.

NOT ADOPTED this ____ day of
_____, 2010.

Cindy Rosenthal, Mayor

Cindy Rosenthal, Mayor

ATTEST:

Brenda Hall, City Clerk

AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 22:442.1(2) OF CHAPTER 22 OF THE CODE OF THE CITY OF NORMAN SO AS TO REQUIRE A GREENBELT ENHANCEMENT STATEMENT BE SUBMITTED WITH EACH APPLICATION FOR A PREDEVELOPMENT MEETING; AND PROVIDING FOR THE SEVERABILITY THEREOF.

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ADOPTED this ____ day of _____, 2010.

Cindy Rosenthal, Mayor

NOT ADOPTED this ____ day of _____, 2010.

Cindy Rosenthal, Mayor

ATTEST:

Brenda Hall, City Clerk

Item No. 8a, being:

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ITEMS SUBMITTED FOR THE RECORD:

1. Staff Report
2. Ordinance

and

Item No. 8b, being:

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

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DISCUSSION AND ACTION BY THE PLANNING COMMISSION:

Curtis McCarty moved to recommend approval of Ordinance Nos. O-1011-23 and O-1011-24 to the City Council. Roberta Pailes seconded the motion.

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

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

Recording Secretary Roné Tromble announced that the motion, to recommend approval of Ordinance Nos. O-1011-23 and O-1011-24 to the City Council, passed by a vote of 9-0.

* * *

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Ms. Walker said it should be noted the GC spent a considerable amount of time drafting the “whereas” clauses contained in the proposed ordinance and because the City does not typically include such clauses in its ordinances, it may be helpful to consider the effect of such language. She said if the ordinance were to be challenged, the fundamental rule employed by the Court would be to ascertain and give effect to the legislative intent, which is first divined from the language of the code provision itself. If the intent cannot be ascertained from the language itself, the rules of statutory construction are applied. The rules are typically invoked for the purpose of ascertaining the meaning of an undefined term, in which case the court might look to our other ordinances or even to the dictionary to define the term. Ms. Walker said it is not entirely clear what purpose the “whereas” clauses may serve in such an inquiry but it is unlikely the Court would use that language to ascertain legislative intent.

Councilmember Dillingham said she understands Staff’s intent with the pre-ambulatory “whereas” clauses regarding the attempts at legislative intent, but felt legislative intent is clearly set out in Section 4-2026. She said when it is subjected to the rules for statutory construction coming forth through common law she felt it might be potentially confusing at the appellate level should the City ever have to go there with a lot of pre-ambulatory “whereas” clauses. Ms. Walker said when the Courts look at an ordinance to ascertain its meaning; if it is unclear they will try to stay within the ordinance. She said she could not find a case in Oklahoma where a “whereas” clause was the basis for legislative history and agreed Section 4-2026 does outline all the policies and adequate to show legislative intent if ever litigated. Councilmember Butler asked if the “whereas” clauses could be placed in an accompanying resolution and Council agreed that would be a better process.

Mayor Rosenthal asked for clarification of the proposed changes pertaining to the GES, specifically when there is no greenbelt opportunity, and asked if such would appear on the GC’s agenda prior to going to the Planning Commission. Ms. Walker said because the decision would be made when the applicant applies for pre-development, which is approximately a month before a Planning Commission, it would appear on the next available GC agenda, and therefore the GC would find out about the GES rather quickly. Mayor Rosenthal asked if the GC wished to comment on a particular finding of no greenbelt opportunity, would their comments become part of the public record and Ms. Walker said it could be included in the Staff report. Mayor Rosenthal felt any GC comments would be valuable.

Ms. Brenda Hall, City Clerk, said GC comments or concerns about the report could be noted in the GC minutes and go forward to the PC and Council. Councilmember Dillingham asked how the applicant would know if GC comments have been made and said one of the goals was to not have the applicant make an appearance at GC meetings resulting in a lesser charge for clients. Councilmember Cubberley asked what documentation will be submitted to the GC when a finding of no greenbelt opportunity exists and Ms. Walker said a copy of the GES as well as a detailed Staff report explaining the conditions that led to the finding. Council discussed and agreed the value of the comments, if any made, are important and Ms. Walker said the process can be refined to include any GC comments about no greenbelt opportunity.

Mayor Rosenthal said there is a desire for balance between the need for the GC to have some oversight for the greenbelt process, making sure the process goes smoothly, and does not add additional time or cost to the developer/applicant. She felt public record is important and having comments on the GC's agenda with the opportunity for comment does provide some oversight. She said it will at least draw attention to those applications where the GC's opinion might differ with the Staff's opinion. She felt it should be up to the development community to decide then whether the applicant would want to be at the meeting or not. Councilmember Kovach asked whether the GC's comments would override Staff's finding and Mayor Rosenthal said no. Councilmember Butler said the value is in the actual GC comments and those comments could be considered by the PC and Council. Councilmember Dillingham said if everything is going to the GC anyway then what is the value of an administrative bypass and Councilmember Cubberley felt putting the comments on a consent docket would take care of the issue. He said it will allow Staff to say whether the application warrants a full discussion and move forward. He felt the small amount of mistrust will be solved over time as Staff, GC, PC, and Council work through the process and a comfort level is obtained.

Councilmember Cubberley suggested putting no greenbelt opportunity findings on the GC consent agenda for a year; revisit and review the process at that time to make certain it is running smoothly and determine if any changes should be made. Councilmember Dillingham liked the idea of the consent docket because she felt it will give the developer(s) and/or applicant an opportunity to talk about any issues with either Staff, GC, etc. Mayor Rosenthal reminded the Committee even if items are put on the consent docket there may be occasions the items are pulled off the consent docket and agreed with Councilmember Cubberley that over time the concerns, issues, and process will become streamlined. The Committee discussed and agreed the no opportunity items should be put on consent docket and revisit this issue in a year to review the process.

Councilmember Kovach asked if easements could be acquired by the City for multiple purposes, i.e., trails along some of the drainage and storm water systems, and would it be possible for the City to obtain easements for maintenance purposes as well. Ms. Walker said she felt purposes for maintenance could be accommodated. Councilmember Kovach asked if there are tax incentives for citizens who wished to donate easements to the City and Ms. Walker said the City does not currently have any incentives; however, she believed there are tax benefits available but did not know the specifics.

Councilmember Kovach asked Staff to define "review" in the current ordinance Section 4-2025 and Ms. Walker said Council has the right to review everything the GC does, whether it is decisions or recommendations. Councilmember Kovach asked if "review" meant Council could override GC decision(s) or recommendation(s) and Ms. Walker said yes it does. Councilmember Dillingham felt the verbiage *decision* should be changed to evaluations or recommendations and the Committee agreed.

Councilmember Butler asked Staff to discuss Section 4-2023A(g), specifically Green Space definition and added language "...open to public use on such conditions as may be reasonably required by the granting authority." Ms. Walker said the verbiage was taken out of a memorandum based on PCDC feedback and the provision simply means if a citizen granted an easement to the City for a greenbelt, but wanted to put conditions on the easement such as they did not want it open for public access or only opened for public access during certain times; the granting authority would be the grantor of the easement and could request such provisions.

Mayor Rosenthal said the GC has requested adding verbiage "...through conservation easements or other means." to Section 4-2026(d)(6) and said felt it was important and acknowledges the way the City has embraced agricultural lands within the City.

Mayor Rosenthal suggested Staff make changes and add the additional language to the proposed ordinance and bring back to the PCDC for review, then back to Council for consideration.

Items submitted for the record

1. Memorandum dated August 11, 2010, from Ms. Kathryn Walker, Assistant City Attorney, through Mr. Jeff H. Bryant, City Attorney, to Honorable Mayor and Council Members
2. Proposed Ordinance No. O-1011-6
3. Article XXI Greenbelt Commission Norman City Code
4. City Council Planning and Community Development Committee Minutes dated May 21, 2010, June 11, 2010, and July 9, 2010
5. PowerPoint presentation entitled, "Proposed Amendments to the Greenbelt Ordinance," dated August 17, 2010

The meeting adjourned at 6:17 p.m.

ATTEST:

City Clerk

Mayor



**CITY COUNCIL AGENDA
DECEMBER 28, 2010**

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

Item No. 25

Text File Number: O-1011-31

Introduced: 11/29/2010 by Rebecca Frazier, Asst City Attorney

Current Status: Non-Consent Items

Version: 2

Matter Type: Ordinance

Title

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

ACTION NEEDED: Motion to adopt or reject Ordinance No. O-1011-31 upon Second Reading section by section.

ACTION TAKEN: _____

ACTION NEEDED: Motion to adopt or reject Ordinance No. O-1011-31 upon Final Reading as a whole.

ACTION TAKEN: _____

Body

BACKGROUND: The City Council Oversight Committee ("Committee") has met on multiple occasions since December 2008 to discuss proposed amendments to the City's Charter. The Committee finalized four housekeeping items as proposed amendments at its June 3, 2009 meeting. These proposed amendments were submitted for Council review at a council conference on June 23, 2009. At a study session on November 16, 2010, Staff again presented the proposed amendments to Council. The consensus was to move forward with three of the initially proposed amendments. Based on Council's feedback from that study session, Legal Staff has prepared Ordinance No. O-1011-31 amending the City Charter as it relates to candidate qualifications for Council and Mayoral candidates, certain park land dedication fees and the City's involvement with the Norman Regional Health System. An annotated and clean copy of this ordinance is attached for your consideration.

Candidate Qualifications

Article II, Section 2 of the Norman City Charter currently requires that Council and Mayoral candidates be registered to vote in the City one year before the date of the general election. The proposed amendment to this section reduces the registered voting requirements to six (6) months to mirror state law.

Park land Dedication Fees

Prior to 1994, Article VIII, Section 2 of the Norman City Charter required that developers of new residential developments in Norman dedicate land in that development to the City for a park. If the developer chose not to dedicate any land, it could pay a fee in lieu of the dedication so that the City could purchase park land in the general area where the subdivision was located. The Charter was amended in 1994 to allow the fees collected in lieu of land from that point forward to also be used for park development rather than solely for land purchase. However, the 1994 amendment did not retroactively apply to the monies collected prior to 1994 for land purchase. Currently, the City has approximately \$650,000 in fees plus interest collected prior to 1994. The City has no way to use this money because many of the pre-1994 subdivisions have no land available for park purposes.

The proposed amendment will allow the park land fees to be used in the nearest community and/or neighborhood park if there are no suitable park land sites available in the subdivision that generated the fees. This will permit the City to use approximately \$650,000 for park development which is inaccessible under the current Charter language. The proposed amendment is also in keeping with some of the City's park development goals as outlined in the Parks Master Plan ("Plan"). The Plan was adopted on November 24, 2009 by Norman City Council. Goal #7.1 of the Plan seeks funding mechanisms that will help supplement the City's limited funding resources for parks development. The proposed Charter amendment will help to achieve this goal as it will unlock certain Park land fees for parks development which currently cannot be used for any other purpose. The 2010-2020 Action Plan of the Parks Master Plan lists renovation of existing parks as a high priority and lists the Park land dedication fees as a potential revenue source to achieve this goal. The proposed Charter amendment is also in keeping with fulfilling this goal of the Parks Master Plan.

Norman Regional Health System

Article IX, Sections 2, 3, 4 and 5 of the Norman City Charter relates to the Hospital. The proposed amendments will update the nomenclature of the Hospital as Norman Regional Health System ("NRHS"). Staff recently discussed the proposed changes with NRHS. The current proposed amendments are similar to the 2005 proposed charter amendments concerning the Hospital which were also discussed with Hospital representatives. Hospital Staff has recommended that additional changes to the nomenclature be made with all references to the "Board of Hospital Management" being changed to "Norman Regional Hospital Authority". This will reflect the current structure of the Hospital.

The proposed amendments to Section 2 will eliminate language from the Charter which refers to the process for removal of the hospital administrator which is now governed by contract between the hospital board and the hospital administrator; it will also clarify the administrator's role in NRHS affairs. Currently Section 3 of Article IX refers to the duties of the administrator. These duties are now specified in contractual documents between the administrator and NRHS. Therefore, the proposed amendments will repeal Section 3. The

proposed amendments to Section 5 of Article IX will allow Council to have more flexibility when requesting financial reports from NRHS and permit Council to receive NRHS' yearly adopted budget at the Council's next regularly scheduled meeting after the budget's adoption. Lastly, the proposed amendments will delete Charter language which implies that the City appropriates funds to NRHS.

CONCLUSION: The passage of the proposed Charter amendments is contingent on voter approval. A special election will be held on March 1, 2011. Staff recommends passage of the attached ordinance.

AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING ARTICLE II, SECTION 2 OF THE CHARTER OF THE CITY OF NORMAN WHICH RELATES TO CANDIDATE QUALIFICATIONS FOR THE OFFICE OF COUNCILMEMBERS AND THE MAYOR; ARTICLE VIII, SECTION 2 OF THE CHARTER OF THE CITY OF NORMAN WHICH RELATES TO THE USE OF CERTAIN PARK LAND FEES; ARTICLE IX, SECTIONS 2, 3, 4 AND 5, OF THE CHARTER OF THE CITY OF NORMAN WHICH RELATES TO THE CITY OF NORMAN'S INVOLVEMENT WITH THE NORMAN REGIONAL HEALTH SYSTEM; AND PROVIDING FOR THE SEVERABILITY THEREOF.

- §1. WHEREAS, the proposed amendment to Article II, Section 2 of the Charter of the City of Norman reduces voter registration requirements for mayoral and council candidates from one year to six months in accordance with state law; and
- §2. WHEREAS, the proposed amendment to Article VIII, Section 2 of the Charter of the City of Norman allows the use of park land fees in the nearest community and/or neighborhood park when there are no suitable park land sites available in the subdivision that generated the fees; and
- §3. WHEREAS, the proposed amendments to Article IX, Sections 2, 3, 4 and 5 of the Charter of the City of Norman eliminates from the Charter an antiquated process for removal of the hospital administrator, clarifies the administrator's role, deletes language that implies appropriation of City funds toward the Hospital, updates nomenclature to reflect the current hospital entity name as Norman Regional Health System, provides Council with flexibility when requesting hospital financial reports, and permits Council to receive the Hospital's yearly budget after its adoption; and
- §4. WHEREAS, it is deemed advisable and necessary by the Council of the City of Norman, Oklahoma, to submit for election various amendments to the Charter of said City as are hereinafter set forth; and
- §5. WHEREAS, pursuant to the provisions of Section 12, Article XVII of the Charter of the City of Norman, said amendments must be submitted to the registered voters of said City for their approval before the same become effective.

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

- § 6. That the Mayor is hereby authorized and directed to call a special election to be held in the City on the 1st day of March, 2011, for the purpose of submitting to the registered voters of the City the various proposed amendments to the Charter of said City, to-wit:
- §7. That Section 2 of Article II of the Charter of the City of Norman, Oklahoma shall be amended to read as follows:

* * *

Section 2. Term of Office.

The term of Councilmembers shall be for a period of two years. The terms of Councilmembers chosen to represent council wards two (2), four (4), six (6) and eight (8) shall expire on the first Tuesday of July of the next even numbered year after their election.

The term of Councilmembers chosen to represent Council wards one (1), three (3), five (5) and seven (7) shall expire on the first Tuesday of July of the next odd numbered year after their election.

Each elected officer shall continue to hold and to perform the duties of his office until his successor is elected and qualified, unless he is removed or forfeits his office under other provisions of this Charter.

The term of office of the mayor elected at regular elections, shall be three (3) years. The term of the mayor shall expire on the first Tuesday of July and each three (3) years thereafter.

For purposes of filing and election to the positions of City Council, only persons who have been duly registered to vote in accordance with state law within the City of Norman for the six months prior to the date of the general election and reside in the ward from which they seek election, on the date of their filing, shall be eligible to the City Council.

For the purpose of filing and election to the position of Mayor, only persons who have been duly registered to vote in accordance with state law within the City of Norman for the six months prior to the date of the general election, shall be eligible to seek election as Mayor.

* * *

§8. That Section 2 of Article VIII of the Charter of the City of Norman, Oklahoma, shall be amended to read as follows:

* * *

Section 2. Park land.

In addition to and in supplementation of proper planning and zoning, and in addition to the power of the City to regulate the use and subdivision of land, the City shall have the full power to promote the health, safety, and general welfare of its citizens by the enactment of ordinances, to be uniformly enforced, requiring all final plats of residential subdivisions containing a dwelling unit density of greater than one unit per acre which is to be submitted for approval, to provide adequate and suitable land area for park and/or open space purposes to serve the subdivision. The amount of park and/or open space required in the subdivision shall be reasonably related to the need for park and/or open space created by the subdivision and shall not exceed 2.5 acres for each one thousand persons of the total population density projected when the plat is fully developed. Population density projections shall be based on the then current official statistics of the United States Census for the Norman area for the particular type of dwelling units to be constructed within the subject land. When the total projected population

density for the plat is less than 2,500 persons, the City of Norman may, at its sole option and in lieu of the provision for mandatory dedication of land for park and/or open space purposes, require the developer or subdivider of the subdivision to pay to the City a sufficient fee to provide for the purchase and/or development of suitable land for park and/or open space within the general area in which the subdivision is located. In the absence of suitable park land sites, the City of Norman may use the fee and/or fees accumulated in the nearest community and/or neighborhood park. Such fee shall be reasonably related to the cost of the park and/or open space which is required to be provided. All such fees must be maintained separate from other funds of the City of Norman and may be expended only for the purchase and/or development of land for park and/or open space. The exercise of such power within the City shall be in pursuance of this grant of authority and not under State Statutes of law. Provided further, that this amendment allowing the use of park land fees paid in lieu of mandatory dedication of land for the purchase and/or development of parks and open space shall apply to funds hereinafter accumulated. In addition to the above, the council may, by ordinance, establish a fee to be collected at the time of issuance of new residential building permits for the purpose of improving neighborhood parks and community parks.

- §9. That Sections 2, 3, 4 and 5 of Article IX of the Charter of the City of Norman, Oklahoma, shall be amended to read as follows:

* * *

Section 2. Duties of Board, appointment of Administrator.

The Norman Regional Health Authority shall exercise general control over the Norman Regional Health System, establish general hospital policies and provide a plan for the proper accounting of all funds received for hospital services and for all funds disbursed for the purpose of operating the Hospital. The Norman Regional Health Authority shall appoint an Administrator of the Norman Regional Health System who shall be selected solely on the basis of his experience and qualifications. The Administrator of the Norman Regional Health System shall be directly in charge of the operation of the Hospital.

Section 3. Use by medical staff.

Subject to the approval of the Norman Regional Health Authority, the Administrator of the Norman Regional Health System shall make all necessary arrangements with medical staff for the effective use of all facilities of the hospital.

Section 4. Financial report and budget.

The Norman Regional Health Authority as current operator of the Norman Regional Health System shall keep a record of its meetings and official transactions, and shall make financial reports to the City Councilmembers in such form as may be required by the Councilmembers at such times as may be prescribed, and the Norman Regional Health Authority shall file a copy of its adopted budget for the ensuing fiscal year with the City Clerk for presentation to the City Council no later than the next regularly scheduled City Council meeting following its adoption. Such adopted budget shall, in addition to any other information required by the Councilmembers, show an estimate of anticipated income, and estimated expenditures.

* * *

- §10. That the remaining portions of the Articles and Sections referred to herein shall remain unchanged.
- §11. That the amendments of the City Charter proposed herein shall be effective provided by law.
- §12. **Severability.** If any section, subsection, sentence, clause, phrase or portion of this resolution is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of this resolution.

ADOPTED this _____ day
of _____, 2010.

NOT ADOPTED this _____ day
of _____, 2010.

Cindy Rosenthal, Mayor

Cindy Rosenthal, Mayor

ATTEST:

Brenda Hall, City Clerk

AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING ARTICLE II, SECTION 2 OF THE CHARTER OF THE CITY OF NORMAN WHICH RELATES TO CANDIDATE QUALIFICATIONS FOR THE OFFICE OF COUNCILMEMBERS AND THE MAYOR; ARTICLE VIII, SECTION 2 OF THE CHARTER OF THE CITY OF NORMAN WHICH RELATES TO THE USE OF CERTAIN PARK LAND FEES; ARTICLE IX, SECTIONS 2, 3, 4 AND 5, OF THE CHARTER OF THE CITY OF NORMAN WHICH RELATES TO THE CITY OF NORMAN'S INVOLVEMENT WITH THE NORMAN REGIONAL HEALTH SYSTEM; AND PROVIDING FOR THE SEVERABILITY THEREOF.

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- §2. WHEREAS, the proposed amendment to Article VIII, Section 2 of the Charter of the City of Norman allows the use of park land fees in the nearest community and/or neighborhood park when there are no suitable park land sites available in the subdivision that generated the fees; and
- §3. WHEREAS, the proposed amendments to Article IX, Sections 2, 3, 4 and 5 of the Charter of the City of Norman eliminates from the Charter an antiquated process for removal of the hospital administrator, clarifies the administrator's role, deletes language that implies appropriation of City funds toward the Hospital, updates nomenclature to reflect the current hospital entity name as Norman Regional Health System, provides Council with flexibility when requesting hospital financial reports, and permits Council to receive the Hospital's yearly budget after its adoption; and
- §4. WHEREAS, it is deemed advisable and necessary by the Council of the City of Norman, Oklahoma, to submit for election various amendments to the Charter of said City as are hereinafter set forth; and
- §5. WHEREAS, pursuant to the provisions of Section 12, Article XVII of the Charter of the City of Norman, said amendments must be submitted to the registered voters of said City for their approval before the same become effective.

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

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- §7. That Section 2 of Article II of the Charter of the City of Norman, Oklahoma shall be amended to read as follows:

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The term of Councilmembers chosen to represent Council wards one (1), three (3), five (5) and seven (7) shall expire on the first Tuesday of July of the next odd numbered year after their election.

Each elected officer shall continue to hold and to perform the duties of his office until his successor is elected and qualified, unless he is removed or forfeits his office under other provisions of this Charter.

The term of office of the mayor elected at regular elections, shall be three (3) years. The term of the mayor shall expire on the first Tuesday of July and each three (3) years thereafter.

For purposes of filing and election to the positions of City Council, only persons who have been duly registered to vote in accordance with state law within the City of Norman for the ~~one~~ six months prior to the date of the general election and reside in the ward from which they seek election, on the date of their filing, shall be eligible to the City Council.

For the purpose of filing and election to the position of Mayor, only persons who have been duly registered to vote in accordance with state law within the City of Norman for the ~~one-year~~ six months prior to the date of the general election, shall be eligible to seek election as Mayor.

* * *

§8. That Section 2 of Article VIII of the Charter of the City of Norman, Oklahoma, shall be amended to read as follows:

* * *

Section 2. Park land.

In addition to and in supplementation of proper planning and zoning, and in addition to the power of the City to regulate the use and subdivision of land, the City shall have the full power to promote the health, safety, and general welfare of its citizens by the enactment of ordinances, to be uniformly enforced, requiring all final plats of residential subdivisions containing a dwelling unit density of greater than one unit per acre which is to be submitted for approval, to provide adequate and suitable land area for park and/or open space purposes to serve the subdivision. The amount of park and/or open space required in the subdivision shall be reasonably related to the need for park and/or open space created by the subdivision and shall not exceed 2.5 acres for each one thousand persons of the total population density projected when the plat is fully developed. Population density projections shall be based on the then current official statistics of the United States Census for the Norman area for the particular type of dwelling units to be constructed within the subject land. When the total projected population

density for the plat is less than 2,500 persons, the City of Norman may, at its sole option and in lieu of the provision for mandatory dedication of land for park and/or open space purposes, require the developer or subdivider of the subdivision to pay to the City a sufficient fee to provide for the purchase and/or development of suitable land for park and/or open space within the general area in which the subdivision is located. In the absence of suitable park land sites, the City of Norman may use the fee and/or fees accumulated in the nearest community and/or neighborhood park. Such fee shall be reasonably related to the cost of the park and/or open space which is required to be provided. All such fees must be maintained separate from other funds of the City of Norman and may be expended only for the purchase and/or development of land for park and/or open space. The exercise of such power within the City shall be in pursuance of this grant of authority and not under State Statutes of law. Provided further, that this amendment allowing the use of park land fees paid in lieu of mandatory dedication of land for the purchase and/or development of parks and open space shall apply to funds hereinafter accumulated. In addition to the above, the council may, by ordinance, establish a fee to be collected at the time of issuance of new residential building permits for the purpose of improving neighborhood parks and community parks.

§9. That Sections 2, 3, 4 and 5 of Article IX of the Charter of the City of Norman, Oklahoma, shall be amended to read as follows:

* * *

Section 2. Duties of Board, appointment of Administrator.

~~The Board of Hospital Management~~ Norman Regional Health Authority shall exercise general control over the ~~Municipal Hospital~~ Norman Regional Health System, establish general hospital policies and provide a plan for the proper accounting of all funds received for hospital services and for all funds disbursed for the purpose of operating the Hospital. ~~The Board~~ Norman Regional Health Authority shall appoint an Administrator of the ~~Municipal Hospital~~ Norman Regional Health System who shall be selected solely on the basis of his experience and qualifications. ~~The Administrator may be removed by the Board for cause; but he may, if he files a request with the Board within three days after receiving notice of his removal, demand and receive a public hearing. Such hearing shall be held not more than five days after the Administrator's demand for a hearing has been filed. While the hearing is pending, the Board may appoint a competent person who shall be temporarily in charge of the affairs of the Hospital. The Administrator of the Norman Regional Health System shall be directly in charge of the operation of the Hospital.~~

Section 3. Duties of the Administrator.

~~The Administrator of the Municipal Hospital shall be directly in charge of the operation of the Hospital. All salaries, wages and fees received by any person employed shall be fixed by the Administrator, subject to approval by the Board. The Administrator, subject to such regulations as the Board may prescribe from time to time, shall contract for purchase, or issue authorizations for all supplies, materials, services and equipment (including rental thereof when appropriate) for the Hospital. Every such contract or purchase exceeding an amount to be established by the Board and which amount the Board may thereafter change from time to time, shall require the prior approval of the Board. The Administrator may also transfer, exchange,~~

~~sell or otherwise dispose of surplus or obsolete supplies or equipment, subject to such regulations as the Board may from time to time establish. Before the purchase of, or the making of a contract for any supplies, services, materials or equipment, or the sale or other disposition of any surplus or obsolete supplies or equipment, ample opportunity for competitive bidding, under such regulations and with such exceptions as the Board may from time to time establish or prescribe, shall be given; but the Board shall not except a particular contract, purchase or sale from the requirement of competitive bidding.~~

~~The Board may transfer some or all of the powers granted to the Administrator under this section to an officer or employee appointed by, the Administrator and subordinate to him, and may thereafter in its discretion revoke any such transfer of powers previously authorized, or vest the same in some different officer or employee of the hospital likewise appointed by and subordinate to the Administrator.~~

Section 4 3. Use by medical staff.

Subject to the approval of the ~~Board~~ Norman Regional Health Authority, the Administrator of the ~~Municipal Hospital~~ Norman Regional Health System shall make all necessary arrangements with medical staff for the effective use of all facilities of the hospital.

Section 5 4. Financial report and budget.

~~The Board of Hospital Management~~ Norman Regional Health Authority as current operator of the Norman Regional Health System shall keep a record of its meetings and official transactions, and shall make ~~monthly~~ financial reports to the City Councilmembers in such form as may be required by the Councilmembers at such times as may be prescribed, and ~~on the fourth Tuesday in May, the Board~~ Norman Regional Health Authority shall file a copy of its ~~proposed~~ adopted budget for the ensuing fiscal year with the City Clerk for presentation to the City Councilmembers no later than the next regularly scheduled City Council meeting following its adoption. Such ~~proposed~~ adopted budget shall, in addition to any other information required by the Councilmembers, show an estimate of anticipated income, ~~and estimated expenditures, and the amount, if any, which said Board of Hospital Management requests be appropriated from the general revenue funds of the City to supplement the income from the Hospital for such ensuing fiscal year. Any funds which may be appropriated by the City for such purpose shall be expended upon the check or warrant of said Board of Hospital Management, as other income is expended by it.~~

* * *

- §10. That the remaining portions of the Articles and Sections referred to herein shall remain unchanged.
- §11. That the amendments of the City Charter proposed herein shall be effective provided by law.
- §12. **Severability.** If any section, subsection, sentence, clause, phrase or portion of this resolution is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of this resolution.

ADOPTED this _____ day
of _____, 2010.

Cindy Rosenthal, Mayor

NOT ADOPTED this _____ day
of _____, 2010.

Cindy Rosenthal, Mayor

ATTEST:

Brenda Hall, City Clerk

COUNCIL STUDY SESSION MINUTES

November 16, 2010

The City Council of the City of Norman, Cleveland County, State of Oklahoma, met in a study session at 5:30 p.m. in the Municipal Building Conference Room on the 16th day of November, 2010, and notice and agenda of the meeting were posted at the Municipal Building at 201 West Gray, and the Norman Public Library at 225 North Webster 48 hours prior to the beginning of the meeting.

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

ABSENT: Councilmember Ezzell

DISCUSSION REGARDING AN OVERVIEW OF PROPOSED CHARTER AMENDMENTS.

Councilmember Dillingham said the City Council Oversight Committee had a great deal of discussion regarding Charter amendments with a lot of input from Staff. She said the Committee concluded that instead of bringing forward a comprehensive selection of massive Charter amendment possibilities, it would be better idea to form a Charter Review Commission (CRC) for a one year period to review the entire Charter. She said there was some basic cleanup language the Committee felt were not too controversial and recommended those amendments be submitted for approval prior to the formation of a CRC.

Ms. Rebecca Frazier, Assistant City Attorney, provided an overview of the proposed amendments the Oversight Committee felt could go forward for an election in March 2011, as follows:

- Article II, Section 2

- Change Council Seating Dates

- Change current language requiring swearing in and seating of Councilmembers from July to May to avoid transitional issues between outgoing and newly elected Councilmembers. The effective date of the amendment would be July 1, 2011, to allow Councilmembers elected in 2009 to finish a full two year term and clarify that Councilmembers elected in 2011 will begin in July 2011 but expire May 2013.

- Amend Qualification of Candidates

- Current language requires that candidates be registered to vote and reside in the City for one year before the general election, which is contrary to state law. The amendment will reduce residency and registered voting requirements to six months to mirror state law.

- Article VIII, Section 2 - Parkland

- In lieu of requiring the developer of a subdivision to dedicate parkland, the City may require the developer to pay a fee to provide for purchasing and/or developing parkland. Current language requires parkland fees be used for a park and/or open space located within the general area in which the subdivision is located. The amendment would allow parkland fees to be used in the nearest community and/or neighborhood park if no suitable parkland sites are available in the subdivision that generated the fees. There is approximately \$625,000 in parkland fees that is currently restricted from use in the general area subdivision where the fees were generated because no land is available for purchase.

- Article IX, Sections 2,3,4, and 5 - Hospital

- Appointment of Administrator

- Eliminating an antiquated process for removal of the hospital administrator, clarifying the administrator's role, and updating nomenclature.

- Duties of the Administrator

- Repealing the section regarding duties of administrator because they are now specified by contract between the administrator and the Hospital Board.

- Use by Medical Staff

- Updating a nomenclature and renumbering the section.

- Financial Report and Budget

- Amends the reporting requirements to allow Council more flexibility to request financial reports as needed from the hospital, calls for receipt of the hospitals' yearly adopted budget (current language signifies proposed budget) at Council's next regularly scheduled meeting after the hospital adopts the budget, deletes antiquated language that implies the City appropriates funds to the hospital, and updates a nomenclature.

Councilmember Dillingham said the Charter states that even numbered ward elected officials term will expire on the third Tuesday of May of the next even numbered year after their election and asked if voters elected a Councilmember to serve until July of 2012, would the terms of office changing to May affect that vote and shorten that term of office. Councilmember Cubberley said he did not think the new effective dates could be applied to seated Councilmembers, only prospective Councilmembers. Councilmember Dillingham asked that the language be tweaked to make that crystal clear. Mayor Rosenthal agreed with Councilmember Dillingham and said the proposed language makes it seem as if some officials would be seated in July and some in May.

Mayor Rosenthal said the transitional period is long and has been awkward, in the past, but reminded Council the reason for the change initially was to complete the budget process, which is a work task that Council spends the entire year on. She said if the City started seating officials in May, there would be a new Councilmember that would have to vote on the \$150 to \$160 million budget within two weeks of being seated and asked if that was a good idea. Councilmember Cubberley felt it would be impossible for a new Councilmember to have an informed opinion to vote and Council needed to decide if this was important. Councilmember Griffith said the transition period was great when he was elected as he received great information from every department including the budget process and he had a chance to gain knowledge before actually being a part of the voting process. He felt it would be challenging to be seated in May unless the candidate had a chance to study the budget months before being seated. Councilmember Kovach said at the time the Oversight Committee was reviewing the issue, he spoke with different Councilmembers and some of them had trepidation and concern that outgoing Councilmembers could be less than effective or even bitter during the transition period. Councilmember Cubberley agreed and said concerns have arisen from time to time about keeping people engaged in the process as a Councilmember, but felt it should not be changed. Councilmember Butler said there may have been some disengagement, but felt overall, most Councilmembers have stayed engaged and there is value in prior knowledge.

Mayor Rosenthal believed that the budget is the single most important decision made by Council and Councilmembers benefit from participation throughout the year and she was reluctant to bring this amendment forward at this time, but supported the other amendments. There was a consensus of Council to move forward with an election on all the amendments with the exception of the terms of office, which they felt a Charter Commission should review along with the rest of the Charter.

Councilmember Kovach asked Mr. Jud Foster, Director of Parks and Recreation, to refresh Council's memory on where the subdivision was that had the parkland fees locked up. Mr. Foster said the largest piece of property was Smoking Oaks South near the Trails Golf Course, but there were 15 to 17 different locations that included parkland fees that added up to the \$625,000.

Mr. Steve Lewis, City Manager, said the Staff would prepare the election ordinances for First Reading on December 14, 2010.

Items submitted for the record

1. PowerPoint presentation entitled, "Proposed Charter Amendments, Potentially on the March 1, 2011, Election Date" dated November 16, 2010
2. Draft Ordinance No. O-1011-31
3. Draft legislatively notated Ordinance No. O-1011-31

The meeting adjourned at 5:50 p.m.

ATTEST:

City Clerk

Mayor



**CITY COUNCIL AGENDA
DECEMBER 28, 2010**

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

Item No. 26

Text File Number: O-1011-32

Introduced: 11/30/2010 by Rebecca Frazier, Asst City Attorney

Current Status: Non-Consent Items

Version: 2

Matter Type: Ordinance

Title

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

ACTION NEEDED: Motion to adopt or reject Ordinance No. O-1011-32 upon Second Reading section by section.

ACTION TAKEN: _____

ACTION NEEDED: Motion to adopt or reject Ordinance No. O-1011-32 upon Final Reading as a whole.

ACTION TAKEN: _____

Body

BACKGROUND: The City Council Oversight Committee ("Committee") has met on multiple occasions since December 2008 to discuss proposed amendments to the City's Charter. The Committee finalized four housekeeping items as proposed amendments at its June 3, 2009 meeting. These proposed amendments were submitted for Council review at a council conference on June 23, 2009. At a study session on November 16, 2010, Staff again presented the proposed amendments to Council. The consensus was to move forward with three of the initially proposed amendments. Based on Council's feedback from that study session, Legal Staff has prepared Ordinance No. O-1011-32 calling for a special election and presenting the proposed ballot language as well as a proclamation providing notice to registered voters of the special election. This ordinance and the proclamation are attached for your consideration.

DISCUSSION:

Candidate Qualifications

Article II, Section 2 of the Norman City Charter currently requires that Council and Mayoral candidates be registered to vote in the City one year before the date of the general election. The proposed amendment to this section reduces the registered voting requirements to six (6) months to mirror state law.

Parkland Dedication Fees

Prior to 1994, Article VIII, Section 2 of the Norman City Charter required that developers of new residential developments in Norman dedicate land in that development to the City for a park. If the developer chose not to dedicate any land, it could pay a fee in lieu of the dedication so that the City could purchase parkland in the general area where the subdivision was located. The Charter was amended in 1994 to allow the fees collected in lieu of land from that point forward to also be used for park development rather than solely for land purchase. However, the 1994 amendment did not retroactively apply to the monies collected prior to 1994 for land purchase. Currently, the City has approximately \$650,000 in fees plus interest collected prior to 1994. The City has no way to use this money because many of the pre-1994 subdivisions have no land available for park purposes.

The proposed amendment will allow the parkland fees to be used in the nearest community and/or neighborhood park if there are no suitable parkland sites available in the subdivision that generated the fees. This will permit the City to use approximately \$650,000 for park development which is inaccessible under the current Charter language. The proposed amendment is also in keeping with some of the City's park development goals as outlined in the Parks Master Plan ("Plan"). The Plan was adopted on November 24, 2009 by Norman City Council. Goal #7.1 of the Plan seeks funding mechanisms that will help supplement the City's limited funding resources for parks development. The proposed Charter amendment is in furtherance of this goal as it will unlock certain Parkland fees for parks development which currently cannot be used for any other purpose. The 2010-2020 Action Plan of the Parks Master Plan lists renovation of existing parks as a high priority and lists the Parkland dedication fees as a potential revenue source to achieve this goal. The proposed Charter amendment is also in keeping with fulfilling this goal of the Parks Master Plan.

Norman Regional Health System

Article IX, Sections 2, 3, 4, and 5 of the Norman City Charter relates to the Hospital. The proposed amendments will update the nomenclature of the Hospital to as Norman Regional Health System ("NRHS"). Staff recently discussed the proposed changes with NRHS. The current proposed amendments are similar to the 2005 proposed charter amendments concerning the Hospital which are also discussed with Hospital representatives. Hospital Staff has recommended that additional changes to the nomenclature be made with all references to the "Board of Hospital Management" being changed to "Norman Regional Hospital Authority". This will reflect the current structure of the Hospital.

The proposed amendments to Section 2 will eliminate language from the Charter which refers to the process for removal of the hospital administrator's removal which is now covered by contract between the hospital board and the hospital administrator; it will also clarify the administrator's role in NRHS affairs. Currently Section 3 of Article IX refers to the duties of the administrator. These duties are now specified in contractual documents between the administrator and NRHS. Therefore, the proposed amendments will repeal Section 3. The proposed amendments to Section 5 of Article IX will allow Council to have more flexibility when requesting financial reports from NRHS and permit Council to receive NRHS' yearly adopted budget at the Council's next regularly scheduled meeting after the budget's adoption. Lastly, the proposed amendments will delete Charter language which implies that the City appropriates funds to NRHS.

CONCLUSION: The passage of the proposed Charter amendments is contingent on voter approval. A special election will be held on March 1, 2011. Staff recommends passage of the attached ordinance and approval of the proclamation.

AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AUTHORIZING THE CALLING AND HOLDING OF A SPECIAL ELECTION IN THE CITY OF NORMAN, COUNTY OF CLEVELAND, STATE OF OKLAHOMA, ON THE 1ST DAY OF MARCH, 2011, FOR THE PURPOSE OF SUBMITTING TO THE REGISTERED VOTERS OF THE CITY OF NORMAN AMENDMENTS TO ARTICLE II, SECTION 2 OF THE CHARTER OF THE CITY OF NORMAN WHICH RELATES TO MAYORAL AND COUNCIL CANDIDATE QUALIFICATIONS; ARTICLE VIII, SECTION 2 OF THE CHARTER OF THE CITY OF NORMAN WHICH RELATES TO THE USE OF CERTAIN PARK LAND FEES; ARTICLE IX, SECTIONS 2, 3, 4 AND 5, OF THE CHARTER OF THE CITY OF NORMAN WHICH RELATES TO THE CITY OF NORMAN'S INVOLVEMENT WITH THE NORMAN REGIONAL HEALTH SYSTEM; AND PROVIDING FOR THE SEVERABILITY THEREOF.

- §1. WHEREAS, it has been requested to the Council of the City of Norman, Oklahoma, to submit for election various amendments to the Charter of said City as are hereinafter set forth; and
- §2. WHEREAS, pursuant to the provisions of Section 12, Article XVII of the Charter of the City of Norman, said amendments must be submitted to the registered voters of the City for their approval before the same become effective.

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

§3. PROPOSITION I

SHALL SECTION 2 OF ARTICLE II OF THE CHARTER OF THE CITY OF NORMAN RELATING TO THE TERM OF OFFICE OF CITY COUNCILMEMBERS AND THE MAYOR BE AMENDED TO REDUCE VOTER REGISTRATION REQUIREMENTS FOR MAYORAL AND COUNCIL CANDIDATES FROM ONE YEAR TO SIX MONTHS IN ACCORDANCE WITH STATE LAW, AS MORE PARTICULARLY DESCRIBED IN ORDINANCE NO. O-1011-31?

§4. PROPOSITION II

SHALL SECTION 2 OF ARTICLE VIII OF THE CHARTER OF THE CITY OF NORMAN RELATING TO THE USE OF PARK LAND FEES BE AMENDED TO ALLOW THE USE OF SAID FEES IN THE NEAREST COMMUNITY AND/OR NEIGHBORHOOD PARK IN THE ABSENCE OF SUITABLE PARK LAND SITES IN THE SUBDIVISION THAT GENERATED THE FEES, AS MORE PARTICULARLY DESCRIBED IN ORDINANCE NO. O-1011-31?

§5.

PROPOSITION III

SHALL THE FOLLOWING SECTIONS OF ARTICLE IX OF THE CHARTER OF THE CITY OF NORMAN RELATING TO THE HOSPITAL BE AMENDED: SECTIONS 2, 4 AND 5 TO REFLECT THE CURRENT HOSPITAL ENTITY NAME OF NORMAN REGIONAL HEALTH SYSTEM AND THE CURRENT NAME OF THE BOARD AS NORMAN REGIONAL HOSPITAL AUTHORITY; SECTION 2 TO ELIMINATE FROM THE CHARTER A PROCESS FOR REMOVAL OF THE HOSPITAL ADMINISTRATOR AND TO CLARIFY THE ADMINISTRATOR'S ROLE; SECTION 3, TO DELETE THE DUTIES OF THE ADMINISTRATOR FROM THE CHARTER THAT ARE NOW SPECIFIED BY CONTRACT BETWEEN THE ADMINISTRATOR AND THE HOSPITAL BOARD; AND SECTION 5 TO PROVIDE THE CITY COUNCIL WITH ADDITIONAL FLEXIBILITY WHEN REQUESTING FINANCIAL REPORTS FROM THE HOSPITAL, TO PERMIT THE CITY COUNCIL TO RECEIVE THE HOSPITAL'S YEARLY BUDGET AFTER ITS ADOPTION, TO DELETE LANGUAGE THAT IMPLIES APPROPRIATION OF CITY FUNDS TOWARD HOSPITAL OPERATIONS; AND TO RENUMBER SECTIONS 4 AND 5; ALL OF WHICH AMENDMENTS ARE MORE PARTICULARLY DESCRIBED IN ORDINANCE NO. O-1011-31?

- §6. That the remaining portions of the Articles and Sections referred to herein shall remain unchanged.
- §7. That the amendments of the City Charter proposed herein shall be effective provided by law.
- §8. **Severability.** If any section, subsection, sentence, clause, phrase or portion of this resolution is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of this resolution.

ADOPTED this _____ day
of _____, 2010.

NOT ADOPTED this _____ day
of _____, 2010.

Cindy Rosenthal, Mayor

Cindy Rosenthal, Mayor

ATTEST:

Brenda Hall, City Clerk

**SPECIAL ELECTION
PROCLAMATION AND NOTICE OF ELECTION**

Under and by virtue of the Statutes of the State of Oklahoma and acts complimentary, supplementary and enacted pursuant thereto, and Ordinance No. O-1011-32 dated December 28, 2010, authorizing the calling of an election on the Propositions hereinafter set forth, I, the undersigned Mayor of the City of Norman, Oklahoma, hereby call a special election and give notice thereof to be held in the City of Norman, Oklahoma, on the 1st day of March, 2011, for the purpose of submitting to the registered qualified voters in said City the following Propositions:

PROPOSITION I

SHALL SECTION 2 OF ARTICLE II OF THE CHARTER OF THE CITY OF NORMAN RELATING TO THE TERM OF OFFICE OF CITY COUNCILMEMBERS AND THE MAYOR BE AMENDED TO REDUCE VOTER REGISTRATION REQUIREMENTS FOR MAYORAL AND COUNCIL CANDIDATES FROM ONE YEAR TO SIX MONTHS IN ACCORDANCE WITH STATE LAW, AS MORE PARTICULARLY DESCRIBED IN ORDINANCE NO. O-1011-31?

The ballot used at said election shall set out the Proposition as above set forth and shall also contain the words:

1 st	<input type="checkbox"/>	YES	- FOR THE ABOVE PROPOSITION
2 nd	<input type="checkbox"/>	NO	- AGAINST THE ABOVE PROPOSITION

(If the voter desires to vote for the above Proposition, he shall mark the ballot accordingly; if he desires to vote against the above Proposition, he shall mark the ballot accordingly.)

PROPOSITION II

SHALL SECTION 2 OF ARTICLE VIII OF THE CHARTER OF THE CITY OF NORMAN RELATING TO THE USE OF PARK LAND FEES BE AMENDED TO ALLOW THE USE OF SAID FEES IN THE NEAREST COMMUNITY AND/OR NEIGHBORHOOD PARK IN THE ABSENCE OF SUITABLE PARK LAND SITES IN THE SUBDIVISION THAT GENERATED THE FEES, AS MORE PARTICULARLY DESCRIBED IN ORDINANCE NO. O-1011-31?

The ballot used at said election shall set out the Proposition as above set forth and shall also contain the words:

1 st	<input type="checkbox"/>	YES	- FOR THE ABOVE PROPOSITION
2 nd	<input type="checkbox"/>	NO	- AGAINST THE ABOVE PROPOSITION

(If the voter desires to vote for the above Proposition, he shall mark the ballot accordingly; if he desires to vote against the above Proposition, he shall mark the ballot accordingly.)

PROPOSITION III

SHALL THE FOLLOWING SECTIONS OF ARTICLE IX OF THE CHARTER OF THE CITY OF NORMAN RELATING TO THE HOSPITAL BE AMENDED: SECTIONS 2, 4 AND 5 TO REFLECT THE CURRENT HOSPITAL ENTITY NAME OF NORMAN REGIONAL HEALTH SYSTEM AND THE CURRENT NAME OF THE BOARD AS NORMAN REGIONAL HOSPITAL AUTHORITY; SECTION 2 TO ELIMINATE FROM THE CHARTER A PROCESS FOR REMOVAL OF THE HOSPITAL ADMINISTRATOR AND TO CLARIFY THE ADMINISTRATOR'S ROLE; SECTION 3, TO DELETE THE DUTIES OF THE ADMINISTRATOR FROM THE CHARTER THAT ARE NOW SPECIFIED BY CONTRACT BETWEEN THE ADMINISTRATOR AND THE HOSPITAL BOARD; AND SECTION 5 TO PROVIDE THE CITY COUNCIL WITH ADDITIONAL FLEXIBILITY WHEN REQUESTING FINANCIAL REPORTS FROM THE HOSPITAL, TO PERMIT THE CITY COUNCIL TO RECEIVE THE HOSPITAL'S YEARLY BUDGET AFTER ITS ADOPTION, TO DELETE LANGUAGE THAT IMPLIES APPROPRIATION OF CITY FUNDS TOWARD HOSPITAL OPERATIONS; AND TO RENUMBER SECTIONS 4 AND 5; ALL OF WHICH AMENDMENTS ARE MORE PARTICULARLY DESCRIBED IN ORDINANCE NO. O-1011-31?

The ballot used at said election shall set out the Proposition as above set forth and shall also contain the words:

1st	<input type="checkbox"/>	YES	- FOR THE ABOVE PROPOSITION
2nd	<input type="checkbox"/>	NO	- AGAINST THE ABOVE PROPOSITION

(If the voter desires to vote for the above Proposition, he shall mark the ballot accordingly; if he desires to vote against the above Proposition, he shall mark the ballot accordingly.)

That only the registered qualified voters of the City of Norman, Oklahoma, may vote upon the Propositions as above set forth.

The polls shall be opened at 7:00 o'clock a.m. and shall remain open continuously until and be closed at 7:00 p.m.

The special election shall be held at the same places and in the same manner prescribed by law for conducting county and state elections and the numbers and locations of the polling places and the persons who shall conduct said election shall be the same as for county and state elections, all as respectively designated and prescribed by the County Election Board of Cleveland County, Oklahoma.

Proclamation and Notice of Election
Page 3

WITNESS my hand as Mayor of the City of Norman, Oklahoma, and the Seal of said City affixed hereto on the 28th day of December, 2010.

Mayor

(SEAL)

ATTEST:

City Clerk

COUNCIL STUDY SESSION MINUTES

November 16, 2010

The City Council of the City of Norman, Cleveland County, State of Oklahoma, met in a study session at 5:30 p.m. in the Municipal Building Conference Room on the 16th day of November, 2010, and notice and agenda of the meeting were posted at the Municipal Building at 201 West Gray, and the Norman Public Library at 225 North Webster 48 hours prior to the beginning of the meeting.

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

ABSENT: Councilmember Ezzell

DISCUSSION REGARDING AN OVERVIEW OF PROPOSED CHARTER AMENDMENTS.

Councilmember Dillingham said the City Council Oversight Committee had a great deal of discussion regarding Charter amendments with a lot of input from Staff. She said the Committee concluded that instead of bringing forward a comprehensive selection of massive Charter amendment possibilities, it would be better idea to form a Charter Review Commission (CRC) for a one year period to review the entire Charter. She said there was some basic cleanup language the Committee felt were not too controversial and recommended those amendments be submitted for approval prior to the formation of a CRC.

Ms. Rebecca Frazier, Assistant City Attorney, provided an overview of the proposed amendments the Oversight Committee felt could go forward for an election in March 2011, as follows:

- Article II, Section 2

- Change Council Seating Dates

- Change current language requiring swearing in and seating of Councilmembers from July to May to avoid transitional issues between outgoing and newly elected Councilmembers. The effective date of the amendment would be July 1, 2011, to allow Councilmembers elected in 2009 to finish a full two year term and clarify that Councilmembers elected in 2011 will begin in July 2011 but expire May 2013.

- Amend Qualification of Candidates

- Current language requires that candidates be registered to vote and reside in the City for one year before the general election, which is contrary to state law. The amendment will reduce residency and registered voting requirements to six months to mirror state law.

- Article VIII, Section 2 - Parkland

- In lieu of requiring the developer of a subdivision to dedicate parkland, the City may require the developer to pay a fee to provide for purchasing and/or developing parkland. Current language requires parkland fees be used for a park and/or open space located within the general area in which the subdivision is located. The amendment would allow parkland fees to be used in the nearest community and/or neighborhood park if no suitable parkland sites are available in the subdivision that generated the fees. There is approximately \$625,000 in parkland fees that is currently restricted from use in the general area subdivision where the fees were generated because no land is available for purchase.

- Article IX, Sections 2,3,4, and 5 - Hospital

- Appointment of Administrator

- Eliminating an antiquated process for removal of the hospital administrator, clarifying the administrator's role, and updating nomenclature.

- Duties of the Administrator

- Repealing the section regarding duties of administrator because they are now specified by contract between the administrator and the Hospital Board.

- Use by Medical Staff

- Updating a nomenclature and renumbering the section.

- Financial Report and Budget

- Amends the reporting requirements to allow Council more flexibility to request financial reports as needed from the hospital, calls for receipt of the hospitals' yearly adopted budget (current language signifies proposed budget) at Council's next regularly scheduled meeting after the hospital adopts the budget, deletes antiquated language that implies the City appropriates funds to the hospital, and updates a nomenclature.

Councilmember Dillingham said the Charter states that even numbered ward elected officials term will expire on the third Tuesday of May of the next even numbered year after their election and asked if voters elected a Councilmember to serve until July of 2012, would the terms of office changing to May affect that vote and shorten that term of office. Councilmember Cubberley said he did not think the new effective dates could be applied to seated Councilmembers, only prospective Councilmembers. Councilmember Dillingham asked that the language be tweaked to make that crystal clear. Mayor Rosenthal agreed with Councilmember Dillingham and said the proposed language makes it seem as if some officials would be seated in July and some in May.

Mayor Rosenthal said the transitional period is long and has been awkward, in the past, but reminded Council the reason for the change initially was to complete the budget process, which is a work task that Council spends the entire year on. She said if the City started seating officials in May, there would be a new Councilmember that would have to vote on the \$150 to \$160 million budget within two weeks of being seated and asked if that was a good idea. Councilmember Cubberley felt it would be impossible for a new Councilmember to have an informed opinion to vote and Council needed to decide if this was important. Councilmember Griffith said the transition period was great when he was elected as he received great information from every department including the budget process and he had a chance to gain knowledge before actually being a part of the voting process. He felt it would be challenging to be seated in May unless the candidate had a chance to study the budget months before being seated. Councilmember Kovach said at the time the Oversight Committee was reviewing the issue, he spoke with different Councilmembers and some of them had trepidation and concern that outgoing Councilmembers could be less than effective or even bitter during the transition period. Councilmember Cubberley agreed and said concerns have arisen from time to time about keeping people engaged in the process as a Councilmember, but felt it should not be changed. Councilmember Butler said there may have been some disengagement, but felt overall, most Councilmembers have stayed engaged and there is value in prior knowledge.

Mayor Rosenthal believed that the budget is the single most important decision made by Council and Councilmembers benefit from participation throughout the year and she was reluctant to bring this amendment forward at this time, but supported the other amendments. There was a consensus of Council to move forward with an election on all the amendments with the exception of the terms of office, which they felt a Charter Commission should review along with the rest of the Charter.

Councilmember Kovach asked Mr. Jud Foster, Director of Parks and Recreation, to refresh Council's memory on where the subdivision was that had the parkland fees locked up. Mr. Foster said the largest piece of property was Smoking Oaks South near the Trails Golf Course, but there were 15 to 17 different locations that included parkland fees that added up to the \$625,000.

Mr. Steve Lewis, City Manager, said the Staff would prepare the election ordinances for First Reading on December 14, 2010.

Items submitted for the record

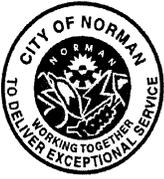
1. PowerPoint presentation entitled, "Proposed Charter Amendments, Potentially on the March 1, 2011, Election Date" dated November 16, 2010
2. Draft Ordinance No. O-1011-31
3. Draft legislatively notated Ordinance No. O-1011-31

The meeting adjourned at 5:50 p.m.

ATTEST:

City Clerk

Mayor



**CITY COUNCIL AGENDA
DECEMBER 28, 2010**

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

Item No. 27

Text File Number: R-1011-73

Introduced: 12/2/2010 by Brenda Hall, City Clerk

Current Status: Consent Item

Version: 1

Matter Type: Resolution

Title

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

ACTION NEEDED: Motion to adopt or reject Resolution No. R-1011-73.

ACTION TAKEN: _____

Resolution

R-1011-73

A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, GIVING THE SECRETARY OF THE CLEVELAND COUNTY ELECTION BOARD NOTICE OF A SPECIAL ELECTION TO BE HELD ON MARCH 1, 2011, REGARDING PROPOSED CHARTER AMENDMENTS.

- § 1. WHEREAS, Title 26 of the Oklahoma Statutes, § 13-102, requires Notice of Election be given to the Secretary of the Cleveland County Election Board by Resolution of the City Council; and
- § 2. WHEREAS, the purpose of the Special Election is set forth in Ordinance No. O-1011-32 which is incorporated herein by reference; and
- § 3. WHEREAS, the Special Election is to be conducted on the 1st day of March, 2011.

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

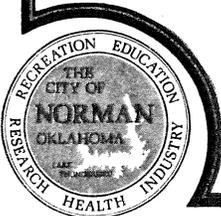
- § 4. THAT notice be given of the Special Election by transmittal of this Resolution to the Secretary of the Cleveland County Election Board.

PASSED AND ADOPTED this _____ day of _____, 2010.

Mayor

ATTEST:

City Clerk



AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AUTHORIZING THE CALLING AND HOLDING OF A SPECIAL ELECTION IN THE CITY OF NORMAN, COUNTY OF CLEVELAND, STATE OF OKLAHOMA, ON THE 1ST DAY OF MARCH, 2011, FOR THE PURPOSE OF SUBMITTING TO THE REGISTERED VOTERS OF THE CITY OF NORMAN AMENDMENTS TO ARTICLE II, SECTION 2 OF THE CHARTER OF THE CITY OF NORMAN WHICH RELATES TO MAYORAL AND COUNCIL CANDIDATE QUALIFICATIONS; ARTICLE VIII, SECTION 2 OF THE CHARTER OF THE CITY OF NORMAN WHICH RELATES TO THE USE OF CERTAIN PARK LAND FEES; ARTICLE IX, SECTIONS 2, 3, 4 AND 5, OF THE CHARTER OF THE CITY OF NORMAN WHICH RELATES TO THE CITY OF NORMAN'S INVOLVEMENT WITH THE NORMAN REGIONAL HEALTH SYSTEM; AND PROVIDING FOR THE SEVERABILITY THEREOF.

- §1. WHEREAS, it has been requested to the Council of the City of Norman, Oklahoma, to submit for election various amendments to the Charter of said City as are hereinafter set forth; and
- §2. WHEREAS, pursuant to the provisions of Section 12, Article XVII of the Charter of the City of Norman, said amendments must be submitted to the registered voters of the City for their approval before the same become effective.

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

§3. PROPOSITION I

SHALL SECTION 2 OF ARTICLE II OF THE CHARTER OF THE CITY OF NORMAN RELATING TO THE TERM OF OFFICE OF CITY COUNCILMEMBERS AND THE MAYOR BE AMENDED TO REDUCE VOTER REGISTRATION REQUIREMENTS FOR MAYORAL AND COUNCIL CANDIDATES FROM ONE YEAR TO SIX MONTHS IN ACCORDANCE WITH STATE LAW, AS MORE PARTICULARLY DESCRIBED IN ORDINANCE NO. O-1011-31?

§4. PROPOSITION II

SHALL SECTION 2 OF ARTICLE VIII OF THE CHARTER OF THE CITY OF NORMAN RELATING TO THE USE OF PARK LAND FEES BE AMENDED TO ALLOW THE USE OF SAID FEES IN THE NEAREST COMMUNITY AND/OR NEIGHBORHOOD PARK IN THE ABSENCE OF SUITABLE PARK LAND SITES IN THE SUBDIVISION THAT GENERATED THE FEES, AS MORE PARTICULARLY DESCRIBED IN ORDINANCE NO. O-1011-31?

§5.

PROPOSITION III

SHALL THE FOLLOWING SECTIONS OF ARTICLE IX OF THE CHARTER OF THE CITY OF NORMAN RELATING TO THE HOSPITAL BE AMENDED: SECTIONS 2, 4 AND 5 TO REFLECT THE CURRENT HOSPITAL ENTITY NAME OF NORMAN REGIONAL HEALTH SYSTEM AND THE CURRENT NAME OF THE BOARD AS NORMAN REGIONAL HOSPITAL AUTHORITY; SECTION 2 TO ELIMINATE FROM THE CHARTER A PROCESS FOR REMOVAL OF THE HOSPITAL ADMINISTRATOR AND TO CLARIFY THE ADMINISTRATOR'S ROLE; SECTION 3, TO DELETE THE DUTIES OF THE ADMINISTRATOR FROM THE CHARTER THAT ARE NOW SPECIFIED BY CONTRACT BETWEEN THE ADMINISTRATOR AND THE HOSPITAL BOARD; AND SECTION 5 TO PROVIDE THE CITY COUNCIL WITH ADDITIONAL FLEXIBILITY WHEN REQUESTING FINANCIAL REPORTS FROM THE HOSPITAL, TO PERMIT THE CITY COUNCIL TO RECEIVE THE HOSPITAL'S YEARLY BUDGET AFTER ITS ADOPTION, TO DELETE LANGUAGE THAT IMPLIES APPROPRIATION OF CITY FUNDS TOWARD HOSPITAL OPERATIONS; AND TO RENUMBER SECTIONS 4 AND 5; ALL OF WHICH AMENDMENTS ARE MORE PARTICULARLY DESCRIBED IN ORDINANCE NO. O-1011-31?

- §6. That the remaining portions of the Articles and Sections referred to herein shall remain unchanged.
- §7. That the amendments of the City Charter proposed herein shall be effective provided by law.
- §8. **Severability.** If any section, subsection, sentence, clause, phrase or portion of this resolution is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of this resolution.

ADOPTED this _____ day
of _____, 2010.

NOT ADOPTED this _____ day
of _____, 2010.

Cindy Rosenthal, Mayor

Cindy Rosenthal, Mayor

ATTEST:

Brenda Hall, City Clerk



**CITY COUNCIL AGENDA
DECEMBER 28, 2010**

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

Item No. 28

Text File Number: O-1011-37

Introduced: 12/8/2010 by Kathryn Walker, Asst City Attorney II

Current Status: Non-Consent Items

Version: 1

Matter Type: Ordinance

Title

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

ACTION NEEDED: Motion to adopt or reject Ordinance No. O-1011-37 upon Second Reading section by section.

ACTION TAKEN: _____

ACTION NEEDED: Motion to adopt or reject Ordinance No. O-1011-37 upon Final Reading as a whole.

ACTION TAKEN: _____

Body

BACKGROUND: Following the failed August 2010 vote for a sanitation rate increase, Staff members and members of the Finance Committee began evaluating possibilities for reducing expenses in the Sanitation Fund. Several services have been evaluated for reduction in this effort but reducing such services without a rate increase is not sufficient for the long-term health of the fund. After evaluation by the Finance Committee, Staff presented information related to fund projections based on several scenarios at a Council Study Session on December 7, 2010. Ordinance No. O-1011-37 is based on Council feedback during that session.

DISCUSSION: Ordinance No. O-1011-37 proposes a rate increase of \$2.50 per month for residential customers, except for those customers who qualify as low income as defined by Section 8 of the Housing Act of 1937. The City has charged these qualifying customers 75% of the regular sanitation rate since 1986 and that practice continues in this proposed amendment. Rates for commercial users are proposed in this ordinance to increase by 17.2 percent (17.2%) for commercial customers. This percentage is proportionate with the

rate increase for the residential customers who have curbside recycling. The rate increases will not go into effect unless the voters approve the increase at the March 1, 2011 election. The effective date for the rate increases, upon voter approval, is April 1, 2011.

STAFF RECOMMENDATION: The attached ordinance is the result of considerable Council input and is designed to allow the City to reinstate services that were cut during the current fiscal year, and allow important improvements to our sanitation system to go forward. Staff recommends its approval.

AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 21-111 OF CHAPTER 21 OF THE CODE OF ORDINANCES OF THE CITY OF NORMAN, OKLAHOMA, CONTINGENT ON VOTER APPROVAL OF ORDINANCE O-1011-38, BY INCREASING RESIDENTIAL SANITATION RATES BY AN ADDITIONAL TWO DOLLARS AND FIFTY CENTS (\$2.50) PER MONTH WHILE MAINTAINING A TWENTY-FIVE PERCENT (25%) REDUCTION FOR LOW INCOME RESIDENTIAL USERS; AND INCREASING ALL RATES FOR COMMERCIAL USERS OF THE SANITATION SERVICE BY SEVENTEEN POINT TWO PERCENT (17.2 %); PROVIDING FOR AN EFFECTIVE DATE FOR SAID INCREASE SUBJECT TO VOTER APPROVAL; AND PROVIDING FOR THE SEVERABILITY THEREOF.

- § 1. WHEREAS, the rates for sanitation service provided in the City of Norman and currently in effect in the City were last increased in July of 2004;
- § 2. WHEREAS, costs of providing sanitation service has increased since the last rate increase making it necessary to adjust the sanitation service rates to keep the projected revenues within projected expenditures in the sanitation fund and to cover the cost of providing for sanitation service in the City.

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

- § 3. That should the voters approve the rate increase in sanitation services set out in Ordinance No. O-1011-38, then Section 21-111 of Chapter 21 of the Code of the City of Norman, Oklahoma, shall be and is hereby amended to read as follows:

Section 21-111. Rates for sanitation service.

(a) For one (1) roll-out cart supplied by City (of any size), and for thirty-two gallon or less containers supplied by customer for yard waste pickup;

- (1) Apartment units, fourteen dollars (\$14.00) per month.
- (2) Other residences and mobile homes, fourteen dollars (\$14.00) per month.
- (3) Apartment, residential, and mobile home users under sections (1) and (2) above, who are low income as defined by Section 8 of the Housing Act of 1937, amended by the Housing and Community Development Act of 1974, as annually adjusted, ten dollars and fifty cents (\$10.50) per month.
- (4) Apartment, residential and mobile home users under sections (1) and (2) above, desiring more than one (1) roll-out cart supplied by City, will be charged an additional monthly administrative fee for each additional roll-out cart. The administrative fee will be on file in the City Clerk's office.

- (5) Commercial users not utilizing packer containers shall be provided large roll-out carts, each cart containing approximately ninety-six (96) gallons:
 - a. Nineteen dollars and sixty-four cents (\$19.64) per month per business unit, not to exceed collection of four (4) large roll-out carts per month.
 - b. Five dollars and sixty-eight cents (\$5.68) for each additional large roll-out cart per month over four (4) and up to seventeen (17) large roll-out carts per month.
 - c. Two dollars and eighty-eight cents (\$2.88) for each additional large roll-out cart greater than seventeen (17) per month.
- (b) For commercial packer containers:
 - (1) 2-yard containers, \$52.12 monthly minimum, \$7.04 per yard per special pickup;
 - (2) 3-yard containers, \$66.34 monthly minimum, \$5.95 per yard per special pickup;
 - (3) 4-yard containers, \$78.17 monthly minimum, \$5.15 per yard per special pickup;
 - (4) 5-yard containers, \$90.02 monthly minimum, \$4.75 per yard per special pickup;
 - (5) 6-yard containers, \$97.12 monthly minimum, \$4.48 per yard per special pickup;
 - (6) 8-yard containers, \$113.71 monthly minimum, \$4.07 per yard per special pickup;
 - (7) 10-yard containers, \$130.28 monthly minimum, \$3.79 per yard per special pickup;
 - (8) 12-yard containers, \$146.88 monthly minimum, \$3.52 per yard per special pickup;
- (c) For compactors:
 - (1) 38-yard compactor unit, \$397.98 monthly service charge, plus \$9.35 per yard per pickup;
 - (2) Charges for other size compactor units shall be established by the City Controller, using current operating costs as a guide.

* * *

§ 4. Effective Date. The rates described above shall be effective for all billings issued on or after the 1st day of April, 2011, and thereafter conditioned upon said rate increase being approved by a majority of the registered voters voting in an election called for the purpose of approving or rejecting said rates; Said election to be held on the 1st day of March, 2011.

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

ADOPTED this _____ day
of _____, 2010.

NOT ADOPTED this _____ day
of _____, 2010.

Mayor

Mayor

ATTEST:

City Clerk

AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 21-111 OF CHAPTER 21 OF THE CODE OF ORDINANCES OF THE CITY OF NORMAN, OKLAHOMA, CONTINGENT ON VOTER APPROVAL OF ORDINANCE O-1011-38, BY INCREASING RESIDENTIAL SANITATION RATES BY AN ADDITIONAL TWO DOLLARS AND FIFTY CENTS (\$2.50) PER MONTH WHILE MAINTAINING A TWENTY-FIVE PERCENT (25%) REDUCTION FOR LOW INCOME RESIDENTIAL USERS; AND INCREASING ALL RATES FOR COMMERCIAL USERS OF THE SANITATION SERVICE BY SEVENTEEN POINT TWO PERCENT (17.2 %); PROVIDING FOR AN EFFECTIVE DATE FOR SAID INCREASE SUBJECT TO VOTER APPROVAL; AND PROVIDING FOR THE SEVERABILITY THEREOF.

- § 1. WHEREAS, the rates for sanitation service provided in the City of Norman and currently in effect in the City were last increased in July of 2004;
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Section 21-111. Rates for sanitation service.

(a) For one (1) roll-out cart supplied by City (of any size), and for thirty-two gallon or less containers supplied by customer for yard waste pickup;

- (1) Apartment units, ~~eleven dollars and fifty cents (\$11.50)~~ fourteen dollars (\$14.00) per month.
- (2) Other residences and mobile homes, ~~eleven dollars and fifty cents (\$11.50)~~ fourteen dollars (\$14.00) per month.
- (3) Apartment, residential, and mobile home users under sections (1) and (2) above, who are low income as defined by Section 8 of the Housing Act of 1937, amended by the Housing and Community Development Act of 1974, as annually adjusted, ~~eight dollars and sixty three cents (\$8.63)~~ ten dollars and fifty cents (\$10.50) per month.
- (4) Apartment, residential and mobile home users under sections (1) and (2) above, desiring more than one (1) roll-out cart supplied by City, will be charged an

additional monthly administrative fee for each additional roll-out cart. The administrative fee will be on file in the City Clerk's office.

(5) Commercial users not utilizing packer containers shall be provided large roll-out carts, each cart containing approximately ninety-six (96) gallons:

a. ~~Sixteen dollars and seventy-six cents (\$16.76)~~ Nineteen dollars and sixty-four cents (\$19.64) per month per business unit, not to exceed collection of four (4) large roll-out carts per month.

b. ~~Four dollars and eighty five cents (\$4.85)~~ Five dollars and sixty-eight cents (\$5.68) for each additional large roll-out cart per month over four (4) and up to seventeen (17) large roll-out carts per month.

c. ~~Two dollars and forty six cents (\$2.46)~~ Two dollars and eighty-eight cents (\$2.88) for each additional large roll-out cart greater than seventeen (17) per month.

(b) For commercial packer containers:

(1) 2-yard containers, ~~\$44.47~~ \$52.12 monthly minimum, ~~\$6.01~~ \$7.04 per yard per special pickup;

(2) 3-yard containers, ~~\$56.60~~ \$66.34 monthly minimum, ~~\$5.08~~ \$5.95 per yard per special pickup;

(3) 4-yard containers, ~~\$66.70~~ \$78.17 monthly minimum, ~~\$4.39~~ \$5.15 per yard per special pickup;

(4) 5-yard containers, ~~\$76.81~~ \$90.02 monthly minimum, ~~\$4.05~~ \$4.75 per yard per special pickup;

(5) 6-yard containers, ~~\$82.87~~ \$97.12 monthly minimum, ~~\$3.82~~ \$4.48 per yard per special pickup;

(6) 8-yard containers, ~~\$97.02~~ \$113.71 monthly minimum, ~~\$3.47~~ \$4.07 per yard per special pickup;

(7) 10-yard containers, ~~\$111.16~~ \$130.28 monthly minimum, ~~\$3.23~~ \$3.79 per yard per special pickup;

(8) 12-yard containers, ~~\$125.32~~ \$146.88 monthly minimum, ~~\$3.00~~ \$3.52 per yard per special pickup;

(c) For compactors:

(1) 38-yard compactor unit, ~~\$339.57~~ \$397.98 monthly service charge, plus ~~\$7.98~~

\$9.35 per yard per pickup;

- (2) Charges for other size compactor units shall be established by the City Controller, using current operating costs as a guide.

* * *

§ 4. Effective Date. The rates described above shall be effective for all billings issued on or after the 1st day of April, 2011, and thereafter conditioned upon said rate increase being approved by a majority of the registered voters voting in an election called for the purpose of approving or rejecting said rates; Said election to be held on the 1st day of March, 2011.

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

ADOPTED this _____ day
of _____, 2010.

NOT ADOPTED this _____ day
of _____, 2010.

Mayor

Mayor

ATTEST:

City Clerk

COUNCIL STUDY SESSION MINUTES

December 7, 2010

The City Council of the City of Norman, Cleveland County, State of Oklahoma, met in a study session at 5:30 p.m. in the Municipal Building Conference Room on the 7th day of December, 2010, and notice and agenda of the meeting were posted at the Municipal Building at 201 West Gray, and the Norman Public Library at 225 North Webster 48 hours prior to the beginning of the meeting.

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

ABSENT: Councilmember Ezzell

UPDATE ON THE FINANCIAL STATUS OF THE SANITATION FUND AND CONSIDERATION OF A POTENTIAL ELECTION FOR A SANITATION RATE INCREASE.

Mr. Steve Lewis, City Manager, said in August the City submitted two propositions to voters for water and sanitation rate increases which were both rejected. He said Staff has working with the Finance Committee reviewing the election results, budgets, and performance efforts to determine how to move forward over the next few years. He said, during this time, Council received an update from R. W. Beck on the sanitation system performance audit which included recommendations to streamline sanitation services. He said R.W. Beck felt the City has a well run system, but did make some recommendations to help increase operational efficiency throughout the department. He said according to the 2009 Citizen Quality of Life Survey, the second highest level of citizen satisfaction was Sanitation Division services. He said the City would like to retain that customer confidence while making any service adjustments.

Mr. Ken Komiske, Director of Utilities, highlighted the Sanitation Division's level of service for the following::

- Residential automated collection and disposal
- Low income residential accounts
- Full commercial service
- Recycling centers
- Bulk waste collection
- Spring and fall clean ups
- Household hazardous waste clean up day
- Curbside recycling

Mr. Komiske said the last rate increase was July 2004, and in 2008, citizens voted to pay an additional \$3 per month for curbside recycling service provided through a contractor. He said since 2004, gasoline prices have risen 87%; diesel prices 100%; landfill fees 25%; sanitation truck prices 25% to 49% (depending on the type of truck); the Construction Cost Index 31%; and the Consumer Price Index 18%. He said the Sanitation Division uses 250,000 plus gallons of fuel per year and when the prices increase 100%, it affects how the Division operates. He said the cost per employee increases every year and while the Sanitation Division has increased efficiency and productivity, the number of employees has not increased.

Mr. Komiske said the Sanitation Division purchased two Compressed Natural Gas (CNG) trucks, which has helped keep fuel consumption low and Norman is one of only two cities that use CNG trucks. He said the trucks were purchased with the help of a grant from the Association of Central Oklahoma Governments (ACOG).

Mr. Komiske said the 2004 increase allowed the City to double the size of the Compost Facility from five to ten acres. He said the compost is free to citizens and is a great use for yard waste collections. He said the increase is also being used to build a new Transfer Station that will handle over 320 tons of garbage every day. He said the new building will increase productivity because it is larger and provides better ease of entering and exiting to sanitation trucks and customers. He said there will also be two scales to decrease wait time. He said revenue comes from customers and there are no external sources of revenue such as taxes. Expenditures are starting to exceed revenues so a rate increase is essential.

Mr. Komiske said R.W. Beck specializes in solid waste management and they recommended increasing the collection units (polycarts/dumpsters) per hour, but that is difficult when Norman is almost 200 square miles and the Sanitation Division services the entire City. He said the customers per square mile is low, which is not good when you are trying to pick up a specific number of units per hour.

Mr. Komiske said after the rate increase election failed, Council asked Staff to review their operations to determine what could be eliminated to reduce costs and Staff recommended the following:

- Eliminate replacement of two sanitation trucks in FYE 2011
- Reduce winter time yard waste collection
- Proposed elimination of spring clean up
- Proposed efficiency in alley/street collections

Mayor Rosenthal asked what the typical cycle was for replacing sanitation trucks and Mr. Komiske said seven to ten years. Mayor Rosenthal asked how many miles are typically put on a truck each year and Mr. Komiske said he did not have a figure, but the trucks are driven five to six days per week and drive many miles daily. He said eliminating two trucks in FYE 2011 will save \$500,000. Councilmember Dillingham said, as a result of not purchasing two new trucks, what additional repair budget is estimated and Mr. Komiske said the Fleet Maintenance Division does an excellent job of maintaining the vehicles and makes recommendations on which trucks need to be replaced based on the mileage and history of repairs. He said Staff is hoping to keep trucks running as long as possible without inconveniencing customers or Fleet Maintenance repair services for at least one year. Mr. Komiske said Council had also discussed using the old Transfer Station property for a Material Recovery Facility (MRF), but that has been taken out of the budget.

Mr. Komiske said the budget should have a \$1 to \$2 million fund balance as a reserve for one month's expenses plus a small portion for unanticipated capital expenses. He said in FYE 2012 the fund balance would be a negative figure, which is illegal and it will continue to decline. He said the FYE 2011 budget was predicated on wage decreases through furloughs, which has not happened due to union negotiations. He said, based on history, the Finance Department anticipated a more positive revenue growth of 3% in customers, but with the downturn in the economy, that growth has been 1 1/2%. Mr. Komiske reviewed FYE 2012 and FYE 2013 fund balances based on the above described eliminations as well as salaries and internal and capital costs remaining the same as FYE 2010.

Mayor Rosenthal said she noticed Staff had also eliminated a container maintenance building and Mr. Komiske said the building had been estimated to be built in FYE 2012, but has been eliminated and Mayor Rosenthal asked Mr. Komiske to explain why it is necessary to replace the container maintenance building. Mr. Komiske said dumpsters are a significant part of the inventory for all commercial customers and the container maintenance building is where dumpsters are repaired when they have rusted, are broken, get hit by cars, etc. He said a container maintenance facility would allow employees to weld, repair, and paint the containers to be placed in use again. He said the facility would essentially be similar to an automobile body repair shop that would require safety regulations. Councilmember Cubberley asked if it would be safer for employees if the City had a container maintenance facility and Mr. Komiske said yes. He said currently the employees weld inside a building and paint

outside a building since, for safety purposes, you cannot weld and paint in the same area. Councilmember Atkins asked if commercial containers included multi-family residences and Mr. Komiske said yes, multi-family residences use various sizes of commercial containers instead of polycarts.

Mr. Komiske talked about the budget projections for FYE 2012 with the proposed rate increase and said the City would still eliminate the two sanitation trucks, winter time yard waste collection, proposed elimination of spring clean up, and proposed efficiency in alley/street collections. He said the projections include a \$1.50 rate increase per month and a \$1.00 per month increase in FYE 2013. He said this would get the fund balance out of a negative balance, but is based on conservative growth for fuel, landfill fees, wages, etc. Councilmember Cubberley asked if spring cleanup would be restored with the rate increase and Mr. Komiske said yes, in FYE 2012.

Mr. Komiske said another scenario would be to include the same rate increase and eliminating spring and fall cleanup, but replace them with dedicated personnel and a boom truck for bulk pickup and allow customers to schedule a day when they needed a bulk pickup. This service would be available five days a week, Monday through Friday. Councilmember Atkins asked how many times a year this would be offered and Mr. Komiske said it would be similar to spring and fall cleanup in that customers would be allowed to call for pick up twice a year for free and charged a fee for additional pickups per year. Councilmember Cubberley felt this would provide more flexibility for customers, but decrease overtime costs. Mr. Komiske said overtime costs are budgeted, but during spring and fall cleanup, the Sanitation Division does not have enough personnel so they rely heavily on personnel from other departments such as the Street Division, Parks Department, Fleet Division, Line Maintenance Division, etc.

Mr. Komiske said another alternative would be to ask for a one time rate increase of \$2.50 instead of the two year tiered increase. He said the rate increase is less than what was voted on in August and felt this would give the City a healthier fund balance the first year. He said commercial rates would be adjusted to match residential rates, not by a dollar amount but by a percentage of what they pay depending on the size of container they use and the number of times their containers are emptied per week.

Councilmember Cubberley said the reason for a two year increase instead of three years is because in approximately two years the recycling contract will expire and the City does not know what the rate will be, but anticipates it will increase. He said although the City charges citizens a flat rate of \$3.00, the recycling contract was initially lower than \$3.00, but presently it is currently \$3.85. He said when the contract expires the City will need to decide if they want to continue the program internally or use an outside contractor then go back to the voters for that increase.

Mr. Komiske said in order to get the proposed rate increase on a March election, it has to be a First Reading ordinance on December 14, 2010, so Staff is requesting guidance from Council. Councilmember Kovach said the Council needs, in general, six months to prepare for an election and asked if a March election would be rushing things to a point that the election would not be successful. Mr. Lewis said six months is a good rule of thumb, but given the fact that this has been submitted to voters previously, he believes the public could be educated effectively by March.

Councilmember Kovach said he preferred the one time increase because he has heard from constituents that a multi-year authorization was circumventing the City's Charter language and that was the reason they opposed the increase in August. Councilmember Cubberley felt the two year rate increase was preferable because the last time the City had a one time increase, there was some shell shock from citizens and this is, economically, a time of tight budgets. He asked Mr. Jeff Bryant, City Attorney, if a multi-year rate increase would violate the Charter and Mr. Bryant said, no, as long as the entire rate itself does not exceed what was voted for. Mayor Rosenthal said the actual amount proposed is less under the two tier scenario than the one time increase. Councilmember

Kovach asked if the rate increase passed, would the City be able to reinstate the spring cleanup in FYE 2011 and other Councilmembers said no. Mayor Rosenthal said it would take several months before the increase took effect and Councilmember Kovach asked when it would be implemented. Mr. Anthony Francisco, Director of Finance, said it could be implemented by July 1, 2011.

Mayor Rosenthal asked if the one time increase scenario includes the bulk pickup service and Mr. Komiske said yes. Mayor Rosenthal felt there was very positive customer service benefits from bulk pickup as well as additional benefits from a service that is on call on demand and Councilmembers agreed. Councilmember Atkins felt it would help with illegal dumping in rural areas and Councilmember Butler said she liked the bulk pickup idea, but still has concerns regarding roadside dumping. She said if citizens do not have sanitation service, it is easy for them to dump the items along the rural roadways. Councilmembers discussed the problem and felt that continuing to offer drop off dumpsters twice a year could help with the problem and Mr. Komiske said Staff would need to keep track of who was dropping off the bulk items to insure that construction companies were not using the service. Councilmembers felt it would save money and lessen the chance of illegal dumping. Councilmember Butler said there had been discussion from rural residents about paying a small fee for the service and Mr. Komiske said that would help.

Councilmember Kovach asked about the Hazardous Household Waste (HHW) event and said if the City eliminates spring and fall cleanup for bulk pick, how the HHW event would be handled. Mr. Komiske said the HHW event would continue once a year. Councilmember Cubberley said that event is paid out of the Wastewater Fund not sanitation so that would continue.

Councilmember Atkins asked Mr. Shawn O'Leary, Director of Public Works, if the elimination of the two sanitation trucks would place an undue burden on the Fleet Maintenance Division as far as extra manpower or costs over time. Mr. O'Leary said the ideal mileage per truck is closer to seven years than ten years so there is more maintenance and labor costs when the trucks run longer than seven years.

Councilmembers discussed future needs and Mayor Rosenthal said this is an opportune time to consider a future increase to include money for purchasing new equipment in tandem with the recycling contract rate increase. She felt when considering a new recycling contract or in house service, it made sense to make the transition to a more volume based system and the reviewing the cost benefit of the MRF.

Councilmember Kovach felt citizens have very spoken loudly in the citizens survey about the level of satisfaction with the sanitation services and it was important to bring it back to the voters and if that happened in March that would be great. Councilmember Cubberley said his big concern in bringing a rate increase forward is the City will have to cut further services because a negative fund balance is not an option. He said the City needs to decide what to cut and that could mean employees, routes, recycling, etc., and this is what the voters need to understand. Councilmember Dillingham agreed and felt strongly that voters had indicated their desire for Council to undertake additional belt tightening measures when they rejected the original proposal; however, it has become abundantly clear that the citizens do value all sanitation services and do want those services. She said in order to keep from cutting employees the only option is bring it back to a vote and hope that the City can adequately explain the necessity for the increase to voters. She said she was torn between the two tier and one time increase and Councilmember Kovach agreed and said he wanted what will be most successful so his preference would be for the one time proposal. Councilmembers discussed the one time increase versus a two year tiered approval and it was the consensus of Council to hold a March election for a one time increase with First Reading on December 14, 2010.

Mayor Rosenthal encouraged Councilmembers to be available to speak with citizen groups about why the rate increase is needed. She said she has had some citizens volunteering to help with the effort and said if Council knew of any others, please give her the names.

Items submitted for the record

1. PowerPoint presentation entitled, "Sanitation Fund – Norman Municipal Authority, 2010"
2. Sanitation fund proposals with projected revenue growth of 1.5% - Option 1 – no rate increase and no changes to budget; Option 2 – no rate increase with reduction in salaries, internal and equipment costs; Option 3 – no rate increase, reduction in salaries and internal and equipment costs, eliminate spring cleanup, eliminate purchase of two sanitation trucks, reduce winter yard waste and alley pickups, and eliminate container maintenance building; Option 4 – add rate increase, no change in salaries and internal and equipment costs from FYE 2010, eliminate spring cleanup, eliminate purchase of two sanitation trucks, and reduce winter yard waste; Option 5 – no rate increase, reduction in salaries and internal and equipment costs, eliminate spring cleanup, eliminate purchase of two sanitation trucks, reduce winter yard waste, and add two personnel in FYE 2011, and one boom truck; and Option 6 – no rate increase, reduction in salaries and internal and equipment costs, eliminate spring cleanup, eliminate purchase of two sanitation trucks, reduce winter yard waste, and add two personnel in FYE 2012 and one person in FYE 2013, and add one boom truck.

The meeting adjourned at 6:34 p.m.

ATTEST:

City Clerk

Mayor



**CITY COUNCIL AGENDA
DECEMBER 28, 2010**

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

Item No. 29

Text File Number: O-1011-38

Introduced: 12/8/2010 by Kathryn Walker, Asst City Attorney

Current Status: Non-Consent Items

Version: 1

Matter Type: Ordinance

Title

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

ACTION NEEDED: Motion to adopt or reject Ordinance No. O-1011-38 upon Second Reading section by section.

ACTION TAKEN: _____

ACTION NEEDED: Motion to adopt or reject Ordinance No. O-1011-38 upon Final Reading as a whole.

ACTION TAKEN: _____

Body

BACKGROUND: Following the failed August 2010 vote for a sanitation rate increase, Staff members and members of the Finance Committee began evaluating possibilities for reducing expenses in the Sanitation Fund. Several services have been evaluated for reduction in this effort but reducing such services without a rate increase is not sufficient for the long-term health of the fund. After evaluation by the Finance Committee, Staff presented information related to fund projections based on several scenarios at a Council Study Session on December 7, 2010. Ordinance No. O-1011-37 is based on Council feedback during that session. Ordinance No. O-1011-38 is a companion item to O-1011-37.

DISCUSSION: Ordinance No. O-1011-38 authorizes the calling of the election so that Norman citizen's have an opportunity to vote on the rates proposed in Ordinance No. O-1011-37. The election would be held on March 1, 2011, with the new rates (if approved by the voters) going in to effect on April 1, 2011. The Special Election Proclamation is also attached. The proclamation contains the ballot language that the Cleveland County Election Board will use on the ballots for the rate increase.

STAFF RECOMMENDATION: Staff recommends approval of Ordinance No. O-1011-38.

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

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

- § 1. Proposition. That the Mayor of the City of Norman, Oklahoma, or in his absence or incapacity, the duly qualified Mayor Pro Tem, be and hereby is authorized and directed to call a special election to be held in the City of Norman, Oklahoma, on the 1st day of March, 2011, for the purpose of submitting to the registered, qualified voters of said City of Norman, Oklahoma, for their approval or rejection the following propositions:

PROPOSITION I

SHALL ORDINANCE NO. O-1011-37 OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 21-111 OF CHAPTER 21 OF THE CODE OF ORDINANCES OF THE CITY OF NORMAN, OKLAHOMA, BY INCREASING THE RATES FOR ALL RESIDENTIAL USERS OF THE SANITATION SERVICE AN ADDITIONAL TWO DOLLARS AND FIFTY CENTS (\$2.50) PER MONTH WHILE MAINTAINING A TWENTY-FIVE PERCENT (25%) REDUCTION FOR LOW INCOME RESIDENTIAL USERS EFFECTIVE APRIL 1, 2011 AND INCREASING ALL RATES FOR COMMERCIAL USERS OF THE SANITATION SERVICE BY SEVENTEEN POINT TWO PERCENT (17.2 %) EFFECTIVE APRIL 1, 2011 BE APPROVED?

- § 2. That such call for said election shall be by Special Election Proclamation and Notice, signed by the Mayor or Mayor Pro Tem and attested to by the City Clerk, setting forth the proposition to be voted on; that the ballots set forth in the proposition be voted upon substantially as set out in Section 1 hereof; and that the

returns of said election shall be made to and canvassed by the Cleveland County Election Board.

- § 3. That the number and location of the polling places and the persons who conduct the elections shall be the same as the regular polling places and persons prescribed and selected by the Cleveland County Election Board for elections in the City of Norman, Oklahoma.
- § 4. That the Special Election Proclamation and Notice of even date, a copy of which is on file with the City Clerk and which is incorporated herein by reference, calling such special election is hereby approved in all respects, and that the Mayor or Mayor Pro Tem is hereby authorized to execute said special election proclamation on behalf of the City, and the City Clerk is hereby authorized to attest and affix the seal of said City to said Special Election Proclamation and Notice and cause a copy of said Special Election Proclamation and Notice to be published as required by law, and a copy thereof delivered to the Cleveland County Election Board.
- § 5. That the City Clerk shall serve or cause to be served, a copy of this Ordinance and a copy of the Special Election Proclamation and Notice of Election upon the office of the Cleveland County Election Board, not less than sixty (60) days prior to the date of the election.

ADOPTED this _____ day of _____, 2010.

NOT ADOPTED this _____ day of _____, 2010.

Mayor

Mayor

ATTEST:

City Clerk

**SPECIAL ELECTION
PROCLAMATION AND NOTICE OF ELECTION**

Under and by virtue of the Statutes of the State of Oklahoma and acts complimentary, supplementary and enacted pursuant thereto, and Ordinance No. O-1011-38 dated December 28, 2010, authorizing the calling of an election on the Proposition hereinafter set forth, I, the undersigned Mayor of the City of Norman, Oklahoma, hereby call a special election and give notice thereof to be held in the City of Norman, Oklahoma, on the 1st day of March, 2011, for the purpose of submitting to the registered qualified voters in said City the proposed Proposition:

PROPOSITION I

SHALL ORDINANCE NO. O-1011-37 OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 21-111 OF CHAPTER 21 OF THE CODE OF ORDINANCES OF THE CITY OF NORMAN, OKLAHOMA, BY INCREASING THE RATES FOR ALL RESIDENTIAL USERS OF THE SANITATION SERVICE AN ADDITIONAL TWO DOLLARS AND FIFTY CENTS (\$2.50) PER MONTH WHILE MAINTAINING A TWENTY-FIVE PERCENT (25%) REDUCTION FOR LOW INCOME RESIDENTIAL USERS EFFECTIVE APRIL 1, 2011 AND INCREASING ALL RATES FOR COMMERCIAL USERS OF THE SANITATION SERVICE BY SEVENTEEN POINT TWO PERCENT (17.2 %) EFFECTIVE APRIL 1, 2011 BE APPROVED?

(If the voter desires to vote for the above Proposition, he shall mark the ballot accordingly; if he desires to vote against the above Proposition, he shall mark the ballot accordingly.)

That only the registered qualified voters of the City of Norman, Oklahoma, may vote upon the Proposition as above set forth.

The polls shall be opened at 7:00 o'clock a.m. and shall remain open continuously until and be closed at 7:00 o'clock p.m.

The special election shall be held at the same places and in the same manner prescribed by law for conducting county and state elections and the numbers and locations of the polling places and the persons who shall conduct said election shall be the same as for county and state elections, all as respectively designated and prescribed by the County Election Board of Cleveland County, Oklahoma.

WITNESS my hand as Mayor of the City of Norman, Oklahoma, and the Seal of said City affixed hereto on the _____ day of _____, 2010.

Mayor

(SEAL)

ATTEST:

City Clerk

COUNCIL STUDY SESSION MINUTES

December 7, 2010

The City Council of the City of Norman, Cleveland County, State of Oklahoma, met in a study session at 5:30 p.m. in the Municipal Building Conference Room on the 7th day of December, 2010, and notice and agenda of the meeting were posted at the Municipal Building at 201 West Gray, and the Norman Public Library at 225 North Webster 48 hours prior to the beginning of the meeting.

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

ABSENT: Councilmember Ezzell

UPDATE ON THE FINANCIAL STATUS OF THE SANITATION FUND AND CONSIDERATION OF A POTENTIAL ELECTION FOR A SANITATION RATE INCREASE.

Mr. Steve Lewis, City Manager, said in August the City submitted two propositions to voters for water and sanitation rate increases which were both rejected. He said Staff has working with the Finance Committee reviewing the election results, budgets, and performance efforts to determine how to move forward over the next few years. He said, during this time, Council received an update from R. W. Beck on the sanitation system performance audit which included recommendations to streamline sanitation services. He said R.W. Beck felt the City has a well run system, but did make some recommendations to help increase operational efficiency throughout the department. He said according to the 2009 Citizen Quality of Life Survey, the second highest level of citizen satisfaction was Sanitation Division services. He said the City would like to retain that customer confidence while making any service adjustments.

Mr. Ken Komiske, Director of Utilities, highlighted the Sanitation Division's level of service for the following:

- Residential automated collection and disposal
- Low income residential accounts
- Full commercial service
- Recycling centers
- Bulk waste collection
- Spring and fall clean ups
- Household hazardous waste clean up day
- Curbside recycling

Mr. Komiske said the last rate increase was July 2004, and in 2008, citizens voted to pay an additional \$3 per month for curbside recycling service provided through a contractor. He said since 2004, gasoline prices have risen 87%; diesel prices 100%; landfill fees 25%; sanitation truck prices 25% to 49% (depending on the type of truck); the Construction Cost Index 31%; and the Consumer Price Index 18%. He said the Sanitation Division uses 250,000 plus gallons of fuel per year and when the prices increase 100%, it affects how the Division operates. He said the cost per employee increases every year and while the Sanitation Division has increased efficiency and productivity, the number of employees has not increased.

Mr. Komiske said the Sanitation Division purchased two Compressed Natural Gas (CNG) trucks, which has helped keep fuel consumption low and Norman is one of only two cities that use CNG trucks. He said the trucks were purchased with the help of a grant from the Association of Central Oklahoma Governments (ACOG).

Mr. Komiske said the 2004 increase allowed the City to double the size of the Compost Facility from five to ten acres. He said the compost is free to citizens and is a great use for yard waste collections. He said the increase is also being used to build a new Transfer Station that will handle over 320 tons of garbage every day. He said the new building will increase productivity because it is larger and provides better ease of entering and exiting for sanitation trucks and customers. He said there will also be two scales to decrease wait time. He said revenue comes from customers and there are no external sources of revenue such as taxes. Expenditures are starting to exceed revenues so a rate increase is essential.

Mr. Komiske said R.W. Beck specializes in solid waste management and they recommended increasing the collection units (polycarts/dumpsters) per hour, but that is difficult when Norman is almost 200 square miles and the Sanitation Division services the entire City. He said the customers per square mile is low, which is not good when you are trying to pick up a specific number of units per hour.

Mr. Komiske said after the rate increase election failed, Council asked Staff to review their operations to determine what could be eliminated to reduce costs and Staff recommended the following:

- Eliminate replacement of two sanitation trucks in FYE 2011
- Reduce winter time yard waste collection
- Proposed elimination of spring clean up
- Proposed efficiency in alley/street collections

Mayor Rosenthal asked what the typical cycle was for replacing sanitation trucks and Mr. Komiske said seven to ten years. Mayor Rosenthal asked how many miles are typically put on a truck each year and Mr. Komiske said he did not have a figure, but the trucks are driven five to six days per week and drive many miles daily. He said eliminating two trucks in FYE 2011 will save \$500,000. Councilmember Dillingham said, as a result of not purchasing two new trucks, what additional repair budget is estimated and Mr. Komiske said the Fleet Maintenance Division does an excellent job of maintaining the vehicles and makes recommendations on which trucks need to be replaced based on the mileage and history of repairs. He said Staff is hoping to keep trucks running as long as possible without inconveniencing customers or Fleet Maintenance repair services for at least one year. Mr. Komiske said Council had also discussed using the old Transfer Station property for a Material Recovery Facility (MRF), but that has been taken out of the budget.

Mr. Komiske said the budget should have a \$1 to \$2 million fund balance as a reserve for one month's expenses plus a small portion for unanticipated capital expenses. He said in FYE 2012 the fund balance would be a negative figure, which is illegal and it will continue to decline. He said the FYE 2011 budget was predicated on wage decreases through furloughs, which has not happened due to union negotiations. He said, based on history, the Finance Department anticipated a more positive revenue growth of 3% in customers, but with the downturn in the economy, that growth has been 1 1/2%. Mr. Komiske reviewed FYE 2012 and FYE 2013 fund balances based on the above described eliminations as well as salaries and internal and capital costs remaining the same as FYE 2010.

Mayor Rosenthal said she noticed Staff had also eliminated a container maintenance building and Mr. Komiske said the building had been estimated to be built in FYE 2012, but has been eliminated and Mayor Rosenthal asked Mr. Komiske to explain why it is necessary to replace the container maintenance building. Mr. Komiske said dumpsters are a significant part of the inventory for all commercial customers and the container maintenance building is where dumpsters are repaired when they have rusted, are broken, get hit by cars, etc. He said a container maintenance facility would allow employees to weld, repair, and paint the containers to be placed in use again. He said the facility would essentially be similar to an automobile body repair shop that would require safety regulations. Councilmember Cubberley asked if it would be safer for employees if the City had a container maintenance facility and Mr. Komiske said yes. He said currently the employees weld inside a building.

outside a building since, for safety purposes, you cannot weld and paint in the same area. Councilmember Atkins asked if commercial containers included multi-family residences and Mr. Komiske said yes, multi-family residences use various sizes of commercial containers instead of polycarts.

Mr. Komiske talked about the budget projections for FYE 2012 with the proposed rate increase and said the City would still eliminate the two sanitation trucks, winter time yard waste collection, proposed elimination of spring clean up, and proposed efficiency in alley/street collections. He said the projections include a \$1.50 rate increase per month and a \$1.00 per month increase in FYE 2013. He said this would get the fund balance out of a negative balance, but is based on conservative growth for fuel, landfill fees, wages, etc. Councilmember Cubberley asked if spring cleanup would be restored with the rate increase and Mr. Komiske said yes, in FYE 2012.

Mr. Komiske said another scenario would be to include the same rate increase and eliminating spring and fall cleanup, but replace them with dedicated personnel and a boom truck for bulk pickup and allow customers to schedule a day when they needed a bulk pickup. This service would be available five days a week, Monday through Friday. Councilmember Atkins asked how many times a year this would be offered and Mr. Komiske said it would be similar to spring and fall cleanup in that customers would be allowed to call for pick up twice a year for free and charged a fee for additional pickups per year. Councilmember Cubberley felt this would provide more flexibility for customers, but decrease overtime costs. Mr. Komiske said overtime costs are budgeted, but during spring and fall cleanup, the Sanitation Division does not have enough personnel so they rely heavily on personnel from other departments such as the Street Division, Parks Department, Fleet Division, Line Maintenance Division, etc.

Mr. Komiske said another alternative would be to ask for a one time rate increase of \$2.50 instead of the two year tiered increase. He said the rate increase is less than what was voted on in August and felt this would give the City a healthier fund balance the first year. He said commercial rates would be adjusted to match residential rates, not by a dollar amount but by a percentage of what they pay depending on the size of container they use and the number of times their containers are emptied per week.

Councilmember Cubberley said the reason for a two year increase instead of three years is because in approximately two years the recycling contract will expire and the City does not know what the rate will be, but anticipates it will increase. He said although the City charges citizens a flat rate of \$3.00, the recycling contract was initially lower than \$3.00, but presently it is currently \$3.85. He said when the contract expires the City will need to decide if they want to continue the program internally or use an outside contractor then go back to the voters for that increase.

Mr. Komiske said in order to get the proposed rate increase on a March election, it has to be a First Reading ordinance on December 14, 2010, so Staff is requesting guidance from Council. Councilmember Kovach said the Council needs, in general, six months to prepare for an election and asked if a March election would be rushing things to a point that the election would not be successful. Mr. Lewis said six months is a good rule of thumb, but given the fact that this has been submitted to voters previously, he believes the public could be educated effectively by March.

Councilmember Kovach said he preferred the one time increase because he has heard from constituents that a multi-year authorization was circumventing the City's Charter language and that was the reason they opposed the increase in August. Councilmember Cubberley felt the two year rate increase was preferable because the last time the City had a one time increase, there was some shell shock from citizens and this is, economically, a time of tight budgets. He asked Mr. Jeff Bryant, City Attorney, if a multi-year rate increase would violate the Charter and Mr. Bryant said, no, as long as the entire rate itself does not exceed what was voted for. Mayor Rosenthal said the actual amount proposed is less under the two tier scenario than the one time increase. Councilmember

Kovach asked if the rate increase passed, would the City be able to reinstate the spring cleanup in FYE 2011 and other Councilmembers said no. Mayor Rosenthal said it would take several months before the increase took effect and Councilmember Kovach asked when it would be implemented. Mr. Anthony Francisco, Director of Finance, said it could be implemented by July 1, 2011.

Mayor Rosenthal asked if the one time increase scenario includes the bulk pickup service and Mr. Komiske said yes. Mayor Rosenthal felt there was very positive customer service benefits from bulk pickup as well as additional benefits from a service that is on call on demand and Councilmembers agreed. Councilmember Atkins felt it would help with illegal dumping in rural areas and Councilmember Butler said she liked the bulk pickup idea, but still has concerns regarding roadside dumping. She said if citizens do not have sanitation service, it is easy for them to dump the items along the rural roadways. Councilmembers discussed the problem and felt that continuing to offer drop off dumpsters twice a year could help with the problem and Mr. Komiske said Staff would need to keep track of who was dropping off the bulk items to insure that construction companies were not using the service. Councilmembers felt it would save money and lessen the chance of illegal dumping. Councilmember Butler said there had been discussion from rural residents about paying a small fee for the service and Mr. Komiske said that would help.

Councilmember Kovach asked about the Hazardous Household Waste (HHW) event and said if the City eliminates spring and fall cleanup for bulk pick, how the HHW event would be handled. Mr. Komiske said the HHW event would continue once a year. Councilmember Cubberley said that event is paid out of the Wastewater Fund not sanitation so that would continue.

Councilmember Atkins asked Mr. Shawn O'Leary, Director of Public Works, if the elimination of the two sanitation trucks would place an undue burden on the Fleet Maintenance Division as far as extra manpower or costs over time. Mr. O'Leary said the ideal mileage per truck is closer to seven years than ten years so there is more maintenance and labor costs when the trucks run longer than seven years.

Councilmembers discussed future needs and Mayor Rosenthal said this is an opportune time to consider a future increase to include money for purchasing new equipment in tandem with the recycling contract rate increase. She felt when considering a new recycling contract or in house service, it made sense to make the transition to a more volume based system and the reviewing the cost benefit of the MRF.

Councilmember Kovach felt citizens have very spoken loudly in the citizens survey about the level of satisfaction with the sanitation services and it was important to bring it back to the voters and if that happened in March that would be great. Councilmember Cubberley said his big concern in bringing a rate increase forward is the City will have to cut further services because a negative fund balance is not an option. He said the City needs to decide what to cut and that could mean employees, routes, recycling, etc., and this is what the voters need to understand. Councilmember Dillingham agreed and felt strongly that voters had indicated their desire for Council to undertake additional belt tightening measures when they rejected the original proposal; however, it has become abundantly clear that the citizens do value all sanitation services and do want those services. She said in order to keep from cutting employees the only option is bring it back to a vote and hope that the City can adequately explain the necessity for the increase to voters. She said she was torn between the two tier and one time increase and Councilmember Kovach agreed and said he wanted what will be most successful so his preference would be for the one time proposal. Councilmembers discussed the one time increase versus a two year tiered approval and it was the consensus of Council to hold a March election for a one time increase with First Reading on December 14, 2010.

Mayor Rosenthal encouraged Councilmembers to be available to speak with citizen groups about why the rate increase is needed. She said she has had some citizens volunteering to help with the effort and said if Council knew of any others, please give her the names.

Items submitted for the record

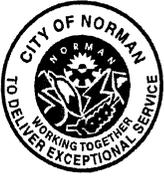
1. PowerPoint presentation entitled, "Sanitation Fund – Norman Municipal Authority, 2010"
2. Sanitation fund proposals with projected revenue growth of 1.5% - Option 1 – no rate increase and no changes to budget; Option 2 – no rate increase with reduction in salaries, internal and equipment costs; Option 3 – no rate increase, reduction in salaries and internal and equipment costs, eliminate spring cleanup, eliminate purchase of two sanitation trucks, reduce winter yard waste and alley pickups, and eliminate container maintenance building; Option 4 – add rate increase, no change in salaries and internal and equipment costs from FYE 2010, eliminate spring cleanup, eliminate purchase of two sanitation trucks, and reduce winter yard waste; Option 5 – no rate increase, reduction in salaries and internal and equipment costs, eliminate spring cleanup, eliminate purchase of two sanitation trucks, reduce winter yard waste, and add two personnel in FYE 2011, and one boom truck; and Option 6 – no rate increase, reduction in salaries and internal and equipment costs, eliminate spring cleanup, eliminate purchase of two sanitation trucks, reduce winter yard waste, and add two personnel in FYE 2012 and one person in FYE 2013, and add one boom truck.

The meeting adjourned at 6:34 p.m.

ATTEST:

City Clerk

Mayor



**CITY COUNCIL AGENDA
DECEMBER 28, 2010**

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

Item No. 30

Text File Number: R-1011-76

Introduced: 12/20/2010 by Brenda Hall, City Clerk

Current Status: Consent Item

Version: 1

Matter Type: Resolution

Title

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

ACTION NEEDED: Motion to adopt or reject Resolution No. R-1011-76.

ACTION TAKEN: _____

Resolution

R-1011-76

A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, GIVING THE SECRETARY OF THE CLEVELAND COUNTY ELECTION BOARD NOTICE OF A SPECIAL ELECTION TO BE HELD ON MARCH 1, 2011, REGARDING A PROPOSED INCREASE IN SANITATION RATES.

- § 1. WHEREAS, Title 26 of the Oklahoma Statutes, § 13-102, requires Notice of Election be given to the Secretary of the Cleveland County Election Board by Resolution of the City Council; and
- § 2. WHEREAS, the purpose of the Special Election is set forth in Ordinance No. O-1011-38 which is incorporated herein by reference; and
- § 3. WHEREAS, the Special Election is to be conducted on the 1st day of March, 2011.

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

- § 4. THAT notice be given of the Special Election by transmittal of this Resolution to the Secretary of the Cleveland County Election Board.

PASSED AND ADOPTED this _____ day of _____, 2010.

Mayor

ATTEST:

City Clerk



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

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

- § 1. Proposition. That the Mayor of the City of Norman, Oklahoma, or in his absence or incapacity, the duly qualified Mayor Pro Tem, be and hereby is authorized and directed to call a special election to be held in the City of Norman, Oklahoma, on the 1st day of March, 2011, for the purpose of submitting to the registered, qualified voters of said City of Norman, Oklahoma, for their approval or rejection the following propositions:

PROPOSITION I

SHALL ORDINANCE NO. O-1011-37 OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 21-111 OF CHAPTER 21 OF THE CODE OF ORDINANCES OF THE CITY OF NORMAN, OKLAHOMA, BY INCREASING THE RATES FOR ALL RESIDENTIAL USERS OF THE SANITATION SERVICE AN ADDITIONAL TWO DOLLARS AND FIFTY CENTS (\$2.50) PER MONTH WHILE MAINTAINING A TWENTY-FIVE PERCENT (25%) REDUCTION FOR LOW INCOME RESIDENTIAL USERS EFFECTIVE APRIL 1, 2011 AND INCREASING ALL RATES FOR COMMERCIAL USERS OF THE SANITATION SERVICE BY SEVENTEEN POINT TWO PERCENT (17.2 %) EFFECTIVE APRIL 1, 2011 BE APPROVED?

- § 2. That such call for said election shall be by Special Election Proclamation and Notice, signed by the Mayor or Mayor Pro Tem and attested to by the City Clerk, setting forth the proposition to be voted on; that the ballots set forth in the proposition be voted upon substantially as set out in Section 1 hereof; and that the

returns of said election shall be made to and canvassed by the Cleveland County Election Board.

- § 3. That the number and location of the polling places and the persons who conduct the elections shall be the same as the regular polling places and persons prescribed and selected by the Cleveland County Election Board for elections in the City of Norman, Oklahoma.
- § 4. That the Special Election Proclamation and Notice of even date, a copy of which is on file with the City Clerk and which is incorporated herein by reference, calling such special election is hereby approved in all respects, and that the Mayor or Mayor Pro Tem is hereby authorized to execute said special election proclamation on behalf of the City, and the City Clerk is hereby authorized to attest and affix the seal of said City to said Special Election Proclamation and Notice and cause a copy of said Special Election Proclamation and Notice to be published as required by law, and a copy thereof delivered to the Cleveland County Election Board.
- § 5. That the City Clerk shall serve or cause to be served, a copy of this Ordinance and a copy of the Special Election Proclamation and Notice of Election upon the office of the Cleveland County Election Board, not less than sixty (60) days prior to the date of the election.

ADOPTED this _____ day of _____, 2010.

NOT ADOPTED this _____ day of _____, 2010.

Mayor

Mayor

ATTEST:

City Clerk